

MEMORANDUM

DEPARTMENT OF NATURAL RESOURCES

State of Alaska

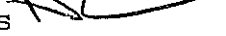
DIV OF PARKS & OUTDOOR REC

TO: Veronica Gilbert
Southcentral Region Manager

DATE: July 23, 1991

FILE NO:

TELEPHONE NO.: 762-2617

FROM: Al Meiners 
Southcentral Region Manager

SUBJECT: Tutka Hatchery ILMA
Amendment Exhibit
"B" (ADL 200098)

We have negotiated with ADF&G the attached amendment to ILMA 200098 for the Tutka Bay Fish Hatchery which is located in Kachemak Bay State Park. The Hatchery is located on original Mental Health Grant Land. This action is in conformance with the mental health court order because it is not an authorization for land use. The ILMA preexisted the court order and is broadly worded to allow all activities associated with rearing fish. This amendment to the ILMA clarifies or tightens up the scope and extent of allowed activities as agreed to in the letter of intent between DPOR, ADF&G and CIAA (attached).

As noted in the letter of intent, upon final resolution of the Mental Health Trust Lands litigation and implementation of the new state mental health lands legislation, this ILMA and soon to be issued park use permit for net pens in saltwater, will be consolidated into one park use permit. At that time we will request that you cancel the existing ILMA.

As you requested in your February 12, 1991 memo, I am keeping ADL casefile 200098 in my office and will include a signed original of the amendment in the file. Please return all three copies to me for distribution.

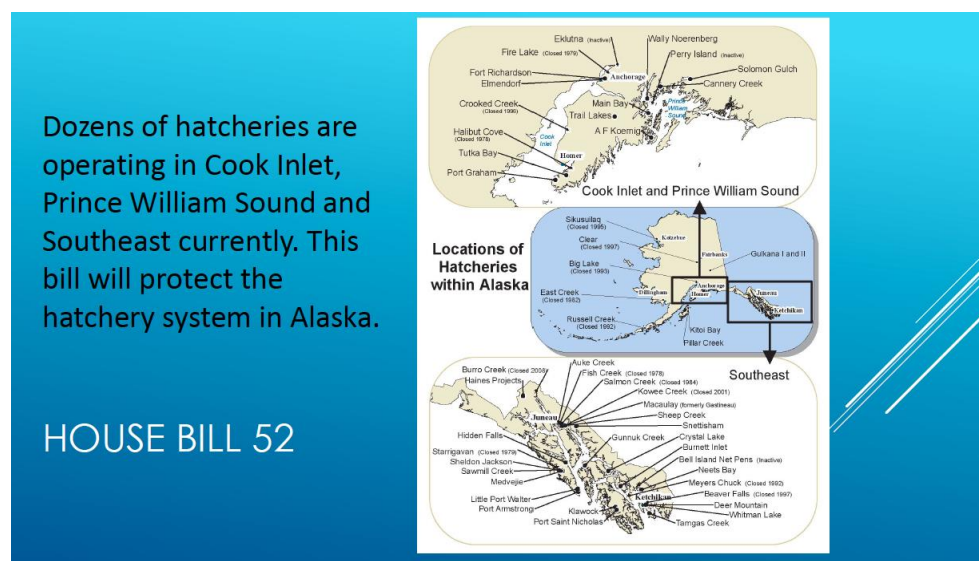
Please let me know if you have any questions or would like to discuss this matter further. Thanks.

cc: Pete Panarese
Chris Titus
Debbie Boyd, ADF&G/JNU

Dear Members of the House Resources Committee:

Kachemak Bay Conservation Society has been participating in public conversations about HB 52 with Representative Sarah Vance, the Department of Fish and Game and the Department of Natural Resources for the past several months. Over the course of these meetings, we have encountered a number pernicious pieces of misinformation coming from these sources that we would like to correct in advance of your Hearing tomorrow:

1) **All of the above parties repeatedly claim that this bill is "not about the hatchery."** We need go no further than Rep. Vance's own powerpoint presentation (attached) to see that this bill is motivated by a desire to keep the failing Tutka Bay Lagoon Hatchery (TBLH) in operation. See, for example, this slide:



2) **ADF&G Director Sam Rabung has said on multiple occasions that ADF&G will have to pay for the removal of buildings if the TBLH is shut down. This is not true.**

According to the attached IMLA that sets the terms for the use of the land, this is not the case. ADF&G and DNR can come to any agreement they want about those buildings. The relevant language from the IMLA is here:

7. IF ADF&G ceases to operate the hatchery, either directly or through a cooperative operating agreement, ADF&G will remove the improvements and provide a reasonable level of restoration of the land unless other arrangements are made with DNR. Restoration will include regrading and drainage of the hatchery site to natural contours and seeding with grass.

"unless other arrangements are made with DNR" is the key part of this sentence from 1991 IMLA, p. 2.

Keep in mind that ADNR does not want ADF&G to remove the buildings. Instead, they have proposed converting them into a "group camp facility" beginning in 2031 in their Intent-To-Adopt Draft Management Plan, p. 152:

Tutka Bay Lagoon Hatchery (TBLH)

The legislature created KBSP as a scenic park, where the state would manage these park lands to preserve their natural features and ensure minimal development. There are two distinct concerns about the hatchery: it is inconsistent with the legislative management direction for the park as a "scenic park"; and it could constitute a disposal of legislatively designated lands as detailed in Chapter 4. The state, therefore, intends to explore phasing out hatchery operations, in include not renewing the CIAA operating agreement in 2031. Following a cessation of the hatchery's operations, DPOR would work with ADF&G to convert the TBLH area to park purposes by restoring portions of the site and retaining certain structures that can be used as a group camp facility. The Interagency Land Management Agreement (ILMA) between DNR and ADF&G would expire once restoration work is complete.

3) We do not need HB 52 to keep China Poot going.

The information Representative Vance has on her [Change.org](#) petition on the China Poot Dipnet fishery is false and misleading. According to the Director of CIAA, Dean Day, the TBLH facilities are not needed for the egg-take or release for China Poot sock--these are short-term "remote" activities that occur in net pens in the Lagoon and can occur without use of the facilities there if need be--as happens all over the state. China Poot reds are reared entirely at Trail Lakes near Moose Pass. This is why the China Poot fishery continued when TBLH was closed for almost 10 years. According to Director Day, a single CIAA board member did the egg take and remote release in the lagoon during that time. We hope you will learn more about "remote egg takes" and "remote releases" before you continue to tell the public and other lawmakers that this fishery cannot continue under the proposed park management plan. A remote eggtake and a remote release of China Poot broodstock in the Tutka Bay Lagoon can and should continue with permits from DNR without HB 52. There is no disposal issue with a permit like this. We hope you will show a solutions-oriented approach to this important fishery by championing a Sockeye Stamp that can help cover costs for this fishery going forward.

4) HB 52 does not benefit Cook Inlet Fishermen and it does not benefit Alaskans:

- Approximately **1,4000 Upper Cook Inlet Fishermen will benefit if Tutka Bay Lagoon Hatchery is shut down**. These permit holders pay a Salmon Enhancement Tax that goes straight into the hatchery, but they catch zero fish there.
- If TBLH is contributing to the overall debt of CIAA, which our attached calculations show that it is--losing approximately \$600,000 per year since 1991-- TBLH hurts Upper Cook Inlet fishermen twice: it taxes them and they get nothing in return; and it places a lien on their permits for the overall debt they are accumulating at TBLH.
- Since this hatchery provides little to no benefit to commercial fishermen and survives on ongoing loans from the state; and since it would remove lands from the second most visited area of Kachemak Bay State Park (Tutka Bay), which is a source of income for a diverse set of stakeholders, it does not meet the standards for resource management set in **Article 8, Section 2 of the Constitution**. HB 52 will cost fishermen and Alaskans money, it will not help fishermen and Alaskans.

5) There is no practical, financial or ecological reason for the land exchange proposed in HB 52:

- We do not need to give up Tutka Bay Lagoon to add any lands to the State Park.
- HB 52 is a land swap of parcels of unequal value.

- HB 52 proposes to add lands that are already currently managed by DPOR as part of the State Park or are in the process of being added to DPOR management through an IMLA initiated by the Friends of Kachemak Bay State Park.
- Thirty-six acres of Parcel A are already in the process of being added to park management through the ongoing Interagency Land Management Assignment (ILMA) initiated by the Friends of Kachemak Bay State Park in May 2020
- Parcel B was donated to the Park in 2016 by the Matthisens and Hopkins' "for the use and benefit of the Division of Parks and Outdoor Recreation."
- Parcel C was purchased by DNR in 1997, and is currently managed by the Department of Parks and Outdoor Recreation as part of Kachemak Bay State Park.

Sincerely,

Roberta Highland,

President, Kachemak Bay Conservation Society

--

Kachemak Bay Conservation Society

Homer, Alaska

kbayconservation@gmail.com

<http://www.kbayconservation.org>

alaskansknowclimatechange.com

Exhibit "B"
ADL 200098
Tutka Bay Fish Hatchery

This Exhibit clarifies the rights granted in ILMA 200098 which was issued May 9, 1978 by the Department of Natural Resources (DNR) to the Department of Fish and Game (ADF&G) for the purpose of authorizing the construction and operation of the Tutka Bay Fish Hatchery.

