

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 RES 12729

Lost Opportunities & Uncertainties

- Foregoes Statewide Benefits & Opportunities
 - Can not support additional mineral resource development
 - Can not support AGIA
- Limited Uplands: Facilities must be “Shoehorned In”
- Unknown costs of additional sidings, load-out facilities, and labor
- Social and environmental impacts to Government Hill and Central Mat-Su: coal dust, noise, traffic congestion

Lost Opportunities & Uncertainties

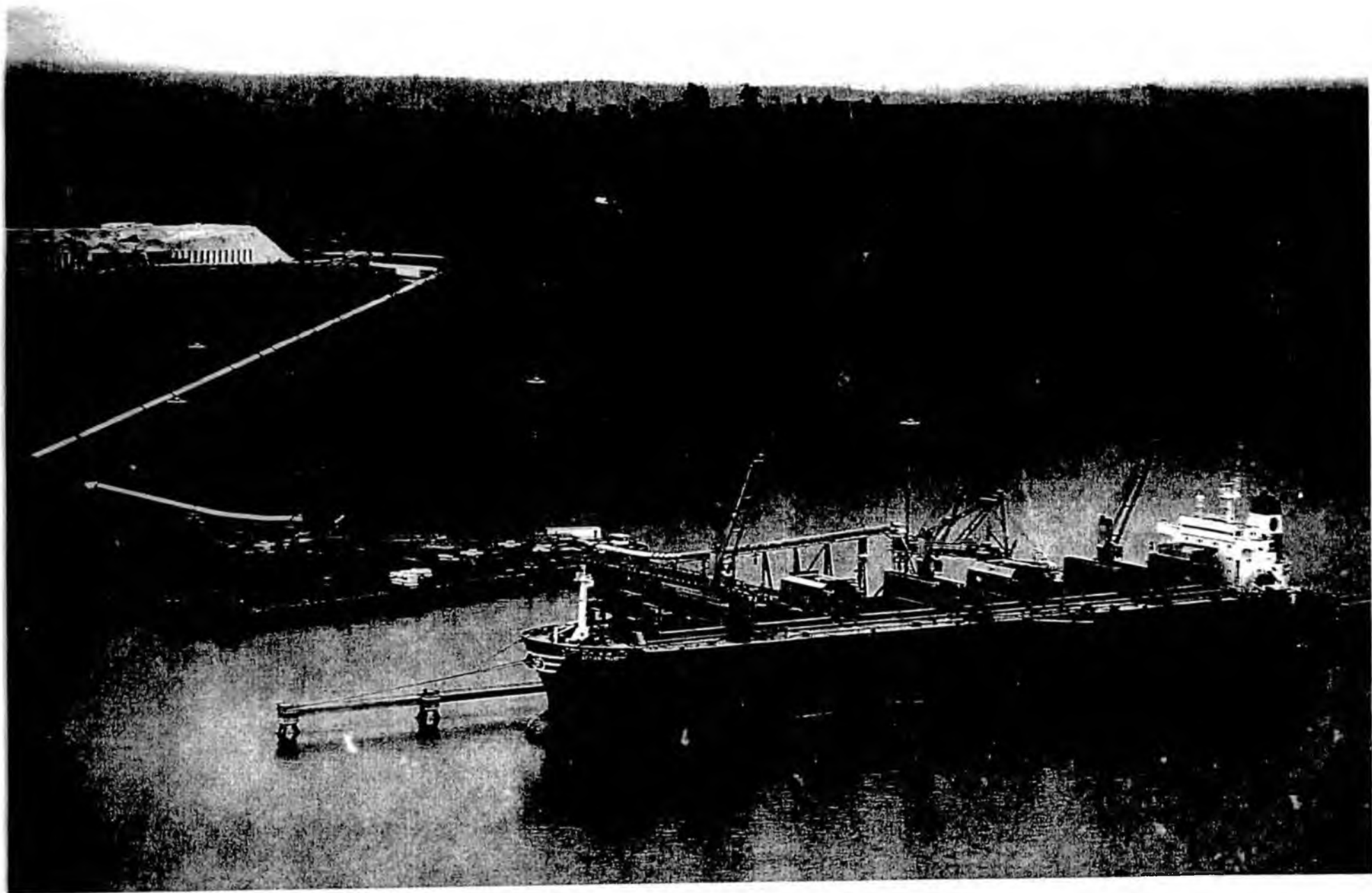
- Aggravates transportation conflicts between rail and auto traffic at Knik Goose Bay Road/Parks Hwy and at 17 other at grade rail crossings (improvement costs ~ \$140M)
- Potential conflicts between containerized cargo and coal
- Reduces ability to provide commuter rail



Rail Line Extension Schedule

- Meets Agrium's Schedule & Alaska's Future -

- Pre-design and Environmental: 2007-2009
- Design: 2008-2009
- Construction: 2009-2010
- Operation: 2011-2012
- Benefits *100+ Years*







MATANUSKA-SUSITNA BOROUGH

Borough Manager

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9688 • Fax (907) 745-9669

jduffy@matsugov.us

April 13, 2007

Representative Bill Stoltze
Alaska State Legislature
State Capitol, Rm 501
Juneau, AK 99801-1182

Dear Representative Stoltze,

Please accept these comments on behalf of the Matanuska-Susitna Borough (Borough) regarding House Bill 229, Kenai Gasification Project – Railroad Bonds. The Borough supports the proposed Kenai Gasification Project and believes its economic feasibility is enhanced through the utilization of Port MacKenzie.

Port MacKenzie will provide significant, long lasting benefits for the proposed Kenai Gasification project, as well as the state. Port MacKenzie has a deep draft dock that does not need annual dredging and can already serve the world's largest ships (Panamax and Cape Class vessels). The Port's upland 8,940 acres and 1,300 tideland acres provides sufficient space for bulk resource storage, transport, and processing like no other port in Alaska. It also has the advantage of not shoehorning facilities into existing confined spaces. This ability eliminates potential land use and transport conflicts that other ports may have. The planned three mile oval rail loop will allow trains to load or unload without breaking up into smaller units or having to turn around.

A rail extension will be required to access Port MacKenzie. This can be accomplished and meet the Kenai Gasification project schedule. Constructing a rail extension to Port MacKenzie will significantly assist the Agrium-Kenai Gasification project, expand employment and the availability of high paying jobs statewide, increase the state's industrial tax base, increase natural resource development, and support natural gas pipeline construction and supply.

Over a 30 year period, it is estimated that a rail extension to Port MacKenzie will save \$257 million in freight costs, as compared to the Port of Anchorage.

In addition to supporting the Kenai Gasification project, utilizing Port MacKenzie makes possible several new resource development projects to develop in Interior and Southcentral Alaska. These projects include strategic minerals such as molybdenum, copper, zinc, and lead,

investor excavation and additional coal export, as well as refined fuel products. Moreover, using Port MacKenzie creates the opportunity to establish a new industry, cement manufacturing.

The use of Port MacKenzie to support the Agrium Gasification project creates numerous state-wide benefits. At the same time, using Port MacKenzie will also eliminate potential conflicting land use controversies that are likely at the Port of Anchorage-Government Hill site. Port MacKenzie will also eliminate costly rail operations caused by the need to "break up" trains in order to access the Port of Anchorage.

Moreover, moving a 100 plus rail car on the established tracks through the already-congested Wasilla-to-Anchorage corridor will cause serious auto/rail conflicts along the numerous at-grade rail crossings in the Borough. The 100-car train will compound the congestion headaches and reduce safety on busy Borough roads, in particular at the Knik-Goose Bay Road and Parks Highway intersection, which is in the fastest growing area of the state. Congestion further erodes any opportunity for commuter rail service between the Borough and Anchorage.

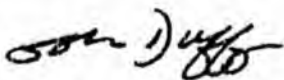
The construction of the rail line will generate over \$350 million in direct, indirect and induced economic output, and over 3,000 jobs (1,700 - 1,900 direct rail line construction jobs). The operation of the new rail line is estimated to generate at least \$2.7 million in wages per year, and between 20 and 35 long term jobs. Associated development projects facilitated and encouraged by the rail line are estimated to generate at least \$56 million in annual economic output.

