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Alaska State Legislature

Senator Vic Fischer • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

February 16, 1982

To: Members of the Senate and interested parties

From: Senator Vic Fischer

Re: SB 794 - establishing the Alaska Marine Park System

This legislation establishes the Alaska Marine Park System and designates certain lands within Prince William Sound as part of that system.

Modeled after a similar marine park program in British Columbia and Washington state, the purpose of the system is to provide for the public use of the recreational, natural, cultural, scenic, wilderness and wildlife resources, and to protect the natural and wilderness character of the coastline of these areas.

Prince William Sound is a major recreational area of national significance in close proximity to Alaska's major population center. Overwhelming public and agency sentiment expressed during a hearing conducted in December on Prince William Sound Recreation, urged reserving these state lands for maximum public use.

Of the 36 sites proposed by the Division of Parks in 1977, only 18 have been approved by the Forest Service for transfer under the Alaska Statehood Act. The division has filed a complaint against the Forest Service to obtain approval of the remaining sites and views the federal position as a violation of the Statehood Act. The Attorney General concurs that the state's case may be strengthened by designation of park system lands at this time.

There has been concern that state recreation land in Prince William Sound would be sold or leased through a land disposal program. This must be prevented. Selections in the park system were filed for the purpose of community expansion, development of resources use, fish hatchery sites, and recreation. This legislation reconfirms the state selection intent and establishes a commitment for maximum use by the public of state-owned lands in Prince William Sound.

The bill ensures a continuation of commercial, sport, and subsistence fishing rights and allows for the development of aquaculture facilities in these areas.

Habitat protection afforded by park status and increased tourism and recreation use of the Sound should result in a high level of public concern for and awareness of the Sound's resources.

Committees: State Affairs, *Chairman*; Resources, *Vice-Chairman*; Health, Education & Social Services

Strong public support has been expressed for the marine park system through resolutions of support from Whittier and Valdez, letters and testimony from the Alaska Visitors Association, Cordova's city manager, sportfishing and conservation organizations, and recreational users. Representatives of the U.S. Forest Service have agreed that the concept of a marine park system is a good one, that it would improve cooperative planning and management possibilities, and that it should be pursued regardless of land ownership or proprietary issues.

The state marine park system established by the bill would eventually be extended to include land in Southeast Alaska and other parts of the state.

LEGISLATION SUMMARY

CSSB 794 (Fin.)

"An act relating to the management of state land for marine parks and game sanctuaries; and providing for an effective date."

Sec. 1:

Purpose of the bill is to establish, subject to valid existing rights, state-owned or acquired lands and waters as units of the state marine park system.

Primary purposes are: (1) maintenance of natural, cultural and scenic values; (2) maintenance of fish and wildlife resources; (3) development of recreational uses and facilities; and (4) promotion and support of Alaska tourism.

.515 (a)

Assigns the lands to the Department of Natural Resources for control, maintenance and development.

(b)

Assigns responsibility for management of fish and game resources in the park units to the Department of Fish and Game. The Department of Fish and Game shall consult with the Department of Natural Resources before adopting fish and game regulations for the units.

(c)

The Department of Natural Resources shall develop a management plan for each unit. The commissioner shall consult with the Department of Fish and Game, proximate municipalities and private landowners, the U.S. Forest Service, conservation, recreation and tourism organizations, and other interested parties during the preparation of a management plan. Requires written notice and public hearings held in communities proximate to a proposed park unit.

(d)

Prohibits the commissioner of natural resources from restricting valid fishing rights or other privileges under state law in a unit.

(e&f)

Authorizes the commissioner to allow the development of aquaculture facilities within units, and to enter into cooperative management agreements for units with federal agencies, state municipalities, or nearby private landowners.

(g)

Requires the commission to consult and cooperate with Native Corporations owning historical or cultural sites granted under the Alaska Native Claims Settlement Act (ANCSA) nearby a unit in the management of that unit. In managing units, the commissioner shall address potential conflicts with cultural and historic values of Native land granted under ANCSA, and protect those values.

.520

Designates state-owned or acquired land and water within described sections of the following parcels as units of the state marine park system:

1. Bettles Bay Marine Park
2. Decision Point Marine Park
3. Entry Cove Marine Park
4. Oliver Inlet Marine Park
5. Sawmill Bay Marine Park
6. Shoup Bay Marine Park
7. South Esther Island Marine Park
8. Surprise Cove Marine Park
9. Swanson Harbor Marine Park
10. Ziegler Cove Marine Park
11. Horseshoe Bay Marine Park

- Sec. 2(a) Requires the commissioner of natural resources to assess the state selected, tentatively approved, and patented land and water in certain areas, considering the values of each area, as set out in sec. 506, and with regard to private land ownership patterns and development plans, community expansion, and other potential uses.
- (b) Requires the commissioner to consider recreational opportunities, and the demand and desirability of selecting land for inclusion in the state marine park system in selections under sec.6(a) of the Alaska statehood act.
- (c) Lists 80 areas for assessment by the commissioner of the Department of natural resources.
- Sec. 3 Requires the commissioner to report to the Governor on actions under this Act by December 1 of each even-numbered year, to be submitted to the legislature by the tenth day of the first session of each legislature. Requires the report to include progress in assessments required under sec. 2, and recommendations by the Governor for additional areas for inclusion as units and other recommendations for legislation.
- Sec. 4 Establishes the Cape Seniavin state game Sanctuary.
- Purpose is to provide a permanent protection for walrus hauling grounds and other fish and wildlife populations and their habitat for scientific, aesthetic and educational purposes.
- Sec. 5 Applies provisions of AS 16.20.120-140 relating to the administration, multiple use and sale and lease of the Walrus Islands State Game Sanctuary to the McNeil River State Game Sanctuary also.
- Applies provisions of AS 16.20.120 relating to the administration of the Walrus Islands State Game Sanctuary also to the Cape Seniavin State Game Sanctuary. Prohibits surface entry for oil and gas exploration and development and mineral leasing and the acquisition of mining rights within the Cape Seniavin State Game Sanctuary.
- Sec. 6 Immediate effective date.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: 465-4100

February 3, 1982

The Honorable Vic Fischer
Alaska State Senate
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Senator Fischer:

The Department of Fish and Game welcomes the opportunity to testify before your committee on recreational development of Prince William Sound. The Department feels that Prince William Sound has the potential to significantly contribute to the recreational sport fishing needs of many Alaskans, and in particular Cook Inlet residents. At the present time, about 60% of all angling in Alaska occurs in Cook Inlet. If some of those anglers can be diverted into Prince William Sound, the overcrowding of some Cook Inlet waters may be reduced.

Recreational fishery resources in Prince William Sound are diverse and spread over many areas. Except near a limited number of stream mouths, salmon stocks are not really sufficiently concentrated to attract the intense salmon sport fisheries so common in Cook Inlet. In contrast, the average sport fisherman in Prince William Sound appears to be primarily interested in cruising among the area's many islands and bays, perhaps setting some crab and shrimp pots, hunting in season, fishing for halibut, taking pictures, enjoying the scenery and simply relaxing. This is considerably different than the typical angler fishing along the highway system in Cook Inlet where the angler may drive up to 400 miles, fish and return to Anchorage on a weekend.

The following table lists the current recreational fishing effort in Prince William Sound for the period 1977-1980.

