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REPORT OF SURVEY-INVENTORY ACTIVITIES  
LAND EVALUATION

by  
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## LANDS SECTION

### INTRODUCTION

The land evaluation program experienced personnel changes and a reorganization during this report period.

In January, 1969, the Game Division underwent a reorganization that decentralized its programs. The lands program became two regional programs with lands coordinators in Anchorage (with an assistant) and in Fairbanks (without an assistant).

For this reason, this report is for an 18-month-long period, thereby enabling coverage of the presently adopted reorganization.

Statewide activities centered on land planning, with programs in Regions II and III receiving most emphasis. Much time was spent working with BLM on their classification programs under PL 88-608. Some work was undertaken with the U. S. Forest Service and the Park Service. On the state level, most of our activities centered around reviewing and commenting on development activities on state land for oil and gas or timber. The hunter access program was continued.

Once the emphasis shifted to a Regional outlook the programs narrowed in scope but not in objectives.

### PROJECT ACTIVITIES

#### Federal Agencies

Our cooperation continued with both the Department of the Interior and the Department of Agriculture. Our efforts, again, were oriented toward supplying wildlife data to these large landowners in an attempt to influence their land management programs. The separation of land and wildlife is a narrow one and it is essential that the various agencies have good channels of communication in order that all values are considered when land planning is undertaken.

#### U. S. Forest Service

Revamping of the cooperative agreement is still incomplete. The new draft has been reviewed by both agencies and a joint meeting was held between the Commissioner of Fish and Game and the Regional Forester (with the respective staffs of each). The recommendation resulting from this meeting was to have a four-man committee (two men from each agency) iron out the areas of disagreement and submit these results to the Commissioner and the Regional Forester. A member of the Regional Forester's staff currently has the final draft.

During the report period we were informed that a road and possibly a timber sale was to be located in the Petersburg Creek watershed. This is a high recreational use area--the recreational use being based on the fish and wildlife resources. Harry Merriam and I met with the District Forester to determine the accuracy of our information about the project and to determine the procedures available to us to review and comment. We sent a letter to the Forest Supervisor (as a result of the meeting) and eventually a meeting was held between our Commissioner and the Forest Supervisor. No decision has been reached concerning the final project. It is our contention that this prime recreation area will be lost if the road is built--if timber is sold the multiple use concept has also been sold!

There has been no activity on the part of the purchaser of the 525 million board feet of timber sold on Afognak Island. We are concerned over the impact of this sale on brown bear and elk (winter range). After a recent meeting it was determined that we will again be able to survey the area with the objective of determining the best layout of the first five year allotment to minimize the impact on fish and game species.

The Area Biologist for Cordova, with the management and lands coordinators for Region II, met with the Cordova District Ranger to discuss common objectives and mutual programs for the Copper River Management Area. We are currently revising the agreement and completing program objectives for this key waterfowl area.

#### Bureau of Land Management

A reconnaissance survey was made of the Bornite classification area in August, 1968. In addition to the Bornite Unit we attempted to familiarize ourselves with the land and wildlife of the Brooks Range (both south and north slopes). There is a tremendous increase in activity in this area and it is critical that land use planning be immediately undertaken to assure proper utilization of the land and its resources.

The Copper River Classification was completed in January, 1969. While we strongly oppose the elimination of state selection we recognize the need for these classifications. We have drafted a supplemental cooperative agreement for this area and it is currently being reviewed by both agencies.

Inventory of wildlife-land relationships in the Iliamna Unit continued. This has been a joint effort between the Lands Section, the caribou and sheep programs and BLM. The caribou surveys are complete but more work is planned on bear, moose and sheep.

A continuing inventory program with the ultimate objective of recommending areas for classification is a must. The Lands Program feels that the priority areas are the Alaska Peninsula and the Bristol Bay area that lies between the Wood River-Tikchik Lake State selection and the BLM Iliamna Classification. The other regions must also establish priorities.

Discovery of the immense oil field on the Arctic Slope of the Brooks Range led to an extensive and intensive program on the part of both government and industry to determine the best method and route to move the oil from the ground to the consumer. It was determined that a pipeline running from the Prudhoe Field to a Valdez terminal would best serve all concerned. The Lands Section devoted a great deal of time to coordinating this Region's activities toward review and comment on the route and the method of laying the pipe (above or below ground). The final result was a pipeline impact report (unpublished and undistributed) and the development of stipulations by federal and state agencies. As of this writing, no final action has been taken by the federal landowners nor has construction commenced.

In order to prevent unsightly settlement and general deterioration of the environment adjacent to the pipeline right-of-way, the BLM classified a "corridor" along the entire route. This is a very farsighted approach to an ever increasing problem and the Bureau should be commended.

#### U. S. Fish and Wildlife Service

The land coordinator has worked with the other Region II coordinators on reviewing our objectives on the Kenai National Moose Range. There is a major conflict between the two resource agencies on how the Range should be managed. The Fish and Wildlife Service leans heavily toward a quality or wilderness approach while the Department feels that both quality (wilderness) and quantity (maximum use) can be permitted on the Range through the use of zoning--either time or area.

It is a fact that our land base remains constant. The use of this base increases (both recreationally and developmentally). One way to meet the demands of this increase is through zoning. The Range itself is a type of zoning; that is to say out of all the land on the Kenai Peninsula the Range is "zoned" for wildlife and recreation. We want the Range personnel to subzone within this area. Zoning can be seasonal, i.e., snowmachines after December 1 or after sufficient snow cover; or it can be areal, i.e., the high country between Tustamena and Skilak Lakes will be a wilderness, or it can be a combination of both.

What must be recognized is that all resources must be considered and that the multitude of recreational uses of these resources must be considered. The melding of these concepts will lead to the development of a management plan for the Range.

#### Public Land Law Review Commission

In May, 1969, at the Commissioner's monthly meeting, the Alaska Study was presented for review. Prior to the meeting we coordinated a Departmental review of the study and submitted our comments to the Governor's representative. The cover letter to the Governor's representative is attached as Appendix A.