We can construct the rail line to meet the Agrium schedule to begin operations, as is noted below:

- Pre-Design and Environmental 2007-2009
- Design 2008-2009
- Construction 2009-2011
- Operation 2011-2012

Clearly, Port MacKenzie provides a significantly more reliable and lower risk alternative than the Port of Anchorage. Thank you very much for the opportunity to comment on this important state-wide economic development project.

Sincerely,



John Duffy
Borough Manager

Jody Simpson

From: LoRusso [lorusso@mtaonline.net]
Sent: Saturday, April 14, 2007 9:13 PM
To: Sen. Lyda Green; Sen. Gene Therriault; Sen. Charlie Huggins; Rep. Vic Kohring; Rep. Mark Neuman; Rep. John Harris; Rep. Bill Stoltze; Rep. Carl Gatto
Cc: Cindy Bettine
Subject: FUTURE ECOMOMIC DECISIONS
Follow Up Flag: Follow up
Flag Status: Green

Senators and Representatives,

I have met many of you, if not all of you, at various fundraisers and private functions over the past few years. I have always thought that our best interests are your goal and you have truly represented us. I understand that there has been some discussion about not using a new proposed Port McKenzie to Willow rail route. This would not be in the best interests of Alaskan residents.

The rail link to Port McKenzie will provide for the future of all Alaskans by opening up interior resources currently untapped while providing some relief to the overcrowded scenario soon to develop in the Mat-Su Borough as 50,000 more residents call the Mat -Su home over the next 15 years. The Wasilla rail bypass will never materialize as all of the proposed routes around Wasilla are soon to be densely developed neighborhoods. I know this to be a fact as I am the one who is developing the communities. The cost of relocation will be to high.

Shipping coal through Anchorage to Seward is a short sighted endeavor. We need long term solutions that will benefit all the residents of Alaska and the rail link to Port McKenzie is one of the most important aspects of any statewide plan for long term growth and market stability.

I look forward to seeing all of you again in the near future .

Sincerely,

Gary LoRusso

4/16/2007

Jody Simpson

From: Steve & Marian Charles [mcharles@ak.net]
Sent: Sunday, April 15, 2007 1:02 PM
To: Sen. Charlie Huggins
Subject: Alaska RR/Coal

Attachments: RR Corridor letter to DNR.cwk; ATT1561885.txt



RR Corridor letter to DNR.cwk ...
ATT1561885.txt
(160 B)

Dear Senator Huggins,

I fully support the Alaska Railroad's decision to ship Healy coal to the Kenai via the Anchorage port.

There is absolutely no need to build a \$278 million spur when the infrastructure to Anchorage is already there. It will be a long time before the NEPA process is carried through.

In addition, the Willow community has spoken out against the proposed railroad corridor from Willow to Pt. McKenzie as shown the below. This letter was passed through the Willow Area Community Organization in February.

Jody Simpson

From: jeffnpj [jeffnpj@mtaonline.net]
Sent: Sunday, April 15, 2007 11:06 AM
To: Sen. Charlie Huggins
Subject: Please support the new rail spur from the MSB Port to Willow. This link is needed for AK RR.
Thanks. Jeff Ross 232-0321

Jody Simpson

From: jay [jaynolfi@mtaonline.net]
Sent: Saturday, April 14, 2007 4:23 PM
To: Sen. Lyda Green; Sen. Charlie Huggins
Subject: Rail Extention EIS

Senators Green and Huggins, it's not often I get excited about projects in the Mat-Su Borough, but the development of Port MacKenzie is thee one most important project I hold dear to my heart. Not because I have followed the construction from its inception, but because of the potential tremendous impact it can make not only for the Borough, but throughout the State of Alaska.

With the railroad extension to the Port, a whole new world of natural resources will become accessible to allow the development of everything from coal to zinc, copper, and lead, to mention a few. I need not tell you what a valuable impact this would have on the State of Alaska

The wisest and best interest of the State is to award the \$15 million EIS to the Mat-Su Borough. Why?

- 1. We have the space. Almost 9.000 acres. Anchorage would create extreme traffic congestion since they have precious little space, which in turn would bring about very serious safety problems.**
- 2. Conflicting uses between the POA and Government Hill residents could be resolved.**
- 3. Millions of dollars in savings over the years on freight costs accessing the Agrium/Kenai Gasification project.**
- 4. Planning ahead to reduce the damage which could occur as a result of a natural disaster, earthquake, terrorism or fire. More costly destruction if all facilities are located in one area.**

I could go on and on but I'm sure you know all the reasons why the EIS should be awarded to the Mat-Su Borough.

Since the Alaska Legislature controls the purse strings for all Alaska, I feel the time is now for the Borough's Port MacKenzie to become a major player by starting with the grant of the \$15 million EIS.

**Jay Nolfi
P.O. Box 520309
Big Lake, Ak 99652
jaynolfi@mtaonline.net
Phone: 892-6356**

Jody Simpson

From: Robert Chlupach [rchlupach@mtaonline.net]
Sent: Saturday, April 14, 2007 9:43 AM
To: Sen. Charlie Huggins
Subject: Rail Spur Pt. McKenzie to Willow

Dear Senator Huggins.

My wife and I are adamantly opposed to consideration of this rail spur as it would destroy the integrity of the rural Willow area lifestyle; the incredible impact to sensitive wetlands, anadromous streams, wildlife and fish (sport caught salmon, resident rainbow trout and grayling). Willow Creek itself supports one of the most popular road system sport fisheries on larger than average rainbow trout and grayling. In addition the rail corridor would negatively impact the multitude of summer and winter recreationalists along this corridor that spend significant amounts of money to recreate in this area, negatively affecting a major source of income for local people.

The Mat-Su Borough violated their own codes on numerous occasions in the public notification process not to mention illegal voting done in the decision process by the Mat-Su Borough Assembly by selecting a rail corridor site from Willow to Pt. McKenzie. Code violated was MSB Code 23.05.025 (F).

The "Rail Corridor Study" by Tryck, Nyman and Hayes, adopted by the MSB as part of the MSB Comprehensive Plan in 2003 states: "The railroad associated with Corridor 3 will represent a significant change in the nature of the area and likely interfere with valued aspects of rural living (for example recreational values like trails, and quiet and solitude)". The letter of opposition submitted by the Willow Area Community Organization (WACO) states "Having two railroad lines running through one small community will have undue hardship on residents. Many homes will be displaced and dreams destroyed. Unfortunately, many residents will be disrupted from two different directions. This "surround sound" for their homes is not what was intended when they moved here and will diminish property values and quality of life." In short, it will destroy the dreams of those who choose to live in Willow despite its rural location. To residents, the remote quality of life is worth the commute. This corridor would kill that.

State Parks at both Willow Creek and Nancy Lake will significantly be affected. Both are filled to the gills with people during the summer season camping and fishing, and winter skiing, snowmobiling and dog mushing. In fact, the use of these facilities is frequently akin to "standing room only".

In winter, as witnessed by huge trail usage of groomed trails in the Willow area, this rail corridor would significantly impact those folks with lodges and other vendors who depend on winter traffic, not to mention cabin owners and day trippers whose range is very locally oriented.

Also, the start of the Iditarod Trail Sled Dog Race would be tragically impacted, since development in the Wasilla, Knik, and Big Lake areas have literally forced the start of the race "away from historical Knik" which once served as not only a main supply stop prior to going to the Iditarod "gold fields" but more contemporarily the lack of the race going through Knik, period. Do we too soon forget Joe Redington Sr., Vi Redington, Von and Dorothy Page, Ed Carney, and Al Hibbard who often mortgaged up their own properties to see this race come off? Not to mention the unparalleled economic benefit the entire Southcentral region of Alaska derives from the race annually. And too, not to mention the enormous publicity the State of Alaska gets under the guise of tourism summer and winter. Do we really want to continue to mess with that?

