

11582 HOUSE RESOURCES

## The Bald Eagle (*Haliaeetus leucocephalus*)

The Bald Eagle is found only on the North American continent. Adult eagles generally weigh between 9 and 12 pounds and have a wing span of 7 feet. Females are slightly larger than males. Immature eagles are mottled brown and white. The distinct white head and tail of the mature bird is developed between 4 and 6 years of age.

Eagles feed mainly on fish, but water fowl, small mammals and carrion supplement their diet, especially when fish are in short supply. Eagles can fly up to 30 m.p.h. and can dive at speeds up to 100 m.p.h.. Their keen eyesight allows them to spot fish at distances up to 1 mile.

faster than it can flow out, creating a huge reservoir of water. When winter arrives, cold weather sets in and surrounding waters freeze. However, water in this large reservoir remains from 10 to 20 degrees (F) above surrounding water temperatures. This warmer water "percolates" into the Chilkat River and keeps it from freezing.

Five species of salmon spawn in these and other nearby streams and tributaries. The salmon runs begin in the summer and continue on through late fall or early winter. The salmon die shortly after spawning and it is their carcasses which provide large quantities of food for the eagles. This combination of open water and large amounts of food bring large concentrations of eagles into the Chilkat Valley beginning early October and last through February.

Bald eagles mate for life. Courting behavior begins in early April and often involves spectacular aerial displays of eagles diving and locking talons. Eagles lay from 1 to 3 eggs (commonly two) and the eggs usually hatch between late May and early June after a 34 or 35 day incubation period. The young usually leave the nest by early September.

The Chilkat Valley is year-round home for between 200 and 400 eagles. Over 80 eagle nests have been observed in the Eagle Preserve. By the time of the Fall Congregation the resident eagles are through raising their young, although immature eagles may stay near their parents for a year or more. Over 3,000 bald eagles have been counted within the preserve during the Fall Congregation.



Photo Courtesy of Woody Balach

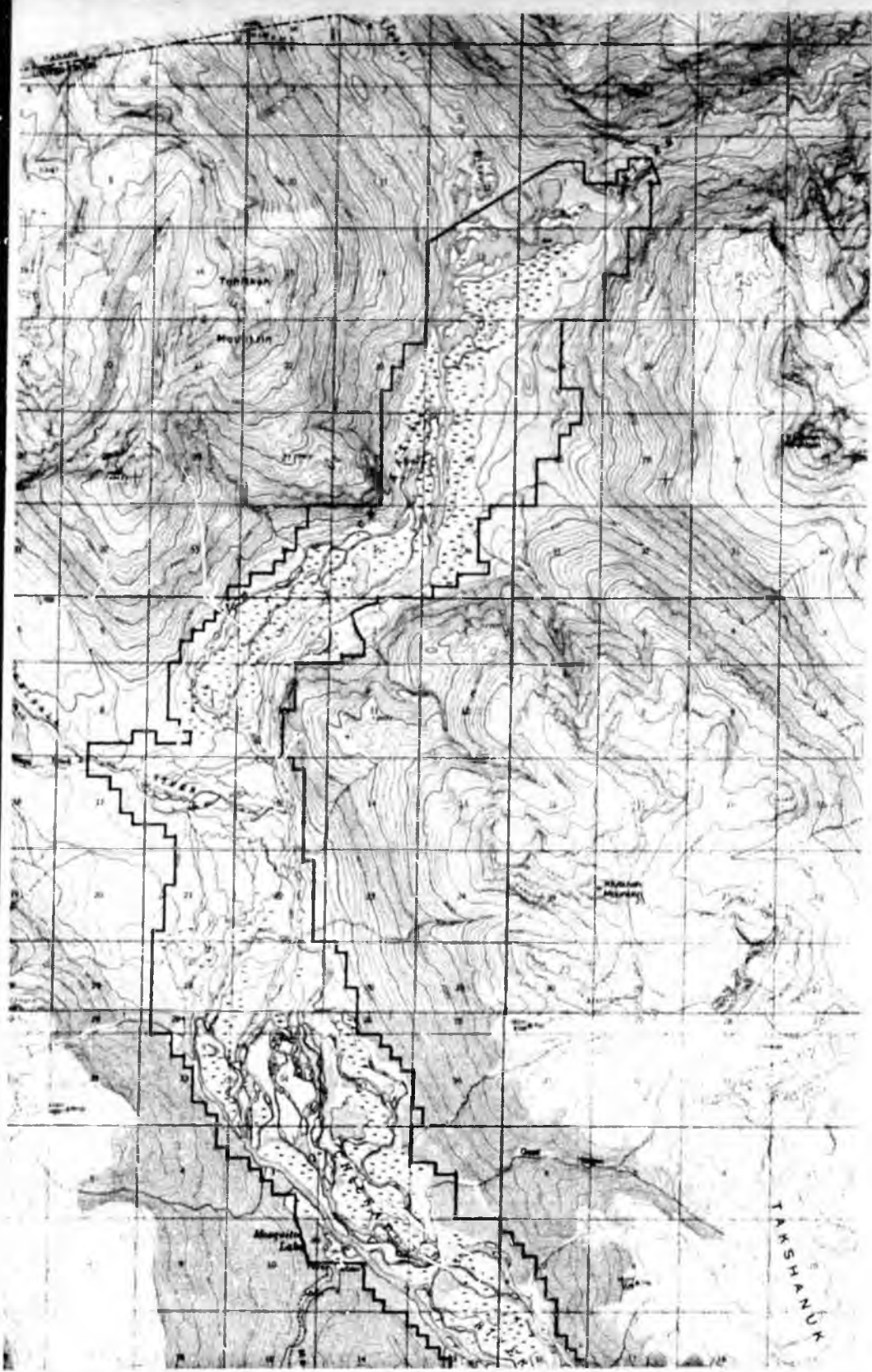


ALASKA STATE PARKS  
Department of Natural Resources  
Division of Parks & Outdoor Recreation  
400 Willoughby, 3rd Floor  
Juneau, Alaska 99801

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## REGULATIONS

The use and discharge of weapons for the purpose of lawful hunting or trapping is allowed in the preserve, except within one-half mile of a developed facility. Fireworks are prohibited.

The Critical Habitat Area is closed to aircraft landing.

No person may disturb, damage, deface or remove cultural, archaeological or historical materials. No person may damage or remove natural objects including rocks and minerals, except that edible plants and roots may be gathered for personal use.

Normal animal waste discarded from lawful hunting, trapping, or fishing must not be left within 100 feet of a trail, road, or a developed facility. Fish waste should be discarded in the waters from which they were taken.

The Bald Eagle Protection Act, a federal law, states that it is unlawful to possess, sell, barter or transport bald eagles (dead or alive or any part of), nests or eggs. Violations of this law can result in a fine of up to \$10,000 and up to a two-year imprisonment.

Permits are required for certain activities within the preserve. Any commercial activity including any form of guiding, transportation services, or sale of any goods or services within the boundaries of the preserve requires a Commercial Use Permit. A list of permitted operators is available at the parks office.

Special Use Permits are required for activities that may affect the environment of the preserve. A partial list of activities includes scientific research, promotional activities, construction of facilities or structures of any kind, and camping longer than 15 days.

Persons having questions concerning permits or needing assistance in determining if permits are required for certain activities should contact the Division of Parks and Outdoor Recreation at the locations listed in this brochure.

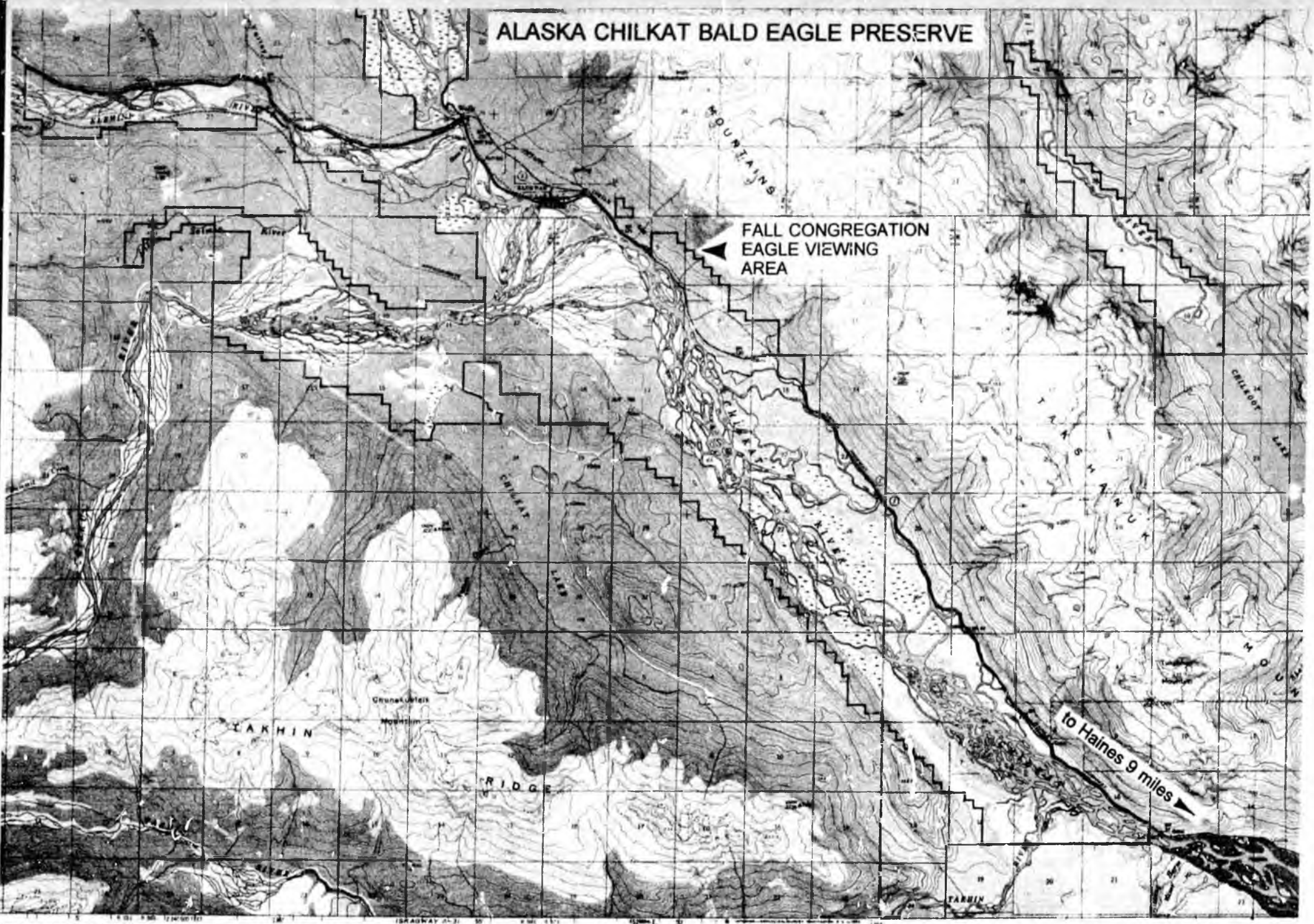
## MANAGEMENT

The Alaska Chilkat Bald Eagle Preserve is managed by the State of Alaska Division of Parks and Outdoor Recreation with the assistance of the 13-member Alaska Chilkat Bald Eagle Preserve Advisory Council.

## FOR MORE INFORMATION

Alaska State Parks  
400 Willoughby Ave.  
Juneau, AK 99801  
(907) 465-4563

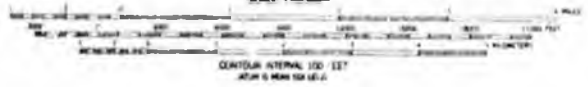
# ALASKA CHILKAT BALD EAGLE PRESERVE



FALL CONGREGATION  
EAGLE VIEWING  
AREA

to Haines 9 miles

Edited and published by the Geological Survey  
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ROAD CLASSIFICATION  
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FOR SALE BY U.S. GEOLOGICAL SURVEY  
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SKAGWAY (B-3) ALASKA  
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**BALD EAGLE PRESERVE, Haines, Alaska**



**The Bald Eagle** (*Haliaeetus leucocephalus*)

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**The Preserve**

The Alaska Chilkat Bald Eagle Preserve was created by the State of Alaska in June of 1982. The preserve was established to protect and perpetuate the world's largest concentration of Bald Eagles and their critical habitat. It also sustains and protects the natural salmon runs and allows for traditional uses provided such uses do not adversely affect preserve resources. The Preserve consists of 48,000 acres of river bottom land of the Chilkat, Kleheni, and Tsirku Rivers. The boundaries were designated to include only areas important to eagle habitation. Virtually every portion of the preserve is used by eagles at some time during the year.