1. ADF&G may not transfer any interest they may have in land or water to a third party under a contract for operation of the hatchery.
2. ADF&G agrees to conduct an annual meeting with the Division of Parks and Outdoor Recreation (DPOR) and any third party involved with the hatchery, to review and discuss site development, general operations, major maintenance and capital improvements. Further, ADF&G will consult with the Kenai Area Superintendent (DPOR, Box, 1247, Soldotna, AK 99669, Phone 262-5581, FAX 262-3717) during the preparation of the Basic Management Plan (BMP) for the hatchery. If the Annual Management Plan (AMP) includes discussions or agreements concerning land development or changes in land use, DPOR will be included.
3. ADF&G and DNR agree that ADF&G will be the lead state agency in working with third party facility managers. ADF&G will keep DPOR informed and involved to insure that the operation of the hatchery is compatible with the overall management of Kachemak Bay State Park pursuant to AS 41.21.131-134. It is recognized that DPOR has the authority to determine the compatibility of any hatchery modifications which would impact the functions and management of Kachemak Bay State Park.
4. ADF&G shall not restrict public use of the lands subject to ILMA 200098 except as is necessary for the safe and reasonable operation of the hatchery. ADF&G will consult with DPOR on the appropriate locations, types and means of restrictions on public use. It is the desire of ADF&G and DNR that the public be given the opportunity to visit the hatchery and learn about its purpose and how it operates.
5. Fish and Game will consult with DNR as to the reasonableness of any fees charged to the public for visiting the hatchery.
6. ADF&G shall retain ownership of the buildings and other structures and improvements which comprise the hatchery and any capital improvements made to the hatchery unless arrangements were made prior to construction that the building will be removed at the termination of the contract.

Exhibit "B"
ADL 200098
Tutka Bay Fish Hatchery

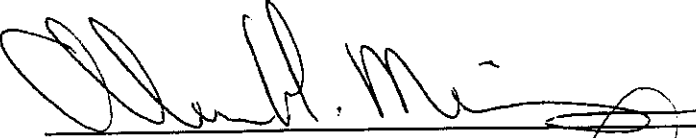
7. IF ADF&G ceases to operate the hatchery, either directly or through a cooperative operating agreement, ADF&G will remove the improvements and provide a reasonable level of restoration of the land unless other arrangements are made with DNR. Restoration will include regrading and drainage of the hatchery site to natural contours and seeding with grass.

8. ADF&G and its cooperators will:

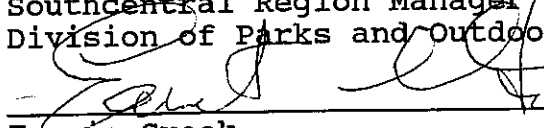
- a. operate the hatchery in a safe and workperson-like-manner;
- b. repair damages to park lands, resources or facilities resulting from their actions;
- c. not engage in activities unrelated to the operation of the fish hatchery; and,
- d. take reasonable steps in the conduct of their activities under this ILMA to protect the aesthetic values of the area;
- e. abide by park regulations.

Veronica Gilbert
Southcentral Region Manager
Division of Land and Water Management
Department of Natural Resources

Date


Al Meiners
Southcentral Region Manager
Division of Parks and Outdoor Recreation

7/18/91
Date


Earnie Greek
Procurement Officer
Department of Fish and Game

6/24/91
Date

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

☐ **Northern Region**
3700 Airport Way
Fairbanks, AK 99709
(907) 451-2740

☒ **Southcentral Region**
550 W 7th Ave., Suite 900C
Anchorage, AK 99501-3577
(907) 269-8400

☐ **Southeast Region**
P.O. Box 111020
400 Willoughby, #400
Juneau, AK 99801
(907) 465-3400

Receipt Type: 3M

See current Director's Fee Order for applicable fees.

APPLICATION FOR AN INTERAGENCY LAND MANAGEMENT ASSIGNMENT

AS 38.05.020(b)(2)

Date 3/13/20

ADL # _____

Agency Name State of Alaska Division of Parks & Outdoor Recreation

Mailing Address PO Box 1247

City Seldovia State AK Zip 99669

Phone 907-262-5581 Alternate Phone _____ Contact Person Jack Blackwell Contact's E-mail Jack.Blackwell@alaska.gov

Legal Description/Location of application site: SEE ATTACHED

Meridian _____, Township _____, Range _____, Section _____, 1/4 _____, 1/4 _____

Meridian _____, Township _____, Range _____, Section _____, 1/4 _____, 1/4 _____

Municipality KENAI Borough Acres 581

Applicable to easements/rights-of-way only:

Total length within application area: _____ feet;

Total width within application area: _____ feet;

Total acreage within application area: _____ acres

Purpose of ILMA: Provide Park Access & Connectivity

Statutory and/or regulatory authority to manage State lands: AS 41.21.020(a)(3)

Is infrastructure ☐ already or ☒ to be constructed at the site applied for? ☐ yes ☒ no.

What capital investment is to be made at the site? \$ N/A

Will the site applied for be restricted or closed to public use? ☐ yes ☒ no

Planned construction start date N/A and planned completion date N/A

Other permits or authorizations applied for in conjunction with this proposed project: NO

Authorized Representative, Title _____

Date _____

* Include a map or sketch plat, showing location of proposed activities in relation to survey monumentation or fixed geographical features, that fully illustrates the intended use, including the location of buildings and improvements and access points, labeled with all dimensions, and a development plan providing a complete list of proposed activities.

* AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested, AS 43.05.230, or AS 45.48). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original.

102-120 (Rev. 8/18)

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Contract Administration
550 W 7th Ave., Suite 640
Anchorage, AK 99501-3576
(907) 269-8594 | <input type="checkbox"/> Northern Region
3700 Airport Way
Fairbanks, AK 99709
(907) 451-2740 | <input checked="" type="checkbox"/> Southcentral Region
550 W 7th Ave., Suite 900C
Anchorage, AK 99501-3577
(907) 269-8552 | <input type="checkbox"/> Southeast Region
400 Willoughby, #400
Juneau, AK 99801
(907) 465-3400 |
|--|--|--|--|

APPLICANT ENVIRONMENTAL RISK QUESTIONNAIRE

The purpose of this questionnaire is to help clarify the types of activities you propose to undertake. The questions are meant to help identify the level of environmental risk that may be associated with the proposed activity. The Division of Mining, Land and Water's evaluation of environmental risk for the proposed activity does not imply that the parcel or the proposed activity is an environmental risk from the presence or use of hazardous substances.

Through this analysis, you may become aware of environmental risks that you did not know about. If so, you may want to consult with an environmental engineer or an attorney.

Applicant's Name State of Alaska Doing Business As Division of Parks & Outdoor Rec
Address PO Box 1247 City Seldovia State AK Zip 99669
Message Phone (907) 262-5581 Work Phone () E-Mail Jack.Blackwell@alaska.gov Contact Person Jack Blackwell

Describe the proposed activity:

provide access to the State Parks. Improve
connectivity of state park lands

In the course of your proposed activity will you generate, use, store, transport, dispose of, or otherwise come in contact with toxic and/or hazardous materials, and/or hydrocarbons? Yes ☐ No ☒

If yes, please list the substances and the associated quantities. Use a separate sheet of paper, if necessary.

n/a

If the proposed activities involve any storage tanks, either above or below ground, address the following questions for each tank. Please use a separate sheet of paper, if necessary, and, where appropriate, include maps or plats:

a. Where will the tank be located? N/A

b. What will be stored in the tank? N/A

c. What will be the tank's size in gallons? N/A

d. What will the tank be used for? (Commercial or residential purposes?) N/A

e. Will the tank be tested for leaks? N/A

f. Will the tank be equipped with leak detection devices? Yes ☐ No ☒ If yes, describe: _____

Do you know or have any reason to suspect that the site may have been previously contaminated? Yes ☐ No ☐.

If yes, please explain: N/A

I certify that due diligence has been exercised and proper inquiries made in completing this questionnaire, and that the foregoing is true and correct to the best of my knowledge.

Applicant

Date

AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 09.25.110 and 09.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210.



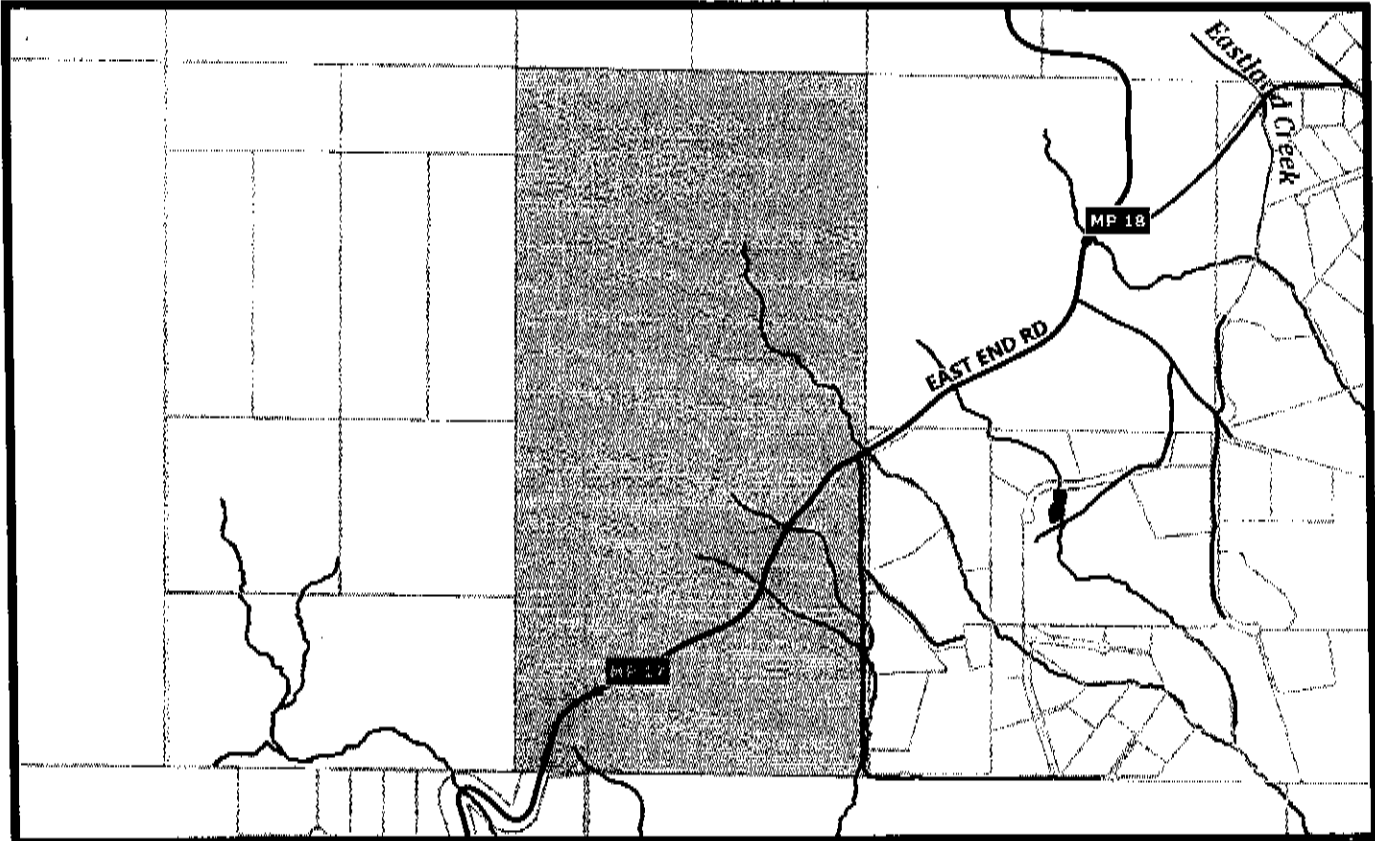
Kenai Peninsula Borough GIS Division

PARCEL REPORT

3/13/2020 11:27

PARCEL ID: 18515101

Total Acreage: 317.78



LEGAL DESCRIPTION:

T 4S R 11W SEC 33 SEWARD MERIDIAN HM E1/2 EXCLUDING THAT PORTION FOR STATE ROW AS PER ROW PERMIT IN 201 @ 025

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

LAND VALUE: \$706,700

IMPROVEMENT VALUE: \$0

ASSESSED VALUE: \$706,700

TAXABLE VALUE: \$0

BUILDINGS ON THIS PARCEL:

Building Type	Square Footage	Year Built
---------------	----------------	------------

OWNERS:

Name:

ALASKA STATE D N R

Address:

550 W 7TH AVE STE 650
ANCHORAGE, AK 99501

The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.



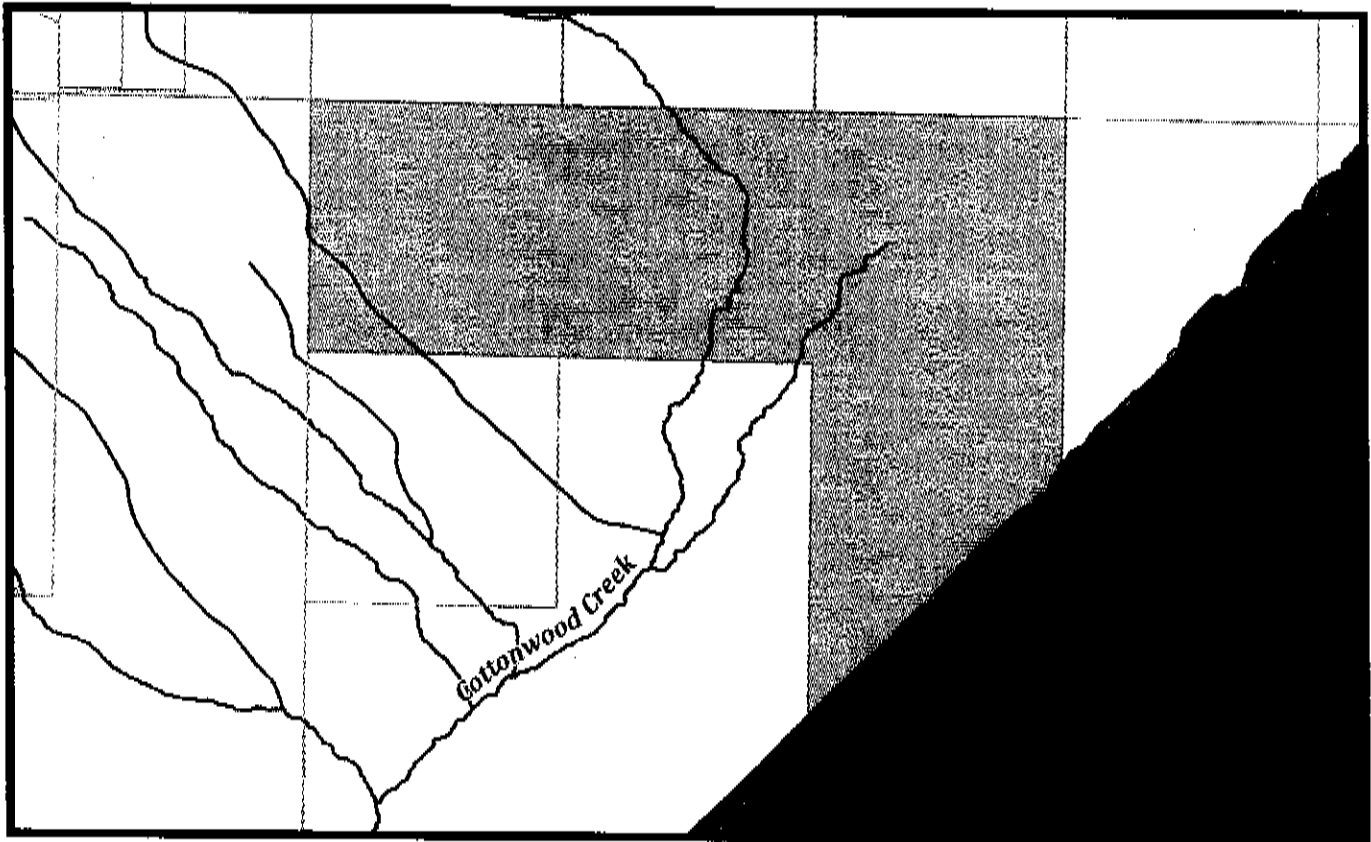
Kenai Peninsula Borough GIS Division

PARCEL REPORT

3/13/2020 11:30

PARCEL ID: 17208007

Total Acreage: 155.37



LEGAL DESCRIPTION:

T 5S R 11W SEC 17 SEWARD MERIDIAN HM N1/2 NW1/4 & NW1/4 NE1/4 & GOVT LOT 2

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

LAND VALUE: \$452,700

ASSESSED VALUE: \$452,700

IMPROVEMENT VALUE: \$0

TAXABLE VALUE: \$0

BUILDINGS ON THIS PARCEL:

Building Type	Square Footage	Year Built
---------------	----------------	------------

OWNERS:

Name:
ALASKA STATE D N R

Address:
550 W 7TH AVE STE 650
ANCHORAGE, AK 99501

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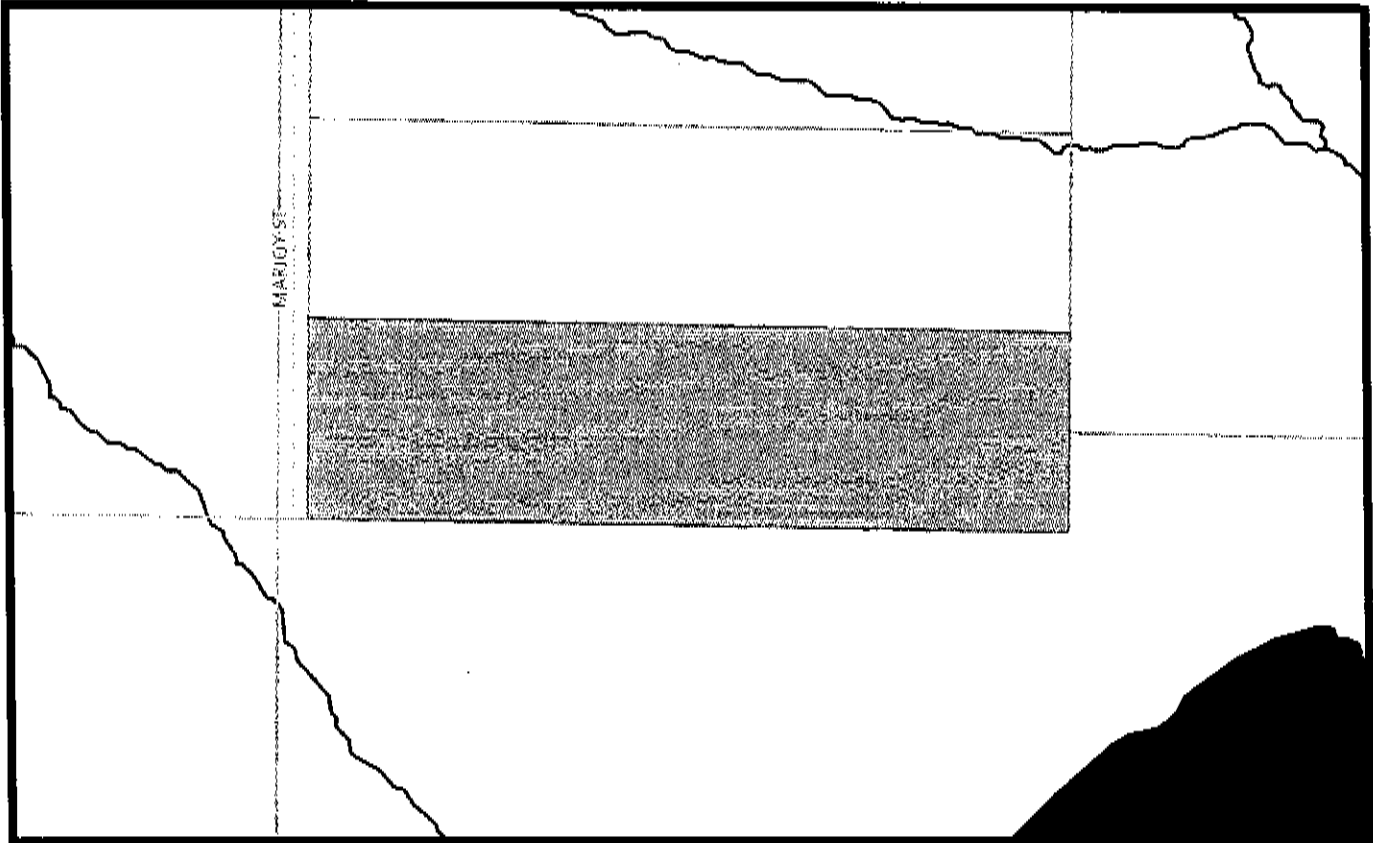
Kenai Peninsula Borough GTS Division