Last, the borough has not developed any concrete uses for this spur. It is all speculative at this time. Any process should be delayed until they have their ducks in a row - REAL ducks, not potential ones. The cost to the state and taxpayers is too huge to push this forward based on "maybe's". This state does not need more negative publicity on how it spends its federal and state dollars.

In summary, there are too many negative factors to give this process any credible air time.

Respectfully submitted,

4/16/2007

Bob Chlupach and Sharon Kosmalski
PO Box 931
Wilow AK 99688
907-495-7206

Jody Simpson

From: Jim Faiks [alaskapaca@matnet.com]
Sent: Saturday, April 14, 2007 8:35 AM
To: Sen. Charlie Huggins
Subject: Fw: Railroad line to Port Mackenzie

----- Original Message -----

From: Jim Faiks
To: senatorcharliehuggins@legis.state.ak.us
Sent: Saturday, April 14, 2007 8:28 AM
Subject: Fw: Railroad line to Port Mackenzie

----- Original Message -----

From: Jim Faiks
To: senator_charlie_huggins@legi
Sent: Saturday, April 14, 2007 7:46 AM
Subject: Railroad line to Port Mackenzie

Hi Charlie,

I appreciate your willingness to serve in the legislature, we need good people in Juneau making decisions for us. I hope you can get things wrapped up soon so you can come home.

I think that there is a real long term benefit of extending the rail line to Port Mackenzie from Willow. I don't think the proposal to run huge amounts of coal through downtown Wasilla (the fastest growing area of the state, and into downtown Anchorage (which is space challenged) is a good plan.

Sincerely,
Jim Faiks

Jody Simpson

From: Leone [leone@mtaonline.net]
Sent: Friday, April 13, 2007 4:38 PM
To: Rep. Mark Neuman; Sen. Charlie Huggins; Sen. Lyda Green; cindyb@pobox.mtaonline.net
Subject: The Valley needs the Spur
Attachments: leone.vcf

In response to "The Rail Road Bonds Could Bail Out Agrium in Kenai".

I am thoroughly disgusted that the rail road does not want to build a spur from Willow to Pt. Mackenzie. It makes perfect sense to build the Spur as it would relieve the heavy train traffic going through downtown Wasilla, it would give Port MacKenzie the transportation which it so badly needs to build up the industry in the Port area, and along with all that would come more jobs and growth for the Valley. Anchorage has no more room to grow yet they keep trying to cram more stuff into that bowl. It just does not make any good sense to drop the Spur and put more money into the Anchorage Port. Just more bureaucratic BS is what it is.

So, the State can authorize the rail road to sell bonds in the amount of 2.6 billion to relieve Agrium of their troubles, yet, at the same time they are kissing off the Spur from Willow to Pt. MacKenzie which in effect retards the growth and economy of the Valley.

Why is it that although in the Valley we have the fastest growing population yet the State continues to blow us off as if we didn't exist! There is already WAY too much rail traffic going through Wasilla. It is only a matter of time before one of those trains hits somebody on Knik road or one of the other OVER USED roads in the area. Then to add insult to the injury the Rail Road and State are robbing our Valley of the jobs that would be provided as an out come of the Rail Road putting a spur from Willow to Pt. Mackenzie.

I implore you to PLEASE DO something about this injustice. If they don't want to build the spur then may I suggest that Agrium doesn't need to be bailed out of their troubles either?

What do we have to do to get the help and attention that our part of the state needs?

Just more Valley trash, I guess.

Leone Harris
907-775-0226

Jody Simpson

From: Krug [tkrug@gci.net]
Sent: Friday, April 13, 2007 7:45 PM
To: Rep. Bill Stoltze; Rep. Carl Gatto; Rep. John Harris; Rep. Mark Neuman; Rep. Vic Kohring; Sen. Charlie Huggins; Sen. Gene Therriault; Sen. Lyda Green
Cc: Cindy Bettine
Subject: South-Central Alaska Rail Line Extension from Willow to Pt. Mac

Alaska needs to support funding of this route. Ultimately, it will reduce the freight time between Anchorage and Fairbanks and there won't be a need to exchange the train engineers because they went over their time limits. This would also free up the tracks from Wasilla/Palmer and make those tracks more eligible for a commuter train. This would be more beneficial than adding two extra lanes to the Glenn Highway to Anchorage. At the rate we are developing and poor planning, commuters will eventually have to park at parking garage in Eagle River and take a bus into Anchorage. A simillar situation has occurred in Mlnneapolis. Please don't create any more poor planning mistakes.

4/16/2007

Jody Simpson

From: Debra McGhan [debra@naoiak.org]
Sent: Saturday, April 14, 2007 8:59 AM
To: Rep. Bill Stoltze; Rep. Carl Gatto; Rep. John Harris; Rep. Mark Neuman; Rep. Vic Kohring; Sen. Charlie Huggins; Sen. Gene Therriault; Sen. Lyda Green
Cc: Cindy Bettine
Subject: Support of the Willow to Pt MacKenzie rail spur

As a 28 year resident of the Mat-Su Borough, I recognize the critical need for developing diverse, economic projects that are environmentally smart and will help to sustain the Mat-Su Valley and the state of Alaska for generations. I believe a rail spur from Willow to Pt. MacKenzie makes sense on many levels. It will alleviate concerns about increased rail traffic through the already busy downtown Wasilla corridor and the rapidly growing Knik-Fairview community area. I believe this rail extension will provide the most efficient system and route for transporting goods and products to the developing tidewater port at Pt. MacKenzie making projects like the Agrium plant in Kenai more viable as well as contribute to the Matanuska Susitna Borough economy, tax base and employment, ultimately benefiting all residents of Alaska.

Thank you for your consideration and support of the Willow to Pt. MacKenzie rail extension.

Debra McGhan
NAOI President
907-376-2898
www.besnowsmart.org

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No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.446 / Virus Database: 269.4.0/759 - Release Date: 04/12/2007 7:58 PM

Jody Simpson

From: jay [jaynolfi@mtaonline.net]
Sent: Sunday, April 15, 2007 12:45 AM
To: Sen. Lyda Green; Sen. Charlie Huggins
Subject: Fw: Rail Extention EIS

Sorry, I know the dollar amount is \$12 million for the EIS, but I've always been taught to ask for more because your chances of getting what you need are much better. Ha. Jay

----- Original Message -----

From: jay
To: Senator Lyda Green ; Senator Charlie Huggins
Sent: Saturday, April 14, 2007 4:22 PM
Subject: Rail Extention EIS

Senators Green and Huggins, it's not often I get excited about projects in the Mat-Su Borough, but the development of Port MacKenzie is thee one most important project I hold dear to my heart. Not because I have followed the construction from its inception, but because of the potential tremendous impact it can make not only for the Borough, but throughout the State of Alaska.

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I could go on and on but I'm sure you know all the reasons why the EIS should be awarded to the Mat-Su Borough.

Since the Alaska Legislature controls the purse strings for all Alaska, I feel the time is now for the Borough's Port MacKenzie to become a major player by starting with the grant of the \$15 million EIS.

**Jay Nolfi
P.O. Box 520309
Big Lake, Ak 99652
jaynolfi@mtaonline.net
Phone: 892-6356**

4/16/2007

Members of the Alaska State Delegation and the Resources Committee:

I am writing to encourage **you to oppose HB229**-Kenai Gasification Project-Railroad Bonds.

I ask your support of the Willow to Pt. MacKenzie rail extension. I am very concerned about the increased rail traffic through downtown Wasilla and the previous plan to route the rail around Wasilla through the residential communities of Knik Fairview. This growing area can barely handle the road traffic now present and struggles for funding for its need for infrastructure.

The idea of the Alaska State Railroad getting involved for the benefit of Agrium is just absurd! It is my understanding this is new ground for the Alaska Railroad to traverse and one not legally tested before ; i.e. the selling of tax free bonds to a private corporation meaning Agrium.