The study leader attended the May meeting of the Commission along with the Governor's representative and the Director of the Division of Lands. We presented a six point review to the Commission as follows:

1. The Wisconsin Study was poorly done and did not face the issues; however, there was no point in giving an in-depth refutation of the study unless the Commission desired. We felt time would be better spent discussing the issues that needed action.
2. The Native claims must be settled.
3. Alaska deserved a separate study because of the unique role the federal land management agencies would be playing in Alaska for decades to come. We were particularly concerned with maintaining Alaska's current environmental quality. Alaska is unique in this aspect and the current trend of legislation on the national level is one of rehabilitation instead of protection of existing quality. The only conclusion we can make is that Alaska not only needs a separate study but land laws must be specific to our existing conditions.
4. State Selection of land under the statehood grant must take precedence over additional federal withdrawals and should not be excluded from BLM classifications. If the state is put into a position of having to select land to prevent a federal withdrawal then little intelligent planning will go into our selections. If BLM classifications exclude state selection we will not be able to support the classification programs.
5. Public Domain must be classified to protect land values while an overall land use plan (encompassing both state and federal lands) is developed.
6. The Jones Act must be amended because of the undue hardship on Alaska. We realized that this Act did not come under the direct purview of the Commission but we felt it necessary that they be given the opportunity to express a position on it.

During the group discussions of the Alaska study two additional topics were discussed: (a) possible state selection of national forest lands for state timber management; and (b) the role of the federal agencies in the management of Alaska lands (particularly in the field of recreation).

The Commission will not reveal its position on any study topic until they make their recommendations to the President in June, 1970. We, therefore, do not know the final results of our presentation.

In addition to attending the May study session, the study leader attended the September meeting on Outdoor Recreation, Trespass and Federal Jurisdiction. The purpose of attending these sessions was to again emphasize Alaska's needs in general and to specifically discuss recreation programs and trespass problems. My presentation before the Commission is found in Appendix B.

### Corps of Engineers

We again reviewed Corps permits on state tidelands recommending changes where needed.

### Federal Water Pollution Control Administration

No new projects were undertaken. Continuous dialogue on potential and actual pollution problems took place during this report period.

### National Park Service

The major effort with this agency was to review park creation and expansion projects. We heard of these programs through the news media and attempted to work through the Service to define the actual projects. We were rarely successful; however, as of this writing the following proposals were in the wind or had taken place:

- a. Katmai National Monument was expanded by 94,000 acres. We opposed this expansion on the grounds that it included high-use moose hunting areas and we felt it exceeded the provisions of the Antiquities Act. The expansion was finalized in January, 1969.
- b. Representative Saylor introduced a bill to expand Mount McKinley Park by 2,000,000 acres. The expansion was to the south. No action has been taken as yet.
- c. Representative Saylor introduced legislation to create a National Park in the Brooks Range. No action has been taken yet.

## STATE AGENCIES

### Department of Natural Resources

The Department of Natural Resources, through its Division of Lands, is the land managing authority on state lands. The Lands Section, therefore, spends a great deal of time working with this agency in land-wildlife programs.

Perhaps the greatest involvement between our two departments centers on state timber sales and oil/gas developments. In the report covering lands activities from July 1, 1967 to June 30, 1968, I discussed the cooperative program we have developed on timber sales. During this report period we have continued to enjoy a very close, cooperative relationship. This program stands as the shining example of how two agencies should coordinate activities.

Oil and gas development increased in importance during this report period with the development on the Arctic Slope. We are suffering from

the rapidity with which industry can develop an area and from the lack of application and enforcement of state land regulations. Much of my effort this past period has been centered on the development of solid land use regulations which would permit flexibility of management simultaneously with sound land practices. Our success rests on the application and enforcement of the upcoming "Miscellaneous Land Use Regulations." Hopefully, the next report period will show improvement.

We also entered into an agreement with Natural Resources on delineating and managing land classified as "Resource Management." At this writing no areas have been delineated which are critically important to fish and wildlife. Our efforts on this program are toward such a classification and mutual agreement for the wetlands on the west side of Cook Inlet. This is being complicated by third parties--the boroughs. We have also outlined other critical areas but with the Native claims before us we have taken no official action.

A three-phase joint program was commenced during the summer of 1969 to study and develop a recreation program for the Wood River-Tikchik Lakes area. The initial phase consists of resource delineation. This phase should be concluded by winter of 1970.

#### Department of Highways

Major highway projects that may effect fish and wildlife and their habitat continue to be reviewed by the Lands Section. We worked on three proposals in some detail (Anchorage-Fairbanks; Potter Flats and Kenai River bridge). In addition, we coordinated department review in all others.

Our recommendations on the Kenai bridge location were disregarded because ownership of lands in question was vested in the city of Kenai. The Potter Flats recommendations were also disregarded because the lands were in no way dedicated to wildlife, and finally our review of the Fairbanks-Anchorage route is continuing.

#### Attorney General's Office

This is the first reporting period that we have been involved to any extent with the judicial branch of the state. In addition to working through them on the Public Land Law Review Commission we were also deeply involved with them in a law suit involving blockage of public access.

This episode has become known as the "Burma Road case." What was involved was the blockage of a road by a group of homesteaders. The road passes through excellent game habitat and allows access to sport fisheries of high value--in short, it is a key public access corridor. It was built in 1953 by the Soil Conservation Service and has been used continuously by hunters, fishermen and general recreationists ever since. The homesteaders are claiming abandonment and lack of maintenance. A decision is due in early 1970. We are prepared, as is the Attorney General's office, to go to the Supreme Court!

## DISCUSSION

As of this writing the Lands Section stands a very good chance of being removed from the Game Division and placed within the Commissioner's office as a part of the Habitat program. In anticipation of this, I made a trip to the states of California, Oregon and Washington to discuss lands programs and organizations. At the conclusion of this junket I submitted the following report:

On March 24, I undertook two weeks of meetings with personnel in the Fish and Game Department of California, Oregon and Washington who work on land acquisitions, management and planning. The remainder of this report will be a discussion of each state's program in these fields.

