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REPRESENTATIVE ANDY JOSEPHSON

MEMORANDUM

Date: March 17, 2026
From: Representative Andy Josephson
To: Representative Robyn Frier, Co-chair
Representative Maxine Dibert, Co-chair
House Resources Committee
RE: HB 321 Hearing Follow-up Information

This memo and attached information are to help answer some of the many insightful questions we received at the committee's March 4 and 16, 2026 hearings concerning House Bill 321 (Fish and Game Wildlife Refuges).

Overall Bill Purpose: to facilitate the more efficient and effective management of Department of Fish and Game (DFG) Special Areas and to promote better and wider public understanding, use, and appreciation of these areas — fostering stewardship and support of these important wildlife areas while strengthening recreational, subsistence, and economic opportunities for Alaskans.

LDA Purpose Statements: as the attached Department of Natural Resources (DNR) fact sheet details, there are approximately 12 million acres of state-owned land within Legislatively Designated Areas (LDAs) including sanctuaries, critical habitat areas, refuges, ranges, parks, recreation areas, special management areas, forests, public use areas, recreation rivers, and recreational mining areas. These areas are established by the Legislature under the authority of the state's constitution Article VIII, § 7 as "Special Purpose Sites."

Also attached are statutory purpose statements for areas managed by the DFG (i.e. sanctuaries, critical habitat areas, and refuges) and a sampling of statutory purpose statements for DNR managed LDAs. Following is a summary of these purpose statements:

Sanctuaries: these areas are established to protect habitats and populations of a specific species (Pacific walrus and brown bear) with a high emphasis on the scientific, aesthetic, and educational values they provide.

Critical Habitat Areas (CHA) and Refuges: both these designations place a high importance on protecting and preserving wildlife habitat. CHAs generally emphasize the habitat of a specific species or grouping of species (e.g. the Dude Creek CHA purpose statement specifically mentions habitat for lesser sandhill cranes) while refuges emphasize habitats for a broad range of species. Public uses of these areas are allowed provided it does not conflict with the primary purpose.

Ranges: there are two wildlife ranges which place an emphasis on habitat enhancements for a specific species (bison and moose) and allow for multiple use of these areas. Note that DFG does not have land management responsibilities in these areas with the exception of habitat manipulation.

Parks: the overall purpose of the parks system is “to foster the growth and development of a system of parks and recreational facilities and opportunities in the state, for the general health, welfare, education, and enjoyment of its citizens and for the attraction of visitors to the state.” Several park purpose statements include the provision to protect an area’s fish, wildlife, and scenic resources; and public use of those resources.

Recreation Areas: the primary function of these sites is to provide for public recreation of the lands and waters.

Special Management Area: these areas are managed as part of the state park system and have a similar purpose.

Forests: the primary purpose of these areas is timber management that provides for the production, utilization, and replenishment of timber resources while allowing other beneficial uses of public land and resources.

Public Use Areas: protect wildlife habitats so that traditional public uses of fish and wildlife populations may continue and provide for general public recreational opportunities.

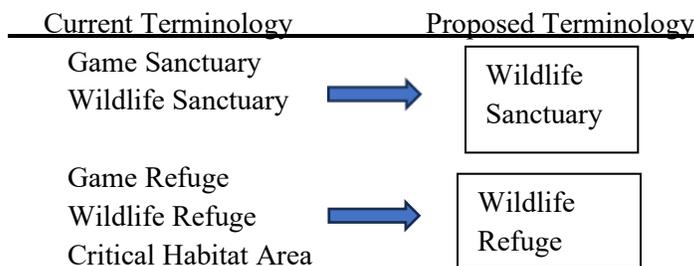
Recreational Rivers: the management, protection, and maintenance of the fish and wildlife populations and habitat on a sustained-yield basis for continued recreation and economic use.

Recreational Mining Area: to provide for a public recreational mining area to permit public recreational activities and to allow other multiple use activities to continue as long as the activities do not detract from the primary purpose.

