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Governor Bill Walker
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February 14, 2017

The Honorable Pete Kelly
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Kelly:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to certain State game refuges and critical habitat areas (collectively called special areas), namely Izembek State Game Refuge, Cape Newenham State Game Refuge, Palmer Hay Flats State Game Refuge, Port Moller Critical Habitat Area, Egegik Critical Habitat Area, Pilot Point Critical Habitat Area, Fox River Flats Critical Habitat Area, Kachemak Bay Critical Habitat Area, and Dude Creek Critical Habitat Area.

The bill would correct technical errors or minor omissions in the legal boundary descriptions of eight legislatively-designated special areas and would incorporate parcels of land adjacent into another critical habitat area. Egegik, Pilot Point, and Port Moller Critical Habitat Areas have either typographical errors in the original legal descriptions from the 1970s, or were described from a map with a typographical error. The bill would shift the boundaries to correct these errors with no net change in acreage. Izembek State Game Refuge, Cape Newenham State Game Refuge, and Fox River Flats Critical Habitat Area have small tideland areas within their larger boundaries that were likely excluded from the original legal description due to the mapping of shorelines at the time the areas were created. The bill would incorporate omitted areas by adding 778 acres to the Izembek State Game Refuge, 415 acres to the Cape Newenham State Game Refuge, and 285 acres to the Fox River Flats Critical Habitat Area. Palmer Hay Flats State Game Refuge has small portions of abandoned and current stream channels that were initially excluded from the refuge due to platted descriptions of streambanks. By adding these lands, the bill would add 398 acres to the Refuge. Kachemak Bay Critical Habitat Area has a small portion of tidelands that appears to have been inadvertently excluded from the statutory description. The bill would incorporate 230 acres of tidelands into the critical habitat area.

Through the aforementioned amendments, the bill would:

- (1) correct errors and properly describe areas intended for habitat protection;
- (2) eliminate the confusing patchwork of land status within these refuges and critical habitat areas;

- (3) create contiguous, inclusive boundaries that better reflect the original legislative intent of the designations;
- (4) remove lands inadvertently included in critical habitat areas that were not appropriate for habitat protections, and eliminate permitting requirements for such lands; and
- (5) clarify management and enforcement of the applicable statutes and regulations governing the subject special areas.

In addition, the bill would add several tracts of wetlands, consisting of approximately 1,439 acres, to the Dude Creek Critical Habitat Area. These tracts of lands are located adjacent to the current boundaries of the Dude Creek Critical Habitat Area and were acquired by The Nature Conservancy in 2004 from the Alaska Mental Health Trust Authority through the U.S. Fish and Wildlife Service's National Coastal Wetland Conservation Grant Program and then donated to the State of Alaska specifically for the purpose of becoming part of the Critical Habitat Area. After acquiring title for these parcels in 2004, the Alaska Department of Natural Resources issued full management authority to the Alaska Department of Fish and Game (ADF&G) to manage the lands consistent with the conservation purposes for which the State acquired the property and with the policies of the Dude Creek Critical Habitat Area. The bill would give ADF&G the authority to effectively regulate these parcels and would be the final step in this cooperative process between State, local, and federal agencies.

I urge your prompt and favorable action on this measure.

Sincerely,



Bill Walker
Governor

Enclosure