### California

March 24 and 25 were spent with Dave Zeiner, the leader of the Federal Aid portion of the land planning program for California Fish and Game. The Department of Fish and Game's acquisition program using Federal Aid (PR/DJ) monies has not been active since the early 1950's. Land acquisition is now done through the Wildlife Conservation Board whose duties are to select and authorize the acquisition of land and property suitable for recreation purposes and the preservation, protection, and restoration of wildlife, and to authorize construction of facilities on property acquired. The Board is made up of the President of the Fish and Game Commission, the Director of the Department of Fish and Game, and the Director of Finance plus three members from each house of the legislature. Funding of Board projects is from four sources: \$750,000 annually from the mari-mutuel revenues (guaranteed each year); \$5,000,000 from a 1964 bond issue for park and recreational purposes; Land and Water Conservation Fund (varies each year depending on receipts); and funds from the Anadromous Fish Act. The Board has a staff of three (executive secretary and two field men) plus the services of needed personnel from the Department of Fish and Game.

To date, out of the 242 Wildlife Conservation Board projects, 210 involved fish, 26 involved game and 6 were miscellaneous. The holdback in game projects stems from the high cost of acquisition (200 acres of shore frontage costs \$1.1 million and 65 acres of uplands \$250,000). The total acreage owned in fee by the Department of Fish and Game is 118,245 acres.

On all lands acquired for management areas or shooting areas the state pays the counties a fee in lieu of taxes. The rate is determined at the time of acquisition and has been running approximately \$33,000 each year. An exception to taxable lands are those areas acquired as "Ecological Reserves." These lands are inviolate sanctuaries to preserve habitat for rare and endangered species. The Nature Conservancy was helped out in the acquisition of several of these areas.

All lands acquired from the state are school lands and are purchased at the fair market value.



In addition to the land acquisition program, the Department also participates in management of military, BLM and federal refuge lands.

Prior to the Classification Act of 1964 the State Fish and Game Department would request the Federal Aid people to withdraw fish and wildlife lands from BLM and transfer these lands to the state. There are 11 such National Cooperative Land and Wildlife Management Areas in California ranging in size from 306,422 acres (Monache-Walker Pass) to 4,620 acres (Yolla Bolly). With classification this program has stopped and in its place is a general cooperative agreement with BLM calling for coordinated planning.

Classification by BLM is about complete in California. It is the feeling of some Department personnel that the classification program has fallen short of the needs of the state. The main problem with BLM lands is the scattered or segmented ownership. A great deal of BLM lands are in 40-acre parcels, well scattered throughout the state (the only big manageable unit is desert land). The Department had hoped that classification would pull together larger blocks of BLM land, through exchange of public lands for private land, and make management of the land and its dependent resources possible. This has not been the case.

On military lands the Department of Fish and Game enters into cooperative agreements to manage areas for fish, wildlife and recreation. The success is dependent on the size of the area (the bigger the better) and the attitude of the Commanding Officer. The Department feels that their management on some military lands is the best example of progressive management in their state.

On most federal refuges the state regulates the hunting of small game, upland birds and waterfowl and the federal personnel regulate the big game and fishing (as is the case in most federal refuges, the Federal Government retains the power to control entry on the refuge lands).

In addition to land programs we also discussed general fish and game operations. They are somewhat hampered in their management programs by legislative interference, witness the infamous "Bush Bill" whereby the County Board of Supervisors in several counties, have to approve all antlerless deer hunts.

Waterfowl habitat is fast becoming a thing of the past in California. There are approximately 550,000 acres of prime waterfowl habitat left in the state. Of this, 30,000 acres is in private ownership (duck clubs), 200,000 acres under federal jurisdiction and the remaining 50,000 acres under the state.

As far as organization of the "lands program," there is only one man in the Department plus the Wildlife Conservation Board. Monies are mixed federal aid, state funds, and bonds. There does not seem to be any real conflict in funding.

Of considerable importance was the general topic of "maintenance" on Department acquisitions. On most fish access sites agreements have been entered into with the counties to maintain the sites. On wildlife management areas and recreation areas the resident personnel maintain the areas. There is no question that maintenance is costly and should be a consideration in any acquisition program of any agency.

The California portion of the trip was valuable in that it provided an opportunity to see an acquisition program handled by a board separate from the Department and the absolute critical need for early acquisition of land for key habitat prior to heavy public demand. Also seen were the problems involved after acquisition; and the value of our land management agreements with the BLM and our own Department of Natural Resources.

### Oregon

Three days were spent in Portland meeting with A. V. Meyers, Chief of the Oregon Game Commission's Land Section, with Bob Fischer and Jim Ashly of the Federal Aid staff, and attending a meeting of the Oregon Game Commission.

The Oregon Game Commission owns 61,500 acres of land and controls another 36,500 acres, through agreement, for fish and game management purposes. The land work is handled by a separate section that includes four personnel jointly funded by BOR, PR, DJ, and excess license monies. They have had no conflict with multiple funding as long as they keep detailed records that can be cross-checked by the auditors (daily activity--monthly activity and vehicle mileage).

To date BOR has approved \$147,813 for fish and game projects. Five of the projects were for acquisition (\$87,816), two for development (\$3,137) and one for a water access study (\$56,860). Additional acquisition projects totaling \$188,385 have been submitted, and \$1,715,200 worth of projects are being submitted later this year. To date only three acquisition projects have been turned down (\$450,545).

They have 116 access sites to permit free and easy access to the fish and game resources by the general public. One hundred and ten of these sites are maintained by the county in which the site is located.

BLM has just about completed its classification program in Oregon. Oregon had the same problem, on a smaller scale, that California had--BLM lands are segmented throughout the state. BLM made about six "exchanges" to pull together tracts of sufficient size and integrity to permit proper management. Prior to classification, Oregon, through Federal Aid, withdrew seven areas for fish and wildlife management. This is much the same program that California used.