The river "flats" of the Chilkat River along the Haines Highway between miles 18 and 21 are the main viewing area for eagle watchers and considered critical habitat in the preserve. Bald eagles are attracted to the area by the availability of spawned-out salmon and open waters in late fall and winter. The natural phenomena responsible for five miles of open water on the Chilkat River during freezing months is called an "alluvial fan reservoir". The Tsirku fan, which is a fan-shaped accumulation of gravel, rock, sand, and glacial debris, at the confluence of the Tsirku, Kleheni, and Chilkat Rivers acts as a large water reservoir.

During the warmer spring, summer and early fall seasons, water from snow and melted glacial ice flows into the alluvial fan. The fan receives water

faster than it can flow out, creating a huge reservoir of water. When winter arrives, cold weather sets in and surrounding waters freeze. However, water in this large reservoir remains from 10 to 20 degrees (F) above surrounding water temperatures. This warmer water "percolates" into the Chilkat River and keeps it from freezing.

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**Visitor Guidelines**

The following guidelines were developed to insure protection to the eagles and other critical features of the preserve. Please help us protect this area for the eagles and future visitor use.

**STAY OFF THE FLATS!** This is where the eagles feed. Their energy is better utilized by feeding than by flying away from intruders.

**VIEW EAGLES FROM AREA BETWEEN HAINES HIGHWAY AND RIVER.** Staying within this area prevents stressful conditions for the eagles. They need their space to roost and feed.

**DO NOT DISTURB THE FISH IN ANY WAY.** Fish are the eagles' food. Please leave all fish and fish carcasses where nature has placed them.

**STOP AND PARK ONLY IN DESIGNATED TURNOUTS.** The road is narrow and has many curves. Watch for traffic at all times. Never stop on the roadway. Do not set up tripods on the road.



ALASKA STATE PARKS  
Department of Natural Resources  
Division of Parks & Outdoor Recreation  
400 Willoughby 3rd Floor  
Juneau, Alaska 99801

**HB**

**380**





# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## SPONSOR STATEMENT

HB 380

*"An Act relating to the powers and duties of the commissioner of environmental conservation; relating to animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; and providing for an effective date."*

House Bill 380 repeals and reenacts several provisions of Title 3 to modernize the powers of the Commissioner of the Department of Environmental Conservation and the State Veterinarian. HB 380 will allow the State Veterinarian to respond accordingly and immediately to potential dangers to Alaskans and our animal populations. Avian influenza is one in a long list of zoonotic diseases that can be devastating to animals and potentially pandemic in human populations. While headlines predict millions of potential deaths from Avian Flu, other immediate issues arising in Alaska are difficult to deal with because of the convoluted authority of the State Veterinarian. The geographic position that makes Alaska a center of air cargo traffic and a critical strategic base for our military forces also puts Alaska at risk from diseases carried across the globe by migratory birds and marine mammals.

The most immediate threat to humans from a zoonotic disease comes from exposure to domestic animals. Yet, The statutes governing Alaska's State Veterinarian were passed prior to statehood in 1949 when the concern of the territorial legislature was on the state of fur farms and animals were considered livestock. Under existing authority, the State Veterinarian would be unable to respond to an outbreak of disease in a backyard bird flock because the birds would not necessarily be considered livestock. To date, all cases of Avian Flu infections in humans have come from exposure to personal bird flocks.

Many of the authorities in this legislation exist today but in a less organized fashion.

By eliminating outdated requirements such as reporting to the legislature on fur farming, and clarifying existing authorities, the State Veterinarian's responsibilities can be focused on what is most important to Alaska - ensuring animal diseases do not spread or harm humans. Through collaboration with the Departments of Health and Social Services, Fish and Game and Natural Resources, the State Veterinarian fills an essential role in this process but needs clearer authority to do so.



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## MEMORANDUM

January 24, 2006

TO: Representative Kevin Meyer

FR: Michael Pawlowski

RE: Sectional Analysis: HB 380 *Animals & Animal or Agricultural Products*

House Bill 380 *Animals & Animal or Agricultural Products* repeals and reenacts several statutes relating to the powers of the commissioner of environmental conservation, the state veterinarian and the commissioner of natural resources regarding agricultural products. Below is an explanation of the expansions of authority added by, and a summary of the existing powers repealed and reenacted in, HB 380.

### Section 1: Powers of commissioner of environmental conservation

In repealing and reenacting AS 03.05.011, HB 380 broadens the scope of the original statute while preserving the overlapping authority that currently exists between DEC and DNR to monitor the health of animals in the state. The reenacted AS 03.05.011 includes the powers granted to DEC under the original AS 03.05.011, AS 03.05.020 (miscellaneous powers), 03.05.060 (spread of contagious diseases in livestock), 03.05.080 (controlling the exportation of animals), the power to adopt regulations under AS 14.62 (APA), the power to charge fees, and notice requirements for actions taken under AS 03.05.011.

By moving powers spread throughout statute to a blended AS 03.05.011, the statute can be modernized and the corresponding authorities repealed. Additionally, where some powers are conferred, other requirements in statute can be repealed. The power granted in the proposed AS 03.05.011 to regulate and prohibit the importation or transportation of animals with diseases is adequate enough to warrant the repeal of the requirement in AS 03.53.010 to obtain a health certificate for an animal traveling on the state ferry system.

The primary change however, in the reenacted section is the extension of DEC's authority to inspect, test, quarantine, or embargo from *livestock* to *all animals*. The world has changed significantly since the original statutes were passed in 1949 and the broadening of AS 03.05.011 reflects the reality that animals are no longer uniformly considered livestock.

### Sectional

The authority of DEC to cooperate with other governmental agencies is also expanded in the reenacted AS 03.05.011 (3) to include "municipal and other governmental agencies." In the original 03.05.011 the department was only authorized to cooperate with "federal and other state agencies." An outbreak of a zoonotic disease like avian influenza requires a rapid coordinated response by federal, state and local officials. An updated AS 03.05.011 allows the department to cooperate with all the interested parties to prepare for a potential emergency.

The reenacted AS 03.05.011 represents a consolidation of authorities into a single statute that reflects the complicated regulatory, inter and intra-governmental and virological environment the department of environmental conservation and the state veterinarian are confronted with.

## **Section 2: State Veterinarian**

Section 2 of HB 380 is a new section that replaces AS 03.25.010, 03.25.020 & 03.25.250, which are subsequently repealed in section 9. Chapter 25 of title 3 was written in 1949 and made the primary purpose of the state veterinarian the investigation of fur farms. The fur farm provisions have been removed from the proposed new AS 03.05.013. The removal of the antiquated provisions will make the statutes comport to the world the state veterinarian is confronted with. The new section makes the responsibility of the state veterinarian the requirements of the title over which the department has jurisdiction. The new section will also require the state veterinarian to be licensed to engage in the practice of veterinary medicine.

## **Section 3 & Section 4: Inspection & Products In Violation**

Section 3 makes conforming amendments to AS 03.05.040 (a) & 03.05.050 (a):

- Expanding the time during which, locations where and persons authorized to, inspect a place where animals, animal products and agricultural products are raised, housed, kept, stored, processed or sold.
- Expanding the definition of what may be inspected for to include animal and animal products in addition to agricultural products.

## **Section 5: Penalty for Violation**

Section 5 adds 5 new subsections to AS 03.05.090 specifying penalties for violations of the chapter and defining "knowingly" for purposes of the section.

## **Section 6: Definitions**

Excludes "animals, or animal products" from the definition of agricultural products.

### **Section 7: Definitions**

Adds definitions of "animal" and "animal product" to the definitions section.

### **Section 8: Fees for Services**

Makes a conforming change to the products that the department of environmental conservation is allowed to charge fees to recover their direct costs for.

### **Section 9: Repealing**

Section 9 repeals:

AS 03 05.020	Incorporated in section 1.
AS 03.05.060	Incorporated in section 1.
AS 03.05.080	Incorporated in section 1.
AS 03.25.010	Incorporated in section 2.
AS 03.25.020	Incorporated in section 2.
AS 03.05.250	Incorporated in section 2.
AS 03.45.040	Incorporated in section 5.
AS 03.45.050	Incorporated in section 3.
AS 03.45.060	Incorporated in section 1.
AS 03.45.070	Incorporated in section 1.
AS 03.45.080	Incorporated in section 1.
AS 03.53.010	Incorporated in section 1.

### **Section 10: Transitional Provisions**

Transitional provisions allowing the department of environmental conservation and department of natural resources to adopt regulations needed to implement the changes in this Act.

**Section 11: *Effective Date***

Immediate effective date for section 10.

**Section 12: *Effective Date***

Provides an effective date of July 1, 2006 for section. 1-9

AMENDMENT

OFFERED IN THE HOUSE RESOURCES COMMITTEE  
TO: HB380

Insert a new section:

\* Sec. \_\_. AS .7.05.012(9) is amended to read:  
(9) the compendium of animal rabies prevention and control [2002,]  
published by the United States Centers for Disease Control and Prevention;

## **Position Paper**

### **Proposed amendment to HB 380**

**(A bill relating to animals and animal or agricultural products)**

- This is a simple amendment requested by the Division of Public Health and agreed to by the Department of Environmental Conservation, the primary agency affected by HB 380.
- The amendment would fix an oversight in AS 47.05.012, which allows the Department of Health and Social Services to adopt by reference certain health-related publications that are regularly updated. The statute allows updated amended versions of the publications to be adopted by simply issuing a notice and without going through the lengthy notice and comment regulatory process.
- However, when AS 47.05.012(9) was revised to update the title of the publication in 2003, the amendment incorrectly included the most recent publication date, citing the 2002 version of the Compendium of Animal Rabies and Control, with the effect that only the 2002 version is authorized.
- The compendium serves as the basis for animal rabies prevention and control programs throughout the United States. It standardizes procedures among jurisdictions, thereby contributing to an effective national rabies-control program. The document is reviewed annually and revised as necessary. Obviously, the most current edition should be adopted by reference in Alaska.
- The proposed amendment simply removes reference to the specific 2002 edition. Here is suggested language:  
  
\* Sec. \_\_. AS 47.05.012(9) is amended to read:  
    (9) the compendium of animal rabies prevention and control [2002,] published by the United States Centers for Disease Control and Prevention;
- One final note: The Department of Law has indicated that this proposed amendment is not appropriate for the annual Revisor's Bill. Thus, we urge approval of this minor change to HB 380.

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 240  
 Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DEC  
 Title: Animals and Agricultural Products RDU: Environmental Health  
 Component: Laboratory Services  
 Sponsor: Representative Kevin Meyer  
 Requester: House Resources Committee Component No.: 2085

**Expenditures/Revenues (Thousands of Dollars)**

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type—Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

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

**ANALYSIS:** (Attach a separate page if necessary)  
 The bill will have no fiscal impact on DEC.

Prepared by: Kristin Ryan, Director  
 Division: Environmental Health  
 Approved by: Dan Easton for Kurt Fredriksson  
 Agency: Commissioner

Phone: (907) 269-7644  
 Date/Time: 2/6/06 8:43 AM  
 Date: 02.06.06

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Anchorage Daily News

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## Alaska, feds join in hunt for avian flu

**SCREENING: State is a crossroads and could be disease's landing point.**

By ANN POTEPA  
Anchorage Daily News

(Published: January 20, 2006)

Government agencies will study thousands of birds throughout Alaska this year in search of avian influenza, particularly the deadly H5N1 strain that's been transmitted to people, state and federal officials said Thursday.

According to the World Health Organization, 148 cases of H5N1 influenza in people have been reported from six Asian and European countries since December 2003, resulting in 79 deaths.

Rick Kearney, the wildlife program coordinator for the U.S. Geological Survey, spoke about bird flu alongside state health leaders Thursday at a downtown luncheon for Commonwealth North, a local civic group. While surveillance for flu viruses in birds is not new in Alaska, a partnership of state and federal agencies will step up efforts this year because Alaska is a place where several migratory pathways meet.

"Alaska could be that place where the virus arrives in North America," Kearney said.

Kearney said a new, faster test for the H5N1 strain will be able to look through hundreds of samples and return results within a week.

Last year, the U.S. Department of the Interior studied more than 1,000 live birds throughout the state, Kearney said. The University of Alaska also has studied thousands of birds in recent years.

"We have not detected H5N1 in wild birds in Alaska. Period," said Douglas Causey, vice provost of research and graduate studies for the University of Alaska Anchorage.

Birds can carry more than 100 kinds of flu, Causey said. Some of these flu viruses have been found in Alaska birds, but unlike H5N1, most of them are not dangerous and are less likely to make people sick, said Kearney and Causey.

"We have a lot of influenza in birds here in Alaska," Causey said. "We always have had, and we always will have."