Man-Days of Sport Fishing Effort in Prince William Sound

	YEAR			
	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Fresh water	*	*	12,655	15,151
Salt water	<u>*</u>	<u>*</u>	<u>33,939</u>	<u>31,317</u>
Total	48,269	35,046	46,594	46,468

* Not divided into fresh and salt waters in 1977-1978.

Note that use has been remarkably stable during recent years. Obviously, the single factor restricting recreational angling use in Prince William Sound at this time is lack of road access to suitable boat launching areas.


Currently, the Department of Fish and Game stocks silver salmon at Whittier and at Seward to support the sport fisheries in the bays adjacent to these communities. In addition, the Division of Sport Fish has completed basic fishery surveys of many of the fresh water systems in Prince William Sound. The harvest and effort data shown above is collected as part of a larger sampling program which defines catch and public participation in various waters of the State.

At the present time, there does not appear to be any stocks of fish in Prince William Sound being overharvested by the sport fishery. Therefore, the Department has no plans to immediately increase our level of activities in the Sound. However, it should be noted that approximately 40% of all Prince Williams Sound sport fishing occurs in Valdez Bay. The potential for conflict between user groups is very real within Valdez Arm.

WM The Department of Fish and Game strongly supports plans for the Division of Parks to protect and develop camping areas and boat berthing areas at sites scattered throughout the Sound. WM

Thank you for the opportunity to contribute to your planning efforts for Prince William Sound.

Sincerely,


Ronald O. Skoog
Commissioner

cc: Ron Lehr
Keith Specking



Alaska State Legislature

Senator Vic Fischer • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

4 February 1982

To: Chair, Senator Bettye Fahrenkamp and
Members - Senate Resources Committee

From: Senator Vic Fischer, Chair
Subcommittee on Parks and Recreation

A handwritten signature in black ink, appearing to read "Fischer", written over the "From:" line.

Subject: Prince William Sound Recreation

Attached is a report on the public meeting and teleconference held December 15, 1982.

It is clear that recreation potentials of the Sound are among the most important in Alaska, serving the needs of Alaskans as well as visitors to the state. While everyone agrees that the natural environment must be protected, problems of access, land availability, and adequate facilities are yet to be resolved.

Several important land transfers are currently pending, and federal and private development plans are in final stages of completion. Legislation establishing the Alaska Marine Parks System is being drafted for introduction in the Senate next week. Recommendations for other legislative action will be withheld pending further work on Prince William Sound recreation development.

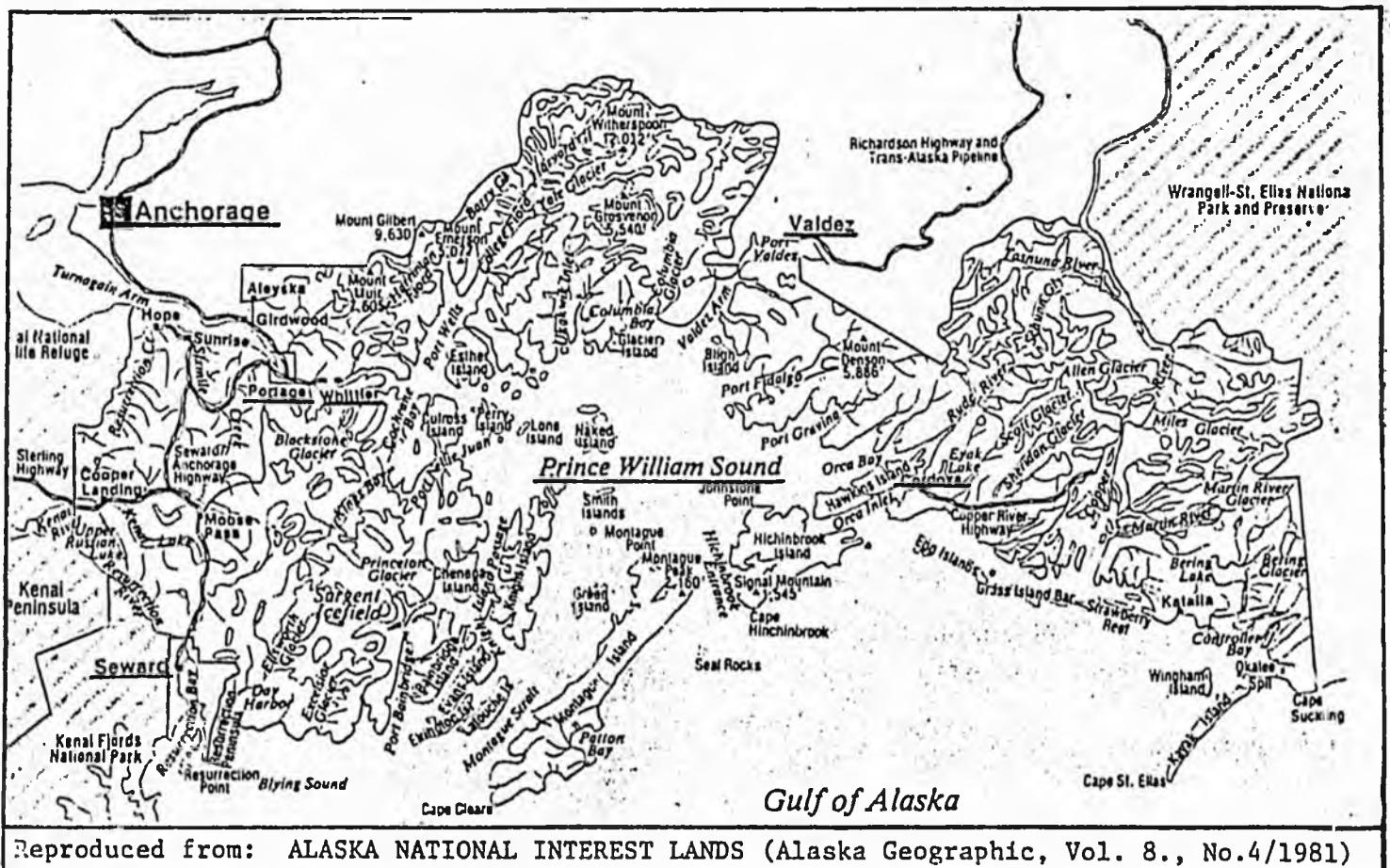
cc Senate President Jalmar Kerttula
Other Legislators
Teleconference participants
Agencies

PRINCE WILLIAM SOUND RECREATION

Report and Summary of public meeting/teleconference
PARKS AND RECREATION SUBCOMMITTEE
SENATE RESOURCES COMMITTEE
December 15, 1982
Anchorage, Alaska

Although the scenic beauty and recreation possibilities of Prince William Sound have long been recognized, limited access, lack of facilities, land status problems, and high costs have prevented the Sound's potentials from being realized.

The significance of the Sound to Anchorage and other population centers is seen by a glance at the map. The vast majority of recreational users in Alaska, both resident and tourist, are in close proximity to the Sound. Nearly half of all visitors to Alaska stop in Anchorage. Combined with tourists entering the Sound through Valdez, they represent the largest piece of the tourist pie outside of Southeastern Alaska.



In the words of Westours director Jack Musiel, "Prince William Sound has the potential of providing a water related vacation experience that, with proper consumer awareness and unlimited access, could rival Alaska's Inside Passage in consumer demand."

A unique public resource of national significance, the wealth of recreation, scenic, biologic, and cultural resources in the Sound argues strongly for cooperative management. Coordination and cooperation among landowner/managers, local residents, and user groups within the Sound is essential to protect and promote its recreational potential.