Name Change and Revised Purpose Statement: this bill brings naming consistency to Alaska's Special Areas — game refuges, wildlife refuges, game sanctuaries, wildlife sanctuaries, and critical habitat areas — by renaming all refuges and critical habitat areas as "Wildlife Refuges" and all sanctuaries as "Wildlife Sanctuaries." Eliminating the designation of "critical habitat area" also avoids confusion with the federal Endangered Species Act's "critical habitat" designation. The term "refuge" signals to the public that these areas remain open to access and use, albeit with restrictions to protect habitats and wildlife populations.

In addition to the name change, consolidating and clarifying the purpose statements of the combined refuges and critical habitat areas standardizes the management framework for these areas; provides managers consistent terminology and statutory intent; and clarifies that a variety of public uses in these areas is appropriate provided they are consistent with maintaining habitats and wildlife populations.

By providing managers and the public consistency in terminology and purpose, while encouraging compatible uses, these changes will help promote awareness, responsible use, and appreciation of these areas resulting in better community and individual stewardship.



Allowed Activities: several questions addressed what restrictions would be placed on areas added to a Special Area because of this bill. Since most of these additions involve lands already managed by DFG and many of the parcels contain deed and grant restrictions requiring their continued purpose of providing wildlife habitat, there should be no changes to activities that are allowed. In fact, Section 6 of this bill strengthens DFG's regulatory ability to manage public uses of these areas and stipulates (or in some case, reconfirms) the statutory purpose of providing public access and allowing consumptive and nonconsumptive activities. **Additionally, all existing easements and access corridors remain in place with the addition of these lands.** Based on our information, DFG generally authorizes traditional access on existing roads and trails, including that for the off-road use of vehicles. The relatively small additions to these Special Areas should not influence those permits and activities.

There was a question concerning access from the terminus of East End Road to the community of Kachemak Selo. Since the trail down the bluff and into this community is located in uplands and above the mean high tide line, it would be unaffected by the limited addition to Kachemak Bay CHA which encompasses only tide and submerged lands below mean high tide. There was also a question concerning access for hunting and fishing in the area in and near the Fox River Flats CHA. While the existing offroad vehicle trail traverses one of the areas being proposed for addition, this trail has been authorized by DFG Special Area permit issued under 5 AAC 95.770 for several decades and no change in this authorization is anticipated. In fact, DFG has recently conducted trail improvements along this route to include ORV bridge upgrades and vegetation clearing. Additionally, DNR has been addressing an application for an RS2477 right-of-way easement for this trail and has made a preliminary decision to grant this easement, further solidifying continued use of the trail.

While there were questions about access and allowed activities along the Funny River within the Kenai River Special Management Area and at Jim Creek in the Knik Public Use Area, we are unaware of specific issues at those sites. These sites are managed by the DNR and are not subject to any provisions of this bill.

Firearms and Access Closure: The intent of Section 7 is to allow DFG to close through the adoption of regulations certain limited areas in a refuge to the discharge of firearms for purposes other than hunting, trapping, and fishing (e.g. target shooting, skeet and trap shooting, etc.) to protect public safety and to avoid creating a hazardous contaminated site from lead accumulation. The intent is that this would only be applied at locations frequented by the public such as access sites, trailheads, picnic sites, etc. Due to past indiscriminate target shooting at refuge access sites, the DFG, Department of Environmental Conservation, and the federal Environmental Protection Agency have expended several million dollars to mitigate lead contaminated sites. Continued target shooting leaves the state liable for the public's health and safety at these sites.

Additionally, this section would allow DFG to adopt regulations to close certain areas in a refuge to public access where the public's presence would create a safety hazard to themselves or disrupt facility operations. Of primary concern is the area down range from the Rabbit Creek Shooting Park in the Anchorage Coastal Wildlife Refuge.

Maps: attached are a new series of maps to better illustrate the proposed boundary changes to DFG refuges and CHAs and additions to a McNeil River sanctuary brown bear hunting closure. While the maps simply provide a visual representation of the existing area boundary and the proposed changes, the legal boundary established by the legislature is that contained in the bill language. Following is a list of bill sections and the corresponding map area being referenced including a summary of each area being proposed for boundary changes. Note that several of these boundary adjustments were the subject of previous legislation (HB130 in 2017) which

passed the House on a 35-2 vote, only to eventually fail after being amended in the Senate. As with HB130, no new lands are being purchased in this bill; it would primarily fold existing state-owned lands into the Special Area.