As far as Agrium goes it is my understanding when Agrium bought the fertilizer plant from the previous owners there were monies set aside during the purchase to subsidize the so-called inexpensive natural gas. Now Agrium claims they need a bail out or they pack up and leave.

Once again the State of Alaska is letting itself be daggled by the threat of leaving if the subsidies for a private corporation are not paid, sounds familiar. Even Agrium at this time is an uncertain and even if this coal gasification plant will work as they are clearly still in the studying stage.

The valley currently has a project that so desperately needs to go forward, the Port MacKenzie Marine Port and Industrial Complex. Now the Alaska Railroad wants to jerk the rug out from under the Port MacKenzie Marine Port and Industrial Complex by taking away one of the key components that have been worked on so long and hard by some of our best state and borough Legislators. That just does not make sense. Too add more traffic to the Anchorage Port and to modify an existing area to handle a new operation that is already over taxed in usage just does not make economical sense.

Please think long and hard on your decisions. I hope you can support the fastest growing area of Alaska and not support HB229.

Thank You

William "Houston" Snyder

PO Box 521595
Big Lake, AK 99652

houston4@mtaonline.net

Jody Simpson

From: jmoses@jerrymoses.com
Sent: Friday, April 13, 2007 3:36 PM
To: Sen. Charlie Huggins
Subject: Railroad's change of plans

Senator Huggins,

I am concerned with the railroads plans to run coal trains through Wasilla to the port of Anchorage in order to ship coal to the Agrium plant on the Kenai. I strongly support having those railroad cars travel on a spur to Port McKenzie, not only for the economic benefit to the valley, but also because it will have the least amount of negative impact to Wasilla and the Knik Fairview area as the trains rumble through our area. I support the following resolution;

**A RESOLUTION OF VALLEY BOARD OF REALTORS SUPPORTING THE
EXTENSION OF THE SOUTHCENTRAL RAILROAD LINE FROM WILLOW TO PORT MACKENZIE**

Whereas, a bulk natural resource development and export is important to the economy of the Fairbanks North Star Borough, the Denali Borough and the Matanuska Susitna Borough and the state of Alaska and;

Whereas, the Matanuska Susitna Borough has invested in infrastructure that has jump started development of a viable endeavor, Port Mackenzie, that will be beneficial to all Alaskans;

Whereas, Port MacKenzie with its 8940 acres of industrial development lands and deep draft dock is a developing port with potential for bulk natural resources transport and;

Whereas, the shipment of Interior Coal, Timber, Limestone, Oil and Gas and other bulk commodities will become less costly.

Whereas, Port MacKenzie is 26 miles closer to Tide Water than Anchorage, 89 miles closer than Whittier and 147 miles closer than Seward.

Whereas, Port MacKenzie is capable of handling panamax and cape size vessels and;

Whereas, a shorter distance to tide water will make resource development in Interior and South-central Alaska more economical by lowering transport cost.

Whereas, the rail extension provides a more efficient system for transporting coal to tidewater and thus will likely make the Agrium Kenai project more feasible, which will benefit the Kenai Borough as well as the rest of Alaska.

Whereas, the economic activity will contribute to the Matanuska Susitna Borough economy, tax base and employment.

Now therefore, be it resolved that the Valley Board of REALTORS strongly supports the Southcentral Alaska Rail Line Extension from Willow to Port MacKenzie and recommends funding for the Environmental Study necessary to expedite construction of the Rail Line Extension.

Thank you for listening and thank you for your support of the many issues important to our valley and to the State of Alaska overall.

Jerry Moses

Jerry Moses CRS, CRB, ABR

Dir: 907-352-1808

Cell: 907-232-1578

Fax: 907-376-5471

E-mail: jmoses@jerrymoses.com

Prudential Jack White Vista Real Estate Inc.
865 N Seward Meridian Pkwy Suite 200
Wasilla, AK. 99654

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4/13/2007

Jody Simpson

From: Julie Nolen [valleybd@mtaonline.net]
Sent: Friday, April 13, 2007 1:47 PM
To: Rep. Bill Stoltze; Rep. Carl Gatto; Rep. John Harris; Rep. Mark Neuman; Rep. Vic Kohring;
Sen. Charlie Huggins; Sen. Gene Therriault; Sen. Lyda Green
Cc: 'Cindy Bettine'
Subject: Support the Willow to Pt. Mackenzie railroad extension
Attachments: Resolution.pdf

To Whom It May Concern:

Attached is a cover letter and resolution from the Valley Board of REALTORS in support of the railroad extension from Willow to Pt. Mackenzie.

If you have any questions please contact the Valley Board of REALTORS President, Russell Joyce, 376-7804

Thank you,

Julie Nolen
Executive Officer
Valley Board of REALTORS®
907-376-6859
valleybd@mtaonline.net



Valley Board of REALTORS®

1075 Check St. #102
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Fax 907-376-5081

April 13, 2007

Alaska Legislative Delegation of Mat-Su
Senator Charlie Huggins
Senator Lyda Green
Representative Carl Gatto
Representative Vic Kohring
Representative Mark Neuman
Representative Bill Stolze
Alaska State Capitol
Juneau, AK 99801

Dear members of the Alaska State Legislature Matanuska Susitna Delegate Body,

Let it be known that the Valley Board of REALTORS who represents 365 Realtors and 99 Affiliate Members, strongly supports the extension of the Southcentral railroad line from Willow to Port Mackenzie.

It is our belief that the railroad extension will provide an opportunity for economic development that will benefit the residents of the Matanuska-Susitna Borough as well as all Alaskans.

Ultimately our need is to develop infrastructure that will enhance resource development. In the immediate future we will have the opportunity to export those resources. In the long term we will be able to develop value added investment opportunities that will change the face of Alaska's economy.

Therefore we feel it is vital to invest in the infrastructure that will propel Alaska as a force that can supply those in need of our abundant resources. We support funding of Environmental Studies that are required to responsibly construct that infrastructure. Investments now will benefit the future for all Alaskans.

Russell L. Joyce
President
Valley Board of REALTORS

Members of the Alaska State Delegation and the Resources Committee:

I am writing to encourage you to oppose HB229-Kenai Gasification Project-Railroad Bonds.

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Please think long and hard on your decisions. I hope you can support the fastest growing area of Alaska and not support HB229.

Thank You

William "Houston" Snyder

PO Box 521595
Big Lake, AK 99652

houston4@mtaonline.net

From Cindy Bettine <CindyB@pobox.mtaonline.net>

Sent Friday, April 13, 2007 10:57 am

To cindyb@pobox.mtaonline.net

Subject Fw: Trouble on our Willow to Pt. Mac rail extention.

Attachments adn.com money Railroad bonds could bail out Agrium in Kenai.htm

74K

Hello All,

I need your help. Read the attachment. For three months now, the Borough has worked with the Denali Borough to promote the state funding for an EIS for the rail spur from Willow to Pt. MacKenzie. This is a critical piece to get the Mat Su Port financially feasible and to provide much needed economic development to the Mat Su Borough. Two weeks ago, the rail road was in favor of building the spur; now it appears they have flip flopped. Please communicate to the state delegation that not only do you support the Willow to Pt. MacKenzie rail extension, you are concerned about the increased rail traffic through downtown Wasilla and the previous plan to route the rail around Wasilla through the residential communities of Knik Fairview. Act this weekend. Senator Huggins is chair of the Resources Committee that is hearing this on Monday. Please copy me in on your email. At the bottom of this email, I have attached a sample copy of a resolution that has been passed by many organization in the Valley.

rep_bill_stoltze@legis.state...

E-mail Address(es):

rep_bill_stoltze@legis.state.ak.us

rep_carl_gatto@legis.state.a...

E-mail Address(es):

rep_carl_gatto@legis.state.ak.us

rep_john_harris@legis.state....

E-mail Address(es):

rep_john_harris@legis.state.ak.us

rep_mark_neuman@legis.state....

E-mail Address(es):

rep_mark_neuman@legis.state.ak.us

rep_vic_kohring@legis.state....

E-mail Address(es):

rep_vic_kohring@legis.state.ak.us

senator_charlie_huggins@legi...