Recent negotiations have opened the way for settlement of serious land use and ownership conflicts. Rapidly escalating use, potential conflicts between user groups, need for public investments and concern over the quality and pace of development prompted a Senate Subcommittee on Parks and Recreation public hearing to provide a meeting ground for interested parties.

Testimony was presented by residents, as well as by municipal employees from Valdez, Whittier, Cordova, and Anchorage representatives of the tourist industry, wilderness guiding operations, commercial fishermen, private developers, and recreational users. Representatives of Native village and regional corporations, U.S. Forest Service, Alaska railroad, state Department of Transportation and Public Facilities, and the state Division of Parks testified during the teleconference.

This initial report concentrates on some of the principal problems preventing full use of the recreation potential of the Sound, on suggestions for alleviating those problems, and on policy considerations presented in public testimony before the subcommittee.

CURRENT LANDOWNERS/MANAGERS

The most serious problem with overall management of the recreation potential of Prince William Sound thus far has been the question of land status and ownership.

Five major groups currently comprise the landowners/managers within the Sound. They are: (1) federal government through Chugach National Forest (U.S. Forest Service) and, to a lesser extent, National Park Service; (2) state government, primarily through Department of Natural Resources, Division of Parks; (3) Chugach Natives Inc. and village corporations within it; (4) private landowners, including commercial developers; and (5) municipal governments.

1. Federal - The boundaries of Chugach National Forest include the entire Sound, although approximately 195,700 acres are being conveyed to the villages of Chenega, Tatitlek, and Eyak. Additional acreage will be transferred under Section 1428 of the Alaska National Interest Lands Conservations Act (ANILCA). Future land exchanges and conveyances are uncertain, however, in the wake of the recently completed Chugach Region Study, section 1429 of ANILCA and Section 14(h)(1) of the Alaska Native Claims Settlement Act (ANSCA).

The Forest Service is in the process of classifying lands within the Sound area and testimony noted their intent to identify locations complimenting sites approved in state selection for the Marine Park System. Also approved are some land transfers under the Alaska

Statehood Act in the vicinity of Whittier, Valdez, Cordova, and elsewhere.

The Chugach National Forest land management plan, in which management of the Sound is a key element, will be released in March 1982. It will be followed by a 90 day comment period. The Forest Service hopes to have the final plan ready by fall of 1982.

2. State - In 1977 the state, through the Division of Parks, began a program to select statehood entitlements from the National Forest and to lay groundwork for the Alaska Marine Park System.

This system, modeled after a similar one in British Columbia and Washington state, resulted from concern over federal timber harvesting practices and a recognition of the importance of the Sound for resident and visitor recreation. This led to the state's selection of several bays and islands from the Tongass and Chugach National Forest for possible future establishment -- by an act of the state legislature -- of an Alaska Marine Park System.

Of the 36 sites proposed in 1977, only 18 have been approved by the Forest Service and will be conveyed to the state by the Bureau of Land Management. The Division of Parks has filed a complaint against the Forest Service to obtain approval of the remaining sites and discussions on joint management possibilities have produced no agreements thus far.

The primary management goal for the Marine Park System is protection of natural and cultural resources for long-term public use and enjoyment. State park officials see neither the need nor desirability for commercial developments within any of the potential marine park sites in the Sound and held that basic services should be provided by the private sector.

3. Native Landowner/managers - Chugach Natives, Inc. (CNI), the second smallest regional corporation created under ANCSA, has not yet received its entitlements under provisions of the act. Initial negotiations with the Forest Service were unsatisfactory, particularly from the point of view of CNI, and a study of ownership patterns in the Chugach region was initiated under Sec. 14.30 of ANILCA, to help provide a meeting ground for Chugach Natives Inc., U.S. Forest Service, and the Division of Parks.

Testimony before the subcommittee suggested that Chugach Natives, Inc. felt that land status conflicts revealed through the recently completed Chugach Region Study must be settled immediately and while partial settlement was possible, it was unlikely either party would agree to entitlement without a view of the "total picture". Both the Forest Service and the state Division of Parks agreed that settlement of proposed land status questions was essential before any reasonable and responsible development of the Sound could occur.

Gail Evanaugh of Chenega Corporation testified that the natural harbor of Crab Bay at the new Chenega townsite, is ideally located to accommodate development to serve the area's recreational potential.

Families are expected to move into new community housing by fall of 1982.

Chenega's development plans, scheduled for release in March 1982, include recreational use by non-shareholders on a controlled basis. Chenega intends to request regular state ferry service to the townsite. Carl Propes of Chugach Natives Inc., said they plan to "aggressively develop" suitable unsettled areas and were considerably hampered in those efforts by problems of land ownership/management questions.

4. Private/Commercial Landowner/managers - Although less than 5% of Prince William Sound is in private ownership, other than Native corporation entitlements, private holdings do exist at the head of Nelson Bay, near Katalla, Port Fidalgo, Tatitlek, and on the abandoned townsite of Latouche. Additionally, there are numerous individuals holding homesite leases from the Forest Service, and there are lighthouse reserves at Cape Hinchinbrook, Cape St. Elias, the south end of Elrington Island, and near the entrance to Port Nellie Juan.

Probably the single most significant private landholding is on Latouche Island where nearly 200 parcels of private land have been sold and a model recreational community is planned.

Gliff Groh, attorney for Rarearth Inc., the company responsible for the development and sale of the Latouche land, discussed the extent of private holdings and plans for the future. He argued that private land is hard to come by in the Sound and that the state should have a compelling interest in making private land usable and accessible to residents. Since private land held by Native corporations would allow non-shareholder use only on a "controlled basis", Latouche presented the only real possibility for the general public to own and manage land within the sound.

However, most personal and written testimony argued that private development should not be supplemented or subsidized by the state in the form of roads, airports, improved harbors, or hydroelectric projects unless: (1) there was an existing need for services the private sector was unable to provide, (2) the greater public interest was being served and, (3) public funding did not interfere with nor compete with private interests.

Various local residents and land owners in the Sound area testified they felt it was improper that public money was being used to develop support facilities at Latouche when already existing facilities at Port San Juan, a regular ferry stop, are in great need of repair. Local residents testified that whereas Clam Bay (new Chenega townsite) was one of the best natural harbors in the Sound, Latouche was notoriously one of the worst.

Groh defended the state's choice of developing a harbor at Latouche by pointing out that copper companies shipped thousands of tons of ore from this site over a long period of time and "they must have known what they were doing". Dave Noten, one of the 194 private landholders at Latouche

also testified in favor of using public funds to develop basic support facilities.

ACCESS

Testimony about access to Prince William Sound concerned itself almost exclusively with transportation from Portage to Whittier.

The Sound can be accessed through Whittier by airplane or railroad. The nature of the weather prevents air transportation from being a reasonable alternative and no highway access exists beyond Portage.

