

SB

181

Wednesday, May 25, 1977, statement by Alaska Department of Fish and Game concerning:

Orca Inlet-Controller Bay  
Critical Habitat Nomination  
(Senate Bill No. 181)

The Alaska Department of Fish and Game strongly supports this bill. This area is probably the major shore bird/waterfowl migration/staging area in Alaska and possibly in North America. It encompasses tidelands and adjacent lowlands south and east of Cordova and of Hawkins Island, and also in the Copper River Delta and Controller Bay areas east and west of Katala.

Importance: During the spring migration period in excess of 20-million shore-birds (plover sandpipers, snipe, etc.) and an additional one-million waterfowl (ducks plus geese) utilize the food and water resources on these tidelands while waiting for the northern breeding grounds to open. This tremendous number of birds includes over 180 individual species. This resting period is extremely important to the migrating birds in permitting them to regain some of the fat reserves expended during the northward flight.

During the fall migration, depending on environmental factors, 10-20 million shore-birds, about one-million ducks and geese, and thousands of Sandhill cranes stop again at these tidelands, resting and feeding while preparing for the migration to their wintering grounds. These are located principally within the Pacific flyway, but also extend

throughout the United States, Mexico, South America, Australia, New Zealand, and the Hawaiian Islands.

In addition to this extensive use by migrating birds, some 50-100,000 shore-birds and waterfowl, hundreds of thousands of sea-birds, hundreds of bald eagles, and many other birds utilize the area throughout this spring-fall period. In total, 219 species have been recorded in the region: 72 occur in the tens of thousands, 10 in the millions.

National Significance: This habitat is one of the most important shore-bird migration/staging areas in North America. It also provides the nesting, molting, and feeding habitat for the largest known concentration of Trumpeter Swans in North America, nearly the entire world's population of Dusky Canada Geese, and large numbers of bald eagles.

Rationale for this Critical Habitat Designation: The preceding discussion outlines well the extensive use of this region as a breeding, resting, and staging area by countless numbers of various species of waterbirds and shorebirds. Many of these (e.g. the ducks and geese, et al.) provide exceptional recreational opportunity for both consumptive (hunters) and non-consumptive (bird watchers) users. More importantly, however, it is a key area for the migration of a major portion of Alaska's waterbird populations by providing a valuable rest stop for the "energy refueling" necessary to sustain long migrational flights. The major responsibility of the Alaska Department of Fish and Game is to manage and sustain Alaska's fish and wildlife resources for the enjoyment and use of all Alaskans, and in fact of all Americans. A "critical habitat" designation for this area will demonstrate the State's concern for such resources and will help control unrestrictive use that could be detrimental to these vast bird populations. The designation is not prohibitive of other uses, but does direct attention and consideration to all resources and does help provide for rational "development" planning by the State.

Public Support: The designation of this area as a "critical habitat" has received strong support from the Alaska Waterfowl Association, the Alaska Conservation Society, conservationists generally, and numerous members of the public at large, especially waterfowl hunters and bird watchers. A public hearing was held by the Alaska Department of Fish and Game in Cordova on February 26, 1976, and there was general strong support. Recommendations from that meeting resulted in the deletion of certain areas proposed and the addition of others.

Possible Problems: The Department of Natural Resources has indicated that there is low hydrocarbon potential in the Orca Inlet portion of the area, but better potential elsewhere in the area for both oil and gas. That kind of development could be detrimental, but need not if properly planned. There is nothing in the current statutes that prohibits mining or oil and gas development or other development from occurring within designated "critical habitats".

Permitting Requirements: As indicated on the following page, Alaska Statute 16.20.260 requires that any person or organization contemplating "use" or "construction work" on a "critical habitat" obtain the written approval of the Commissioner of the Alaska Department of Fish and Game.

Statute Authority: Pertinent language of the Alaska Statutes, Title 16, Article 5, are restated here for your information.