E-mail Address(es):

senator_charlie_huggins@legis.state.ak.us

senator_gene_therriault@legi...

E-mail Address(es):

senator_gene_therriault@legis.state.ak.us

senator_lyda_green@legis.sta...

E-mail Address(es):

senator_lyda_green@legis.state.ak.us

RESOLUTION OF THE GREATER WASILLA CHAMBER OF COMMERCE SUPPORTING THE EXTENSION OF THE SOUTHCENTRAL RAILROAD LINE FROM WILLOW TO PORT MACKENZIE.

Whereas, a bulk natural resource development and export is important to the economy of the Fairbanks North Star Borough, the Denali Borough and the Matanuska Susitna Borough and the state of Alaska and Whereas,

Whereas, the shipment of Interior Coal, Timber, Limestone, Oil and Gas and other bulk commodities will become less costly.

Whereas, Port MacKenzie with its 8940 acres of industrial development lands and deep draft dock is a developing port with potential for bulk natural resources transport and

Whereas, Port MacKenzie is 26 miles closer to Tide Water than Anchorage, 89 miles closer than Whittier and 147 miles closer than Seward.

Whereas, Port MacKenzie is capable of handling panamax and cape size vessels and

Whereas, a shorter distance to tide water will make resource development in Interior and South-central Alaska more economical by lowering transport cost

Whereas, the rail extension provides a more efficient system for transporting coal to tidewater and thus will likely make the Agrium Kenai project more feasible, which will benefit the Kenai Borough as well as the rest of Alaska.

Whereas, the economic activity will contribute to the Matanuska Susitna Borough economy, tax base and employment.

Now therefore, be it resolved that the Greater Wasilla Chamber of Commerce strongly supports the South-central Alaska Rail Line Extension from Willow to Port MacKenzie and recommends 12 million in fund for the Environmental Study.

Cindy Bettine
Mat Su Borough Assembly
892-8877

Jody Simpson

From: Darcie Salmon [kingfish@alaska.net]

Sent: Friday, April 13, 2007 4:16 PM

To: Sen. Charlie Huggins

Follow Up Flag: Follow up

Flag Status: Green

Dear Senator Huggins,

I am writing today to request, as a constituent that the legislature continue its support of the Pt. MacKenzie to Willow railspur. I think this is an intregal piece of the economic and transportaion puzzle that will go a long way in satisfying the state of Alaska's infrastructure needs.

Sincerely,

Darcie K. Salmon

Jody Simpson

From: Cross Creek, Inc. [cci1@wwdb.org]
Sent: Monday, April 16, 2007 11:05 AM
To: Sen. Gene Therriault; Sen. Charlie Huggins; Rep. Mark Neuman; Rep. John Harris; Rep. Carl Gatto; Rep. Bill Stoltze; Sen. Lyda Green; Cindy Bettine; Rep. Vic Kohring
Subject: ARR Spur to Point MacKenize
Follow Up Flag: Follow up
Flag Status: Green

Yes

To All:

Because I think this is so important to the Valley I felt I need to weigh in on this issue. My family and I strongly support an Alaska Railroad Spur from the Willow/Houston area to Point Mac. This may seem a little self serving in that the ARR proposed route around Wasilla is within 300 feet of our home and would split property we own in two, but I would still be in favor even without that proposal. The proximity of the Rail never has bothered me. As those of you that know me are aware, I lived 7 years in Talkeetna with the tracks only 250 feet away from the house and now have the tracks only 2200 feet away. I still never can remember if the train has come or not. So the issue of having it in my neighborhood does not matter to me. What does matter is the continued economic well being of the Mat-Su Valley. My wife and I want our children to be able to afford to live here and not move Outside to support their families. The spur to the Port is one more piece of the puzzle that helps cement that in place.

Please do everything in your power to get the ARR back on board to extending the line to the Port and not rerouting by or going through Wasilla.

Sincerely,

B. H. Tilton
(907) 376-2697
cci1@wwdb.org
Po Box 870948
Wasilla, Alaska 99687

adn.com

Anchorage Daily News

Mat-Su officials dispute best route for Agrium coal**CAN'T AGREE: Mat-Su Borough officials prefer the Port MacKenzie route.**By RINDI WHITE
Anchorage Daily News*(Published: April 14, 2007)*

PALMER -- Shipping coal for the Agrium fertilizer plant through Anchorage, as the company prefers, rather than Port MacKenzie is a bad idea, Matanuska-Susitna Borough officials said Friday.

About 100 coal-filled railcars would run through Wasilla every 18 hours, a pace the railroad would have to keep in order to meet a 3 million-ton yearly quota, said Borough Manager John Duffy and planning director Murph O'Brien.

The railroad currently crosses Mat-Su roads in 17 places, borough staff said.

If the plan to move Agrium coal through Anchorage proceeds, those crossings must be upgraded, Duffy said. A particularly troublesome crossing at Knik-Goose Bay Road alone would cost \$40 million to \$50 million to improve, he said.

"The rest of this borough shouldn't suffer in order for this project to move forward," he said.

The state House Finance Committee approved a bill Friday allowing the Nikiski fertilizer manufacturer Agrium to use \$2.6 billion in tax-free bonds issued by the Alaska Railroad Corp. to build a new coal gasification plant. The company needs the plant to replace its reliance on dwindling natural gas supplies.

Alaska Railroad president Pat Gamble said he prefers to ship the coal through Port MacKenzie, citing its ample space to store and ship coal without the environmental concerns that storing coal at the Anchorage port would raise.

He and Duffy agree a 43-mile Port MacKenzie rail spur would open the doors to resource development in Interior Alaska by lowering transportation costs. Shipping to Anchorage by rail would cost \$41 more per ton than shipping through Port MacKenzie, according to borough-funded studies.

"Yet, today we have no funding for the EIS (environmental impact statement), much less the funding for the entire project. No one has stepped up to that. ..." Gamble said.

Duffy said he believes Port MacKenzie could be ready by 2012.

Duffy and Gamble part ways, however, on whether building a coal-shipping facility in Anchorage would kill any Port MacKenzie rail spur.

"Even if opportunity this time around is missed, we will be able to find a way to build that project," Gamble said.

Duffy disagreed, saying building in Anchorage would waste money and would stop momentum for

the Port MacKenzie spur.

"It's short-sighted and it doesn't consider the statewide benefits," Duffy said.

COSTS EQUATE

Gamble said Agrium wanted an estimate to build a coal gasification plant, a coal storage area, part of a coal-fired power plant and to purchase rail cars and locomotives to haul the coal.

The cost to ship coal from Anchorage to Nikiski is about the same as the cost to ship it from Port MacKenzie, he said.

He said the estimates the railroad provided Agrium assume the Port MacKenzie rail spur is built by 2012. The cost to build that spur, which he estimated at \$278 million, is not included in the overall Agrium project. Neither is the cost, which Gamble could not immediately provide, to build a tipple, railcar turnaround and to address environmental concerns at the Anchorage Port, he said.

The project plans also assume environmental concerns at Anchorage are resolved and that space is available there.

Gamble and Agrium make too many assumptions, said Duffy.

"They've made assumptions about us and they don't seem to consider any types of uncertainty on the Anchorage side," Duffy said. "What about the costs of other improvements that have to take place?"

Daily News reporter Rindi White can be reached at rwhite@adn.com or 352-6709.

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Anchorage Daily News

**Railroad bonds could bail out Agrium in Kenai****GAS: Healy coal hauled through Anchorage would energize fertilizer plant.**By TOM KIZZIA
Anchorage Daily News*(Published: April 13, 2007)*

The Legislature is weighing whether to aid the troubled Agrium fertilizer factory in Nikiski by authorizing the Alaska Railroad to sell \$2.6 billion in tax-free bonds for construction of a new coal gasification plant.

The railroad wants to get involved so it can haul coal from Healy through the port of Anchorage to Nikiski, where it would be turned into gas for making fertilizer. Agrium has had to shut down its Nikiski plant periodically because of a shortage of inexpensive natural gas from Cook Inlet. The fertilizer company has threatened to close permanently unless the situation changes.