Sections 4, 48: Hunting Closure: three areas adjoining the McNeil River State Game Sanctuary would be closed to brown bear hunting. This includes lands south and east of the sanctuary and which have been closed to brown bear hunting by Board of Game (BOG) regulation for at least 40 years, and to the north in the McNeil River State Game Refuge which has been closed to brown bear hunting by BOG regulation for at least 30 years.

Section 8: Cape Newenham State Game Refuge: two intertidal state-owned areas in the northern portion of Chagvan Bay are not captured by the current legal description for the refuge. During an April 5, 2017 House Resources Committee hearing concerning HB130 (a bill addressing these same changes), DFG testified that this refuge was intended to incorporate the tide and submerged lands of the lagoon in its entirety and the omitted areas were intended for inclusion in the refuge. The omission may have been a result of imperfect mapping of the shoreline in the 1960s and 70s and the additions are to correct the error. These sites are in locations inaccessible to vehicles.

Sections 8, 9,10: Izembek State Game Refuge: there are 11 relatively small intertidal state-owned areas within Izembek and Moffet lagoons that are not captured by the existing legal description. These areas extend into land survey sections not otherwise captured in the existing legal description. During the April 5, 2017 House Resources Committee hearing concerning HB130, DFG testified that this refuge was intended to incorporate the tide and submerged lands of the lagoons in their entirety and the waterbodies of the surrounding federal refuge and the excluded areas may have been a result of imperfect mapping of the shoreline in the 1960s and 70s and the additions are to correct the error. Most of the sites are in locations inaccessible to vehicles and the one site near a roadway would not be conducive to development due to wetlands and federal upland ownership.

Sections 13: Anchorage Coastal Wildlife Refuge: there are five parcels that are state-owned and managed by DFG which are being proposed for inclusion in this refuge. Two parcels at the south end of Potter Marsh are located outside the legislative boundary and are the site of the former Department of Transportation (DOT) vehicle weigh station. These parcels are managed by DFG under an agreement with DOT and are currently undergoing refuge access improvements. One parcel along the Old Seward Highway is within the legislative boundary but since acquisition was subsequent to refuge creation, it requires legislative action to be managed as refuge and contains a deed restriction to maintain its wildlife habitat values. Lastly, two parcels on the north end of the marsh are outside the refuge's legislative boundary but are managed for their habitat values. One was acquired with funds from a federal wetlands grant and private funds and contains a deed restriction to maintain its wildlife habitat values, while the other is a portion of the original Rabbit Creek Shooting

Park parcel that was bisected and isolated by construction of the New Seward Highway and not incorporated into the original refuge boundary.

Section 14: Palmer Hay Flats State Game Refuge: there are seven areas or parcels of state-owned wetlands managed by DFG that are being proposed for including in the refuge, six of which are within the external refuge boundary and are currently managed for their refuge values. Two of the parcels were acquired with funds provided by federal wetlands grant and other funds, while two others were donated to the state from the Matanuska-Susitna Borough. These four parcels contain deed restrictions to maintain their wildlife habitat values. Two areas for inclusion include watercourses (Rabbit Slough and abandoned channels of the Matanuska River) that are within the external refuge boundary but were not originally included in the refuge as the adjoining parcels which are now under state ownership were fixed to the highwater mark of the watercourse. During the April 5, 2017 House Resources Committee hearing concerning HB130, DFG testified that management of the abandoned channels which are excluded from refuge jurisdiction was problematic from a management and public use perspective. The seventh area proposed for inclusion in the refuge includes accreted lands adjoining the refuge boundary within Knik Arm that are now valuable uplands containing wildlife habitat contiguous with the existing refuge.

Section 25, Mendenhall Wetlands State Game Refuge: there is one state-owned parcel within the external refuge boundary of this refuge and managed by DFG. While this parcel was formerly state-owned, it was deeded to the adjoining private landowner due to land accretion. This parcel was then donated to the state and contains a deed restriction that it be managed for its habitat values.

Section 47: Creamer's Field Migratory Waterfowl Refuge: there are five tracts of state-owned land contiguous with the refuge and managed by DFG. Four of these tracts were purchased from the University of Alaska using federal wetlands grants and private donations. Although a state entity, the university as an independent land grant university monetizes their land holdings and rather than develop these parcels, they opted to sell them for the benefit of the refuge. One private parcel was purchased using private funds and donated to the state for eventual inclusion in the refuge. All these parcels contain deed restrictions to preserve their habitat values.