Very little in the way of joint management between Oregon and the military establishments has taken place. This is primarily due to lack of military holdings and the fact that the few attempts made have been

unrewarding. On the 98,000 acres that the Game Commission administers they have undertaken a very active land management program. They handle the entire timber sale program from cruising to sale. They also release acreage on a sharecropping basis (payment is in the form of standing crop left for wildlife) and on the basis of grazing leases on a year to year basis. The Lands Section handles the record keeping on grazing leases but negotiations and field work are all handled from the district office.

On management areas they permit no concessions and no private recreation sites. They provide recreational facilities on a minimum scale so that private ownership conflicts or vested interest conflicts do not arise.

With the large amount of private ownership in Oregon it has become necessary for the lands project to become real estate agents. Much of their time is spent in "horse-trading" with the private sector as well as other governmental agencies. Very little money changes hands in the process; it's usually on an acre valuation basis. Alaska is not in this position and I hope we do not reach that point very soon.

I was very much impressed by the coordination between state agencies in Oregon. In discussing this with Meyers, it became apparent that this is not by whim but by executive order.

I attended a formal meeting of the Oregon Game Commission on Friday, March 28. It was enlightening to see that problems such as guides, fish snagging and budgets are common to all states.

Bob Fischer, Jim Ashly and I spent half a day discussing lands organization and programming. Several areas of confusion were cleared up and the lands program should function more efficiently in the future.

The three days spent in Oregon provided a firsthand opportunity to evaluate a very active land management program. Many valuable land instruments (legal forms) were obtained as well as reporting forms used in conjunction with expenditure of mixed Federal Aid monies. Of special importance was the use of BOR monies for acquisition of land important to fish and game management, development projects on these lands, and studies to increase public use of the fish and wildlife resource. Our Department has not used BOR monies to date. We do have several projects which would lend themselves to this funding and thus relieve the pressure on PR and DJ monies.

### Washington

Meetings were held with personnel from the Washington State Game Department (which includes game fish) from March 31 through noon April 3. Norman Knott is Chief of Land Management for the Department. The total staff in his section is 37, excluding clerical help.

The State of Washington contains a total of 42,845,280 acres; with 14,792,714 acres under federal ownership or control and 3,784,910 acres under state ownership or control. The Game Department's land totals 621,267, or one-sixth of the state owned lands.

The funding of the Land Management Division is PR, DJ, BOR, and state bond monies. Their acquisition and development budget for fiscal '70 and '71 is \$3.5 million. The breakdown is 55 percent for access and 45 percent for management lands.

BLM owns or controls only 287,194 acres, therefore, there has been very little activity with them. In the past the Game Department has withdrawn land directly from BLM under executive order; now they use the Federal Aid withdrawal with transfer of management. On lands acquired from BLM the Department lets BLM handle the grazing and timber programs.

About one-third of the Department's land is leased from the Washington Department of Natural Resources. All monies made on these lands are returned to that Department. There is also a procedure whereby the Game Department can withdraw state land. It requires the concurrence of the County Board of Supervisors plus the payment of money in lieu of revenue that would be obtained if the lands were leased.

The Department has very active management programs on their waterfowl, big game and small game units. One of the units has three permanent personnel, three have two permanent personnel and ten have one resident manager. Their program consists of sharecropping (a standing crop is the payment), grazing and timber sales. The grazing issue is currently causing concern. Revamping of current regulations is under consideration by the Game Commission. The current charge is \$1.25/A.U.M. with the duration of the lease variable. The proposal is to increase the rate and permit five-year leases. One real problem is the determination of who gets the grazing rights. Currently the policy is to allow the local cattlemen's association to choose the grazer. One unwritten condition is that the grazer must currently be grazing elk on his private lands!

The water access program (55 percent of the budget) since August, 1967, has purchased 1,624 acres including 71,088 feet of waterfront. In addition, 77,100 front feet of access are under easement. The total cost has been \$529,494. In two counties the department has unwritten agreements with the County Planning Boards to require subdividers to include public access to lakes and streams in their plats. If the developer refuses, the plat is not approved. Several developers had testified to the increased value of public access in their subdivisions. The price of the waterfront property may be less but the "back lots" are more valuable because access is available. We spent one day visiting several of these access areas and it was very impressive to see 15 to 20 people steelhead fishing with no "No Trespassing" signs interfering with their access. These were areas quite close to Seattle and Olympia. Maintenance of access sites is under the jurisdiction of the Department's enforcement staff.

On Department owned lands the counties have the choice each year of electing to take one-half of all fine monies in lieu of taxes on the land or they can take a payment equal to that which would be paid if the land were privately owned. No payments in lieu of taxes are made on buildings or on areas less than 100 acres in size.

The biggest problem in the Land Management Division is their use of outdoor recreation funds. The Interagency Committee for Outdoor Recreation (made up of the Commissioner of Public Lands, the Directors of Parks and

Recreation, Commerce and Economic Development, Fisheries, Game and Highways, and five members from the public appointed by the governor), administers the expenditures of all outdoor recreation monies. These monies are obtained through a ten million dollar bond issue (Referendum II) passed in 1963; unreclaimed motorboat gasoline taxes which average 1.5 million dollars per year (initiative 215); BOR monies (amount depends on income) and a 1968 bond issue worth \$40 million (Referendum 18). Fifty percent of this money goes to local government bodies (counties and cities) and fifty percent to state agencies. By administrative policy the state share is divided up by three agencies: 53 percent to the Parks Department; 36 percent to the Game Department; and 11 percent to the Department of Natural Resources. This percentage means 3.5 million for the Game Department for the next two years plus 3.9 million for each of the next two bienniums. Most of the expenditures must be for acquisition; the Land Management section submits a program to the Commission each biennium and when approved it is submitted to the IAC for final approval. In order to qualify for funds under the IAC each agency must have an approved comprehensive outdoor recreation plan.

It is obvious that the IAC concept of outdoor recreation funding was the most valuable information gained in Washington. This concept should be pursued in Alaska.