Article 5. Fish and Game Critical Habitat Areas

Sec. 16.20.220. Purpose. The purpose of §§ 220-270 of this chapter is to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose.

Sec. 16.20.240. Regulations. The board shall promulgate regulations it considers advisable for conservation and protection purposes governing the taking of fish and game in state fish and game critical habitat areas.

Sec. 16.20.250. Multiple land use. Before the use, lease or other disposal of land under private ownership or state jurisdiction and control, within state fish and game critical habitat areas created under this chapter, the period or responsible state department or agency shall notify the commissioner of fish and game. The commissioner shall acknowledge receipt of notice by return mail.

Sec. 16.20.260. Submission of plans and specifications. When the board so determines, it shall instruct the commissioner, in the letter of acknowledgement, to require the person or governmental agency to submit full plans for the anticipated use, full plans and specifications of proposed construction work, complete plans and specifications for the proper protection of fish and game, and the approximate date when the construction or work is to commence, and shall require the person or governmental agency to obtain the written approval of the commissioner as to the sufficiency of the plans or specifications before construction is commenced.

Sec. 16.20.270. Additional critical habitat areas. The commissioner shall submit a list of additional critical habitat areas to the legislature annually.



Official Business

# Alaska State Legislature

## House of Representatives

Committee on Resources  
Alvin Osterback, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811

24 April 1978

### AGENDA

- CSSB 477 Sport hunting, fishing & trapping license requirements
- SB 181 Orca Inlet and Controller Bay Critical Habitat
- HB 625 Taking moose
- HJR 48 Migratory bird hunting in springtime

# TELEGRAM

1977 ALASKA COMMUNICATIONS, INC.

PHONE: 907-544-8440

TELETYPE: 907-544-8441

19558 R. S. CONDOVA ALASKA IS 05-07 1P AUI

RMS W/P DATED

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RE UNCE SUPPORT OF PASSAGE OF HOUSE ORCA INLET-CONTROLLED  
MAY CRITICAL NATURAL HILL.

FOR FLAG CHAIRMAN CONDOVA DISTRICT FISHERIES UNION

1977 MAY 27 20 46

# Cordova District Fisheries Union

Headquarters: Box 939, Cordova, Alaska



April 11, 1978

*Jessie  
Bliss  
Answer*

Representative Al Osterback.  
Chairman, House Resources Committee  
Pouch V  
Juneau, Alaska 99811

Dear Representative Osterback,

It has come to our attention that Senate Bill 181, "An Act creating the Orca Inlet and Controller Bay critical habitat area" is, and has been, hung up since last May in your committee.

We have achieved deletion of this area as a Wilderness Study Area from HR 39. However, we still want to see in place the degree of environmental protection from the State level this bill will achieve.

It is our request that you move this bill as soon as possible to gain passage this session.

Your prompt action on this matter will be appreciated.

Sincerely,

*Bob Blake  
me*

Bob Blake  
Chairman

BB/mh



Official Business

# Alaska State Legislature

## House of Representatives

Committee on Resources  
Alvin Osterback, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811

13 April 1978

Mr. Bob Flake, Chairman  
Cordova District Fisheries Union  
Box 939  
Cordova, Alaska

Re: SB 181

Dear Mr. Blake:

Thank you for your April 11 letter requesting review SB 181 as soon as possible.

The bill has been scheduled for Monday, April 24. If you have any other comments or testimony you would like to submit to the Committee please do so before the day of the meeting. If you care to appear in person please let the staff know so that if there is a change in the schedule you can be notified ahead of time.