A presentation by the Department of Transportation and Public Facilities (DOTPF) of the Whittier Transportations Options Study outlined various alternatives considered during the study. They included:

1. Improvement of existing Portage-Whittier Shuttle with a Bear Valley/Whittier auto/passenger shuttle. Total capital cost would be approximately \$20 million for the initial system (350 vehicles per day each direction and approximately 2,100 passengers) and about \$24 million for expanded service (590 vehicles and 3,900 passengers per day). Annual operating and maintenance costs were estimated at \$559,000 for initial service and just over \$1 million for the expanded system.
2. Improved rail passenger service, including four shuttle trips each way plus three round trips between Whittier and Anchorage. Estimated capital cost is \$22 million for initial (four shuttle trips plus three round trips) and \$26 million for expanded service (eight shuttle trips and four round trips). Annual operating costs were estimated at \$793,000 for initial and \$1.5 million for expanded service.
3. One-way joint use by vehicles and rail of existing tunnel. Capital cost for this alternative is estimated at \$36.7 million with maintenance and operating costs at \$390,000 per year.
4. Two-way joint use of widened, existing tunnel. Capital costs for this alternative are estimated at \$64.3 million, with annual operating and maintenance costs of \$440,000.
5. New two-way highway tunnel. The most expensive alternative, capital costs are estimated at \$68.3, with operating and maintenance costs estimated at \$440,000.
6. Portage Pass Highway. While it's possible to build a good highway, controlling the weather is, according to DOTPF, the most serious drawback to this alternative. Combinations of heavy snow fall with accompanying avalanche dangers, icing conditions, year-round high winds, steep grades (up to 9%) and heavy winter storms makes a high probability of having to close the highway for periods in the winter, particularly during adverse weather conditions. Since rail service may be eliminated if the highway were built, it could mean long periods of near total isolation for Whittier residents. Total capital costs are estimated at \$47.8 million, with maintenance and operating costs of \$270,000.

Although representatives from the tourism industry strongly supported the Portage Pass Highway, DOTPF preferred the Bear Valley/Whittier auto/passenger shuttle when evaluated for overall cost and service effectiveness.

Testimony from local residents supported the idea of improved rail service over creation of a new highway, both from a convenience and need standpoint and because they believed it would have the least negative impact on the protected lifestyle they enjoy in the Sound. Their emphasis was on access with the least negative impact on the environment.

Frank Jones of the Alaska Railroad suggested the state subsidize passenger service by improving support facilities, such as track changes in Whittier or Portage, a camper park and a visitor center near the ferry port for visitors to acquaint themselves with Prince William Sound offerings. Questions about future ownership of the railroad, in view of current negotiations between federal and state agencies, considerably hamper any long-term planning for improvement of rail services, according to Jones.

GENERAL COMMENTS

It was evident from testimony that both residents of the Sound and recreational users were concerned with the quality and pace of development.

Testimony suggested that as many as 40% of recreational users of the Sound seek an "off the beaten track" or "primitive" experience in close proximity to population and transportation centers. Local residents stressed that low population, lack of facilities, and isolation were the fabric of their lives and not something they wanted to "overcome".

At the same time, residents were concerned about the lack of emergency medical care or dependable transportation in emergencies, especially in view of the expected increase in search and rescue operations resulting from the rising use of the Sound by people unfamiliar with the area. Considerable anger was expressed that local residents transportation and timing needs were apparently not a priority with agencies planning the railroad and ferry schedules.

Testimony supported the concept that no or slow development was preferred to inappropriate or unplanned development. Local fishing communities expressed the fear that recreational use would interfere with the primary resource of the Sound - fishing.

The state-proposed Alaska Marine Parks System received universal support. Representatives from the tourist industry urged the state to educate recreational users of the Sound regarding harassment of marine mammals, eagles, other marine shore wildlife and spawning salmon. They also urged stronger anti-littering enforcement and education.

RECOMMENDATIONS

Based on the testimony presented during the public meeting and the process of soliciting that testimony, some suggestions became apparent. They are:

1. Establish and support the Alaska Marine Parks System as designed by the Alaska Department of Natural Resources, Division of Parks.
2. Support rapid settlement of land status questions between the Forest Service and other land owner/managers within the Sound.
3. Institute measures to assure communities, residents and user groups within the Sound area are informed about pending policy issues in a timely enough manner for them to have appropriate input. Adequate notice alone would do much to alleviate public anger. Notice of public meetings should reach residents at least two weeks in advance.
4. Form a permanent Prince William Sound Recreation Advisory Committee comprised of representatives of local residents, user groups, land owner/managers, and other interested parties. Require that this Committee submit a yearly report reflecting overall planning for recreational development in the Sound as well as needs identified through public meetings.
5. Schedule another public meeting by this subcommittee probably in April or May of 1982 after release of the draft plan by Chugach National Forest and the Chenega Corporation development plan. At that time, a further look should be taken at land uses in the Prince William Sound area, Whittier access alternatives and development of other facilities.



Alaska State Legislature

Senator Vic Fischer · Pouch V · Juneau, Alaska 99811 · (907) 465-4954

February 16, 1982

To: Members of the Senate and
interested parties

From: Senator Vic Fischer

Re: SB 793 - relating to capital costs for improving access
and support facilities in Whittier and Prince William Sound.

Prince William Sound is a recreation area of national significance in close proximity to Alaska's population centers. Demand for access to the Sound has reached a critical state because current facilities are totally inadequate.

Getting to Whittier and into Prince William Sound is difficult and costly both for local residents and visitors. Whittier residents face a two-day round trip to reach Anchorage, have no on-site medical service, and are often isolated for days at a time by bad weather and shuttle breakdowns.

Using the waters of the Sound through Valdez or Whittier is a two-day round trip for railbelt Alaskans and tourists alike. The time and expenses prohibit most people from enjoying the recreation potentials of the area.

This appropriation would provide funds to upgrade the road and rail system connecting Portage and Whittier. It will allow one-day round trips, increase carrying capacity and extend hours of operation, and construct support facilities.

Lack of adequate boat moorage to accommodate the boating public is another critical problem in the Sound. The moorage at Whittier is completely filled, with waiting lists several years long. There is no room to expand the current harbor facilities.

This bill provides funding for construction of a road from Whittier to Shotgun Cove, the best available new harbor site. Design of a small boat harbor will be carried under SB 793. Once costs are established, a capital appropriation will be proposed.

Capital improvements under this bill would improve the existing Whittier-Valdez segment of the State Marine Highway System and provide an attractive tourist resource. The possibility also exists for increased demand associated with natural resource development and expanded port activity.

The need for these projects is covered in the interim report on Prince William Sound recreation by the Senate Resources Subcommittee on Parks and Recreation, chaired by Senator Fischer.

Committees: State Affairs, Chairman; Resources, Vice-Chairman; Health, Education & Social Services

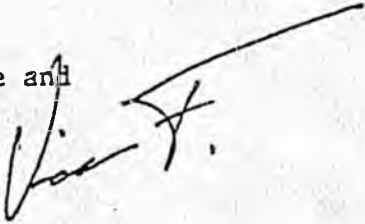


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There has been concern that state recreation land in Prince William Sound would be sold or leased through a land disposal program. This must be prevented. Selections in the park system were filed for the purpose of community expansion, development of resources use, fish hatchery sites, and recreation. This legislation reconfirms the state selection intent and establishes a commitment for maximum use by the public of state-owned lands in Prince William Sound.

The bill ensures a continuation of commercial, sport, and subsistence fishing rights and allows for the development of aquaculture facilities in these areas.

Habitat protection afforded by park status and increased tourism and recreation use of the Sound should result in a high level of public concern for and awareness of the Sound's resources.