A two-year study of coal gasification is under way. Initial findings have been favorable, Agrium officials said, but no final decision has been reached on whether to go ahead.

The new financing plan, which could speed the project along, was unveiled Thursday at a hearing before the House Finance Committee. Only Agrium -- not the state or the state-owned railroad -- would be at risk if the project flops and the bonds can't be paid, advocates said.

The unusual use of tax-free bonds by the railroad requires legislative approval.

In presenting the plan, the railroad said it wants to route the coal trains through Anchorage rather than build a new spur line from Willow to Port MacKenzie, as had sometimes been discussed in the past. The Anchorage port would require new loading facilities, but officials said building a new Mat-Su rail line adds too many uncertainties to the plan.

Several Anchorage Democrats raised environmental questions about the project. They asked about coal dust at the Anchorage port. And they feared that replacing gas with coal in Nikiski would sharply increase carbon dioxide emissions into the atmosphere, contributing further to global warming.

Agrium spokeswoman Lisa Parker told the committee the company plans to build covered loading facilities at the Anchorage port. The company also hopes to inject excess carbon dioxide into existing Cook Inlet oil wells, a proven method of enhancing oil recovery. But Parker said the company could not offer written guarantees on those environmental concerns this early in the planning process.

Finance Committee Co-Chairman Kevin Meyer, R-Anchorage, said the bonding measure deals only with financing and was not the place for adding regulatory requirements.

The bond-authorization bill, HB 229, was introduced by the committee's other co-chairman, Rep. Mike Chenault, R-Nikiski. It was held over by the committee for a further hearing today.

The entire plan rests on the Alaska Railroad exercising a unique, and legally untested, power to

issue tax-free bonds. Alaska Railroad president Pat Gamble said the authority, granted by Congress in the act transferring the railroad to the state, has never been used. The IRS has yet to render an opinion.

"We look at this opportunity with Agrium as a first time to really put this to work for the state," Gamble told the house committee.

Normally, tax-free bonds are issued by governments to build public facilities.

Rep. Mike Hawker, R-Anchorage, asked what benefits the state would be getting in return for what he termed "a \$2 billion subsidy to shareholders of a private enterprise?"

The main subsidy, however, would be coming from the federal treasury, which would not receive taxes on income from investors who purchase the bonds. Those investors count on getting paid back by Agrium's future revenues.

Officials said the benefits to Alaska would include jobs and local tax revenues in the Kenai area, increased coal traffic for the railroad, and an undisclosed fee that Agrium would pay the railroad for use of its bonding authority.

The railroad would use \$600 million of the money raised for new facilities, including new cars and locomotives. The rest would be used by Agrium for the coal gasification plant, which would also generate electricity for Agrium and other Kenai Peninsula users.

Parker said Agrium plans to join with other partners if the decision is made to build the coal gasification plant. The Alberta-based company has dubbed the project Operation Blue Sky. Officials say the new plant could be in operation in five to six years.

Agrium had as many as 300 high-paying jobs at its peak of production in his home district, Chenault said. The company has half as many employees today. After shutting down through the winter months, when demand for gas was high around Cook Inlet, the plant resumed partial operations this week, Chenault said.

Rep. Bill Stoltze, R-Chugiak, seemed crestfallen to hear that the railroad had eliminated consideration of a new spur line to Port MacKenzie, where the Mat-Su Borough is trying to build up a shipping center. He touted the Knik Arm port as "a truly vacant industrial area" and referred to the Anchorage port as "gentrified" and subject to planning and zoning concerns.

"That's an uncertainty I wouldn't want to embrace," Stoltze said.

Anchorage Democrats Harry Crawford and Les Gara pressed the railroad and Agrium on coal dust suppression and carbon dioxide emissions.

"I want to be assured (the project) comes out at the other end like it was described at the beginning," Crawford said.

Reporter Tom Kizzia can be reached at tkizzia@adn.com or in Homer at 907-235-4244.

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Jody Simpson

From: Jason Walsh [walshj73@yahoo.com]
Sent: Tuesday, May 01, 2007 8:28 AM
To: Sen. Charlie Huggins
Subject: HB 229

Senator Huggins,

I expect you to represent the interest of your constituency, the Alaskan public, in your consideration of HB 229. It is archaic of you or any other citizen to not consider capping CO2 emissions from coal plants that exist now or shall be built.

It is an economic fact that curbing CO2 emissions from factories and coal burning plants has no negative impact on business. Companies will do what they can to get the biggest bang for their buck. They in no way are looking out for the interest of the local citizens. They are turning a profit for their shareholders.

YOUR JOB IS TO LOOK OUT FOR OUR BEST INTEREST! That means in the case of potential harm you should err on the side of caution and put restrictions on the CO2 emissions from the burning of coal.

Incidentally, there is a plethora of data available that cites mercury fall out from coal burning as the main point for mercury introduction into ecosystems. This is why most of the US cannot eat more than one fresh water fish per week from their local lakes and rivers. If you do not put the onerous of being good environmental stewards on the companies then it falls on the citizens, after the fact. Prevention vs. clean up. I guarantee the company will not stick around to monitor the mercury in our trout and salmon populations. Please, do the research, do the lit review. This is why you were elected. Our best interest is not solely economic.

Thank you for your time. I trust you will champion the people, not the potential investors.

Sincerely,
Jason A. Walsh

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

HB

267

SENATE COMMITTEE REPORT

DATE: 3/4/08

FURTHER:

DATE TURNED
IN TO OFFICE: 3/14/08

Resources Committee considered CS FOR HOUSE BILL NO. 267(RES)

HB 267 WILDLIFE VIOLATOR COMPACT

"An Act relating to authorizing the state to join with other states entering into the Wildlife Violator Compact; excluding commercial fishing and big game commercial hunting services from the provisions of the compact; and directing the initiation of civil actions to revoke appropriate licenses in this state based on a licensee's violation of or failure to comply with the terms of a wildlife resource citation issued in another state that is a party to the compact."

and recommends:

- be replaced with SCS or CS _____ ()
- adopt previous SCS or CS _____ ()
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

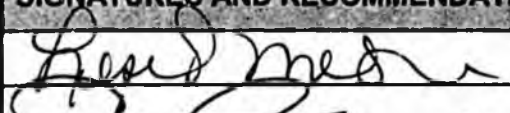

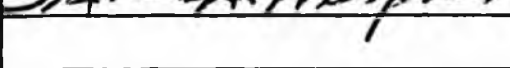

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DFG	2/8			✓	1
DPS	1/10			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	McGuire	✓			
	STEVENS	X			
	WAGNER			✓	
CHAIR: 	Thompson	X			

ALASKA STATE LEGISLATURE

Interim:

716 West 4th Avenue, Suite 640
Anchorage, Alaska 99501
Phone (907) 269-0200
Fax (907) 269-0204
Rep_Craig_Johnson@legis.state.ak.us



Session:

State Capitol Building, Room 126
Juneau, Alaska 99801-1182
Phone (907) 465-4993
Fax (907) 465-3872
Toll-free (866) 465-4993

REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

MEMORANDUM

To: Senator Charlie Huggins, Chairman
Senate Resources Committee

From: Representative Craig Johnson *CJ*

Date: March 3, 2008

Subject: Request for Hearing

I respectfully request that CS for HB 267 (RES), relating to Wildlife Violator Compact be scheduled for a hearing in the Senate Resources Committee. CS for House Bill 267 (RES) will add a very valuable tool to deter serious wildlife violators within the state of Alaska.

Please feel free to contact me, or my aide, Jeanne Ostnes, with questions or thoughts at our main office number of 465-6871.