In October, 1969, a brief meeting was held to discuss the reorganization. I submitted the following comments.

For some time dialogue has been carried on in the department about consolidating all the habitat oriented programs (our Lands Section, the Sport Fish Access program, and the Commercial Fish Water Rights program) under one section. To this end the Water Rights positions were transferred from the Commercial Fish Division to the Commissioner's office on July 1, 1968. Apparently the Governor's Office understood that all three divisional programs had been transferred at the same time. This was, or rather is, not the case. However, this misunderstanding by the Governor's Office has caused the recent decision to undertake such a change next July. If this was the only reason for the change then I would consider the proposed action to be capricious; however, in all fairness there are several legitimate reasons for considering this reorganization. First is coordination. As it stands now the three programs may or may not coordinate activities. Under routine day to day circumstances the need for coordination may be minimal; but during crisis such as major oil spill or pipeline construction, we definitely could stand closer coordination. The supposition is that a single section is a better vehicle for this coordination.

A second reason for considering reorganization is efficiency. In some instances under the present system, each divisional program could act independently on the same project, thus three people could look at a timber sale thus costing three times the money and requiring three times the man hours--if we were a section, one man could look it over and reduce the cost by two-thirds (ideally).

I have reservations about the reorganization. First, the issue of expenditure of Federal Aid funds must be considered. As it stands now,

the Federal Aid program will be contributing two-thirds of the funds of the new section. Will the Federal Aid dollar be spent on approved or approvable programs? Will the Game Division receive \$90,000 worth of value for the \$90,000 invested? I strongly suggest that if new positions for the general fund funded programs are not received the Federal Aid programs will be shorted. The reorganization calls for the addition of two Biologist II positions and nine man months of temporary time from the general fund--this is in addition to the existing Fishery Biologist II and the Habitat Coordinator currently under the general fund. There is no guarantee that the legislature will fund these additional positions. I also question whether the addition of two new people and nine man months of temporary time will adequately fill the habitat portion or the general fund portion of the section.

Secondly, if we start relying heavily on general fund monies we have no assurance that the legislature will fund the programs sufficiently--in fact, with (a) a proposed similar new section within the Division of Lands of the Department of Natural Resources; and (b) the talk of a new Department of Environment, we have no guarantee that our section will be funded at all or that it will not be pulled out of our Department and put within another department. Funding then is a real problem.

A third observation might be that reorganization should be done to correct a weakness--where is the weakness in our present system? Are we uncoordinated and inefficient to the point that we should run the risk of underfunded or nonexistent programs?

If the Commissioner and his staff feel that this reorganization is best for the department then we should make the change. If we change, the only way we can be successful is if the division directors support the change and require the cooperation of their individual staff members (from area biologists to regional supervisors). If there is a division, then the program is doomed to failure--if an area fishery biologist or area game biologist refuses to give assistance we will be in trouble.

My position regarding the reorganization has not changed.

As this may be the last report I will submit as a member of the Game Division and doubly since the Lands Section as such may be dissolved, I think a summary of lands and associated problems would be timely.

The Department of Fish and Game, while it has statutory authority to acquire and manage land, has exercised this prerogative only once--the purchase of Creamer's Dairy in Fairbanks. We are relying on the technique of cooperative agreement to effect land planning.

Land stewardship within the state is very complex and it requires a number of agreements in order for us to effect any type of coordinated land planning. The stewardship as of December 31, 1969, was as follows:

Steward	Acreage	Cooperative Agreement	Acreage Covered
U.S. Forest Service	20.7 million acres	Yes currently under re- view	General Agreements covering all Forest lands--specific agreements cover some acreage
Department of Defense	24.8 million acres	Yes	1 million acres
Fish & Wildlife Service	20.1 million acres	Yes	General Agreement
National Park Service	7.5 million acres	No	----
Federal Power Commission and Alaska Power Administration	15.6 million acres	No	
Bureau of Indian Affairs	4.1 million acres	No	
Bureau of Land Management	244 million acres	Yes	Statewide Agreement plus specific agree- ments covering 29 million acres in two classified areas
State of Alaska	8.1 million acres	Yes	Timber, Oil & Gas Resource Management areas--none specific
Private Lands	18.3 million acres	Yes	Easements for access
Boroughs	10% of state selec- ted land in each borough	No	
Miscellaneous	1 million acres	No	
TOTAL	365 million acres		

In addition to the complexity of stewardship, all federal land has been "frozen" on behalf of the Natives until December 31, 1970, or the settlement of the Native claims, whichever is first. The freeze means no disposals (i.e., state selection, sales, leases, rights-of-way, special land use permits, etc.) of federal lands can take place. Exploration can

continue. If the Native groups and the two Interior and Insular Affairs Committees of Congress give their approval some land transactions can take place.

The freeze has stopped all state selection activities, including the acceptance of applications, the granting of tentative approval (which gives the state legal management authority) and the granting of final patent.

Prior to the freeze all federal unappropriated public domain was open for entry and exploitation under a system of archaic land laws. The freeze has prevented much abuse of land through the misuse of the Homestead Act and other entry laws, but it has also precipitated a potential land rush once it is lifted.

In 1964, BLM received a management directive from Congress with the enactment of the Classification and Multiple Use Act. This marked the first time Alaska was included under an act which called for BLM land to be classified and managed (the Taylor Grazing Act of 1934 did not apply to Alaska). BLM has classified or proposed to classify the following areas:

Area	Acreage	Date Proposed	Classification Completed
Iliamna	6,000,000 acres	March 8, 1967	October, 1967
Copper River	23,000,000 acres	May 16, 1968	December, 1968
Arctic Route Corridor	2,436,400 acres	April, 1967	Never finalized
Bornite	1,000,000 acres	May 9, 1968	Not finalized due to Native claims
Small Recreation Areas	5,000 acres	?	?
TAPS Corridor	5,000,000 acres	December, 1969	Not Classified

It is imperative that classification and management continue at a rapid pace.