Committees: State Affairs, *Chairman*; Resources, *Vice-Chairman*; Health, Education & Social Services

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The state marine park system established by the bill would eventually be extended to include land in Southeast Alaska and other parts of the state.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 794
 Title Est. certain areas as units of the Marine Park System
 Requested by Senator Fischer Date 2/16/82

II. FISCAL DETAIL

Agency Affected Division of Parks
 Program Category Affected _____

BRU, Program, Or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME		-0-				
PART TIME						
TEMPORARY						

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

IV. DATE 4-1-82 PREPARED BY Jeff Haynes
 AGENCY Department of Natural Resources
 Original: Legislative Finance PHONE 465-2400
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

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100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME		-0-				
PART TIME						
TEMPORARY						

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

IV. DATE 4-1-82 PREPARED BY Jeff Haynes
 AGENCY Department of Natural Resources
 Original: Legislative Finance PHONE 465-2400
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)



Official Business

Alaska State Legislature

Senate

Office of the President

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: REPRESENTATIVE ERIC SUTCLIFFE
REPRESENTATIVE KEN FANNING
CO-CHAIRMEN, HOUSE RESOURCES COMMITTEE

FROM: SENATOR KERTTULA
SENATE PRESIDENT

DATE: MAY 6, 1982

SUBJECT: SENATE PRIORITY BILLS

In the interest of adjournment, I would appreciate it if you would consider Senate Bill 794, Marine Park System.

Senators have expressed an interest in its passage.

ENTERED MAY 06 1982



Alaska State Legislature

SENATE Resources Committee

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Official Business

BETTYE FANRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMORANDUM

TO: Bonnie, House Resources Committee Staff

FROM: Tom Johnson, Senate Resources Committee Staff

DATE: May 6, 1982

RE: Background materials on SB 794

Per your request earlier this morning, attached please find background materials from our files on SB 794, for your Committee hearing this afternoon.



Alaska State Legislature

SENATE Resources Committee

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
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Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

March 24, 1982
1:30 p.m.

Beltz Room
Room 211 - Capitol

Teleconference Hearing:

- SB 794 An Act establishing certain areas as units of the state marine park system.
- SB 795 An Act relating to outdoor recreation and historic projects.
-

Senator Fischer stated that he introduced SB 794 as a response to hearings held in the Resources Subcommittee on Parks and Recreation, and SB 795 as the result of requests from municipalities.

Jeff Haynes, Deputy Commissioner, Department of Natural Resources, strongly endorsed a marine park system, but offered a Committee Substitute allowing for various management methods within the system. Haynes further urged that the system get started this year with inclusion of a few areas, and that DNR make recommendations for further inclusions after looking closely at all the proposals.

Chip Dennerlein, Director, Division of Parks, explained that SB 795 is based on current law, but with many technical improvements. He supports the 5% surcharge provision.

SB 794

Ray Menaker, Haines, expressed support for SB 794, and for DNR's idea of including only the noncontroversial areas the first year.

Celia Hunter, Fairbanks, stated that a marine park system is long overdue, and expressed the hope that it can be expanded to Southeast.

George Weiss, Whittier, urged passage of both SB 794 and 795, as a benefit to all Alaskans and the tourism industry.

David Finkelstein, Anchorage, spoke on behalf of several environmental groups. He supports the marine park system concept to assure that some coastline land in Prince William Sound remains available for public use. He further urged land exchanges to get some private land into the marine park system.

Carl Propes, Director of Lands and Natural Resources, Chugach Natives, Inc., stated that he supports SB 794 with several changes, and will be submitting amendments within the next few days. He would like some proposed areas to become Chugach lands, and urged proper management of cultural and historical sites.

Dave Allison, Alaska Environmental Lobby, expressed support for SB 794 and 795 as expansion of the State's economic base that would preserve environmental values. He would like to see the system established this year, and called DNR's suggested approach "valid and viable".

Sally Kebisch, Anchorage, Sierra Club, expressed support for SB 794 and 795.

Peg Tileston, Anchorage, stated that she supports SB 794, and urged that the marine park system be expanded to other areas of the state.

Julie Kelly, Anchorage, expressed support for SB 794 and the expansion of the marine park system to other areas of the state.

Nancy Gross, Anchorage, expressed support for SB 794.

Jim Brennan, Anchorage, expressed support for SB 794.

Gene Cameron, Dive Alaska, stated that he supports SB 794, but urged consideration of underwater sports.

Nancy Lethcoe, Alaska Wilderness Sailing Society, Valdez, said she supports SB 794 with reservations. She expressed concern over the incomplete U.S. Forest Service land use planning, the conflict between the natural environment and park development, the need for public comment during the development of DNR's management plans, and the cost of park maintenance.

Jim Hall, Director of Parks for the City and Borough of Juneau, and member of the Alaska Parks and Recreation Association, expressed support for SB 794 and 795.

SB 795

Karen Hofstad, Petersburg Chamber of Commerce, said she supports SB 795, and expressed Petersburg's need for an RV park close to town.

Dotty Olson, Wrangell Chamber of Commerce Task Force, expressed support for SB 794, and urged expansion of the marine park system to Southeast, and for SB 795, explaining Wrangell's desire for an outdoor logging museum.

Pat Watson, Director/Curator Wrangell Museum, and Wrangell Cooperative IRA Association, expressed support for SB 795, referring to the preservation of the state's history as "vital".

Maurane Laurence, Wrangell Chamber Task Force, said she supports SB 794 urging it be extended to include areas in Southeast. She also supports SB 795.

Mike Schmidt, City and Borough of Sitka, expressed support for SB 795, urging that the law get on the books this year even if there is no funding available.

Bob Doyle, Community Schools, Sitka, said he supports SB 795, but is concerned about how funds will actually be disbursed.

Chip Dennerlein explained that an advisory commission composed of four citizens, the Lieutenant Governor, and the Director of Parks selects projects based on their merits.

John Cooper, Assistant Director, Alaska Historical and Transportation Museum, Palmer, stated he supports the concept of SB 795, but raised several questions: What constitutes historic property? How are advisory commission members chosen? Is equitable distribution of funds assured? He further urged that qualified nonprofit groups be considered for participation in the program, and that grants for purchase of historical objects be provided.

Carol Kirkpatrick, Haines, expressed support for SB 795.

Norman Blake, Haines, said he supports SB 794, urging its expansion to Southeast, and supports SB 795.

Paul Wilman, City of Haines, expressed support for both SB 794 and 795, stating that historic sites are great visitor attractions. He favors the portion of SB 795 that places the responsibility for initiation of a project with the municipality.

John Noble, Director, Parks and Recreation, Seward, supports SB 795.

Karen Hornaday, Chairman, Parks and Recreation Commission, Homer, expressed support for SB 795.

Jane Williams, Circle City Trail, Fairbanks, expressed support for SB 795, urging that Youth Hostels, historical buildings along trails, and archeological and anthropological sites be addressed in the bill.

Floyd Reishus, Fairbanks North Star Borough Nordic Ski Club, expressed support for both SB 794 and SB 795.

George Hall, Alaska Historical Society, Anchorage, stated that he supports SB 795, but urged inclusion of a mechanism to assure that historic projects get as much attention as recreation projects.

Janet McCabe, Anchorage, expressed support for SB 795, urging that a fiscal note be included to at least get the program started this year.

Pat McGee, Alaska Youth Hostel Council, said she supports SB 794 and SB 795.

Senator Fahrenkamp asked that those people who were unable to testify today send written comments.

The meeting was adjourned at 3:05 p.m.



Alaska State Legislature

SENATE Resources Committee

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

April 14, 1982
1:35 p.m.