Sections 63, 64, Port Moller CHA: the provision of this bill will remove CHA jurisdiction over Native Corporation and other private lands within the external boundary and will remove the existing exclusion of tide and submerged lands within certain sections. It will also correct an error made in the original enabling legislation that shifted the CHA boundary one entire range resulting in important habitat not being captured by the boundary and which places the community of Nelson Lagoon within the CHA. During the April 5, 2017 House Resources Committee hearing concerning HB130, DFG testified that these boundary changes were necessary to correct an error.

Sections 65, 66: Port Heiden CHA: the provision of this bill will remove CHA jurisdiction over Native Corporation and other private lands within the external boundary.

Section 67: Cinder River CHA: this section will add state-owned lands and tidelands to the CHA to incorporate the Cinder River lagoon and tidelands in their entirety and will remove the existing exclusion of tide and submerged lands within certain sections.

Section 68, 69: Egegik CHA: the provision of this bill will remove CHA jurisdiction over Native Corporation and other private lands within the external boundary. It will also correct an error made in the original enabling legislation that incorporated a non-contiguous half-section of land into the CHA rather than the adjoining continuous half-section. During the April 5, 2017 House Resources Committee hearing concerning HB130, DFG testified that this was an error.

Sections 70, 71: Pilot Point CHA: the provision of this bill will remove CHA jurisdiction over Native Corporation and other private lands within the external boundary and will remove the existing exclusion of tide and submerged lands within certain sections. It will also correct an error made in the original enabling legislation that shifted one section of the CHA lands one entire township, and which is not contiguous with the CHA. During the April 5, 2017 House Resources Committee hearing concerning HB130, DFG testified that this was an error.

Section 73, Fox River Flats CHA: the provisions of this bill will add three areas to the CHA that were omitted in the enabling legislation. During the April 5, 2017 House Resources Committee hearing concerning HB130, DFG testified that this was an error and including these areas would be consistent with the remainder of the CHA.

Section 76, Kachemak Bay CHA: this bill would add one small corner of a section that was not described in the original enabling legislation. During the April 5, 2017 House Resources Committee hearing concerning HB130, DFG testified that this was an inadvertent omission and that access to local communities would not be affected by this addition.

Section 80, Anchor River Fritz Creek CHA: there are 26 state-owned parcels managed by DFG and which contain deed restrictions to maintain their wildlife habitat values along the Anchor River or a tributary that are proposed to incorporate into this CHA. Twenty-three of these parcels are within the Angler's Haven Estates subdivision that were purchased with Exxon Valdez Settlement Funds; while one parcel was purchased with a federal wetlands grant and two others were donated to the state by the Kachemak Habitat Moose, Inc. One additional DNR parcel is contiguous with the existing CHA and these additional lands, and which contains important riverine and bottomland habitat.

Section 86: Dude Creek CHA: this addition would add state-owned and DFG managed lands along the southern and southeasterly boundary of the CHA. These lands were purchased by

The Nature Conservancy using funds from a federal wetlands grant and then donated to the state for inclusion in the CHA and contain deed restrictions to maintain their wildlife habitat values.

Section 90: Tugidak Island CHA: this section does not affect the external boundary of the CHA but expands the area of jurisdiction on state-owned beaches which currently ends at mean high tide. This bill would extend CHA jurisdiction on beaches down to mean lower low water incorporating important marine mammal haulout areas.

Section 98: Homer Airport CHA: this section, added to proposed CS bill version H, would add several parcels of state-owned land managed by DNR and the Department of Transportation, all of which would fall within the existing CHA provisions that allow these parcels to be managed and utilized for aviation purposes, if needed. This section would also add several privately owned parcels acquired by a conservation organization to protect their wildlife habitat values. These parcels would only come under CHA jurisdiction once donated to the state. Lastly, there are two municipal parcels owned by the City of Homer and Kenai Peninsula Borough but those would only come under CHA jurisdiction if approved by the respective municipality.

Please contact me or my staff, Joe Meehan, at 907.465.8108 if you have any questions or need additional information.

Thank you.