PARCEL REPORT

3/13/2020 11:32

PARCEL ID: 17207255

Total Acreage: 9.62



LEGAL DESCRIPTION:

T 5S R 11W SEC 9 SEWARD MERIDIAN HM 0790143 KACHEMAK BAY VIEW ESTATES SUB TRACT E

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

LAND VALUE: \$53,700

IMPROVEMENT VALUE: \$0

ASSESSED VALUE: \$53,700

TAXABLE VALUE: \$0

BUILDINGS ON THIS PARCEL:

Building Type	Square Footage	Year Built
---------------	----------------	------------

OWNERS:

Name:

ALASKA STATE D N R

Address:

550 W 7TH AVE STE 650
ANCHORAGE, AK 99501

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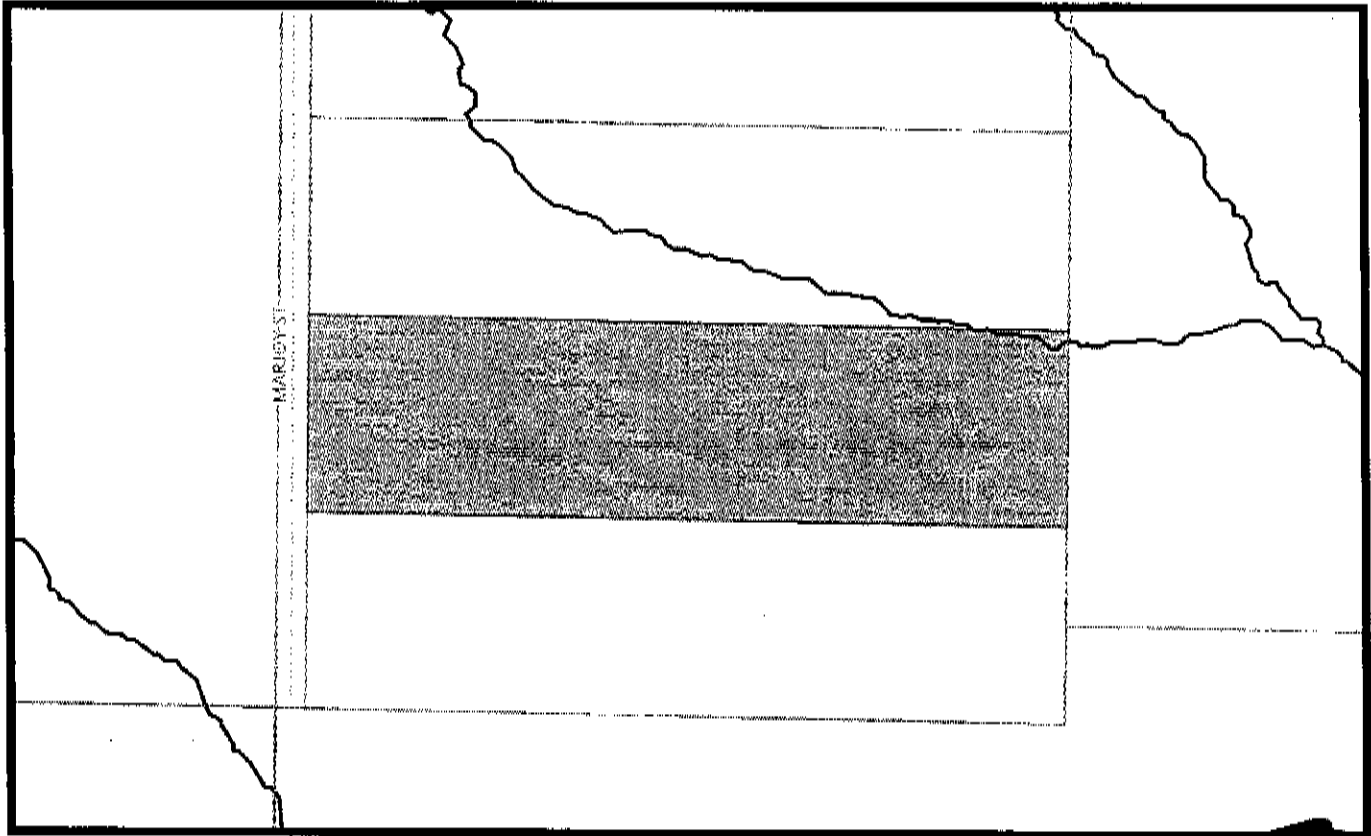


PARCEL REPORT

3/13/2020 11:33

PARCEL ID: 17207256

Total Acreage: 9.62



LEGAL DESCRIPTION:

T 5S R 11W SEC 9 SEWARD MERIDIAN HM 0790143 KACHEMAK BAY VIEW ESTATES SUB TRACT F

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

LAND VALUE: \$16,000

ASSESSED VALUE: \$16,000

IMPROVEMENT VALUE: \$0

TAXABLE VALUE: \$0

BUILDINGS ON THIS PARCEL:

Building Type	Square Footage	Year Built
---------------	----------------	------------

OWNERS:

Name:

ALASKA STATE D N R

Address:

550 W 7TH AVE STE 650
ANCHORAGE, AK 99501

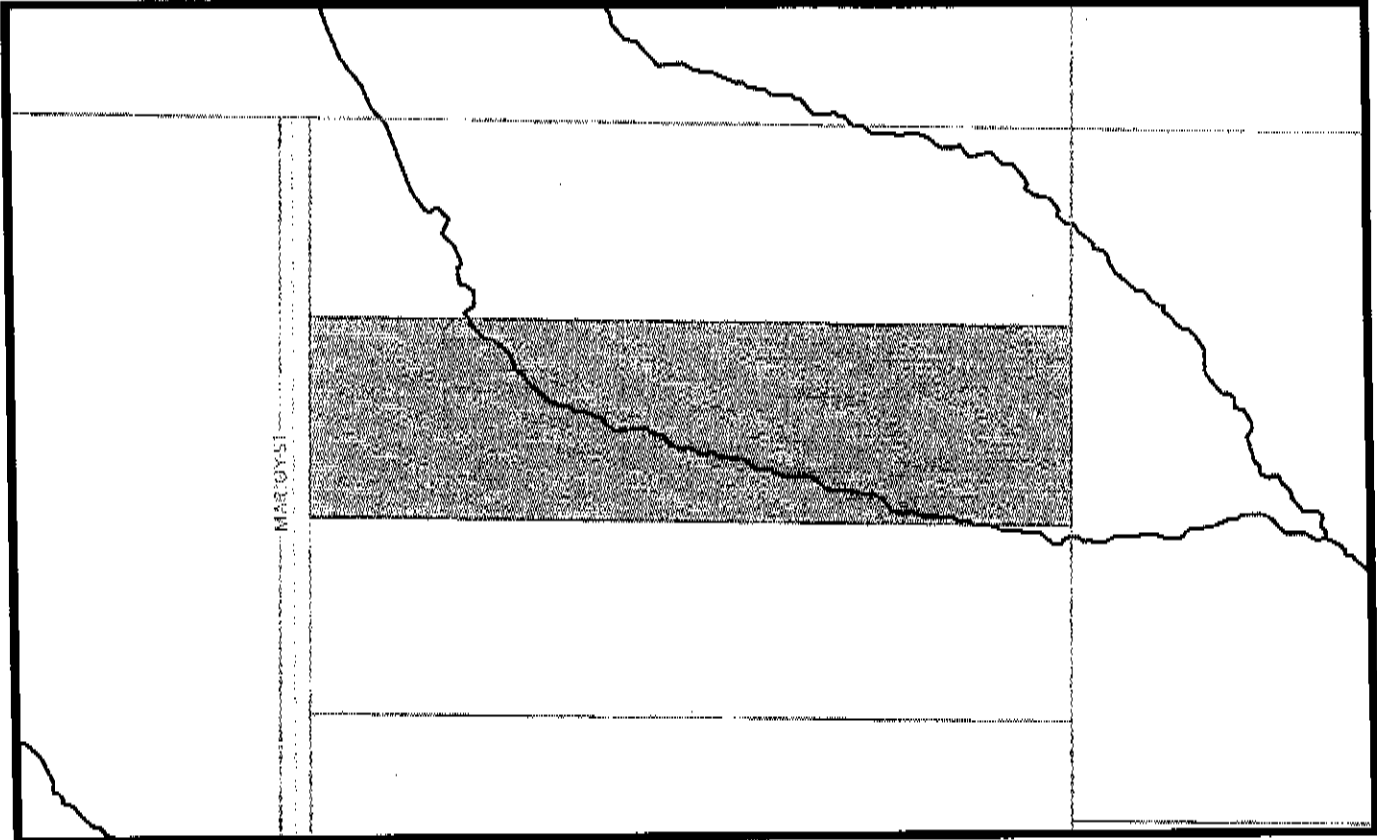


PARCEL REPORT

3/13/2020 11:34

PARCEL ID: 17207257

Total Acreage: 9.62



LEGAL DESCRIPTION:

T 5S R 11W SEC 9 SEWARD MERIDIAN HM 0790143 KACHEMAK BAY VIEW ESTATES SUB TRACT G

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

LAND VALUE: \$40,500

IMPROVEMENT VALUE: \$0

ASSESSED VALUE: \$40,500

TAXABLE VALUE: \$0

BUILDINGS ON THIS PARCEL:

Building Type	Square Footage	Year Built
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OWNERS:

Name:
ALASKA STATE D N R

Address:
550 W 7TH AVE STE 650
ANCHORAGE, AK 99501

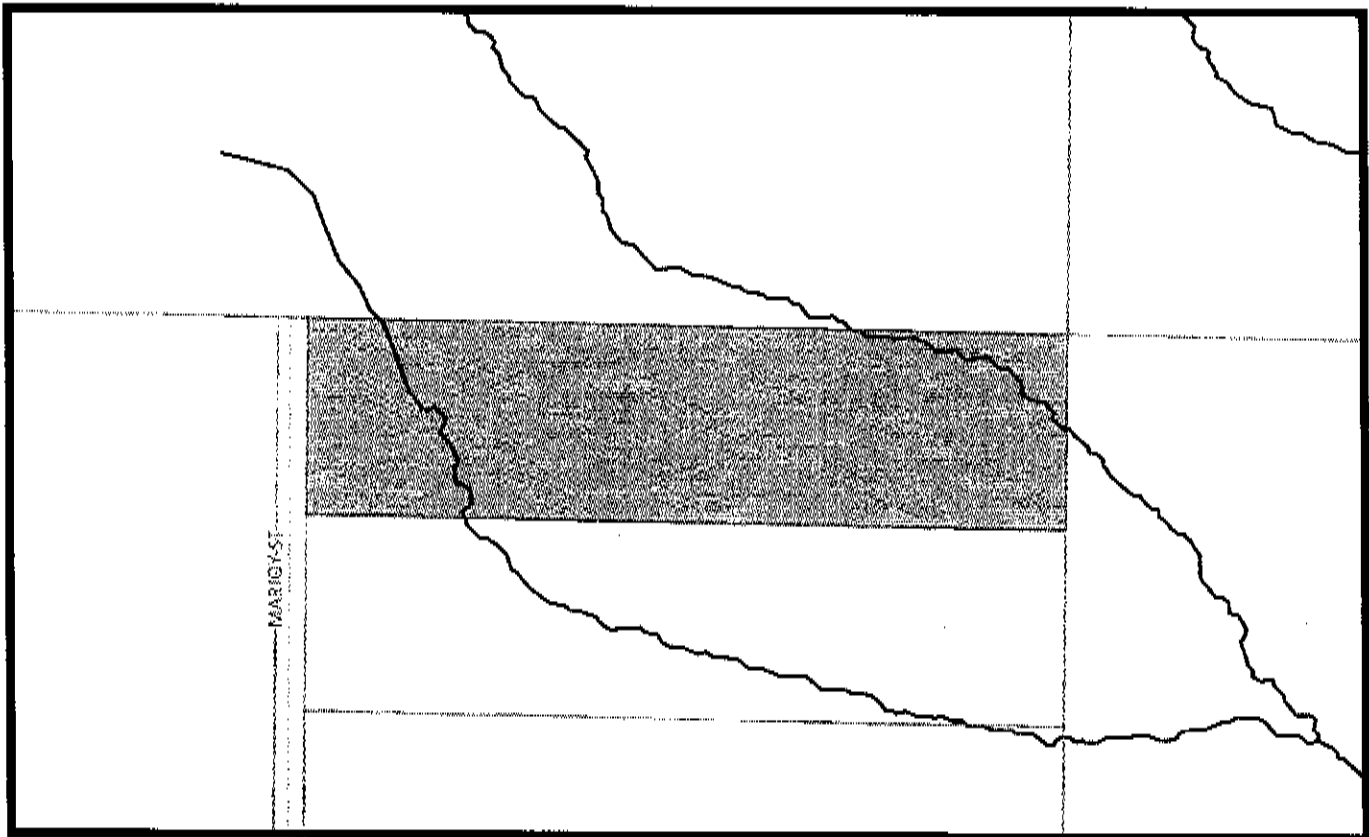


PARCEL REPORT

3/13/2020 11:35

PARCEL ID: 17207258

Total Acreage: 9.62



LEGAL DESCRIPTION:

T 5S R 11W SEC 9 SEWARD MERIDIAN HM 0790143 KACHEMAK BAY VIEW ESTATES SUB TRACT H

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

LAND VALUE:	\$23,600	ASSESSED VALUE:	\$23,600
IMPROVEMENT VALUE:	\$0	TAXABLE VALUE:	\$0

BUILDINGS ON THIS PARCEL:

Building Type	Square Footage	Year Built
---------------	----------------	------------

OWNERS:

Name:
ALASKA STATE D N R

Address:
550 W 7TH AVE STE 650
ANCHORAGE, AK 99501

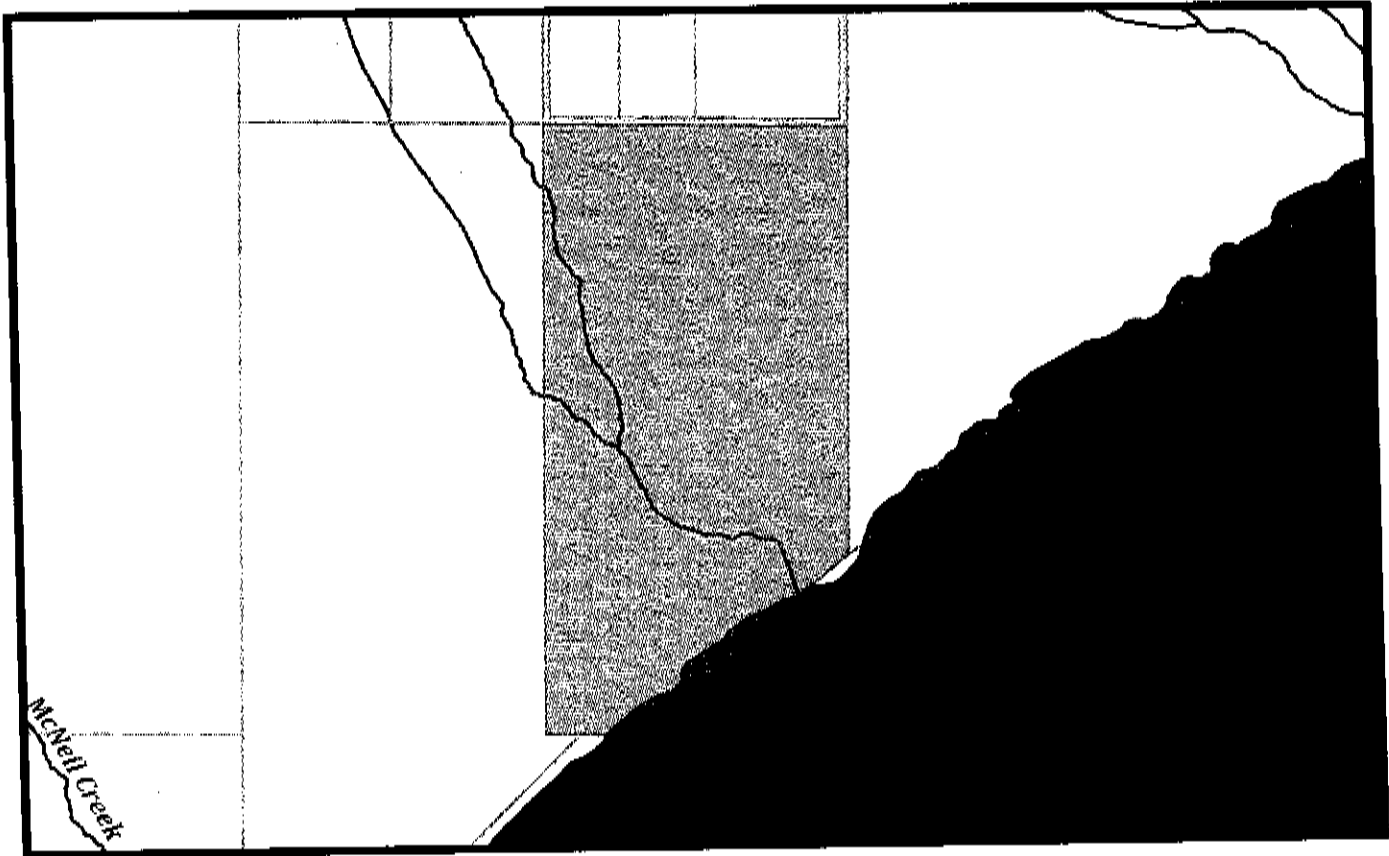


PARCEL REPORT

3/13/2020 11:37

PARCEL ID: 17205349

Total Acreage: 69.40



LEGAL DESCRIPTION:

T 5S R 12W SEC 24 SEWARD MERIDIAN HM E1/2 SE1/4

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

LAND VALUE:	\$307,500	ASSESSED VALUE:	\$307,500
IMPROVEMENT VALUE:	\$0	TAXABLE VALUE:	\$0

BUILDINGS ON THIS PARCEL:

Building Type	Square Footage	Year Built
---------------	----------------	------------

OWNERS:

Name:
ALASKA STATE D N R

Address:
550 W 7TH AVE STE 650
ANCHORAGE, AK 99501



Kachemak Bay Conservation Society
3734 Ben Walters Ln, Homer, AK 99603
907 235.8214
kbayconservation@gmail.com

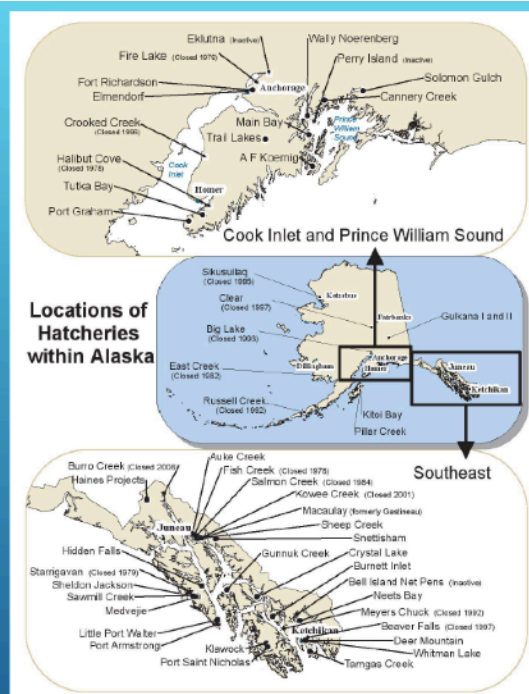
Dear Members of the House Resources Committee:

Kachemak Bay Conservation Society has been participating in public conversations about HB 52 with Representative Sarah Vance, the Department of Fish and Game and the Department of Natural Resources for the past several months. Over the course of these meetings, we have encountered several pernicious pieces of misinformation coming from these sources that we would like to correct in advance of your Hearing tomorrow:

1) **All of the above parties repeatedly claim that this bill is "not about the hatchery."** We need go no further than Rep. Vance's own powerpoint presentation (attached) to see that this bill is motivated by a desire to keep the failing Tutka Bay Lagoon Hatchery (TBLH) in operation. See, for example, this slide:

Dozens of hatcheries are operating in Cook Inlet, Prince William Sound and Southeast currently. This bill will protect the hatchery system in Alaska.