In 2006, a partnership of state and federal agencies, along with the University of Alaska, will conduct surveillance for bird flu. Kearney said the partnership will study up to 6,000 live waterfowl and shorebirds that migrate between Alaska and Asia. That research will begin this spring when birds start arriving. The National Wildlife Health Center in Madison, Wis., will test the samples.



U.S. Fish and Wildlife Service employees gather samples from waterfowl near Cold Bay on Oct. 25, looking for the Asian H5N1 strain of the avian influenza virus. The wildlife service is working in conjunction with the U.S. Geological Survey at the National Wildlife Health Center in Madison, Wis., to conduct surveillance on the virus. (U.S. Fish and Wildlife Service via The Associated Press)

**ADN Story**

Another project will test about 4,000 birds killed by subsistence hunters here this spring, and about 3,000 more birds killed during the fall hunt, Kearney said. The federal government also will collect samples of bird feces to look for the virus.

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Daily News reporter Ann Potempa can be reached at 257-4581 or [apotempa@adn.com](mailto:apotempa@adn.com).

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**State, federal officials offer bird flu advice****LUNCHEON: If sickness does strike in Alaska, sanitation rules will help slow its transmission.**By ANN POTEempa  
Anchorage Daily News*(Published: January 20, 2006)*

State and federal officials attending a Commonwealth North luncheon Thursday answered questions about bird flu and gave Alaska residents and businesses advice about how to prepare for a possible flu outbreak.

Q. How could bird flu make its way to Alaska?

A. There are several possible routes. It could arrive via international commerce routes, such as pet or animal trade, said Rick Kearney, the wildlife program coordinator for the U.S. Geological Survey. Other possibilities are international travel of infected people or infected birds that migrate between Alaska and other parts of the world.

Q. What might a flu pandemic in Alaska be like?

A. Health officials made estimates based on the number of illnesses and deaths reported during the flu pandemics of the 1900s.

The next pandemic in Alaska could make 200,000 people sick. That's almost a third of the state's residents.

"If half of them seek medical care, that would be about 100,000 people showing up in clinics," said Dr. Jay Butler, the state's chief epidemiologist.

Q. Health officials say a vaccine likely won't be available at the beginning of a flu pandemic, and virus-fighting medication could be in short supply. What can an Alaskan do to try to prevent illness?

A. Dr. Richard Mandsager, the state's public health director, said Americans like to act like heroes, coming to work when they have fevers and aren't feeling well. That has to change, he said: When you're sick, you need to stay home.

Mandsager listed other ways to prevent flu from spreading:

- Wash your hands or use a hand sanitizer.
- Cover your mouth when you sneeze or cough.
- Try not to touch your eyes, nose or mouth.
- Get sufficient rest and exercise, and eat well.

- Drink alcohol in moderation, or none at all.
- Stay away from tobacco smoke.
- Get a flu shot every year.

Q. What should businesses do to prepare for an outbreak?

A. Mandsager said businesses should look at whether they can continue providing their essential services if large percentages of employees are out sick. Human resources departments will need to consider ways to change the business, possibly allowing sick people to stay home and work.

"As you consider employees, consider families as well," Butler said.

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January 26, 2006

The Honorable Representative Kevin Meyer

We wanted to let you know that The Alaska Veterinary Medical Association supports HB 380. Technology, society and animal diseases have changed dramatically since the original 1949 statutes. The changes that have occurred since then are not as important as the changes you are proposing today. We believe the proper protocol for controlling animal disease and infections needs to exist to adequately protect the animal resources and people of our State. This bill is essential in assuring a mechanism to investigate, control the spread of and eradicate dangerous emerging zoonotic and debilitating diseases of this era.

The Office of the State Veterinarian works closely with our organization and it is a collaborative relationship that has been beneficial for private veterinarians. (Dr. Gerlach offers training and assistance as requested) and for the State (private veterinarians are the first responders in the field to animal emergencies such as disease outbreaks and natural disasters). Together, we meet the current challenges that face the State. Existing and emerging diseases such as Rabies, Monkey Pox, Avian Influenza, SARs and West Nile Virus have significant impacts in our world. As a profession, we must better address the fact that diseases in pets, livestock, and wild-life can harm humans. HB 380 will help us achieve that.

Thank you for introducing this important legislation.

Sincerely,

AKVMA Board of Directors  
President: Dr. Siri Kavanaugh  
Anchorage—522-1006

## Testimony HB 380:

The current rapid pace of disease emergence at the beginning of the 21<sup>st</sup> century has created new challenges for the management and control of animal and public health diseases. The emergence of new diseases has been primarily associated with an increased interaction with animals. It is now recognized that over 70% of the recent infectious diseases affecting human health and human economies are zoonotic diseases (animal diseases that infect people). In the past infectious diseases and the laws in place to control them were categorized according to a convenient but artificial system:

diseases of livestock,  
diseases of wildlife,  
diseases of pets, and  
diseases of humans.

Infectious diseases are rarely restricted to an individual species and are not contained by any artificial geographic or political boundary.

Diseases can be introduced to a new area through a number of routes. For examples let us review a few of the recent outbreaks of some highly publicized emerging disease and how they were spread.

- Importing pet rodents from Africa caused a Monkey Pox outbreak in humans in several Midwestern states. The rodents were imported into an Illinois pet store; the rats infected other rodents including prairie dogs. These animals were then shipped to several states. There was no authority that was responsible for regulating these pets.
- Consumption of meat products contaminated with prions – initially thought to only exist in brain matter and the spinal column – has caused Bovine Spongiform Encephalopathy, Mad Cow Disease in humans. The economic impact has been global.
- Consumption of improperly cooked or contaminated meat is one pathway for E coli, Campylobacter, and Salmonella to result in public health disasters
- Milk and dairy products (Cheese) contaminated with Listeria, Tuberculosis, brucellosis, E. Coli, and most recently and unusual problem with rabies virus in milk that occurred in Oklahoma .....
- animal movement/migration is a concern with the spread of Avian Influenza-waterfowl, Chronic Wasting Disease-white tailed deer
- insect vectors (West Nile Virus, dengue fever, and malaria- mosquitoes, Lyme Disease-ticks)

There are also threats to public health from diseases that have been around for many years and thought to be under control. They have re-emerged and are in populations that were previously not known to have the disease. For example; outbreaks of two zoonotic diseases, tuberculosis and brucellosis, in wildlife and livestock have resulted in Minnesota, Michigan, Montana, California, Arizona, and Texas losing their status as disease-free states. Something Alaska can currently claim. Being disease free allows easier movement of animals across

borders and eliminates the additional cost to the producer for testing each animal. Other diseases have re-emerged as a threat due to genetic mutations that make the pathogen more resistant to commonly used antibiotics. Antibiotic resistant strains of E. coli O-157, Salmonella and tuberculosis have been identified resulting in increased morbidity and mortality rates and escalating health care cost.

The consequence of all these disease outbreaks has had major impact on both animal health, public health, as well as regional and national economies.

**In Alaska, there is no state agency that has the authority to manage all animals (domestic, wild or exotic) that may carry diseases that threaten the State's animal resources and public health.**

**The current authority of the State Veterinarian is limited to livestock, poultry and animals on fur farms.**

How has the state managed some of these problems in the past?

In the February of 2004 a veterinarian reported that several horses had acutely died in Kodiak. The disease investigation was initiated by the State Veterinarian in collaboration with the USDA, UAF and local practitioners. The Public Health Department was notified. No person had the authority to stop all animal movement (pets, livestock, wildlife, animals for exhibition) to prevent the possible spread of a potentially dangerous disease during this investigation. The State Veterinarian had the authority to quarantine livestock and poultry only. All animal movement on and off Kodiak was curtailed through the **voluntary** cooperation of DOD-US Coast Guard, State Dept of Transportation- Ferry System, private airline carriers with the Office of the State Veterinarian. Five horses and a donkey died in the span of two weeks; fortunately the cause of the equine deaths was not an infectious disease.

In the summer of 2005 a dog kennel owner imported some ducks into Alaska to train hunting dogs. He reported that 200 of 500 of the ducks had died over the course of 2 weeks. These ducks are not considered poultry. There was a high level of concern due to the outbreak of Avian Influenza in Southeast Asia. The disease investigation was coordinated by the State Veterinarian in collaboration with the USDA. The owner agreed to the disease control measures that were instituted during the investigation: quarantine, cancellation of all dog trials scheduled, sampling of the remaining flock of ducks. The condition was treated with an antibiotic and the deaths ceased. The disease was not the result of Avian Influenza or any other foreign animal disease but caused by a common bacterial disease.

In the past disease investigations have been successfully managed and controlled with the voluntary cooperation of all parties involved. The state cannot depend on this in the future, there needs to be clear statutory authority in situations of an animal disease outbreak.

**HB**

**386**

# ALASKA STATE LEGISLATURE



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Wasilla, Alaska 99654  
(907) 373-1842  
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*Session:*  
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## REPRESENTATIVE VIC KOHRING DISTRICT 14

### House Bill 386 Sponsor Statement

House Bill 336 provides a production tax credit for certain oil and gas exploration expenses from a leasehold or property owned in the state. It also establishes a deadline for using credits from certain exploration expenditures against production tax on oil and gas produced.

HB 386 would extend the exploration credit incentives to 2010 and encourage exploration in Alaska and in particular the North Slope. HB 386 would make AS 43.55.025 uniform thorough out the state, allowing oil producers to credit exploration expenditures against production tax on oil and gas produced after July 1, 2004.

In order to qualify for the production tax credit under existing statute, exploration expenditures must be incurred on or after July 1, 2003, and before July 1, 2007. It has become apparent that the July 1, 2007, deadline will arrive too soon for some smaller independent oil companies that are now planning their exploration dollars for the future. Given this timetable, it is likely that exploration expenditures on these leases would occur after July 1, 2007, in which case they could not be credited against future production taxes.

# ALASKA STATE LEGISLATURE HOUSE RESOURCES COMMITTEE

Representative Jay Ramras  
Co-Chairman

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716 W. 4th Avenue  
Anchorage, AK 99501

State Capitol, Juneau, Alaska 99801-1182

April 5, 2006

Rp. Kevin Meyer, Co-Chairman  
Rp. Mike Chenault, Co-Chairman  
House Finance Committee

RE: Referral of HB 386 – Extending North Slope Severance Tax Credit

The House Resources Committee has [redacted] and passed out HB 386 this date. We advise that in doing so, the committee members are fully aware of the implications of this bill in terms of our earlier work on HB 488, the Production Profits Tax measure.

The committee action was taken in the event that HB 488, which would make permanent these essential provisions, does not pass the legislature, or passes without these provisions. The committee supports the credit taken against severance to property and income taxes paid by industry, if it is in a stand-alone bill. We feel the provisions in CSHB 488 (RES) which do not allow credits against income and property taxes are appropriate if large scale oil tax reform takes place.

If you have any questions, please contact one of us, or Tim Benintendi, committee staff, at 3715. Thank you.

Sincerely,

Handwritten signature of Ralph Samuels.

Rp. Ralph Samuels, Co-Chairman

Sincerely,

Handwritten signature of Jay Ramras.

Rp. Jay Ramras, Co-Chairman

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 386(O&G)  
 (H) Publish Date: 3/17/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
 Title: Extend North Slope Severance Tax Credit RDU: Resource Development  
 Component: Oil and Gas Development  
 Sponsor: Rep. Kohring  
 Requester: House Oil and Gas Component No.: 439

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill does not have any fiscal impact to the Department of Natural Resources.

Prepared by: William Van Dyke, Acting Director Phone 269-8800  
 Division: Oil and Gas Date/Time 2/17/2006  
 Approved by: Michael Menge, Commissioner Date 2/17/2006  
 Agency: Natural Resources

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 386(O&G)  
 (H) Publish Date: 3/17/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Extending North Slope Severance Tax Credits RDU: Revenue Operations  
 Component: Tax Division  
 Sponsor: Rep. Kohring  
 Requester: House Committee on Oil and Gas Component No.: 2476

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>	<b>See Analysis</b>
-------------------------------	---------------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill extends the existing credit for hydrocarbon exploration, including seismic and exploratory wells, north of 68 degrees, 15 minutes North latitude. The only change made to existing law is to extend the credit cutoff date from July 1, 2007 until July 1, 2010. All other portions of existing law remained unchanged under this bill including:

1. Credit up to 40 percent of total qualifying exploration expenditures with the possibility of an additional 20 percent credit for distance exploratory well drilling.
2. The credit may be used against production taxes.
3. The credits are transferable and saleable.