Beltz Room
Room 211 - Capitol

Hearing:

- SB 794 Establishing certain areas as units of the Alaska marine park system.
 - SB 795 Relating to outdoor recreation and historic projects.
 - SSSB 796 Providing for the management of state owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area.
-

SSSB 796

Resa King, Administrative Assistant, described the two meetings that had been held with Klukwan, Tlingit/Haida Central Council, Audubon Society, City of Haines, and the Department of Natural Resources since the April 7th hearing on SSSB 796, and stated that memos outlining those meetings were in the Committee members' packets. The meetings were to, 1) satisfy the concerns of Klukwan, and 2) answer questions raised by the legal division.

Jeff Haynes, Deputy Commissioner, Department of Natural Resources, expressed support for the bill, but indicated that technical amendments may need to be made before final passage.

Senator Mulcahy moved SSSSB 796 with individual recommendations.

SB 794

Phil Holdsworth, Juneau, expressed concern that the areas listed in Section 2 of the bill include many which are the only potential sites for log transfer facilities and industrial docks, especially in Southeast.

Jeff Haynes, DNR, explained that the areas listed in Section 2 are study areas, and will not necessarily be included in the marine park system. Decision on which lands to include will involve a visible

Senate Resources Committee
April 14, 1982
Page 2

public process, and no lands will be included without legislative approval. Haynes stated that areas other than those listed in Section 2 can be studied also.

Senator Gilman expressed concern over language in the bill that would close the park lands to multiple use. He moved an amendment deleting page 1, lines 22-29 (CS) and asked unanimous consent.

Senator Fischer moved CSSB 794, as amended, with individual recommendations.

SB 795

Senator Fischer moved an amendment deleting page 3, lines 14-17 (CS #2) and asked unanimous consent. He then moved CSSB 795 as amended with individual recommendations.

The meeting was adjourned at 2:05 p.m.

LEGISLATION SUMMARY

CSSB 794 (Res): "An Act establishing certain areas as units of the state marine park system; and providing for an effective date."

Sec. 1: The purpose of the bill is to restrict, subject to valid existing rights, state-owned or acquired lands and waters as units of the state marine park system.

Primary purposes are: maintenance of natural, cultural and scenic values; maintenance of fish and wildlife resources; development of recreational uses and facilities; promotion and support of Alaska tourism.

Only an Act of the legislature can close more than 640 acres of state land or water. Some of the areas of this bill exceed 640 acres.

.515 Assigns the lands to the Department of Natural Resources for control, maintenance and development.

Assigns responsibility for management of fish and game resources in the park units to the Department of Fish and Game. The Department of Fish and Game shall consult with the Department of Natural Resources before adopting fish and game regulations for the units.

The Department of Natural Resources shall develop a management plan for each unit. The commissioner shall consult with the Department of Fish and Game, nearby municipalities and private landowners, the U.S. Forest Service, conservation, recreation and tourism organizations, and other interested parties during the preparation of a management plan.

Prohibits the commissioner of natural resources from restricting valid fishing rights or other privileges under state law in a unit.

Authorizes the commissioner to allow the development of aquaculture facilities within units, and to enter into cooperative management agreements for units with federal agencies, state municipalities, or nearby private landowners.

Requires the commissioner to consult and cooperate with Native Corporations owning historical or cultural sites granted under the Alaska Native Claims Settlement Act (ANCSA) nearby a unit in the management of that unit. In managing units, the commissioner shall address potential conflicts with cultural and historic values of Native land grants under ANCSA, and protect those values.

.520 Designates state-owned or acquired land and water within described sections of the following parcels as units of the state marine park system:

1. Bettles Bay Marine Park
2. Decision Point Marine Park
3. Entry Cove Marine Park
4. Oliver Inlet Marine Park
5. Sawmill Bay Marine Park
6. Shoup Bay Marine Park
7. South Esther Island Marine Park
8. Surprise Cove Marine Park
9. Swanson Harbor Marine Park
10. Ziegler Cover Marine Park

Sec. 2: Requires the commissioner of natural resources to assess the state selected, tentatively approved, and patented land and water in certain areas, considering the values of each area, as set out in sec. 506, and with regard to private land ownership, community expansion, and other potential uses.

Requires the commissioner to consider recreational opportunities, and the demand and desirability of selecting land for inclusion in the state marine park system in selections under sec. 6(a) of the Alaska Statehood Act.

Lists 81 areas for assessment by the commissioner.

Sec. 3: Requires the commissioner to report to the Governor on actions under this Act by December 1 of each even-numbered year, to be submitted to the legislature by the tenth day of the first session of each legislature. Requires the report to include progress in assessments required under sec. 2, and recommendations by the Governor for additional areas for inclusion as units and other recommendations for legislation.

Sec. 4: Immediate effective date.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 14, 1982

SUBJECT: Privileges within a marine park
(CSSB 794 (Resources))

TO: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee

FROM: Richard A. Bradley *B*
Legislative Counsel

I have been asked to clarify the language within Sec. 41.-
20.515(d).

I am advised that the language is intended to allow for the continued use within a marine park of the various activities such as the erection of docks for use by hunters and other activities associated, perhaps, with fishing or hunting.

It may be that such activities may be fairly described as "privileges obtained under law" in the former language of subsec. (d). But the solution seems somewhat circular since the former language denied the commissioner of natural resources the discretion to do things that seem to be part of his normal discretion.

I believe that the ideas may need more elaborate treatment than the bill gives them at this time. Alternatively, recognize that Sec. 41.20.515(c) seems to give the commissioner discretion to develop the parks for various purposes. The authority to do the things that the committee is concerned about may already be located in the management plan authority granted by this subsection.

And as rewritten, subsec. (d) limits the authority of the commissioner of natural resources to regulate fish and game activities permitted by the Department of Fish and Game.

If I may assist further, please advise.

RAB:ljb

Enclosure

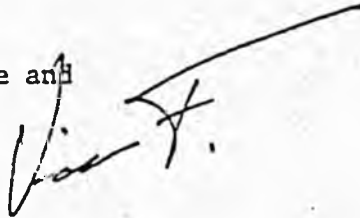


Alaska State Legislature

Senator Vic Fischer · Pouch V · Juneau, Alaska 99811 · (907) 465-4954

February 16, 1982

To: Members of the Senate and
interested parties

From: Senator Vic Fischer 

Re: SB 794 - establishing the Alaska Marine Park System

This legislation establishes the Alaska Marine Park System and designates certain lands within Prince William Sound as part of that system.

Modeled after a similar marine park program in British Columbia and Washington state, the purpose of the system is to provide for the public use of the recreational, natural, cultural, scenic, wilderness and wildlife resources, and to protect the natural and wilderness character of the coastline of these areas.

Prince William Sound is a major recreational area of national significance in close proximity to Alaska's major population center. Overwhelming public and agency sentiment expressed during a hearing conducted in December on Prince William Sound Recreation, urged reserving these state lands for maximum public use.

Of the 36 sites proposed by the Division of Parks in 1977, only 18 have been approved by the Forest Service for transfer under the Alaska Statehood Act. The division has filed a complaint against the Forest Service to obtain approval of the remaining sites and views the federal position as a violation of the Statehood Act. The Attorney General concurs that the state's case may be strengthened by designation of park system lands at this time.

There has been concern that state recreation land in Prince William Sound would be sold or leased through a land disposal program. This must be prevented. Selections in the park system were filed for the purpose of community expansion, development of resources use, fish hatchery sites, and recreation. This legislation reconfirms the state selection intent and establishes a commitment for maximum use by the public of state-owned lands in Prince William Sound.