Under the Statehood Act, Alaska was permitted to select the following lands:



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Catetory	Acreage
General Grant	102,550,000
Community Expansion and Community Recreation	400,000 BLM and up to 400,000 U.S. Forest Service
Mental Health	1,000,000

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At Statehood we automatically received:

School Lands	All surveyed sections 16 and 36
University Lands	100,000 plus surveyed sections in 33

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It is questionable whether we will select our total allotment, but our preogative must be protected.

As mentioned above, the U.S. Forest Service administers 20.7 million acres. The state is permitted to select up to 400,000 acres of forest land for community expansion or community recreation. This will leave 20.3 million acres available for timber harvest under the principles of multiple use. Our cooperative agreements with the Forest Service should put us in a sound position to influence management--they do not. They must be revised or dropped.

The Department's statutory authority for effecting considerations to protect fish and wildlife during development or water use are as follows:

Sec. 16.05.870. Protection of fish and game. (a) the Commissioner shall, in accordance with the Administrative Procedure Act (AS 44.62) specify the various rivers, lakes, and streams or parts of them that are important for the spawning or migration of anadromous fish. Before December 31, 1968, the specification may be made by designating areas within which all rivers, lakes, and streams are considered important for the spawning or migration of anadromous fish provided, that the areas lie within 50 miles of the coastline extending from Dixon Entrance through False Pass to Cape Menshikof, including all islands east of False Pass. A person giving notice under (b) of this section before December 31, 1968, may, if the activity is to take place within such a designated area, request the Commissioner to specify individually by name or number, the particular rivers, lakes, and streams or parts of them within the area of operations described in the notice which are important for the spawning and migration of anadromous fish. Upon receipt of the request the Commissioner shall promptly make the designation.

(b) If a person or governmental agency desires to construct a hydraulic project, or use, divert, obstruct, pollute, or change the natural flow or bed of a specified river, lake, or stream, or to use wheeled, tracked, or excavating equipment or log-dragging equipment in the bed of a specified river, lake, or stream, the person or governmental agency shall notify the Commissioner of this intention before the beginning of the construction or use.

(c) The Commissioner shall acknowledge receipt of the notice by return air mail. If the Commissioner determines to do so, he shall, in the letter of acknowledgement, require the person or governmental agency to submit to him full plans and specifications of the proposed construction or work, complete plans and specifications for the proper protection of fish and game in connection with the construction or work, or in connection with the use, and the approximate date and construction, work, or use will begin, and shall require the person or governmental agency to obtain written approval from him as to the sufficiency of the plans or specifications before the proposed construction or use is begun.

Sec. 16.10.010. Interference with salmon spawning streams and waters. It unlawful for a person to

(1) obstruct, divert or pollute waters of the state, either fresh or salt, utilized by salmon in the propagation of the species, by felling trees or timber in those waters, casting, passing, throwing or dumping any tree limbs or foliage, underbrush, stumps, rubbish, earth, stones, rock or other debris, or passing or dumping sawdust, planer shavings, or other waste or refuse of any kind in those waters;

(2) erect a dam, barricade or obstruction to retard, conserve, impound or divert these waters to prevent, retard or interfere with the free ingress or egress of salmon into these waters in the natural spawning or propagation process;

(3) render the waters inaccessible or uninhabitable for salmon for that purpose without first applying for and obtaining a permit or license from the Department of Health and Welfare. The application shall set forth the name and style of the person or concern, describe the waters and location and state in particular the plans, purpose and intention for which the application is made.

Sec. 46.05.170. Pollution prohibited. (a) No person may pollute or add to the pollution of waters of the state.

(b) It is unlawful for a person to deposit in, cause to be deposited in, permit to pass into, or place where it can pass into the waters of this state petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or a residuary product of petroleum in a manner so as to constitute pollution as defined in this chapter. Pollution caused by an act of God or by circumstances beyond the control of the person in charge, shall be considered a defense to a charged violation by the person charged.

Sec. 46.05.210. Penalties. (a) A person who violates para. 170 of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$500 nor more than \$25,000 and imprisonment for not less than 30 days nor more than a year. Each unlawful act constitutes a separate offense.

(b) In addition to the penalties provided in (a) of this section, a person who violates para. 170 of this chapter is liable, in a civil action, to the state for liquidated damages to be assessed by the court for an amount not less than \$5,000 nor more than \$100,000 depending on the severity of the violation.

Sec. 46.05.215. Detention of vessel without warrant as security for damages. A vessel which is used in or in aid of a violation of para. 170 of this chapter may be detained after a valid search by the department, an agent of the department, a peace officer of the state, or an authorized protection officer of the Department of Fish and Game. Upon judgment of the court having jurisdiction that the vessel was used in or the cause of a violation of para. 170 of this chapter with knowledge of its owner or under circumstances indicating that the owner should reasonably have had such knowledge, the vessel may be held as security for payment to the state of the amount of damages assessed by the court under para. 210(b) of this chapter, and if the damages so assessed are not paid within 30 days after judgment or final determination of an appeal, the vessel shall be sold at public auction, or as otherwise directed by the court, and the damages paid from the proceeds. The balance, if any, shall be paid by the court to the owner of the vessel. The court shall permit the release of the vessel upon posting of a bond set by the court in an amount not to exceed \$100,000. The damages received under this section shall be transmitted to the proper state officer for deposit in the general fund. A vessel seized under this section shall be returned or the bond exonerated if no damages are assessed under para. 210(b) of this chapter.

Sec. 46.05.225. Enforcement. This chapter may be enforced by any peace officer in the state and by authorized protection officers of the Department of Fish and Game.

These are our sole authority. We, therefore, must rely heavily on cooperative programs. Even were we to acquire critical lands we would still need to have cooperative agreements if we truly want to meet our obligations to the fish and wildlife resources. Our department will always be involved in a "review and comment" capacity. We must never forget or neglect it.

We must step up our activities in coordinated planning with cities and boroughs, possibly through the Alaska State Housing Authority. With the boroughs having the right to select 10 percent of the state land inside their boundaries and to zone all lands inside their boundaries they will very soon be land powers--as of now we are not coordinating our programs.