Prepared by: Dick Tremaine Phone 269-1021  
 Division: Tax Division Date/Time 2/22/06 11 a.m.  
 Approved by: Jerry Burnett Date \_\_\_\_\_  
 Agency: Department of Revenue

**FISCAL NOTE #2**

**STATE OF ALASKA  
2006 LEGISLATIVE SESSION**

**BILL NO. CSHB 386(O&G)**

**ANALYSIS CONTINUATION**

The effect of this provision is that the State pays up to 40 percent of eligible exploration expenses with no maximum limit on such cumulative credits. This occurs whether or not the State owns the surface or mineral rights to the area explored. This credit is likely to induce additional exploration in marginal fields. Exploration encouraged by this legislation will result in economic activity within the State and should increase the probabilities of hydrocarbon discovery and, ultimately, production. Such production may result in increased corporate income tax and property tax to the State. Royalties and severance taxes to the State might also increase.

To date, 95.5 million dollars in expenditures have been claimed representing 11 exploration projects on both the north slope and within Cook Inlet. Credits totaling 14.8 million dollars have been issued and an additional 15.1 million dollars in credits are under consideration.

## Oil and Gas Incentives

### Exploration Incentive Credits

#### AS 38.05.180(i)

- This program authorizes the DNR Commissioner to establish an EIC system under which a lessee drilling an exploratory well on state-owned land may earn credits based upon the footage drilled and the region in which the well is located. The program also provides for an EIC for geophysical work on state land if that work is performed during the two seasons immediately preceding an announced lease sale and is on land included within the sale area and the geophysical information is made public following the sale.
- EIC provisions are set by the DNR Commissioner as a lease sale term at the time of each lease sale.
- The credits may not exceed 50 percent of the cost of the drilling or geophysical work and may be applied against royalties, rentals, or taxes under AS 43.55. The credit may not exceed 50 percent of the payment to which it is being applied.
- EICs totaling \$54,692,614.64 have been approved since 1983 for 20 wells. No applications have been filed seeking this EIC since 1994. Several applications for seismic EICs were withdrawn possibly due to public disclosure requirement.

#### AS 41.09.010 (Implemented 1994)

- This exploration incentive credit program was enacted in 1994. Under this program, EICs may be granted for exploratory drilling, the drilling of stratigraphic test wells, and for geophysical work on unleased state, private, or federal lands. Credits are applied against oil and gas royalties, rentals, taxes, and bonus bids payable to the state. Credits may be as high as 50 percent of eligible costs if performed on state land and as high as 25 percent if performed on private or federal land. However, in order to qualify for the credit, the work must have been performed after August 7, 1994, and before July 1, 2007.
- The intent of this EIC program was to encourage the acquisition of oil and gas geophysical and well data for oil and gas exploration in remote areas of the state on unleased state acreage and provide a means for the state to obtain exploration data from federal lands and private lands.
- No applications pursued as of this date, possibly because of prohibition of extended confidentiality for well information and limited disclosure of geophysical data to approved third parties.

### Exploration Tax Credits

AS 43.55.025 Department of Revenue Oil and Gas Exploration Tax Credit

AS 43.020.043 Department of Revenue Capital Investment and Operating Cost Tax Credit.

## Royalty Reduction

### AS 38.05.180(j) (Amended most recently in 2003)

- This program provides a mechanism to modify oil and gas royalties to allow for production that would not otherwise be economically feasible. Royalties may be reduced to as low as 5 percent if there is new production; 3 percent if producing or shut-in.
- Goal is to encourage otherwise uneconomic production of oil and gas.
- Two companies applied in the past but later withdrew their applications. We believe two companies may soon make application under this provision, but no final applications have been received.

### AS 38.05.180(f)(5) (Implemented 2003)

- This incentive program allows payments of royalties as low as 5 percent (rather than the usual 12.5 percent) for oil production from Cook Inlet platforms if production falls below specified levels.
- The goal was to prevent certain Cook Inlet platforms from being shut down and "mothballed" prematurely.
- Thus far, one platform has qualified for the incentive.

## Discovery Royalty

### AS 38.05.180(f)(4) Cook Inlet Discovery Royalty (Implemented 1996)

- Awarded to the first to have drilled a well discovering oil or gas in a previously undiscovered oil or gas pool and certified by the DNR commissioner within one year of completion of that discovery well. The pool must be capable of producing in paying quantities.
- Five percent royalty (rather than the usual 12.5 percent) on all production of oil or gas from that pool attributable to that lease for a period of ten years following the date of discovery.
- Intent was to encourage additional exploration in the mature Cook Inlet area.
- No applications have been received.

### AS 38.05.180(f)(5) Cook Inlet Royalty Relief for small shut-in fields. (Implemented 1998)

- Reduces the royalty to five percent on the first 25,000,000 barrels and first 35,000,000 cubic feet for ten years (following the date on which the production for sale commences) on six specific units. The field must have been producing by January 1, 2004.
- The intent was to encourage production from six Cook Inlet oil or gas fields that were either undeveloped or shut-in.
- Numerous projects qualified for royalty relief under this provision: Falls Creek Unit (now Ninilchik Unit) Nicolai Creek, Point Starichkof Unit (now Cosmopolitan Unit), Redoubt Shoal Unit, and the West Foreland Unit have all

qualified for the incentive. Only the North Fork Unit did not meet the January 1, 2004 deadline. Falls Creek, Nicolai Creek, Redoubt Shoal, and West Foreland are currently producing units.

**Value of state's royalty gas used for agriculture products - AS 38.05.180(e)**  
**(Implemented 2003)**

- Allows the DNR Commissioner to establish the value of the state's royalty share for gas that is sold under contracts entered into on or after the effective date between an oil and gas lessee and a manufacturer of agricultural chemicals. The royalty value may not be less than the price used in contracts (floor) but may not exceed the amount that would otherwise be due under the lease (ceiling).
- This incentive may have slowed the shut-down of the Agrium plant.

**Nonconventional Gas Incentive - AS 38.05.180(n)(2) (Implemented 2004)**

- Lessee of a gas only lease must demonstrate to the DNR commissioner that potential resources are estimated to be only nonconventional gas.
- Rental payment is \$1 per acre. If the nonconventional gas is not indirect competition with gas which a royalty rate of at least 12.5 percent is payable, then the royalty share is set at 6.25 percent.
- This incentive may have encouraged both the Healy and Holitna Exploration License Applications.

**Exploration Licensing - AS 38.05.132 - .133 (Implemented 1994)**

- Exclusive right to explore an area between 10,000 and 500,000 acres in size for a term of up to 10 years. Pays a one-time \$1 per acre license fee, no bonus bid, and no annual rental. Has the sole right to convert to an oil and gas lease.
- Goal was to encourage oil and gas exploration within remote areas of the state outside of known oil and gas provinces.
- So far four Exploration Licenses have been issued (Copper River Basin, Nenana, and two in Susitna, Bristol Bay Basin has been awarded, and Healy and Holitna Basins have been proposed).

CURRENT INCENTIVES	CONVENTIONAL LEASES	UNLEASED STATE LAND	LICENSED LAND	SNG LEASES	FEDERAL & PRIVATE LAND
<b>Exploration Incentive Credits (EIC)</b>					
AS38.05.180(l)	up to 50% of drilling costs	up to 50% of seismic costs	N/A	up to 50% of drilling costs	N/A
AS41.01.010 - expires 7-1-2007	N/A	up to 50% of drilling & seismic costs	up to 50% of drilling & seismic costs	N/A	up to 25% of drilling & seismic costs
<b>Exploration Tax Credit</b>					
AS43.55.025 - expires 7-1-2007 (03.186)	20% of drilling costs or 40% of drilling costs if >25 mi of a unit plus 40% of seismic costs	20% of drilling costs or 40% of drilling costs if >25 mi of a unit plus 40% of seismic costs	20% of drilling costs or 40% of drilling costs if >25 mi of a unit plus 40% of seismic costs	20% of drilling costs or N/A	20% of drilling costs or 40% of drilling costs if >25 mi of a unit plus 40% of seismic costs
AS43.20.043 - expires 1-1-2013 (03.01) for below 68° latitude <small>(see note in column)</small>	10% of capital investment 10% of annual cost	10% of capital investment 10% of annual cost	10% of capital investment 10% of annual cost	10% of capital investment 10% of annual cost	10% of capital investment 10% of annual cost
<b>Royalty Reduction</b>					
AS38.05.180(j) (03.28)	as low as 5% if new production as low as 3% if producing or shut-in	N/A	(Applies after conversion to Lease) (Applies after conversion to lease)	as low as 5% if new production as low as 3% if producing or shut-in	N/A
AS38.05.160(f)(5) (03.195)	As low as 5% for oil production from C1 plants, and if production falls below specified levels	N/A	N/A	N/A	N/A
<b>Discovery Royalty</b>					
AS38.05.180(f)(4) for Cook Inlet only for pre-1969 leases only, statewide	5% royalty for 10 yrs 5% royalty for 10 yrs	N/A N/A	(In limited area after conversion: T18N) N/A	(Applies to limited area: T18N) N/A	N/A N/A
AS38.05.180(f)(5) for following fields only: Felts Creek, Nicolai Creek, Stanchkof, North Fork, Redoubt Shoals, & West Foreland field must be in production by 1-1-2004	5% on 1st 25 MM bbls for 10 yrs 5% on 1st 35 BCF for 10 yrs	N/A	N/A	N/A	N/A
<b>Economic Limit Factor - AS43.55.013</b>	Yes	N/A	(Applies after conversion to Lease)	Yes	Yes
<b>Contract Gas Price With a Utility vs Royalty Value - AS38.05.180(aa)</b>	Value of state's royalty share equals gas contract price	N/A	(Applies after conversion to Lease)	Value of state's royalty share equals gas contract price	Value of state's royalty share equals gas contract price
<b>Value of state's royalty gas used for ag products - AS38.05.180(aa) (03.57)</b>	Negotiated Value	N/A	(Applies after conversion to Lease)	Negotiated Value	Negotiated Value
* if requesting this credit, not eligible for any other tax credits or royalty modifications					
<b>INCENTIVES AS PART OF A PROGRAM</b>	<b>CONVENTIONAL LEASES</b>	<b>UNLEASED STATE LAND</b>	<b>LICENSED LAND</b>	<b>SNG LEASES</b>	<b>FEDERAL &amp; PRIVATE LAND</b>

Exploration Licensing	AS 38.05.132	N/A	N/A	Up to 500,000 acres per license One-time \$1/acre license fee No bonus bid No annual rental sole right to convert to O & G leases	N/A	N/A
Nonconventional Gas Incentive—		reduced rental	N/A	(Applies after conversion to Lease)	N/A	
AS 38.05.100(n)(2)	(04.631)	8.25% royalty if no competition with 12.5% leasee				

## Exploration Incentive Credit Summary ( a layman's explanation)

AS 43.55.025 provides

<u>Section</u>	<u>tax credit rate</u>	<u>must satisfy (see below)</u>
(a)(1)	20% credit	(b) and (c)
(a)(2)	20 % credit	(b) and (d)
(a)(3)	40% credit	(b), (c) and (d)
(a)(4)	40% credit	(b), and (e)

### Section (b)

- (1) must be seismic or geophysical work
- (2) must be a well not included in a unit POD or POE on 5/13/03

### Section (c)

- (1) well must be greater than 3 miles from pre existing well except in Cook Inlet where well can be less than 3 miles from pre existing well if it is drilled for a separate exploration target.

### Section (d)

- (1) well must be greater than 25 miles from a preexisting unit except for Cook Inlet where the well must be greater than 10 miles from a pre existing unit

### Section (e)

- (1) seismic program must be outside of unit area

## Cook Inlet Results

1. Seismic and geophysical can get a 40% credit anywhere outside unit areas
2. A well can get a 20% tax credit as long as it is drilled for a separate exploration target even if it is closer than 3 miles from a pre existing well.
3. A well can get a 40% tax credit if it greater than 10 miles from a unit that is under a plan of development. Again, the 3 mile limit from pre existing wells can be waived if it is drilled for a separate exploration target. The 10 mile limit can not be waived.

WVD 3/20/06

February 23, 2006

Representative Vic Kohring  
Chairman, House Special Committee on Oil & Gas  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801

Dear Chairman Kohring:

We would like to express our thanks to you and your Committee for sponsoring House Bills 372 and 386.

While it may seem basic, in order to increase future North Slope oil production, more exploration wells must be drilled. Even with modern technology, the commercial chance of success of frontier exploration projects in Alaska is still under 10%. When compared with many other exploration opportunities worldwide, it takes longer in Alaska to begin generating revenue from investments. By reducing early expenditures, exploration tax credits provide great incentives to invest and drill more wells.

The companies listed below strongly support extending the North Slope exploration incentive credits because we believe they are effective in encouraging additional investment in oil and gas exploration, as well as in attracting new players to Alaska.