HOUSE BILL 52



2) **ADF&G Director Sam Rabung has said on multiple occasions that ADF&G will have to pay for the removal of buildings if the TBLH is shut down. This is not true.** According to the attached IMLA that sets the terms for the use of the land, this is not the case. ADF&G and DNR can come to any agreement they want about those buildings. The relevant language from the IMLA is here:



Kachemak Bay Conservation Society
3734 Ben Walters Ln, Homer, AK 99603
907 235.8214
kbayconservation@gmail.com

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"**unless other arrangements are made with DNR**" is the key part of this sentence from 1991 IMLA, p. 2.

DNR does not want ADF&G to remove the buildings. Instead, they have proposed converting them into a "group camp facility" in their Intent-To-Adopt Draft Management Plan, p. 152.

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The information Representative Vance has on her Change.org petition on the China Poot Dipnet fishery is false and misleading. According to the Director of CIAA, Dean Day, the TBLH facilities are not needed for the egg-take or release for China Poot sock--these are short-term "remote" activities that occur in net pens in the Lagoon and can occur without use of the facilities there if need be--as happens all over the state. China Poot reds are reared entirely at Trail Lakes near Moose Pass. This is why the China Poot fishery continued when TBLH was closed for almost 10 years. According to Director Day, a single CIAA board member did the egg take and remote release in the lagoon during that time. We hope you will learn more about "remote egg takes" and "remote releases" before you continue to tell the public and other lawmakers that this fishery cannot continue under the proposed park management plan. A remote eggtake and a remote release of China Poot broodstock in the Tutka Bay Lagoon can and should continue with permits from DNR without HB 52. There is no disposal issue with a permit like this. We hope you will show a solutions-oriented approach to this important fishery by championing a Sockeye Stamp that can help cover costs for this fishery going forward.

4) **HB 52 does not benefit Cook Inlet Fishermen and it does not benefit Alaskans.**

- Approximately **1,4000 Upper Cook Inlet Fishermen will benefit if Tutka Bay Lagoon Hatchery is shut down.** These permit holders pay a Salmon Enhancement Tax that goes straight into the hatchery, but they catch zero fish there.
- If TBLH is contributing to the overall debt of CIAA, which our attached calculations show that it is--losing approximately \$600,000 per year since 1991-- TBLH hurts Upper Cook Inlet



Kachemak Bay Conservation Society
3734 Ben Walters Ln, Homer, AK 99603
907 235.8214
kbayconservation@gmail.com

fishermen twice: it taxes them and they get nothing in return; and it places a lien on their permits for the overall debt they are accumulating at TBLH.

- Since this hatchery provides little to no benefit to commercial fishermen and survives on ongoing loans from the state; and since it would remove lands from the second most visited area of Kachemak Bay State Park (Tutka Bay), which is a source of income for a diverse set of stakeholders, it does not meet the standards for resource management set in **Article 8, Section 2 of the Constitution**. HB 52 will cost fishermen and Alaskans money, it will not help fishermen and Alaskans.

5) There is no practical, financial or ecological reason for the land exchange proposed in HB 52:

- We do not need to give up Tutka Bay Lagoon to add any lands to the State Park.
- HB 52 is a land swap of parcels of unequal value.
- HB 52 proposes to add lands that are already currently managed by DPOR as part of the State Park or are in the process of being added to DPOR management through an IMLA initiated by the Friends of Kachemak Bay State Park.
- Thirty-six acres of Parcel A are already in the process of being added to park management through the ongoing Interagency Land Management Assignment (ILMA) initiated by the Friends of Kachemak Bay State Park in May 2020
- Parcel B was donated to the Park in 2016 by the Matthisens and Hopkins' "for the use and benefit of the Division of Parks and Outdoor Recreation."
- Parcel C was purchased by DNR in 1997, and is currently managed by the Department of Parks and Outdoor Recreation as part of Kachemak Bay State Park.

Sincerely,

Roberta Highland,
President, Kachemak Bay Conservation Society

WARRANTY DEED

GRANTOR, Donald E. Waddell DBA Pendell Timber Company, whose address is P.O. Box 277, Sumner, Washington 98390, for and in consideration of two hundred and thirty five thousand dollars (\$235,000.00) and other good and sufficient consideration received, grant, convey and warrant to GRANTEE, the State of Alaska, whose address is Department of Natural Resources, 3601 C Street, Suite 960, Anchorage Alaska, 99503, the following described real property situated in the Homer Recording District, Third Judicial District, State of Alaska, more fully described as follows:

The North one-half of the Northwest one-quarter (N 1/2 NW 1/4) and the Northwest one-quarter of the Northeast one-quarter (NW 1/4 NE 1/4) and Government Lot Two (2), of Section 17, Township 5 South, Range 11 West, Seward Meridian, in the Homer Recording District, Third Judicial District, State of Alaska.

Together with all of the easements and appurtenances thereto, and improvements located thereon.

Subject to the following:

1. Reservations and exceptions as contained in United States Patent and/or Acts of Congress authorizing the issuance thereof.
2. Reservation and exceptions as contained in State of Alaska Patent, and/or acts authorizing the issuance thereof; said patent reserves all oil, gas, and mineral rights.
3. Any adverse claim of the United States or of the State of Alaska to any portion of said premises which lies within the bed of the Kachemak Bay, below the line of mean high water.
4. Any adverse claim of the United States or of the State of Alaska to any portion of said premises which lies within the bed of the Unnamed Creek, below the line of mean high water.
5. Reservation of a section line easement 50 feet in width along each side of the section line as provided by AS 19.10.010.

Dated: 3 - 17, 1997.

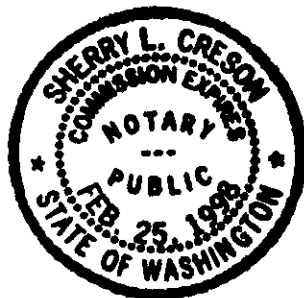
GRANTOR: DONALD E. WADDELL
DBA PENDELL TIMBER COMPANY

Donald E. Waddell
DONALD E. WADDELL
DBA PENDELL TIMBER COMPANY

STATE OF ~~ALASKA~~ Washington)
County of Pierce) ss.
~~THIRD JUDICIAL DISTRICT~~)

THIS IS TO CERTIFY that on the 17th day of March, 1997, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Donald E. Waddell, to me known and known to be the person s/he represented her/himself to be, and the same identical person who executed the above and foregoing WARRANTY DEED freely and voluntarily for the use and purposes therein mentioned.

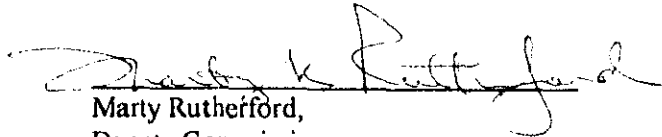
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Sherry L. Creson
Notary Public in and for the State of ~~Alaska~~ WA.
My commission expires: Feb 25, 1998

STATE ACCEPTANCE

On behalf of the State of Alaska pursuant to AS 41.21.020(a)(3), I do hereby accept title to the above described real property to be managed for park and recreational purposes.



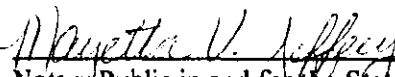
Marty Rutherford,
Deputy Commissioner,
Department of Natural Resources
State of Alaska

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 19th day of March, 1997, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Marty Rutherford, Deputy Commissioner, Department of Natural Resources, State of Alaska, to me known and known to be the person she represented herself to be, and the same identical person who executed the above and foregoing WARRANTY DEED on behalf of State of Alaska in the name of and for and on behalf of said State of Alaska, freely and voluntarily for the use and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.




Notary Public in and for the State of Alaska
My commission expires: 6-22-99

After Recording Return to:
Alex Swiderski
Assistant Attorney General
1031 W. 4th Avenue Suite 200
Anchorage, AK. 99501