Alaska State House of Representatives

Interim:

716 W 4th Avenue, Suite 640
Anchorage, AK 99501
Phone: (907) 269-0200
Fax: (907) 269-0204
Toll-Free: (866) 465-4993


Session:

State Capitol, Room 126
Juneau, AK 99801-1182
Phone: (907) 465-4993
Fax: (907) 465-3872

Sponsor Statement from:

Representative Craig Johnson R - District 28

RELEASED: January 8, 2008

CONTACT: Jeanne Ostnes, 465-6871

HB267 - Wildlife Violator Compact

"An Act relating to authorizing the state to join with other states entering into the Wildlife Violator Compact; excluding commercial fishing and big game commercial hunting services from the provisions of the compact; and directing the initiation of civil actions to revoke appropriate licenses in this state based on a licensee's violation of or failure to comply with the terms of a wildlife resource citation issued in another state that is a party to the compact."

Status: (H) RLS >> (H) CALENDAR 2/29 : 2008-02-28

This legislation would allow Alaska to join other states in entering into a Wildlife Violator Compact. The Wildlife Compact (WVC) was created in 1989 when passed into law in Colorado, Utah and Oregon and currently there are 26 states participating in the compact. Ohio will be the 27th state joining in January of 2008. The WVC is an interstate agreement to enhance compliance with the hunting, fishing and other wildlife laws, ordinances and regulations of participating states, while providing for the fair and impartial treatment of wildlife violators.

Compact Benefits for the Consumer:

- Delays and or the inconvenience involved with the processing of a violation are comparable for residents and non-residents of participating states.
- Personal recognizance is permitted in may cases involving wildlife violations. Certain violations and circumstances still require an immediate appearance or bonding.

Compact Benefits for the Agency:

- Wildlife law enforcement officers are able to devote more time to patrol, surveillance and apprehension of violators since they are not burdened with violator processing procedures.
- The burden on courts and jail facilities is reduced because of the decreased case load involving immediate appearances, bonding and incarceration.
- Public relations are improved by not having to subject as many violators to the inconveniences of immediate appearance, bonding or incarceration.

- The numbers of "Failure to Appear" cases are reduced because non-residents cannot ignore a citation from participating states without facing the suspension of their wildlife license privileges in their home state.
- Wildlife law violators are put on notice that their activities in one state can affect their privilege to recreate in all participating states.

###

House Majority Press: <http://www.housemajority.org/spon.php?id=25hb267-294>

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee
Butrovich Room 205
Wednesday, March 12, 2008
3:30-5:30 p.m.

AGENDA

➤ **HB 267 – Wildlife Violator Compact**

Testimony: By Invitation

➤ **Presentation: ENSTAR: Cook Inlet Gas, Contracts and Storage; Bullet Line Discussion**

Gene Dubay, SVP & COO, Continental Energy Systems
Colleen Starring, Regional VP, ENSTAR Natural Gas
Curtis Thayer, Dir., Corporate & External Affairs, ENSTAR
Natural Gas

Teleconference

Testimony: By Invitation

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee
Butrovich Room 205
Tuesday, March 11 2008
3:30-5:30 p.m.

AGENDA

- **SB 267 – Wildlife Violator Compact**
Testimony: By Invitation

- **SB 284 – Board of Fisheries: Membership**
Testimony: Time Limit May Be Set

Teleconference

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee

Butrovich Room 205

Monday, March 10 2008

3:30-5:30 p.m.

AGENDA

➤ **SB 214 – Hunting By Members Of The Military**

Testimony: Time Limit May Be Set

➤ **SB 267 – Wildlife Violator Compact**

Testimony: Time Limit May Be Set

Teleconference

HB 267 Wildlife Violator Compact

March 12, 2008

(heard & held 3/11/08)

(heard & held 3/10/08)

Cover

HB 267 vs O

HB 267 vs M

1. Sponsor Statement

**Explanation: vs M over vs O
Sectional Analysis**

2. Fiscal Notes X 2

3. Support (letters – BOF & BOG, press, etc))

4. PowerPoint & Illustrations

Ak Wildlife Violator Compact

WVC Color Map

States Map

5. IWVC Manual Sept. 06

HB 267 Wildlife Violator Compact

March 12, 2008

(heard & held 3/11/08)

(heard & held 3/10/08)

Cover

HB 267 vs O

HB 267 vs M

1. Sponsor Statement

Explanation: vs M over vs O
Sectional Analysis

2. Fiscal Notes X 2

3. Support (letters – BOF & BOG, press, etc))

4. PowerPoint & Illustrations
Ak Wildlife Violator Compact
WVC Color Map
States Map

5. IWVC Manual Sept. 06

This nonresident poacher from Alabama is posing with an illegal cow caribou. He and his hunting companions took a total of 11 illegal caribou and entirely wasted the meat of 9. If Alaska were a compact member, their hunting licenses would have been revoked in 26 states instead of Alaska only.

ALASKA



HB 267

Wildlife Violator Compact

Representative Craig Johnson

465-6871

CS FOR HOUSE BILL NO. 267(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

**Offered: 2/8/08
Referred: Finance**

Sponsor(s): REPRESENTATIVES JOHNSON, Dahlstrom, Wilson, Buch, Chevalault, Ramras, Fairclough

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to authorizing the state to join with other states entering into the
2 Wildlife Violator Compact; excluding commercial fishing and big game commercial
3 hunting services from the provisions of the compact; and directing the initiation of civil
4 actions to revoke appropriate licenses in this state based on a licensee's violation of or
5 failure to comply with the terms of a wildlife resource citation issued in another state
6 that is a party to the compact."

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

8 * Section 1. AS 16.05 is amended by adding a new section to read:
9 **Sec. 16.05.332. Wildlife Violator Compact.** The Wildlife Violator Compact
10 as contained in this section is enacted into law and entered into on behalf of the State
11 of Alaska with any other states legally joining it in a form substantially as follows:

ARTICLE I

FINDINGS, DECLARATION OF POLICY, AND PURPOSES

1 Section 1. Findings. The party states find that

2 (a) Wildlife resources are managed in trust by the respective states for the
3 benefit of all residents and visitors.

4 (b) The protection of their respective wildlife resources are materially affected
5 by the degree of compliance with state statute, regulation, ordinance, or administrative
6 rule relating to the management of those resources.

7 (c) The preservation, protection, management, and restoration of wildlife
8 contributes immeasurably to the aesthetic, recreational, and economic aspects of those
9 natural resources.

10 (d) Wildlife resources are valuable without regard to political boundaries and,
11 therefore, all persons must be required to comply with wildlife preservation,
12 protection, management, and restoration statutes, ordinances, and administrative rules
13 and regulations of all party states as a condition precedent to the continuance or
14 issuance of any license to hunt, fish, trap, or possess wildlife.

15 (e) The violation of wildlife laws interferes with the management of wildlife
16 resources and may endanger the safety of persons and property.

17 (f) The mobility of many wildlife law violators necessitates the maintenance
18 of channels of communications among the various states.

19 (g) In most instances, a person who is cited for a wildlife violation in a state
20 other than the person's home state

21 (1) must post collateral or a bond to secure the person's appearance for
22 a trial at a later date;

23 (2) if unable to post collateral or a bond, is taken into custody until the
24 collateral or bond is posted; or

25 (3) is taken directly to court for an immediate appearance.

26 (h) The purpose of the enforcement practices described in (g) of this section is
27 to ensure compliance with the terms of a wildlife citation by the person who, if
28 permitted to continue on the person's way after receiving the citation, could return to
29 the person's home state and disregard the person's duty under the terms of the citation.

30 (i) In most instances, a person receiving a wildlife citation in the person's
31 home state is permitted to accept the citation from the officer at the scene of the

1 violation and continue immediately on the person's way after agreeing to comply with
 2 the terms of the citation.

3 (j) The practice described in (g) of this section causes unnecessary
 4 inconvenience and, at times, a hardship for the person who is unable at the time to post
 5 collateral, furnish a bond, stand trial, or pay a fine and, therefore, is compelled to
 6 remain in custody until another arrangement is made.

7 (k) The enforcement practices described in (g) of this section consume an
 8 undue amount of law enforcement time.