Anadarko Petroleum Corporation  
Arctic Slope Regional Corporation  
BG Alaska E&P, Inc.  
Brooks Range Petroleum Corporation/AVCG LLC  
Devon Energy Corporation  
FEX L.P.  
Petro-Canada (Alaska) Inc.  
Pioneer Natural Resources Alaska, Inc.  
Ultrastar LLC

**Support**



22 February 2006

Representative Vic Kohring  
Chairman, House Special Committee on Oil & Gas  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801

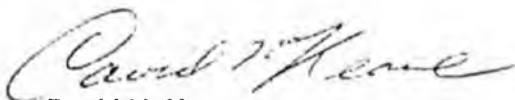
Dear Chairman Kohring:

BG Group plc is new to Alaska, having just announced our partnership with Anadarko Petroleum and Petro-Canada to explore for oil and gas along the North Slope. We are convinced there is potential in Alaska for the continued development of gas and oil reserves. However, there are also considerable risks and we along with the other independents would like to express our thanks to you and your Committee for sponsoring House Bills 372 and 386.

When making investment decisions BG looks at opportunities on a world wide basis and one of the key reasons we chose to enter Alaska and explore along the North Slope was because of the tax credits. As you know, in order to increase North Slope gas and oil production, more exploration wells must be drilled. Even with modern technology, the commercial chance of success of frontier exploration projects in Alaska is still under 10%. When compared with many other exploration opportunities worldwide, it takes longer in Alaska to begin generating revenue from investments. By reducing early expenditures, exploration tax credits provide great incentives to invest and drill more wells.

BG strongly supports extending the North Slope exploration incentive tax credits because they are effective in encouraging additional investment in gas and oil exploration, as well as in attracting new players, such as BG, to Alaska.

Sincerely,

  
David N. Keane

BIG NORTH AMERICA, LLC  
David N. Keane  
Vice President  
Policy & Corporate Affairs  
5444 Westholme  
Suite 1201  
Houston, Texas 77056

Tel: (713) 599-4009  
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**PIONEER**  
NATURAL RESOURCES ALASKA, INC.

February 21, 2006

Representative Vic Kohring  
Chairman  
House Oil and Gas Committee

Thank you for the opportunity to share Pioneer's views regarding HB 386 extending the deadline for certain exploration expenditures used as credits against Alaska production taxes.

Pioneer Natural Resources Alaska, Inc. fully supports this legislation and urges the Legislature to enact its provisions.

Pioneer began its investment in Alaska in early 2003 with the drilling of 3 exploration wells in the shallow waters of the Beaufort Sea. Pioneer significantly expanded its Alaskan inventory at the October 2003 Alaska State Lease Sale where it was the largest participant and successful bidder on approximately 150,000 acres. We opened an office in Anchorage in early 2004 and we now employ 26 persons in Alaska. In 2004, Pioneer concluded exploration agreements with ConocoPhillips and Anadarko across a vast portion of NPR-A. Pioneer has assembled a substantial portfolio with an interest in approximately 1.6 million acres on the North Slope of Alaska. More recently, Pioneer acquired a 10 percent working interest and the option to acquire up to an additional 40 percent working interest and possibly succeed ConocoPhillips as the operator of the Cosmopolitan unit located in the Cook Inlet.

For independent companies like Pioneer, the challenges to building a business in Alaska are formidable. Firstly, the remaining North Slope resources are nothing like the billion barrel fields that opened the Slope. Independents are working to commercialize: a) smaller, lower quality oil reservoirs, b) viscous oil resources, c) remote resources in NPRA, the foothills and offshore and d) natural gas resources, which will not have a market until the next decade. All of these resources are challenging to commercialize, but it is a challenge that must be met to insure new

sources of supply for the state. Secondly, the North Slope is one of the highest cost areas in the world. Remote geography translates to some of the highest capital, lease operating and product transportation costs in the world. Thirdly, North Slope projects have comparatively long cycles times. From buying a lease to selling oil takes 5 to 10 years depending upon drilling success and distance to existing infrastructure.

The largest challenge independents face on the North Slope is arguably uncertainty. To be successful, we must properly assess and make provision for a number of uncertainties related to exploration risk, future oil and gas prices, fiscal policy, regulatory processes and access to infrastructure. With the long cycle times for Alaska projects, we must make our investments against a long term view for prices. Although current prices exceed \$50 per barrel, the 10 year average price for North Slope crude is approximately \$25 per barrel. For Pioneer's Alaska projects, the price of oil in 2006 is irrelevant. The prevailing price in the next decade and beyond will determine future cash flow for new projects.

For explorers, properly assessing exploration risk is critical to the success of an exploration portfolio. Will the value of the fields we ultimately discover offset the cost of dry holes, land, seismic data and development costs? For many of the remote exploration areas on the North Slope, it is difficult to project acceptable full cycle returns due to the cumulative effect of all costs, the long time between investment and cash flow and the relatively long odds of finding a large enough discovery to justify new infrastructure. In 2003, the state initiated exploration incentive credits for certain qualifying exploration expenditures. These incentives encouraged Pioneer to invest more significantly in infrastructure challenged areas such as NPR-A. We believe the state has and is benefiting from this existing program and support the extension of the credits beyond the current expiration in 2007. The program has worked.

Thank you for this opportunity to express Pioneer Natural Resource's views on HB 386. We urge your support for this measure.



Ken Sheffield  
President  
Pioneer Natural Resources Alaska, Inc.

## Alaska Oil and Gas Association

---



121 W. Fireweed Lane, Suite 207  
Anchorage, Alaska 99503-2035  
Phone: (907)272-1481 Fax: (907)279-8114  
*Judith Brady, Executive Director*

Date: March 2, 2006

To: House Special Committee on Oil & Gas

The Alaska Oil & Gas Association (AOGA) supports House Bill 386 extending to July 1, 2010, the deadline for oil and gas exploration tax credits under Title 43 of the Alaska Statutes for both Cook Inlet and the North Slope, thereby making the deadline uniform throughout the state.

AOGA is a non-profit trade association whose 17 member companies represent the majority of oil and gas exploration, production, transportation, refining and marketing activities in Alaska.

The Oil and Gas Exploration Tax Credit, adopted in 2003, now applies to wells drilled between July 1, 2003 and July 1, 2007. HB 386 would extend the deadline to July 1, 2010. This tax credit has been successfully used to encourage exploration investment and should be continued as one of the tools the State has available to encourage interest in both Cook Inlet and the North Slope.

The program allows for a production tax credit of 20 percent of the cost of an exploratory well if the bottom hole location is three or more miles from the bottom hole location of a pre-existing well that was spud more than 150 days, but less than 35 years, prior to the spud date of the eligible exploration well.

The program also allows for a production tax credit of 40 percent of the cost of an exploratory well if the bottom hole location is 25 miles or more from the boundary of any unit under a plan of development as of July 1, 2003. The program also offers seismic exploration tax credits of 40 percent of eligible costs for those portions of activities outside of a unit that is under a plan of development or plan or exploration. Seismic data qualifying for this credit will be held confidential for 10 years and 30 days. This tax credit is transferable.

Thank you for the opportunity to comment on this proposed legislation.

Sincerely

JUDITH M. BRADY  
Executive Director

cc: Commissioner Michael Menge, DNR  
Ms. Robynn Wilson, DOR - Tax Division  
Mr. Pat Galvin, DNR

**HB**

**395**



# ALASKA STATE LEGISLATURE

## REPRESENTATIVE KURT OLSON

- Co-Chair, Community and Regional Affairs
- Member, Resources



Session: January - May  
State Capitol  
Juneau, AK 99801-1182  
Phone: 907-465-2693  
Fax: 907-465-3835

Interim: May - December  
145 Main Street Loop, Ste 221  
Kenai, AK 99611  
Phone: 907-283-2690  
Fax 907-283-2763

Official Business

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### SPONSOR STATEMENT

#### HB 395 FIRE SEASON START DATE

The spruce bark beetle kill on the Kenai Peninsula has created an enormous amount of dry grass and dead trees susceptible to lightning strikes and man made fires and the threat grows greater every year.

For the past several years the climate in our area has been gradually warming earlier in the year leaving wild areas dry and increasing the probability of a major wildfire.

The largest uncontained fire on the Southern Kenai Peninsula ever recorded, the Tracy Avenue fire, started prior to May 1, 2005, threatening residents and property. This fire might have been contained had the equipment and personnel been available the first day.

Moving the fire season start date to April 1 will allow the state to become actively involved in fire prevention and control earlier in the fire season and hopefully stop the progress of a disastrous pre-summer fire.

I respectfully ask for your support of this bill.

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB395-DNR-For-02-03-0  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
 Title: An Act Extending the Period of the Fire Season RDU: Statewide Fire Suppression Program  
 Component: Fire Suppression Preparedness  
 Sponsor: OLSON, Hawker, Seaton  
 Requester: (H) RES Component No. 2705

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	514.5	514.5	514.5	514.5	514.5	514.5
Travel						
Contractual	395.6	395.6	431.5	431.5	431.5	431.5
Supplies	12.0	12.0	12.0	12.0	12.0	12.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>922.1</b>	<b>922.1</b>	<b>958.0</b>	<b>958.0</b>	<b>958.0</b>	<b>958.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	922.1	922.1	958.0	958.0	958.0	958.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>922.1</b>	<b>922.1</b>	<b>958.0</b>	<b>958.0</b>	<b>958.0</b>	<b>958.0</b>

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Fires are occurring in greater numbers and with a greater risk to life and property earlier in the year than they have historically. The Tracy Avenue Fire, which started in April 2005 and threatened the community of Homer, was the earliest large, complex fire in the State's history. The Division of Forestry is not currently staffed nor equipped to adequately respond to fires that occur this early. This legislation would change the start of the designated fire season and, if funded, would provide the Division of Forestry with the ability to adequately respond to these early fires threatening communities and the ability to regulate open burning through issuance of burn permits.

Prepared by: Chris Maisch, Director Phone (907) 356-5850  
 Division: Forestry Date/Time 2/3/2006  
 Approved by: Michael Menge, Commissioner Date 2/3/2006  
 Agency: Natural Resources

**FISCAL NOTE**

**STATE OF ALASKA  
2006 LEGISLATIVE SESSION**

**BILL NO. H9395-DNR-For-02-03-0**

**ANALYSIS CONTINUATION**

This bill provides for a one month earlier fire season. This will require extensions to permanent seasonal fire staff and extensions to helicopter and air tanker contracts.

Personal Services \$514.5

This provides an extension to permanent seasonal firefighters, prevention staff, and fire support staff which allows for fire response and fire prevention during the earlier fire season.

Contractual Services \$395.6

This provides for contract extensions for helicopters and an air tanker to cover the earlier fire season plus additional normal operating costs (utilities, lease space, phones, etc.) associated with a longer fire season. Higher contractual costs starting in FY 2009 are based on expected changes in the renegotiations to the next 5 year air tanker contract.

Supplies \$12.0

Routine operating supplies associated with a longer fire season.

Introduced by: Martin  
Date: 01/17/06  
Action: Adopted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2006-008**

**A RESOLUTION REQUESTING THE ALASKA STATE LEGISLATURE TO AMEND  
ALASKA STATUTE 41.15.050 TO CHANGE THE FIRE SEASON START DATE FROM  
MAY 1 TO APRIL 1 OF EACH YEAR**

**WHEREAS,** the Division of Forestry is the lead agency on the Southern Kenai Peninsula for wildland fire protection; and

**WHEREAS,** recent climate change on the Kenai Peninsula has resulted in warmer weather starting earlier in the year, which has dried out the wildland fuels earlier in the year, increased the length of the wildland fire threat, and raised the mean summer temperatures; and

**WHEREAS,** the spruce bark beetle infestation has left the Southern Kenai Peninsula with a continuous fuel bed of dead spruce and dry grass; and

**WHEREAS,** the population growth into the Southern Kenai Peninsula wildland urban interface is rapidly increasing; and

**WHEREAS,** lightning fires were a common occurrence on the Southern Kenai Peninsula in 2005; and

**WHEREAS,** the largest uncontained wildfire recorded on the Southern Kenai Peninsula, the Tracy Avenue fire, started before May 1, 2005, and threatened hundreds of residents; and

**WHEREAS,** the Tracy Avenue Fire could possibly have been contained the first day had equipment been available in the state; and

**WHEREAS,** the Tracey Avenue fire came at a time of relatively low and benign winds; and

**WHEREAS,** in the spring of 2005, fires were also burning in other areas of the state; and

**WHEREAS,** moving the fire season start date to April 1 will improve the state's ability to be prepared for fires earlier each year, potentially saving the state millions of dollars in firefighting costs;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** To reflect these changes in natural dynamics the Kenai Peninsula Borough Assembly requests the Alaska State Legislature to amend AS 41.15.050 to make the fire season effective April 1, rather than May 1, of each year, as well as the fire training season effective the same date.