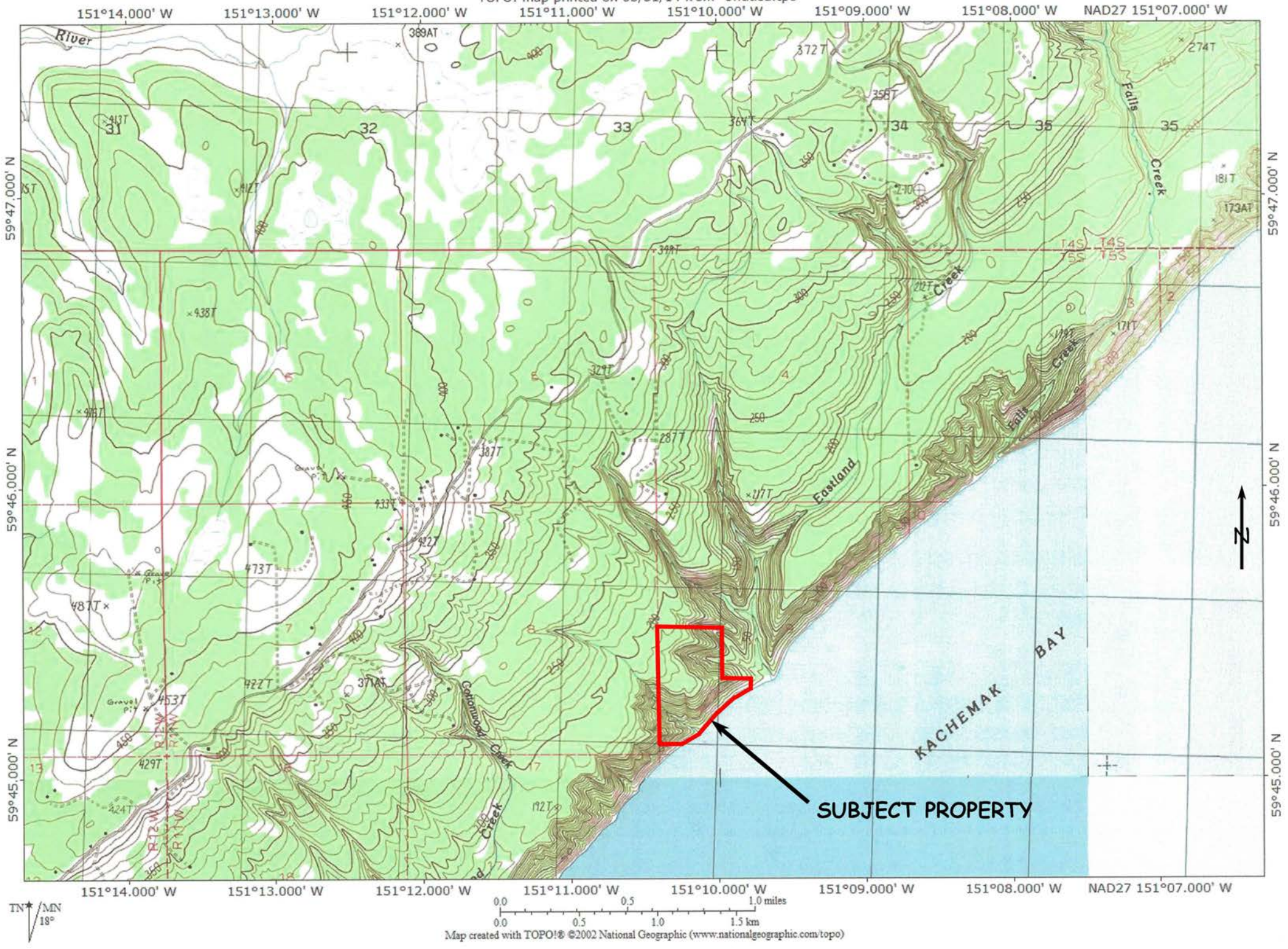
LOCATION INDEX:
Township 5 South, Range 11 West, Seward Meridian
Section 17

15555-89.001\closdoc\wadd-WD.doc

97-0842

RECORDED
DISTRICT
REQUESTED BY II

'97 MAR 19 AM 9 37



0042

7-30-2002 1"=2000' 153,272

HOMER

TMAS
7/30/02
153,272

KACHEMAK BAY

SUBJECT
PROPERTY

EAST END ROAD

ONE MILE

PHOTO BY QUANTUM SPATIAL, INC.

ccc

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2016 – 003238 – 0

Recording District 309 Homer

10/25/2016 12:22 PM

Page 1 of 5



F-54430AD MF
32344

WARRANTY DEED

FTAA

The Grantors, **MARILYN B. MATTHISEN, AS SURVIVING SPOUSE OF CLIFFORD JOHN MATTHISEN**, who acquired title as husband and wife and **MARILYN B. MATTHISEN, INDIVIDUALLY**, whose address of record is 12540 Furrow Creek Road, Anchorage, Alaska 99516-2831, and **JAMES D. HOPKINS AND JOYCE K. HOPKINS**, husband and wife, as tenants by the entirety, whose address of record is 7500 East Springwood Drive, Wasilla, Alaska 99654-4679 for and in consideration of the sum of ten dollars (\$10.00) and other good and sufficient considerations received, grants, conveys and warrants to Grantee, the **STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES**, whose address is 550 West Seventh Avenue, Suite 1050A, Anchorage, Alaska 99501-3579, **for the use and benefit of Division of Parks and Outdoor Recreation**, the following described real property:

PARCEL 1:

TRACTS E, F, G AND H OF KACHEMAK BAY VIEW ESTATES, CONTAINING 38.48 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT FILED IN THE HOMER RECORDING DISTRICT ON DECEMBER 31, 1979, AS PLAT 79-143.

PARCEL 2:

GOVERNMENT LOTS 4, 6, AND 7 OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 11 WEST, SEWARD MERIDIAN, CONTAINING 37.19 ACRES, MORE OR LESS, ACCORDING TO THE SUPPLEMENTAL PLAT OF SECTION 9, ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON D.C. ON JULY 7, 1948.

AGGREGATING 75.67 ACRES, MORE OR LESS.

Situated in the Homer Recording District.

Subject to valid existing rights, including reservations, easements, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.

TO HAVE AND TO HOLD THE SAME, together with all of the easements and appurtenances thereto, and improvements located thereon.

GRANTOR

Marilyn B. Matthisen

Date: 9-28-16

By: Marilyn B. Matthisen
Marilyn B. Matthisen, as surviving
spouse of Clifford John Matthisen,
who acquired title as husband and wife

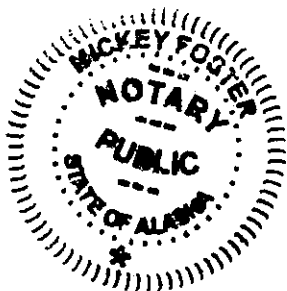
By: Marilyn B. Matthisen
Marilyn B. Matthisen, individually

ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 28 day of SEPT, 2016, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared MARILYN B. MATTHISEN, as surviving spouse of Clifford John Matthisen, who acquired title as husband and wife and MARILYN B. MATTHISEN, individually, to me known and known to be the person she represented herself to be, and the same identical person who executed the above and foregoing WARRANTY DEED, freely and voluntarily for the use and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.




Mickey Foster
Notary Public in and for the State of Alaska
My appointment expires: 10.3.2018



GRANTOR

James D. Hopkins

Date: 9.28.16

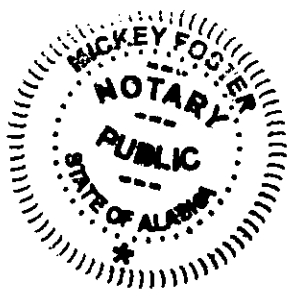
By: 
James D. Hopkins


ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 28 day of Sept, 2016, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared JAMES D. HOPKINS, to me known and known to be the person he represented himself to be, and the same identical person who executed the above and foregoing WARRANTY DEED, freely and voluntarily for the use and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.




Notary Public in and for the State of Alaska
My appointment expires: 10.3.2018



GRANTOR

Joyce K. Hopkins

Date: 9-28-2016

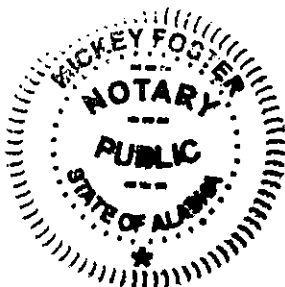
By: Joyce K. Hopkins
Joyce K. Hopkins

ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 28 day of SEPT, 2016, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared JOYCE K. HOPKINS, to me known and known to be the person she represented herself to be, and the same identical person who executed the above and foregoing WARRANTY DEED, freely and voluntarily for the use and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Mickey Foster

Notary Public in and for the State of Alaska
My appointment expires: 10.3.2018




STATE ACCEPTANCE

In Testimony Whereof the State of Alaska has caused these presents to be executed by the Division Operations Manager, Division of Mining, Land and Water, Department of Natural Resources, State of Alaska, pursuant to delegated authority, this 4 day of OCT, 2016.

GRANTEE

State of Alaska
Division of Mining, Land and Water

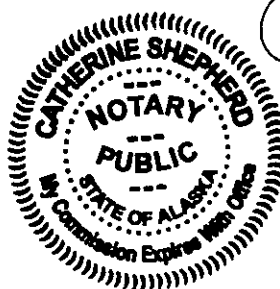
Date: Oct 4, 2016

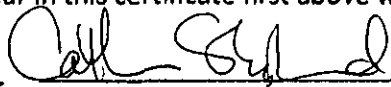
By: 
Martin W. Parsons,
Division Operations Manager,
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 4th day of October, 2016, personally appeared before me MARTIN W. PARSONS, who is known to be the person who has been lawfully delegated the authority of the Director of the Division of Mining, Land and Water, Department of Natural Resources, State of Alaska, to execute the foregoing document under such legal authority and with knowledge of its contents; and who acknowledged said document for me on behalf of Grantor.

Witness my hand and official seal the day and year in this certificate first above written.




Notary Public in and for the State of Alaska
My commission expires with office

Return to:
State of Alaska
Realty Services/Acquisition Unit
550 West Seventh Avenue, Suite 1050A
Anchorage, Alaska 99501-3579

Location Index:
T. 5S., R. 11W., S.M.
Section 9

State Business No Charge

Page 5 of 5

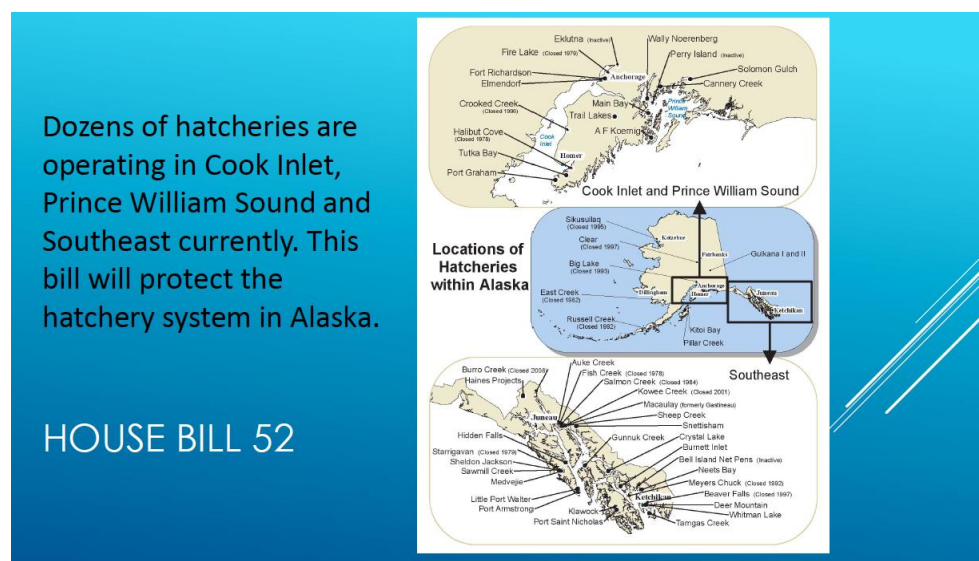
Hopkins-Kachemak Bay State Park
Warranty Deed