Sincerely,

Alvin Osterback, Chairman  
House Resources Committee  
House Bush Caucus

AO/sh

# Cordova District Fisheries Union

Headquarters: Box 939, Cordova, Alaska



April 11, 1978

*Jessam,  
please  
answer*

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Chairman, House Resources Committee  
Pouch V  
Juneau, Alaska 99811

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Sincerely,

*Bob Blake  
mh*

Bob Blake  
Chairman

BB/mh

# Cordova District Fisheries Union

Headquarters: Box 939, Cordova, Alaska



*Copy*

Date; 8-17-78

The Honorable Representative Alvin Osterback  
Chairman, House Resources Committee  
Alaska House of Representatives  
Pouch V, Juneau Alaska 99801

Dear Representative Osterback,

I am writing to request your committee to take action on SB-181 (Orca Inlet-Controller Bay Critical Habitat Area). SB-181 has recieved full support of the community of Cordova at a public hearing followed by supporting resolutions from the Cordova Chamber of Commerce, Cordova District Fisheries Union, and the Copper River-Prince William Sound Fish & Game Advisory Committee.

Please notify this office when the bill comes up for hearing so we can alert the parties who wish to testify on its behalf before your committee.

Respectfully  
Yours,

*Bob Blake*  
Bob Blake  
Chairman

BB/gf

cc: Representative Merle Snider  
" " Hugh Malone  
" " Mike Miller  
" " Sarah J. Smith  
" " William Akers  
" " Don Bennett  
" " Richard I. Eliason  
" " Richard K. Urion  
" " Pete Lovseth

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. \_\_\_\_\_  
 Title An Act creating the Orca Inlet/Controller Bay critical habitat area  
 Requested by Office of the Governor Date 2/18/77

II. FISCAL DETAIL

Agency Affected Fish and Game  
 Program Category Affected NRMEC  
 Budget Request Unit(s) Affected Administration and Support

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Establishment of this critical habitat area will have no fiscal impact on the Department of Fish and Game.

IV. DATE 2/18/77 PREPARED BY Jeffrey J. Morrison  
 AGENCY Fish and Game  
 PHONE 465-4120  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

February 23, 1977

The Honorable John L. Rader  
President of the Senate  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill creating the Orca Inlet and Controller Bay critical habitat area.

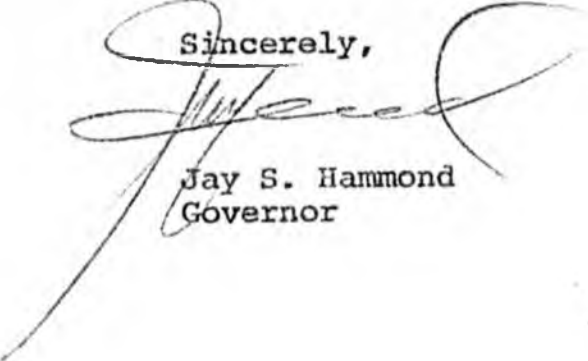
This area is probably the major shore bird/waterfowl migration/staging area in Alaska and possibly in North America. It is located adjacent to and east of Cordova, south and east of Hawkins Island and the Copper River Delta.

During the spring migration period, 20 million shore birds as well as an additional one million waterfowl (ducks and geese) use the food and water resources on these tidelands while waiting for the northern breeding grounds to open. This tremendous amount of birds includes over 180 individual species.

During the fall migration, depending on environmental factors, 10-20 million shore birds as well as an additional one million ducks and geese stop at these tidelands, resting and feeding while preparing for the migration to their wintering grounds, principally located within the Pacific flyway, but extending throughout the United States, Mexico, South America, Australia, New Zealand, and the Hawaiian Islands. In addition to this immense migrational use, there are 50-100,000 shore birds and waterfowl using this area throughout the summer.

This habitat is one of the most important shore bird migration/ staging areas in North America. It also provides the nesting, molting and feeding habitat for the largest known concentration of Trumpeter Swans in North America as well as nearly the entire world's population of Dusky Canada Geese.

Sincerely,



Jay S. Hammond  
Governor



# Alaska State Legislature

POUCH Y, STATE CAPITOL  
JUNEAU, ALASKA 99801  
907 465-3800

## SB 181 - Typo Error

SB 181, p. 2, line 24: "Section 34" is supposed to be "Section 35"

per Bob Rausch, Director, Division of Game.

Amending necessary