**SECTION 2.** That copies of this resolution be forwarded to Michael Menge, Commissioner of Department of Natural Resources; Senators Albert Kookesh, Con Bunde, Tom Wagoner, and Gary Stevens; Representatives Mike Hawker, Woodie Salmon, Kurt Olson, Mike Chenault, and Paul Seaton.

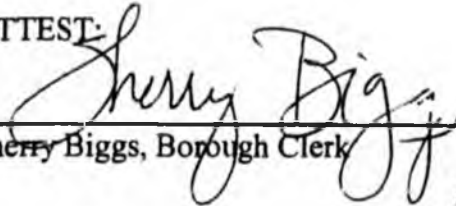
**SECTION 3.** That this resolution takes effect immediately upon its adoption

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF JANUARY, 2006.**









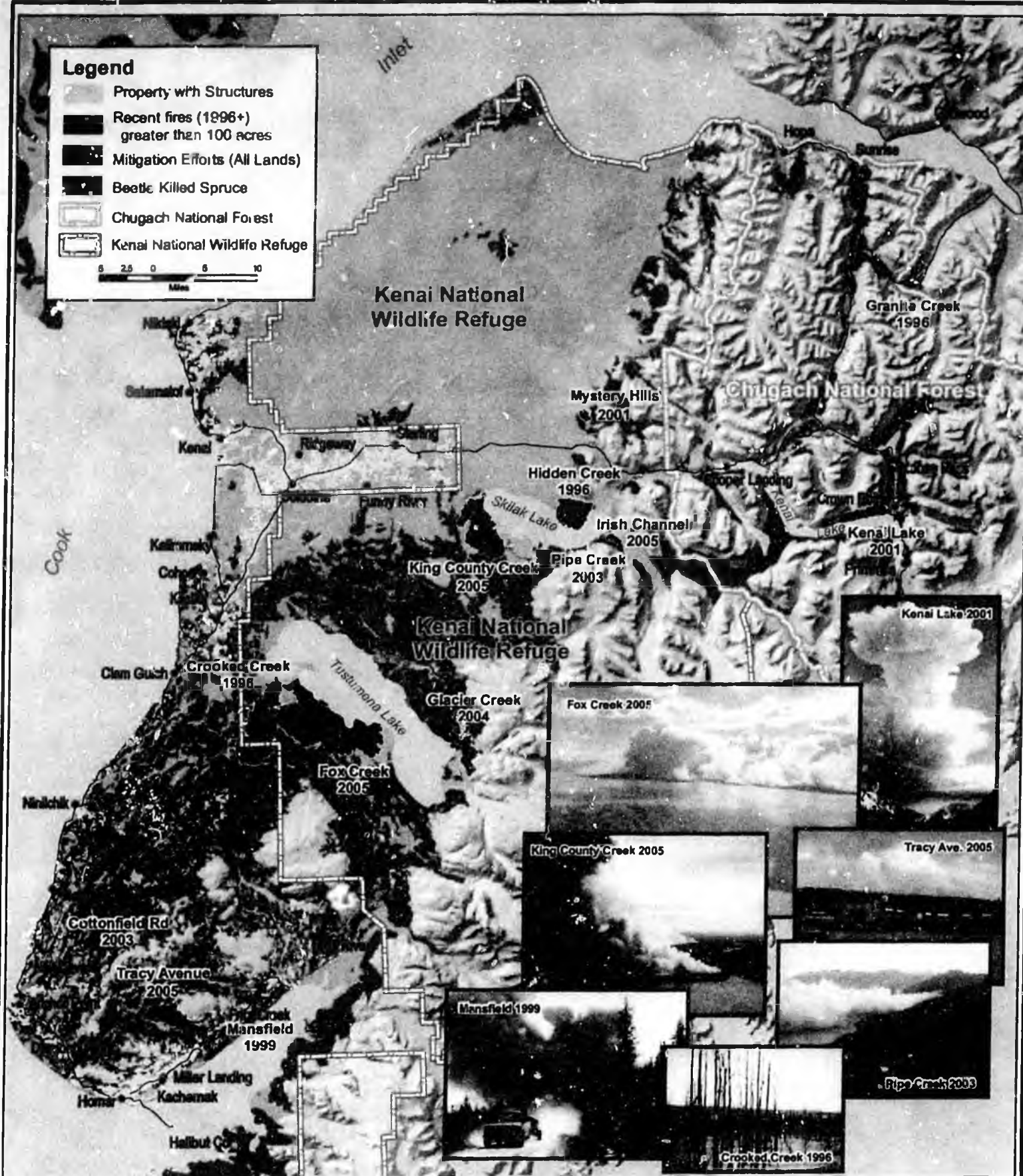
Ron Long, Assembly President

ATTEST:

  
Sherry Biggs, Borough Clerk

**Legend**

-  Property with Structures
-  Recent fires (1996+) greater than 100 acres
-  Mitigation Efforts (All Lands)
-  Beetle Killed Spruce
-  Chugach National Forest
-  Kenai National Wildlife Refuge



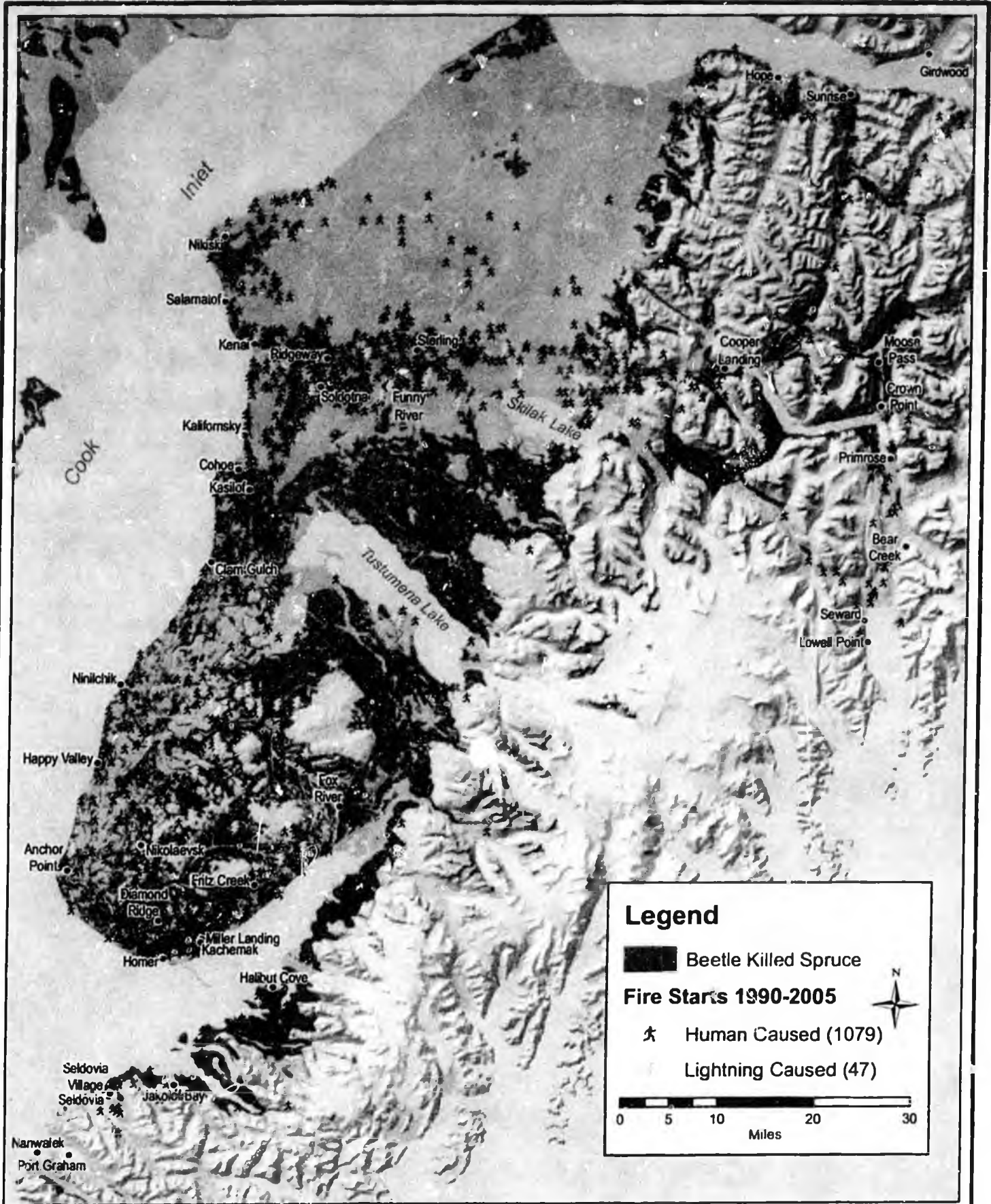
# Major Kenai Peninsula Fires 1996+

Total area greater than 77,000 acres

Kenai Peninsula Borough (KPB)  
Spruce Bark Beetle Mitigation Program (SBBMP)  
KPB or SBBMP are not responsible for errors, omissions, or deletions on this map.  
Discrepancies in feature or boundary alignments are due to use of data from different sources. This map is not a legal representation,  
it is produced for general informational purposes only and is not for sale.  
Fire boundaries have come from various sources and agencies. The map represents the most accurate available fire record present at this time.

M:\Project\Fire\_Map\FireMap\_1996+.ind  
By: Bobbi Jo Lay and Mary Rullis 7/16/05  
Support by Alaska Map Company





## Kenai Peninsula Fire Starts

Kenai Peninsula Borough (KPB), Spruce Bark Beetle Mitigation Program (SBBMP)  
 Fire start locations represent number of fire start events and are not intended to represent specific locations of fire starts. Locations of fire starts are based on data from different sources.  
 KPB or SBBMP are not responsible for errors, omissions, or delays on this map. Discrepancies in location or boundary alignment are due to use of data from different sources.  
 This map is not a legal representation, is produced for general informational purposes only and is not for sale.  
 Inquiries: C:\DATA\BVTY\_2005\fire\_start\KPB\_SBBMP\_05\_11\_05\_11AM1111.mxd  
 by Bobbi Jo Loy & Mary Plute

August 1, 2005



**HB**

**415**

# ALASKA STATE LEGISLATURE

*Chair*  
STATE AFFAIRS

*Member*  
RESOURCES

*Member*  
HEALTH, EDUCATION AND SOCIAL SERVICES

*Member*  
WAYS AND MEANS



**REPRESENTATIVE PAUL SEATON**  
House District 35

*Session:*  
State Capitol Building  
Juneau, Alaska 99801  
Phone 907-465-2689  
Fax 907-465-3472  
1-800-665-2689  
Rep.Paul.Seaton@legis.state.ak.us

*Interim:*  
345 W. Sterling Highway  
Suite 102B  
Homer, Alaska 99603  
Phone 907-235-2921  
Fax 907-235-4008

## Sponsor Statement

House Bill 415 encourages recreational use of private lands by protecting landowners who allow free public access to their lands.

HB 415 stipulates that a private landowner does not owe to a person using his or her property for recreational purposes, (1) a duty to keep the land safe for use, (2) a duty to warn of unsafe conditions, or (3) a duty to curtail the use of their land for recreational purposes. A landowner receives no protection under the bill if they either charge for access or are guilty of intentional, reckless or grossly negligent conduct.

Current state law does not directly address recreational use of private lands. Alaska's Recreational Activities statute, AS 09.56.290, passed by the legislature in 2003, mainly addresses commercial operators. Some landowners are protected by Alaska's unimproved land statute, AS.65.09.290, but it is difficult to determine what lands qualify in more developed areas. Lands near any sort of structure, or that have been altered slightly from their natural state, such as a hayfield, may not be covered under that statute.

Parties interested in allowing public access of their lands are unable to assess their risks. The courts likewise have few means of interpreting legislative intent regarding the relationship between landowner and recreational land user. HB 415 eliminates these ambiguities by granting immunity for the recreational use of private lands in the same manner adopted by most other states.

HB 415 promotes recreation throughout Alaska by clarifying the rights and responsibilities of landowners, encouraging them to allow the public free recreational use of their lands.



# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 415  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 3/20/06 - 8:55 a.m. Dept. Affected: Administration  
 Title An act relating to landowners' immunity RDU Risk Management  
for allowing recreational activity Component Risk Management  
 Sponsor Representative Seaton  
 Requester (H) RES Component No. 71

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Risk Management is not affected by this legislation.

"Land" and "landowner" as specifically defined within this proposed legislation is limited to private not public ownership - therefore there is no application to state lands and agency operations covered by the Risk Management self insurance program.