Dear Members of the House Resources Committee:

Kachemak Bay Conservation Society has been participating in public conversations about HB 52 with Representative Sarah Vance, the Department of Fish and Game and the Department of Natural Resources for the past several months. Over the course of these meetings, we have encountered a number pernicious pieces of misinformation coming from these sources that we would like to correct in advance of your Hearing tomorrow:

1) **All of the above parties repeatedly claim that this bill is "not about the hatchery."** We need go no further than Rep. Vance's own powerpoint presentation (attached) to see that this bill is motivated by a desire to keep the failing Tutka Bay Lagoon Hatchery (TBLH) in operation. See, for example, this slide:



2) **ADF&G Director Sam Rabung has said on multiple occasions that ADF&G will have to pay for the removal of buildings if the TBLH is shut down. This is not true.**

According to the attached IMLA that sets the terms for the use of the land, this is not the case. ADF&G and DNR can come to any agreement they want about those buildings. The relevant language from the IMLA is here:

7. IF ADF&G ceases to operate the hatchery, either directly or through a cooperative operating agreement, ADF&G will remove the improvements and provide a reasonable level of restoration of the land unless other arrangements are made with DNR. Restoration will include regrading and drainage of the hatchery site to natural contours and seeding with grass.

"unless other arrangements are made with DNR" is the key part of this sentence from 1991 IMLA, p. 2.

Keep in mind that ADNR does not want ADF&G to remove the buildings. Instead, they have proposed converting them into a "group camp facility" beginning in 2031 in their Intent-To-Adopt Draft Management Plan, p. 152:

Tutka Bay Lagoon Hatchery (TBLH)

The legislature created KBSP as a scenic park, where the state would manage these park lands to preserve their natural features and ensure minimal development. There are two distinct concerns about the hatchery: it is inconsistent with the legislative management direction for the park as a "scenic park"; and it could constitute a disposal of legislatively designated lands as detailed in Chapter 4. The state, therefore, intends to explore phasing out hatchery operations, in include not renewing the CIAA operating agreement in 2031. Following a cessation of the hatchery's operations, DPOR would work with ADF&G to convert the TBLH area to park purposes by restoring portions of the site and retaining certain structures that can be used as a group camp facility. The Interagency Land Management Agreement (ILMA) between DNR and ADF&G would expire once restoration work is complete.

3) We do not need HB 52 to keep China Poot going.

The information Representative Vance has on her [Change.org](#) petition on the China Poot Dipnet fishery is false and misleading. According to the Director of CIAA, Dean Day, the TBLH facilities are not needed for the egg-take or release for China Poot sock--these are short-term "remote" activities that occur in net pens in the Lagoon and can occur without use of the facilities there if need be--as happens all over the state. China Poot reds are reared entirely at Trail Lakes near Moose Pass. This is why the China Poot fishery continued when TBLH was closed for almost 10 years. According to Director Day, a single CIAA board member did the egg take and remote release in the lagoon during that time. We hope you will learn more about "remote egg takes" and "remote releases" before you continue to tell the public and other lawmakers that this fishery cannot continue under the proposed park management plan. A remote eggtake and a remote release of China Poot broodstock in the Tutka Bay Lagoon can and should continue with permits from DNR without HB 52. There is no disposal issue with a permit like this. We hope you will show a solutions-oriented approach to this important fishery by championing a Sockeye Stamp that can help cover costs for this fishery going forward.

4) HB 52 does not benefit Cook Inlet Fishermen and it does not benefit Alaskans:

- Approximately **1,4000 Upper Cook Inlet Fishermen will benefit if Tutka Bay Lagoon Hatchery is shut down**. These permit holders pay a Salmon Enhancement Tax that goes straight into the hatchery, but they catch zero fish there.
- If TBLH is contributing to the overall debt of CIAA, which our attached calculations show that it is--losing approximately \$600,000 per year since 1991-- TBLH hurts Upper Cook Inlet fishermen twice: it taxes them and they get nothing in return; and it places a lien on their permits for the overall debt they are accumulating at TBLH.
- Since this hatchery provides little to no benefit to commercial fishermen and survives on ongoing loans from the state; and since it would remove lands from the second most visited area of Kachemak Bay State Park (Tutka Bay), which is a source of income for a diverse set of stakeholders, it does not meet the standards for resource management set in **Article 8, Section 2 of the Constitution**. HB 52 will cost fishermen and Alaskans money, it will not help fishermen and Alaskans.

5) There is no practical, financial or ecological reason for the land exchange proposed in HB 52:

- We do not need to give up Tutka Bay Lagoon to add any lands to the State Park.
- HB 52 is a land swap of parcels of unequal value.

- HB 52 proposes to add lands that are already currently managed by DPOR as part of the State Park or are in the process of being added to DPOR management through an IMLA initiated by the Friends of Kachemak Bay State Park.
- Thirty-six acres of Parcel A are already in the process of being added to park management through the ongoing Interagency Land Management Assignment (ILMA) initiated by the Friends of Kachemak Bay State Park in May 2020
- Parcel B was donated to the Park in 2016 by the Matthisens and Hopkins' "for the use and benefit of the Division of Parks and Outdoor Recreation."
- Parcel C was purchased by DNR in 1997, and is currently managed by the Department of Parks and Outdoor Recreation as part of Kachemak Bay State Park.

Sincerely,

Roberta Highland,

President, Kachemak Bay Conservation Society

--

Kachemak Bay Conservation Society

Homer, Alaska

kbayconservation@gmail.com

<http://www.kbayconservation.org>

alaskansknowclimatechange.com

Comparison of Commercial Common Property to CIAA Cost Recovery Harvest*

Year	TBLH/CIAA Cost Recovery (number of fish)	Tutka SHA Subdistrict Commercial Common Property (number of fish)
1991	101,837	14,642
1992	275,897	41,642
1993	409,431	128,347
1994	953,231	498,436
1995	1,213,332	1,212,342
1996	420,411	6,941
1997	2,375,653	13,406
1998	792,542	504,764
1999	857,902	222,228
2000	1,043,705	8,580
2001	421,408	109,682
2002	703,205	4,825
2003	507,215	5,074
2004	1,175,326	1,524
2005	1,631,806	4,789
2006	0	0
2007	0	0
2008	0	0
2009	0	0
2010	0	0
2011	0	0
2012	0	0
2013	39,153	866
2014	32	11,004
2015	2,087,024	111,957
2016	23,776	51,403
2017	110,152	291,902
2018	939,967	184,320
2019	189,383	8,920
2020	656,366	134,462
2021	303,169	0
Total harvest:	17,231,923	3,572,056
Average Harvest:	555,868	115,228
Percent Harvest:	83%	17%

*From ADF&G's "2018 Lower Cook Inlet Area Finfish Management Report," (p. 167). 2019-2021 from CIAA's Hatchery Reports and Annual Reports and Personal Communication with ADF&G Area Manager Glen Hollowel.

TBLH Profit & Loss 1991-2021

Year	Tutka cost recovery no. of fish *	Value of Cost recovery †	TBLH Expense ††	Profit/Loss §
1991	101,837	\$ 47,965		\$ (375,846)
1992	275,897	\$ 181,926		\$ (171,461)
1993	409,431	\$ 218,554		\$ (79,989)
1994	953,231	\$ 568,698		\$ 131,563
1995	1,213,332	\$ 723,874		\$ (404,487)
1996	420,411	\$ 132,009		\$ 333,965
1997	2,375,653	\$ 1,118,933		\$ (140,909)
1998	792,542	\$ 398,173		\$ (542,481)
1999	857,902	\$ 431,010		\$ (142,568)
2000	1,043,705	\$ 491,585	\$ 486,845	\$ 4,740
2001	421,408	\$ 172,019	\$ 432,696	\$ (260,677)
2002	703,205	\$ 220,806	\$ 571,720	\$ (350,914)
2003	507,215	\$ 143,339	\$ 624,446	\$ (481,107)
2004	1,175,326	\$ 405,958	\$ 687,786	\$ (281,828)
2005	1,631,806	\$ 614,865	\$ 83,665	\$ 531,200
2006	0	\$ - 0	\$ 108,134	\$ (108,134)
2007	0	\$ - 0	\$ 69,966	\$ (69,966)
2008	377	\$ 414	\$ - 0	\$ 414
2009	0	\$ - 0	\$ 70,855	\$ (70,855)
2010	161	\$ 202	\$ - 0	\$ 202
2011	5	\$ 7	\$ 139,622	\$ (139,615)
2012	171	\$ 268	\$ 944,278	\$ (944,010)
2013	39,153	\$ 51,635	\$ 1,092,838	\$ (1,041,203)
2014	32	\$ 31	\$ 995,671	\$ (995,640)
2015	2,087,024	\$ 1,507,249	\$ 897,051	\$ 610,198
2016	23,776	\$ 27,623	\$ 1,083,457	\$ (1,055,834)
2017	110,152	\$ 138,351	\$ 1,231,630	\$ (1,093,279)
2018	939,967	\$ 1,416,718	\$ 1,403,185	\$ 13,533
2019	179,639	\$ 169,220	\$ 924,707	\$ (755,487)
2020	635,184	\$ 658,178	\$ 968,049	\$ (309,871)
2021	303,160	\$ 314,134	\$ 968,049	\$ (653,915)
Average	538,092	\$ 317,863.00	\$626,575.00	\$ (285,299)
Average 2011-2021				\$ (578,647)
Total				\$ (8,844,260)
* From “2018 Lower Cook Inlet Area Management Report”				
† Calculation based on ADF&G weights and price per pound.				
† † Expenses from CIAA Annual Reports, CIAA 990s, and Audits. Expenses from 1991-1999 are not available as of 1/20/22.				
§ Values from 1991-1999 are estimates from CIAA Annual Reports.				