Any summary of our position would not be complete without a discussion of state versus federal rights. This single issue may be the key to our future efforts in fish and wildlife management. We are currently facing this conflict on three fronts:

- (a) management of resident species on refuge lands;
- (b) control of our fishery resources on forest lands through federal water rights; and
- (c) wolf control on federal lands.

Each of these issues is of importance on its own merits, but when taken as a whole these issues hold the key to our future. We must develop a strong position, support congressional efforts to clarify the issues, and finally be prepared to go to court if our rights are threatened.

The last issue I wish to discuss is the Native land claims. If the 40 million acres grant is given by Congress along with the exclusive rights and subsistence sections, fish and game management by the state will be a myth. We, both as individuals and as a department, must oppose the large, exclusive land grant.

## APPENDIX A

The Department of Fish and Game has reviewed the Wisconsin Study of Land Laws in Alaska. We reviewed in depth Chapter VI, Recreation and Environmental Protection. In the available time we also reviewed the remaining chapters.

Before engaging in the detailed review of Chapter VI we feel it is important to make a general comment on the entire study and some detailed comments on two subjects in particular: Native land protest settlements and land planning.

The study shows very little independence. We were amused at the frequency of the references to the Federal Field Committee's report on Alaska Natives and the Land. It would seem that if this publication had not come out before the Alaska Study, the contractor would have produced a very brief report.

The general quality of the report is poor; primarily due to incomplete and inaccurate data. Compared to the previous studies we have reviewed this study is sophomoric.

Much of the inaccuracy and lack of complete data is due to the contractor limiting this study to a literature review. We pointed out the problems of this type of study on at least two occasions, but to no avail.

In Milton Pearl's cover letter the chief policy issue to be considered by the Commission is "To what extent, if any, should the public land laws and policies applicable to Alaska be different from those applicable to the public lands in general?" We were unable to find that this issue was faced in the study either directly or in theme. We feel that the most glaring inadequacy of federal law and policy in Alaska has been the lack of land use classification and planning. The other public land states have had the benefit of the Taylor Grazing Act since 1934. Alaska has had nothing but withdrawal, title transfer, trespass and land freeze. BLM's classification activities were just getting off the ground when the first land freeze was enacted.

### Native Protest Settlement

We are greatly concerned with the impact of the Native protest settlement on utilization of the fish and wildlife resource by non-Native United States and Alaskan citizens. The bills which are presented in this study as a supplement (between pages 242 and 243) contain provisions that could give Natives exclusive hunting, fishing and berry picking rights for either a set period of time (50 years) or during emergency circumstances. This, it was pointed out, violates Article VIII, Section 3 of the Alaska Constitution which holds that "Wherever occurring in their natural state, fish, wildlife and waters are reserved to the people

for common use." We feel that this point needs emphasis. The fish and wildlife resources of Alaska belong to all the people. In setting our regulations we must take into account the needs and desires of the people in the specific area of question. In this case the Native subsistence uses of this resource should be weighed very heavily when setting regulations. We feel that justice would not be served by giving the Natives exclusive rights.

In Pearl's cover letter to Chairman Aspinall he defines Native welfare as "providing reasonable conditions for Alaska Natives to choose between traditional subsistence life and the modern economic life available to other Alaskans." We feel that the provisions of the proposed legislation calling for 500 acres for each Native of 1/4 blood does not meet the needs. The needs will be better met and justice better served by a financial settlement and good, sound land and resource management and the development of a coordinated land use plan. The Native community should be a big contributor to the development of this plan for their region. As citizens they could clearly enjoy freedom of choice if the public lands were properly managed!

#### Land Planning

The goals for public land policy in Alaska are set forth as national economic efficiency, regional economic growth, native welfare and environmental quality. All of these factors are possible if a coordinated land use plan is developed for Alaska. The report calls for a cooperative federal-state land use plan drawn up by all resource management and planning agencies (Alternative 1, page 1101). Alternatives 2 and 3 call for classification by BLM. From the standpoint of fish and wildlife these three alternatives are essential to the perpetuation of their habitat. The department will support any effort in coordinated land planning.

The problem of state selection is continually being raised, with the inference that the state's management program will alienate the national interest. If a coordinated land use plan is developed, with the state taking a very active role in the planning we fail to see where the national interest is harmed. If classification is dropped and no planning program develops it is our contention that the state is in an equally good position (and in some instances a better position, e.g., mineral regulations, timber sales) to properly manage land. The combination of open public domain and extensive federal withdrawals render all four of the above mentioned goals useless. Only in coordinated land planning will the goals and therefore the greatness of Alaska be fulfilled. It is imperative that coordinated land planning be the goal of both the federal and state governments from this moment forward; without it any decisions that are made will be of irreversible impact, as each independent action will alienate future uses of the land.

## APPENDIX B

### Alaska Comments on the Public Land Law Review Commission Study Outdoor Recreation Use of the Public Lands

This study did not include Alaska but recreation is a key feature in the largest state and we feel it is important for us to comment briefly on several aspects of this important resource.

Five areas will be discussed: (1) public access to public or recreational lands under the jurisdiction of the BLM and State Division of Lands; (2) the concept of wilderness and its impact on Alaska's lands and resources; (3) funding outdoor recreation programs; (4) the Forest Service, multiple use concept and recreation; (5) coordination of outdoor recreation through Alaska Outdoor Recreation Council.

Access is the key problem area in the recreational use of public lands (both federally and state managed) in Alaska. Although we have millions of acres of public domain we have a very limited road system (4,455 miles of road of which only 1,454 miles are paved). The areas best suited for access are often the same as the areas best suited for settlement (e.g., adjacent to the highway system and near drainages). We are, therefore, plagued by settlement blocking access to public lands. The archaic federal settlement laws that do not provide for public access to public lands are greatly responsible for these problems. Even where public access has existed and a settler closes access off, patent is often issued with no public access provision. To open these closed areas we must go to court--this is a costly program both in dollars and in public relations.