Prepared by: J. Brad Thompson, Director  
 Division: Risk Management  
 Approved by: Michael Tibbles, Deputy Commissioner  
 Agency: Administration

Phone 465-5723  
 Date/Time 3/20/06 - 8:55 a.m.  
 Date 3/20/2006

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

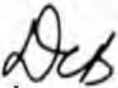
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 6, 2006

**SUBJECT:** Sectional Summary (HB 415 (Work Order No. 24-LS1446U))

**TO:** Representative Paul Seaton

**FROM:** Dennis C. Bailey   
Legislative Counsel

You have requested a sectional analysis of the above described draft bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1. Subsection (a) provides that a landowner allowing recreational activity on the landowner's land, without charge does not (1) owe a duty to maintain the safety or to control the risks of recreational activity; (2) owe a duty to warn recreational users of dangerous conditions; (3) owe a duty to curtail recreational use; (4) ensure that the land is safe; (5) confer the legal status of invitee or license; or (6) assume responsibility for injury to persons or property.

Subsection (b) states that the protections for a landowner does not apply if the landowner collects a charge or if the landowner's conduct is intentional, reckless, or grossly negligent.

Subsection (c) states that the bill has no effect on a recreational release with a participant.

Subsection (d) states that recreational land use may not form the basis for a claim of adverse possession or similar claim except for the claims of governmental entities under AS 09.45.052(d).

Subsection (e)(1) defines "charge" as a price for access except that a charge is not (1) lease payments from the state or other political subdivision of the state; (2) property tax relief in exchange for opening land for recreational activity; or (3) contributions to improve access or mitigate hazards.

Subsection (e)(2) defines private land to include (1) improved or unimproved land, (2) an easement of right-of-way, (3) roads and trails, (4) water and water courses, and (5) buildings, structures and equipment.

**Sectional**

Representative Paul Seaton  
February 6, 2006  
Page 2

Subsection (e)(3) defines "landowner" as a private holder of the possessory interest in property, leases, or easements.

Subsection (e)(4) defines recreational activity consistent with AS 09.65.290.

DCB:ljw  
06-058.ljw

Introduced by:

Martin

Date:

03/14/06

Action:

Adopted

Vote:

7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH**

**RESOLUTION 2006-027**

**A RESOLUTION SUPPORTING HB 415 RELATING TO LANDOWNERS' IMMUNITY FOR ALLOWING USE OF PRIVATE LAND FOR RECREATIONAL ACTIVITIES**

**WHEREAS**, although Alaska Statute 09.65.200 provides immunity to land owners for certain uses of their unimproved land, Alaska currently does not have a statute that protects landowners from liability for the use of their improved land for private recreational use such as skiing, hiking, snowmachining, and horseback riding; and

**WHEREAS**, House Bill 415 would enact a statute to delineate the responsibilities of landowners who allow free public access to their lands for recreational uses; and

**WHEREAS**, the bill states that a private property owner does not owe a person using the land for recreational purposes a duty to keep the land safe for use, a duty to warn of unsafe conditions, a duty to prevent recreational use of the land, and does not assume responsibility for any injury to persons or property; and

**WHEREAS**, HB 415 also provides that recreational land use allowed by a landowner without charge may not be used to obtain a prescriptive easement or to adversely possess the property; and

**WHEREAS**, approximately 45 other states have similar statutes; and

**WHEREAS**, HB 415 will encourage private property owners to allow recreational uses on their lands, possibly leading to the development of more trails and expanding recreational opportunities for all Alaskans;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Kenai Peninsula Borough Assembly supports and endorses the passage of House Bill 415m as currently written.

**SECTION 2.** That copies of this resolution shall be forwarded to all members of the Alaska State Legislature and the Honorable Governor Frank Murkowski.

**SECTION 3.** That this resolution shall become effective immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF MARCH, 2006.**

**Kenai Borough Resolution**

**CITY OF HOMER  
HOMER, ALASKA**

Mayor/  
Parks & Recreation  
Commission

**RESOLUTION 06-30**

A RESOLUTION OF THE CITY COUNCIL OF HOMER ALASKA IN SUPPORT OF HOUSE BILL 415 ENTITLED "AN ACT RELATING TO LANDOWNERS' IMMUNITY FOR ALLOWING USE OF LAND FOR A RECREATIONAL ACTIVITY; AND PROVIDING FOR AN EFFECTIVE DATE".

WHEREAS, Current Alaska law does not address recreational land use directly; and

WHEREAS, Protection is granted only on lands qualifying as "unimproved", however it is difficult to legally define an improvement, which is a great concern to landowners when considering recreational land use; and

WHEREAS, This distinction should not be the benchmark used for protecting landowners when considering recreational land use; and

WHEREAS, HB 415 encourages the recreational use of private lands by protecting land owners that allow free public access to their lands; and

WHEREAS, HB 415 clearly stipulates that a private land owner does not owe a person using their property for recreational purposes,

- A duty to keep the land safe for use
- A duty to warn for unsafe conditions
- A duty to curtail the use of their land for recreational purposes; and

WHEREAS, A landowner receives no protection under HB 415 if they charge for access or are guilty of intentional, reckless or grossly negligent conduct.

NOW, THEREFORE, BE IT RESOLVED That the City Council of Homer Alaska finds that the passage of HB 415 is in the best interest of landowners allowing use of their land for a recreational activity; and

BE IT FURTHER RESOLVED That the Council hereby expresses its strong support for HB 415 and urges that the Legislature and Governor pass it into law.

BE IT FURTHER RESOLVED by the City Council that this Resolution shall be sent to Governor Frank Murkowski, the Kenai Peninsula Borough Mayor, John Williams, and all Mayors in the Kenai Peninsula Borough and sent to the Alaska Municipal League, Senator Gary Stevens, Representative Paul Seaton, Senator President Ben Stevens, the Speaker of the House John Harris, and the Community and Regional Affairs and Finance Committees.

PASSED AND ADOPTED by the Homer City Council this 13th day of March, 2006.

CITY OF HOMER

ATTEST:

JAMES C. HORNADAY, MAYOR

MARY L. CALHOUN, CMC, CITY CLERK

Fiscal Note: N.A.



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## Liability And Recreational Use Statutes

posted December 11, 2000 by Jason Robertson

American Whitewater has prepared this table with substantial help from the International Mountain Biking Association (IMBA) and the American Association for Horsemanship Safety (AAHS) as a tool for understanding the differences between state recreational use statutes on a national basis. This table is a valuable tool; however it is not the final word on liability law in America. Exercise your own good judgement when using the material and verify the status of your state statutes independently with an attorney before relying on this data.

### What are Recreational Use Statutes and how do they work?

#### Clarification of terms used in this table.

#### Credits and Appreciation.

STATE	YEAR PASSED	DUTY TO DUTY		LIABILITY FOR MISCONDUCT PROTECTION		
		KEEP SAFE	TO WARN	ASSURANCE OF SAFETY	WILFUL/ WANTON	LOST IF FEE CHARGED
<b>Alabama</b>						
<u>Alabama Code §35-15-1</u>	1965, 1981	No	No	No	Yes	No if use of land is non-commercial
<b>Alaska</b>						
<u>Alaska Stat. §09.65.200</u>	1980	Not Specified	Not Specified	Not Specified	Yes	Yes
<b>Arizona</b>						
<u>Arizona Rev. Stat. Ann. §33-1551</u>	1983	Not Specified	Not Specified	Not Specified	Yes	Yes
<b>Arkansas</b>						
<u>Arkansas Stat.</u>	1965,	No	No	No	Yes	Yes, but fees

Rec. Liability by State

<u>Ann. §18-11-301</u>	1983, 1991						from land leased to public agency allowed
<b>California</b>							
<u>California Govt. Code §2-2-3-2-846</u>	1963, 1988	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
<b>Colorado</b>							
<u>Colorado Rev. Stat. §33-41-101</u>	1963, 1970	Not Specified	Not Specified	No	Yes		Yes, but fees from land leased to public agency allowed
<b>Connecticut</b>							
<u>Connecticut Gen. Stat. §52-557(f)</u>	1971, 1990	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
<b>Delaware</b>							
<u>Delaware Code Ann. §7-VI-5901</u>	1953	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
<b>Florida</b>							
<u>Florida State Ann. §XXVIII-375.251</u>	1963	No	No	No	Yes		Yes
<b>Georgia</b>							
<u>Georgia Code Ann. §51-3-20</u>	1965	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
<b>Hawaii</b>							
<u>Hawaii Rev. Stat. §3-28-520-1</u>	1969	No	No	No	Yes		Yes, but fees from land leased to

						public agency allowed
<b>Idaho</b>						
<u>Idaho Code §36-16</u>	1976, 1988	No	No	No	Not Specified	Yes
<b>Illinois</b>						
<u>Illinois Ann. Stat. §745-65-1</u>	1965	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Indiana</b>						
<u>Indiana Code Ann. §14-22-10</u>	1969, 1995, 1998	No, for recreation trails; not specified for other locations.	Not Specified	No	Yes	Yes
<b>Iowa</b>						
<u>Iowa Code Ann. §XI-2-461(C)</u>	1967	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Kansas</b>						
<u>Kansas Stat. Ann. §58-3201</u>	1965, 1988	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Kentucky</b>						
<u>Kentucky Rev. Stat. Ann. §XXXVI-411-190</u>	1968, 2000	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Louisiana</b>						
<u>Louisiana Rev. Stat. Ann. §9-III-V-2-2791 &amp; 2795</u>	1964, 1969	No	No	No	Yes	Yes

**Maine**

<u>Maine Rev. Stat.</u> 1979,	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<u>Ann. §14-1-7-159(A)</u> 1995					

**Maryland**

<u>Maryland Nat. Res. Code Ann.</u> 1957,	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<u>§5-1101</u> 1998					

**Massachusetts**

<u>Massachusetts Gen. Law Ann.</u> 1972	Not Specified	Not Specified	Not Specified	Yes	Yes, but voluntary payments are allowed
<u>§I-21-17(C)</u>					

**Michigan**

<u>Michigan Comp. Laws Ann.</u> 1994	No	No	No	Yes	Yes, but may charge a fee for "U-Pick" crops & not lose immunity
<u>§324.73301</u>					

**Minnesota**

<u>Minnesota Stat. Ann.</u> 1961,	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<u>§604(A)20</u> 1994					

**Mississippi**

<u>Mississippi Code Ann.</u> 1978,	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<u>§89-2-1</u> 1986					

**Missouri**

<u>Missouri §XXXVI-537.345</u>	1983	No	No	No	Yes	Yes
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**Montana**

<u>Montana Rev. Code Ann.</u> 1965,	No	Not Specified	No	Yes	Yes
<u>§70-</u> 1995					

**16-301**

**Nebraska**

<u>Nebraska Rev. Stat. §37-730</u>	1965, 1998	No	No	No	Yes	Yes, except can charge group rates & not lose immunity
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**Nevada**

<u>Nevada Rev. Stat. §41.510</u>	1963, 1995	No	No	No	Yes	Yes
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**New Hampshire**

<u>New Hampshire Rev. Stat. Ann. §XVIII-212-34</u>	1961, 1982	No	No	No	Yes	Yes, but may charge a fee for "U-Pick" crops & not lose Immunity
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**New Jersey**

<u>New Jersey Stat. Ann. §13-1(B)B-15-133</u>	1968, 1984	No	No	No	Yes	Yes
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**New Mexico**

<u>New Mexico Stat. Ann. §17-4-7; §66-3-1013; §16-3-9</u>	1973	No	Not Specified	No	Yes	Yes, but fees from land leased to public agency allowed
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**New York**

<u>New York Gen. Obliq. Law §9-103</u>	1963	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**North Carolina**

<u>North Carolina Gen. Stat. §113(A) 6-95</u>	1987 Trails Act, 1993	Not Specified	Not Specified	Not Specified	Not Specified	Only applies to trails & not other uses of land
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**North Dakota**

<u>North Dakota Cent. Code §53-</u>	1965, 1993	No	No	No	Yes	Yes, but fees from land
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08-1

leased to  
public agency  
allowed

**Ohio**

<u>Ohio Rev. Code</u>	1963,	No	Not	No	Not Specified	Yes
<u>Ann. §XV-33-18</u>	1995		Specified			

**Oklahoma**

<u>Oklahoma Stat.</u>	1965,	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<u>Ann. Title §76-10</u>	1994					

**Oregon**

<u>Oregon Rev. Stat. §105.672</u>	1971,	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
	1995					

**Pennsylvania**

<u>Pennsylvania Stat. Ann. §68-11-477</u>	1965	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**Rhode Island**

<u>Rhode Island Gen. Law §32-6-1</u>	1978	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**South Carolina**

<u>South Carolina Code Ann. §27-3-10</u>	1962	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**South Dakota**

<u>South Dakota Comp. Laws Ann. §20-9-11</u>	1966,	No	No	No	Yes	Yes, but nonmonetary gifts up to \$100 allowed
	1990					

**Tennessee**

Tennessee Code 1988 No No No Yes Yes, but fees from land leased to public agency allowed  
Ann. §11-10-101

**Texas**

Texas Stat. & Codes §4-75.001 1965, 1999 No Not specified No Yes No. Revenue from charges may not exceed 2x prop. taxes

**Utah**

Utah Code Ann. §57-14-1 1971, 1997 No No No Yes Yes, but fees from land leased to public agency allowed

**Vermont**

Vermont Stat. Ann. §10-020-441 & §12-5791 1967, 1993 No Not Specified No Yes Yes

**Virginia**

Virginia Code §29.1-509 1950 No No No Yes Yes, but may charge fees to maintain the land & not lose immunity

**Washington**

Washington Rev. Code Ann. §4-24.200 1967, 1997 Not Specified Not Specified Not Specified Yes Yes, but may charge for cutting firewood & not lose immunity

**West Virginia**

West Virginia Code §19-25-1 1965 No No No Yes Yes  
 Also see West Virginia's Whitewater Responsibility

Act §20-3b-1 to 5

**Wisconsin**

<u>Wisconsin Stat. Ann. §895.52</u>	1963, 1995	No	No	No	Not Specified	No, so long as total revenues don't exceed \$2000 annually
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**Wyoming**

<u>Wyoming Stat. Ann. §34-19-101</u>	1965	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**CLARIFICATION OF TERMS:**

**YEAR PASSED:** When was the recreational use statute passed or modified?

**DUTY TO KEEP SAFE:** Does the owner owe a duty of care to keep their premises safe for entry and use by others for recreational purposes?