9 Sec. 2. Policies. The policies of the party states are to

10 (a) Promote compliance with the statutes, ordinances, regulations and
 11 administrative rules relating to management of wildlife resources in their respective
 12 states.

13 (b) Recognize the suspension of wildlife license privileges of any person
 14 whose license privileges have been suspended by a party state and treat the suspension
 15 as if it had occurred in their state.

16 (c) Allow a violator to accept a wildlife citation, except as provided in
 17 subsection (b) of article III, and proceed on the person's way without delay whether or
 18 not the person is a resident in the state in which the citation was issued if the person's
 19 home state is a party to this compact.

20 (d) Report to the appropriate party state, as provided in the compact manual,
 21 any conviction recorded against any person whose home state was not the issuing
 22 state.

23 (e) Allow the home state to recognize and treat convictions recorded for its
 24 residents which occurred in another party state as if they had occurred in the home
 25 state.

26 (f) Extend cooperation to its fullest extent among the party states for obtaining
 27 compliance with the terms of a wildlife citation issued in one party state to a resident
 28 of another party state.

29 (g) Maximize the effective use of law enforcement personnel and information.

30 (h) Assist court systems in the efficient disposition of wildlife violations.

31 Sec. 3. Purposes. The purposes of this compact are to:

1 (a) Provide a means by which the party states may participate in a reciprocal
 2 program to carry out the policies set forth in section 2 of this article in a uniform and
 3 orderly manner.

4 (b) Provide for the fair and impartial treatment of wildlife violators operating
 5 within party states in recognition of the persons' right of due process in the sovereign
 6 status of a party state.

7 ARTICLE II

8 DEFINITIONS

9 As used in this compact, unless the context otherwise requires,

10 (a) "Citation" means any summons, complaint, summons and complaint, ticket,
 11 penalty assessment or other official document issued by a wildlife officer or other
 12 peace officer for a wildlife violation containing an order that requires the person to
 13 respond.

14 (b) "Collateral" means any cash or other security deposited to secure an
 15 appearance for trial in connection with the issuance by a wildlife officer or other peace
 16 officer of a citation for a wildlife violation.

17 (c) "Compliance" means the act of answering a citation by appearing in a court
 18 or tribunal or the payment of fines, costs, or surcharges, if any.

19 (d) "Conviction" means a conviction, including any court conviction, of any
 20 offense related to the preservation, protection, management, or restoration of wildlife
 21 which is prohibited by state statute, regulation, ordinance, or administrative rule, or a
 22 forfeiture of bail, bond, or other security deposited to secure the appearance of a
 23 person charged with any such offense, or the payment of a penalty assessment or a
 24 plea of nolo contendere, or the imposition of a deferred or suspended sentence by the
 25 court.

26 (e) "Court" means a court of law, including magistrate's court and the justice of
 27 the peace court.

28 (f) "Home state" means the state of primary residence of a person.

29 (g) "Issuing state" means the party state that issues a wildlife citation.

30 (h) "License" means any license, permit, or other public document that
 31 conveys to the person to whom it is issued the privilege of pursuing, possessing, or

1 ~~any~~ taking any wildlife regulated by statute, regulation, ordinance, or administrative rule
2 of a party state.

3 (i) "Licensing authority" means

4 (1) in each other party state, the department or division within the party
5 state that is authorized by law to issue or approve licenses or permits to hunt, fish,
6 trap, or possess wildlife; and

7 (2) in this state, the Department of Public Safety.

8 (j) "Party state" means any state that enacts legislation to become a member of
9 this compact.

10 (k) "Personal recognizance" means an agreement by a person made at the time
11 of the issuance of the wildlife citation that the person will comply with the terms of
12 that citation.

13 (l) "State" means any state, territory, or possession of the United States, the
14 District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or any
15 other countries.

16 (m) "Suspension" means any revocation, denial, or withdrawal of any license
17 privileges, including the privilege to apply for, purchase, or exercise the benefits
18 conferred by any license.

19 (n) "Terms of the citation" means those conditions and options expressly stated
20 in the citation.

21 (o) "Wildlife" means all species of animals, including, but not limited to,
22 mammals, birds, fish, reptiles, amphibians, mollusks and crustaceans, that are defined
23 as wildlife and are protected or otherwise regulated by statute, regulation, ordinance,
24 or administrative rule in a party state. Species included in the definition of wildlife
25 vary from state to state and a determination of whether a species is wildlife for the
26 purposes of this compact must be based on local law. In this state, "wildlife" means all
27 species of fish and game as these terms are defined in AS 16.05.940.

28 (p) "Wildlife law" means any statute, regulation, ordinance, or administrative
29 rule enacted to manage wildlife resources and the use thereof.

30 (q) "Wildlife officer" means any person authorized by a party state to issue a
31 citation for a wildlife violation.

1 (r) "Wildlife violation" means any cited violation of statute, regulation,
 2 ordinance, or administrative rule enacted to manage wildlife resources and the use
 3 thereof.

4 ARTICLE III

5 PROCEDURES FOR ISSUING STATE

6 Issuing state procedures are as follows:

7 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue
 8 a citation to any person whose primary residence is in a party state in the same manner
 9 as if the person were a resident of the home state. The wildlife officer may not require
 10 the person to post collateral to secure that person's appearance, subject to the
 11 exceptions set forth in paragraph (b) of this article, if the officer receives the person's
 12 personal recognizance that the person will comply with the terms of the citation.

13 (b) Personal recognizance is permissible if

14 (1) it is not prohibited by local law or the compact manual; and

15 (2) the violator provides adequate proof of the violator's identity to the
 16 wildlife officer.

17 (c) Upon conviction or failure of a person to comply with the terms of a
 18 wildlife citation, the appropriate officer shall report the conviction or the failure to
 19 comply to the licensing authority of the party state in which the wildlife citation was
 20 issued. The report must be made in accordance with the procedures specified by the
 21 issuing state and contain information as specified in the compact manual as minimum
 22 requirements for effective processing by the home state.

23 (d) Upon the receipt of the report of conviction or noncompliance required by
 24 (c) of this article, the licensing authority of the issuing state shall transmit to the
 25 licensing authority in the home state of the violator the information in the manner
 26 prescribed in the compact manual.

27 ARTICLE IV

28 PROCEDURES FOR HOME STATE

29 Home state procedures are as follows:

30 (a) Upon the receipt of a report of failure to comply with the terms of a citation
 31 from the licensing authority of the issuing state, the licensing authority of the home

1 state shall notify the violator and begin a suspension action in accordance with the
2 home state's suspension procedures. The licensing authority of the home state shall
3 suspend the violator's license privileges until satisfactory evidence of compliance with
4 the terms of the wildlife citation has been furnished by the issuing state to the home
5 state licensing authority. Due process rights must be accorded to the violator.

6 (b) Upon the receipt of a report of conviction from the licensing authority of
7 the issuing state, the licensing authority of the home state shall enter the conviction in
8 its records and consider the conviction as if it had occurred in the home state for the
9 purposes of the suspension of license privileges.

10 (c) The licensing authority of the home state shall maintain a record of actions
11 taken and make reports to the issuing states as provided in the compact manual.

12 ARTICLE V

13 RECIPROCAL RECOGNITION OF SUSPENSION

14 The party states agree that

15 (a) all party states shall recognize the suspension of license privileges of any
16 person by any state as if the violation on which the suspension is based had occurred
17 in their state and would have been the basis for suspension of license privileges in
18 their state.

19 (b) each party state shall communicate information concerning the suspension
20 of license privileges to the other party states in the manner prescribed in the compact
21 manual.

22 ARTICLE VI

23 APPLICABILITY OF OTHER LAWS

24 The party states agree that, except as expressly required by the provisions of this
25 compact, nothing included in this compact shall be construed to affect the right of any
26 party state to apply any of its laws relating to license privileges to any person or
27 circumstance or to invalidate or prevent any agreement or other cooperative
28 arrangements between a party state and a nonparty state concerning wildlife law
29 enforcement.

30 ARTICLE VII

31 COMPACT ADMINISTRATOR PROCEDURES