The bill ensures a continuation of commercial, sport, and subsistence fishing rights and allows for the development of aquaculture facilities in these areas.

Habitat protection afforded by park status and increased tourism and recreation use of the Sound should result in a high level of public concern for and awareness of the Sound's resources.

Committees: State Affairs, Chairman; Resources, Vice-Chairman; Health, Education & Social Services

Strong public support has been expressed for the marine park system through resolutions of support from Whittier and Valdez, letters and testimony from the Alaska Visitors Association, Cordova's city manager, sportfishing and conservation organizations, and recreational users. Representatives of the U.S. Forest Service have agreed that the concept of a marine park system is a good one, that it would improve cooperative planning and management possibilities, and that it should be pursued regardless of land ownership or proprietary issues.

The state marine park system established by the bill would eventually be extended to include land in Southeast Alaska and other parts of the state.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 794
 Title Est. certain areas as units of the Marine Park System
 Requested by Senator Fischer Date 2/16/82

II. FISCAL DETAIL

Agency Affected Division of Parks
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

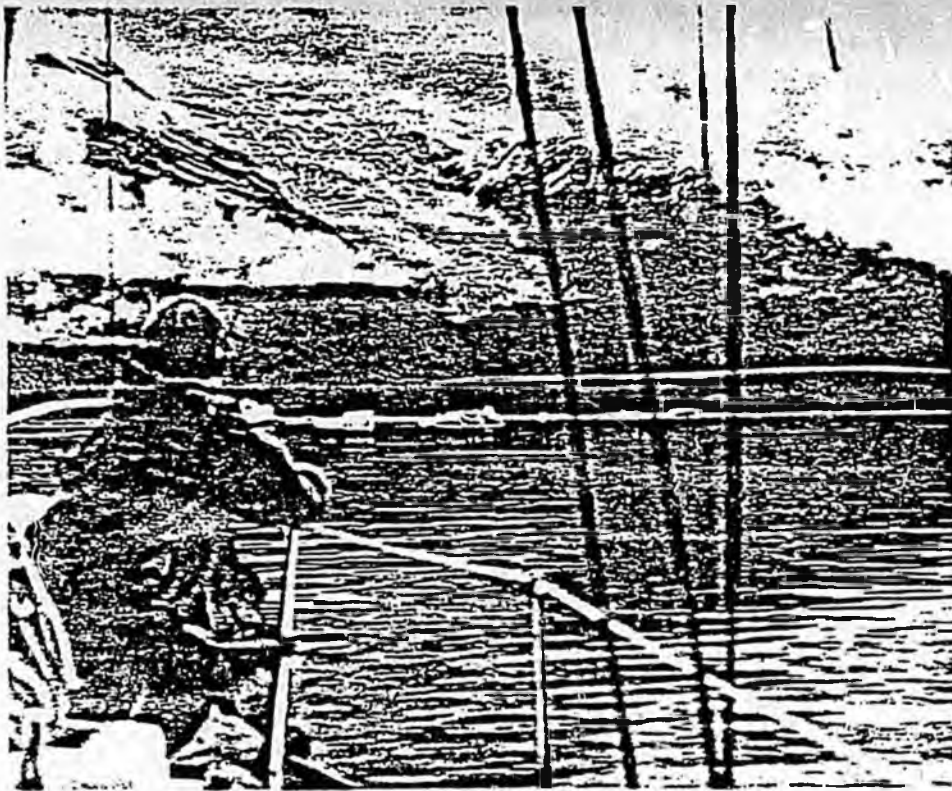
	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		-0-				
PART TIME						
TEMPORARY						

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

IV. DATE 4-1-82 PREPARED BY Jeff Haynes
 AGENCY Department of Natural Resources
 Original: Legislative Finance PHONE 465-2400
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)



Sumdum Glacier marks the site of a proposed unit of the marine park system on the south shore of Endicott Arm, off Stephens Passage south of Juneau. Remains of the 1880 gold mining camp of Sumdum can be found near the base of the glacier. (Nancy Simmerman)

national forest land, which in Alaska covers most of the convoluted shorelines of Southeastern and Prince William Sound. State selections from the U.S. Forest Service domain must be for purposes of community expansion and for recreational purposes. Alaska Governor Hammond and Attorney General Avrum Gross saw the legal opportunities afforded by the Statehood Act and agreed that the state use a portion of its land entitlement to build the last link in an international marine park system. With 85% of Alaskans residing near the coastline, public reception to the plan was enthusiastic.

Through 2 years of research and meetings with residents of coastal communities, the plans slowly took shape. The result was a decision to allocate 70,000 acres of Forest Service land to a comprehensive plan for the proposed marine parks. Selections for the system were filed with the Forest Service on December 19, 1977.

Overall strategy focused on the idea that numerous small parks would allow for a wider variety of accessible coastal environments than selection of just a few large areas. In addition, the theme used in British Columbia and Washington could be followed. Thus, within Alaska's marine parks, facilities such as docks, mooring floats, beach campsites, trails and toilets could be developed. The vast majority of these proposed Alaska parks are near well-

national average. Boat ownership in the Seattle area is the highest of any large city in the nation. Demand for boat slips in the Vancouver and Victoria areas is many times higher than the supply. A result has been that the state of Washington and the province of British Columbia are working hard to establish 99 marine parks stretching up the coast north from Olympia to a

scant 5 miles south of the Alaska-Canada border.

And now Alaska has drawn plans to continue such marine parks up the coast to the northern Gulf of Alaska. Alaska's opportunity to tie into this international system had its genesis when the Statehood Act, drafted in 1958, included Section 6(a), which allows Alaska to select up to 400,000 acres of





United States
Department of
Agriculture

Forest
Service

Regional
Office

P.O. Box 1628
Juneau, AK 99802

Reply to: 1510

Date: MAR. 23 1982

Honorable Bettye Fahrenkamp
Chairman, Committee on Resources
Pouch V
State Capital
Juneau, AK 99811

Dear Ms. Fahrenkamp:

Please find enclosed a listing of those sites identified in SB 794. I have designated those that fail to meet the criteria of Section 6 of the Statehood Act. These sites are being litigated.

Allocation of these sites to marine oriented recreation is compatible with the present management of National Forest lands. In accordance with the National Forest Management Act, we are developing a land management plan for the Chugach National Forest. The draft plan will be available for public review in May. A number of alternatives under consideration include allocation of many of these as well as other sites to marine oriented recreation. I expect that after finalization of the plan, use of these sites for marine oriented recreation will continue to be a compatible use of National Forest land.

We continue to believe that marine oriented recreation facilities in Prince William Sound should result from a joint planning effort with the State of Alaska. Provision of these facilities to State and National publics is best accomplished through a coordinated program between the State, the Forest Service, and private industry, as appropriate.

If I can be of any further assistance, please let me know.