**DUTY TO WARN:** Does the owner owe any duty to warn visitors of hazardous conditions, structures, or activities on their property to persons entering for recreational purposes?

**ASSURANCE OF SAFETY:** Does the owner who gives permission to another for recreational activities on their property thereby extend any assurance that the premises are safe?

**LIABILITY FOR MISCONDUCT WILFUL/WANTON:** Does the statute limit the landowner's liability for wilful or malicious failure to guard or warn against known dangerous conditions, uses, structures, or activities?

**PROTECTION LOST IF FEE CHARGED:** Does the statute limit the landowner's liability for injuries suffered in any case where access permission is granted for commercial enterprise or profit? In other words, does the landowner lose their protection under the statute if they charge an access fee?

**CREDITS:**

American Whitewater collected the majority of this data via private research, correspondence, and assistance from the following sources:


**KENAI PENINSULA BOROUGH**

144 N. BINKLEY · SOLDOTNA, ALASKA · 99669-7520  
BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS  
MAYOR

**MEMORANDUM**

**TO:** Ron Long, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Milli Martin, Assembly Member 

**DATE:** March 2, 2006

**SUBJECT:** Resolution 2006-027, supporting HB 415 relating to landowners' immunity for allowing use of private land for recreational activities

Alaska currently does not have a statute that clearly protects landowners of improved land from liability for damages sustained from the use of their land for private recreational purposes, including motorized and nonmotorized uses.

A local trails group in Homer worked with Rep. Paul Seaton's office to draft HB 415, a bill to provide immunity to private landowners who allow free recreational uses on their land. It would not apply to commercial recreational uses or cases of intentional, reckless, or grossly negligent conduct on the part of the landowner.

AS 09.65.200 currently gives tort immunity only if the land is unimproved. This proved to be a conundrum for the University of Alaska, in litigation where the court found the issue concerned improved property, i.e. a sledding hill, and therefore denied immunity to the University, under the current statute.

As written, HB 415 will give full tort immunity to private property owners, and greatly assist in encouraging private property owners to allow the public to access their property for recreational uses.

I respectfully request your support of this Resolution.

Thank you.



## Kachemak Heritage Land Trust

315 Klondike Avenue • Homer, AK 99603 • ph: 907-235-5263 • fax: 907-235-1503 • [www.kachemaklandtrust.org](http://www.kachemaklandtrust.org)

February 20, 2006

Representative Paul Seaton  
Capitol Building Room 102  
Juneau, Alaska 99801

Dear Representative Seaton,

I am very pleased to write today to express strong support for House Bill No. 415, as it is currently written, on behalf of the board of directors and membership of Kachemak Heritage Land Trust. After working many years on trails issues primarily in the Homer area, it is wonderful to see your work to provide private landowners with more immunity for allowing increased recreational activity. It is our experience that many landowners would like to allow public access through their lands and while they support trail development and use, potential liability is a common concern.

House Bill No. 415 will make a significant difference in the future development of a strategic network of public trails, enhancing recreational opportunities for both residents and visitors. We see this as a very positive action that will result in improved public health, increased economic vitality for the area, and a wonderful land-use planning tool in the forefront of rapidly increasing residential development.

Thank you very much for your attention to and persistence in this effort. I am pleased to report that we have emailed many of our members to make them aware of your work to bring House Bill No. 415 and have encouraged them to add their support.

Sincerely,

Barbara Seaman  
Executive Director

Preserving, for public benefit, land on Alaska's Kenai Peninsula with natural, recreational, or cultural values by working with willing landowners.



4014 Lake Street, suite 201  
Homer, Alaska 99603  
907-235-8177 ext. 5  
[hswcd@xyz.net](mailto:hswcd@xyz.net)

Rep. Paul Seaton  
Capitol Building, Room 102  
Juneau, AK 99801

Dear Representative Seaton:

During our February 9<sup>th</sup> Board of Supervisors meeting, our board members reviewed House Bill 415, "An Act relating to landowners' immunity for allowing use of land for recreational activity," and expressed strong support for this bill. Our Board unanimously supported your efforts to protect private property owners from frivolous lawsuits that could result from the informal use of trails and property for recreational uses.

Since 2001, the Homer Soil and Water Conservation District has worked with recreational issues on the Kenai Peninsula and have recognized a strong need for greater liability protection for landowners. This bill addresses this need and we are thrilled to see it in the legislature this session.

We would like to highlight that we support this bill in its current state; should any changes be made to the bill's language, we would like to consider any new implications of those changes.

Thanks for your hard work in Juneau, Paul. We appreciate you having your representation and thank you for your work on House Bill 415.

Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Shirley Schollenberg", written in a cursive style.

Shirley Schollenberg  
District Manager

*"To provide education and leadership in the conservation and sustainable use of soil- and water- related resources through cooperative programs that protect, restore and improve our environment."*

**Headquarters:**  
217 2nd Street, Suite 201  
Juneau, Alaska 99801  
(907) 586-2323 FAX 463-5515  
www.alaskachamber.com



**Regional Office:**  
601 W. 5th Ave., Suite 700  
Anchorage, Alaska 99501  
(907) 278-2722 FAX 278-6643

March 21, 2006

Representative Ralph Samuels, Co-Chair  
Representative Jay Ramras, Co-Chair  
& Members of the House Resources Committee  
State Capitol  
Juneau, Alaska 99801

Co-Chairs and Members of the Resources Committee,

The Alaska State Chamber of Commerce supports House Bill 415. Private landowners often play a pivotal role in accessing Alaska's outdoors through leasing or granting permission to use their own private property. This role helps small businesses blossom while providing recreational access for Alaska's burgeoning tourist and adventure activities. Without legal protections new tourist and adventure activities may be limited or threatened altogether. We believe HB 415 will increase business in Alaska by protecting private property owners from the potentiality of far-reaching lawsuits.

Jobs and economic opportunity are limited in many parts of Alaska. HB 415 may have additional benefits by creating opportunities in Alaska's remotest locations. The state chamber encourages your constructive work with regards to HB 415 and we are hopeful that the bill will move through the legislative process.

Best Regards,

A handwritten signature in cursive script, appearing to read "Wayne A. Stevens". The signature is written in dark ink and is positioned above the typed name and title.

Wayne A. Stevens  
President/CEO  
Alaska State Chamber of Commerce

**LESSMEIER & WINTERS**

LAWYERS - LLC

VINTAGE BUSINESS PARK  
3000 VINTAGE BOULEVARD  
SUITE 100  
JUNEAU, ALASKA 99801

MICHAEL L. LESSMEIER  
GREGORY W. LESSMEIER  
SHELDON E. WINTERS

TELEPHONE: (907) 796-4998  
FACSIMILE: (907) 796-4998  
E-MAIL: HW@glm

Via Telefax to 465-3472

February 14, 2006

Representative Paul Seaton  
Alaska State House of Representatives  
State Capitol Room 102  
Juneau, Alaska 99801

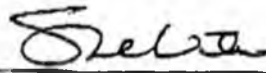
Re: House Bill 415

Dear Representative Seaton:

I am the registered lobbyist for State Farm and am pleased to voice State Farm's support for House Bill 415 relating to landowners' immunity for recreational activity. If there is anything we can do to help or any information we can provide, please let me know.

Sincerely,

LESSMEIER & WINTERS  
Lobbyists For State Farm

By:   
Sheldon E. Winters

SEW/caf

0013-006/Letter to Seaton re HB 415.wpd

Ian Laing

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**From:** Heather Beggs [Director@prattmuseum.org]  
**Sent:** Thursday, January 19, 2006 11:27 AM  
**To:** 'Bruce Hess'  
**Cc:** Ian Laing  
**Subject:** RE:

Hi Ian,

This email is in support of CoHost's draft changes to the liability statute and your revision efforts to that effect. The Pratt Museum supports this effort and is willing to write a more formal letter in the future if necessary. Please let us know how we can be of assistance.

Thank you,  
Heather

Heather Beggs  
Museum Director

Pratt Museum  
3779 Bartlett Street  
Homer, AK 99603  
(907) 235-8635 ext.33/Fax 235-2764  
[director@prattmuseum.org](mailto:director@prattmuseum.org)  
[www.prattmuseum.org](http://www.prattmuseum.org)

Homer Alaska  
2/24/06

Rep. Paul Seaton  
State Capital  
Juneau, AK 99801

Dear Paul,

I am writing in support of H.B. 415

As a lifelong skier and user of trails, downhill facilities, and ski jumps at several places in Alaska and in Minnesota; and as a younger enthusiast I've been aware of the risk and responsibilities of both user and landowner. I believe the proposed legislation would greatly enhance the availability of recreational areas and, at the same time, leave in place protection of both landowner and user.

Thank you for your service to Alaska and your consideration of our particular needs

Respectfully

Meritt Mitchell

77011 Homer

**Ian Laing**

---

**From:** Afish-n-See/Kennedy's [afishnsee@alaska.com]  
**Sent:** Tuesday, March 07, 2006 8:49 AM  
**To:** Rep. Paul Seaton  
**Cc:** cohosts@gmail.com; Molly Brann  
**Subject:** in favor of HB 415

Representative Seaton,

I am a cross country skier and land owner who would benefit from the passing of HB 415. The protection to private land owners that this bill would provide would definitely encourage me to participate. I currently go to great measure to prevent trespassing on my land. Also as a skier who travels to Homer occasionally to ski I am aware that is a big issue there. Many fine trails could be expanded without huge cost if this bill passes.

Thank you for your help to pass HB 415,

Kathryn Kennedy  
P.O. Box 39011  
Ninilchik, Alaska 99639  
907-567-3310  
afishnsec@alaska.com

Ian Laing

---

**From:** Dave and Molly Brann [brann@alaska.net]  
**Sent:** Sunday, March 12, 2006 9:01 PM  
**To:** Ian Laing  
**Subject:** HB 415, Newsletter

Hi Ian,

After a successful Marathon Ski Race from Lookout Mt. to the Baycrest Trails today, 80 participants with a fair number from Anchorage and points north, I just wanted to point out once again the value of HB 415. A good portion of the 30 mile trail crossed private property (with their permission) but each of them was at risk under existing state statutes. After spending 8 hours on a snowmachine seeing to the safety of participants and trail maintenance I came home to read Paul's newsletter.

I fully understand the importance of the oil tax, the mining laws, the Pers/Ters issue but frankly was frustrated by the lack of even the mention of HB 415. A one sentence mention of the bill or a request for an opinion would have been nice. As you know there are a good group of people working hard just to get the bill before the public. A note in the newsletter would lend some credence to that effort.

I know it is a busy time and a busy place and do appreciate all that you do.  
Sincerely,  
Dave Brann

**Ian Laing**

---

**From:** Phylis at Northern Enterprises [kshores@ptialaska.net]  
**Sent:** Friday, January 20, 2006 10:43 AM  
**To:** Rep. Paul Seaton  
**Subject:** trails

January 20, 2006

Good Morning,

I have actively been a member of the Snomad Snowmachine Club here in Homer for 8 years. It is a good organization and supports our community abundantly. I enjoy atv activities of all kind and accept full responsibility for that. I have concerns about public access across private property and the liability issues connected with that. The land owner should not bear the responsibility, ideally the state should. I see this as an action that would insure the trails would stay open to be enjoyed in this great state of ours.

Thank you,

Phylis Tolva

---

FREE Emoticons for your email! [Click Here!](#)