To help remedy the situation we need: (a) classification of all remaining "public domain" with disposal areas set up for state selection and subsequent sale; (b) abolishing the "free" settlement laws in place of land sale; (c) guaranteed public access to public recreation areas (through settlement areas); (d) public easements along and around all waters of the state (this is as much a responsibility of our state government as it is a federal responsibility); and (e) increased monies to locate and "reclaim for the public" access routes blocked by settlers.

It is safe to say that in the area of wilderness preservation, as in many other areas, Alaska is unique. We may have many millions of acres of potential wilderness areas but no lands dedicated to wilderness preservation. It is worthwhile to look into the reasoning behind this apparent lack of foresight.

Alaska is comparable in many ways to the continental United States some 175 years ago. Because of our size and diversity I think it is realistic to call Alaska an emerging nation. In giving Alaska statehood I think it is apparent that Congress recognized that Alaska's greatest chance of achieving economic stability was to develop its land base. To accomplish this, Congress has permitted 25 years for Alaska to select 103 million acres. It is reasonable to assume that prior to any new federal withdrawals the people of Alaska should be given the opportunity

to closely review the proposal (we cannot tolerate twelfth hour actions). The Wilderness Act does give time for this consideration. There is one catch, however; the state cannot alienate its right to select lands under specific language of the Statehood Act. It is very important, therefore, to consider this legal paradox prior to initiating action to include currently unappropriated public domain in the Wilderness Preservation System until after 1984.

The state has applied for nearly 26 million acres under the Statehood Act, but only 5-1/2 million acres have been patented (due to the "Land Freeze" and now the "Super Freeze").

The boroughs must give their concurrence on land matters as well. State law permits the boroughs to select up to 10 percent of the state lands within their jurisdiction. To date only the Matanuska-Susitna and Greater Anchorage Area Boroughs are approaching their 10 percent allotment.

An obvious solution to this confusing land problem is to study areas already withdrawn for continued federal management. Areas within Park Service jurisdiction should receive prompt attention. The same can be said, with certain reservations, concerning Fish and Wildlife Service administered lands that meet the standards. This leaves us with the Forest Service. In this area much study needs to be done. I venture to say that ten years from now under the current management direction you will be hard put to find many acres of wilderness lands that do not show the presence of human activity in the Tongass National Forest.

In addition to the land problem, I feel the key issue that has to be clarified is that portion of the Wilderness Act dealing with access and established prior use. It is clear that the Chief of the Forest Service has the authority to allow prior use of aircraft and motorboats, in fact, he can even maintain existing facilities for such purposes. There is no such statement in the regulations of the Department of the Interior. Hunting is a permissible use of the wilderness, however, we must have access to the area and in some instances within the area before hunting will be more than a word.

Transportation is a problem in Alaska. Much of it relies heavily on the use of aircraft, off the road vehicles, and motorboats. It would greatly increase our active support of wilderness if the question of access could be clarified.

The problem of habitat preservation in Alaska is a complex one. As you can see from the above discussion, our stature as an emerging nation plus our problems of access are the causes of land use problems. As was stated before, our economic stability depends on a sound land base. A sound land base requires sound, comprehensive land planning. As was also stated before, it is unreasonable to hope for new areas of wilderness from the public domain until our selections are complete. What, then, is the answer?



Coordinated land use planning wherein both the federal and state governments jointly plan allocation of land use seems to be the solution. Unilateral actions by one can alienate actions by the other. Only by coordinated planning can pipeline and wilderness, logging and recreation each get their due.

Funding of outdoor recreation can, as was pointed out in the study, be a perplexing problem. I support the desirability of the user paying much of the cost. I am somewhat concerned about "overtaxing" users--for instance, our PR and DJ programs cost the hunters and fishermen, these same people often use campgrounds in pursuit of their pleasures. I wonder if taxing them with "user fees" at the campground might be overdoing it. I suggest a hard look be given to the possibility of taxing cigarettes, sleeping bags or camp gear in general. This system worked out well with PR and DJ and it might work in this instance.

Other sources of funds such as bonds or special appropriations should also be looked at. The state of Washington gives us an excellent example of what can be done in the field of funding outdoor recreation. They should be complimented.

As suggested in the above discussion of wilderness and the Forest Service, I am somewhat concerned about the direction we in Alaska are heading.

The Forest Service in their management plans for Southeast Alaska have been very interested in stimulating economic stability. This is to be commended. In going this direction they have sold three 50-year allotments involving large volumes of timber and large acreages. In order to satisfy the needs of the small loggers and mills they have sold numerous "independent" sales, which, taken in total, also involve large volumes and acreages. In all of Southeast Alaska there is in fact very little acreage that is not obligated to cutting. This "left-over" acreage is what recreationists must consider "their" domain. The Forest Service is doing very little to recognize the recreational value of these areas. This serious situation in Southeast Alaska needs urgent reevaluation by both the Forest Service and the state.

Recreation plays a much more important role in the Chugach National Forest. This is due in large part to: (a) smaller volumes of merchantable timber; (b) greater public need for recreation; and (c) a broader economic base in the immediate area.

Coordination was mentioned previously in regard to land use planning. Coordination in recreation is the project of the Bureau of Outdoor Recreation. Alaska qualifies for Land and Water Conservation Fund monies by keeping an up-to-date statewide recreation plan. Our current plan expires in October. We have just completed a revision of the plan and BOR has extended our deadline to February, 1970, as long as they have a review copy of our revised plan by December, 1969. We are about six weeks from printing their copies.

Within the state we have formed the Alaska Outdoor Recreation Council which is made up of the Secretary of State, all agencies involved in recreation in the state, and the liaison officer to BOR. We have recently reorganized the executive committee of the council in hopes of giving it greater power in the state government and to allow greater participation by local groups, in particular, the private sector.

I hope the above discussion of some of our outdoor recreation problems and ideas in Alaska has been of interest to the Commission. We are a great state, and outdoor recreation is one of our key assets. We respectfully request the Commission's review of our special needs.