Sincerely,

Michael A. Barton

MICHAEL A. BARTON
Deputy Regional Forester

Enclosure



Senate Bill 794	Name-State Park (Proposed)	Meets Criteria of Section 6 Statehood Act	Does not meet Criteria of Section 6 Statehood Act	Remarks
1	Anderson Bay	X		
2	Bettles Bay	X		
3	Boswell Bay	X		
4	Canoe Passage	X		
5	Cascade Creek		X	
6	Constantine Harbor		X	includes part of #38 also
7	Decision Point	X		within Whittier - Shotgun State selection
8	Disk Island		X	
9	Drier Bay		X	
10	Driftwood Bay	No USDA Action	selected prior to	National Forest Status (ANILCA)
11	Eagle Bay		X	
12	Entry Cove	X		
13	Falls Bay		X	
14	Garden Cove	X		within Port Etches State selection
15	Goat Harbor		X	

Senate Bill 794	NAME-State Park (Proposed)	Meets Criteria of Section 6 Statehood Act	Does not meet Criteria of Section 6 Statehood Act	Remarks
16	Golden Creek		X	
17	Granite Cove		X	
18	Gravina Point	X		
19	Horseshoe Bay	X		within Latouche State selection
20	Jack Bay	X		within Valdez-Jack Bay selection
21	Long Bay		X	
22	Main Bay		X	
23	Marsha Bay		X	
24	Outside Bay		X	
25	Perry Island		X	
26	Port Chalmers		X	
27	Port Fidalgo		X	
28	Port Nelli Juan		X	
29	Princeton Creek		X	
30	Safety Cove	No USDA Action		selected prior to National Forest status
31	Salmon Creek	X		Part of Valdez-Anderson Bay Selection

Senate Bill	NAME-State Park (Proposed)	Meets Criteria of Section 6 Statehood Act	Does not meet Criteria of Section 6 Statehood Act	Remarks
794				
32	Sawmill Bay	X		
33	Shoestring Cove		X	
34	Shoup Bay	No USDA Action		Not within National Forest boundary
35	Siwash Bay		X	
36	South Elrington Island		X	
37	South Esther Island	X		
38	Nuchek Island			Already included in #6 Constantine Harbor
39	"Unnamed Island"	No USDA Action		Not within National Forest Boundary



United States
Department of
Agriculture

Forest
Service

Regional
Office

P.O. Box 1628
Juneau, AK 99802

Reply to: 1510

Date: MAR 26 1982

Honorable Bettye Fahrenkamp
Chairman, Committee on Resources
Pouch V
State Capital
Juneau, AK 99811

Dear Senator Fahrenkamp:

During your hearing Wednesday on Senate Bill 794, you inquired as to whether or not any of the proposed State Marine Parks were considered by the Chugach Regional Study for the Chugach Natives, Incorporated land settlement.

I find that four sites proposed by SB 794 for State Marine Parks are included in the Federal proposal for settlement. They are Horseshoe Bay Site #19, Eagle Bay Site #11, Nuchek Island Site #38 and Snotoun Cove Site #7 (called Decision Point Marine Park).

I have enclosed a copy of the study recommendations that were transmitted to Congress in response to Section 1430 of Alaska Land Act.

Please let me know if you have additional questions or if we might assist you in any way.

Sincerely,

THOMAS P. LENNON
Acting Director of Lands, Minerals,
and Watershed Management

Enclosure (2)

cc: Department of Natural Resources

Handwritten notes:
Lennon
Eagle
Nuchek
#2 Slotger (Lennon)





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

November 13, 1981

Alaska Land Use Council
P.O. Box 120
Anchorage, Alaska 99510

Dear Sirs:

Sec. 1430 of the Alaska National Interest Lands Conservation Act (ANILCA) mandates that the Department of the Interior, the Department of Agriculture, the Alaska Land Use Council, Chugach Natives, Inc. (CNI) and the State of Alaska (if it so chooses) participate in conducting a study of the lands within the Chugach Region to identify lands which can be made available for selection by CNI in satisfaction of its land entitlement under the Alaska Native Claims Settlement Act. ANILCA stipulates that the study shall be complete and the President shall transmit to the Congress no later than December 2, 1981 the study report and recommendations, including any legislation that might be necessary to implement the study's recommendations.

That deadline is almost upon us and we are advised that the study participants have failed to come to any conclusion or recommendation for settlement of the issue.

In light of these circumstances, the Departments of Interior and Agriculture are compelled to transmit a recommendation so that the President may comply with the legislative mandate. Accordingly, the Land Use Council is herewith advised that our respective Secretaries propose to transmit the attached settlement proposal to the President in time to meet the December 2, 1981 deadline. Since this is the last meeting of the Council prior to that deadline date, we are advising you of this intended action.

Sincerely,

William P. Horn
DEPUTY UNDER SECRETARY
DEPARTMENT OF THE INTERIOR

Sincerely,

John B. Crowell, Jr.
ASSISTANT SECRETARY
DEPARTMENT OF AGRICULTURE

PER/11/2/81

11/13/81⁽²⁾

PROPOSED CHUGACH LANDS SETTLEMENT

<u>Location</u>	<u>Agency</u>	<u>Acres</u>
Shotgun Cove (4)	SOA/FS	100.0
Horseshoe Bay (4)	SOA/FS	900.0
Bering River Coal Field	FS	48,677.0
Eagle Bay-Glacier Island (4)	SOA/FS	180.0
Miles Lake	FS	685.0
Nelson Townsite	BLM	2,000.0
Whittier	BLM	333.0
Seward Townsite Block #9 (2)	BLM	.460
Cordova Federal Reserve (3)	BLM	1.258
Cordova Lutheran Homesite	BLM	2.5
Snow River	FS	960.0
Nuchek Island (4)	SOA/FS	800.0
Latouche Island (5)	FS	13,367.0
Patton Bay (Montague Island) (7)	FS	15,000.0
McCleoud Harbor Transfer Area	FS	1,500.0
Icy Bay Addition	BLM	12,868.0
In-Region Existing Selections:		
° Icy Bay 12(c)	BLM	47,750.0
° Cape Yakataga 14(h) (8) (6)	BLM	1,078.0
° Copper River 12(c) - 3 parcels	FS	9,212.0
° Carbon Mountain	BLM	25,757.0
Small Federal Holdings:		
° Cape Yakataga FAA Site (1)	DOT	38.75
° Middleton Island FAA Site (1)	DOT	1,944.8
Knight Island	FS	9,000.0
Knight Island (Drier Bay) (8)	FS	4,564.0
Tonsina Pipeline Corridor:		
within T. 2 S., R. 1 E. CRM (PIO 5150 as amended) (9)	BLM	8,000.0
Sub Total		<u>200,154.77</u>
ANCSA 12(c) Deficiency Areas:	DOI	<u>177,845.23</u>
Total:		<u>378,000.0</u>

-
- (1) Available only after declared surplus to Federal needs.
 - (2) Subject to State of Alaska continued free use and occupancy of existing ADF&G warehouse and appurtenant facilities.
 - (3) Subject to State of Alaska continued free use and occupancy of existing DOT/PF buildings and appurtenances.
 - (4) Existing State of Alaska Selection. Conveyance subject to stipulations contained in agreement already developed with CFI and State of Alaska.

(Continued on Next Page)

PROPOSED CHUGACH LANDS SETTLEMENT
(Continued)

- (5) Subject to reservation of 40 acre public use site on southwest tip of Island.
- (6) State supports selection without prejudice to its assertion to a 90-day preference right authorized by the Alaska Statehood Act on Federal unimproved surplus properties.
- (7) Reference map: Blying Sound D-1 and D-2 USGS Quad and Seward A-2 and A-1 USGS Quad. Dated November 12, 1981.
- (8) Subsurface estate only; described as those lands within existing Iron Mountain 14(h) (8) selection area and draining into Drier Bay.
- (9) Subject to all prior valid existing rights and AHTNA Regional Corp. non-objection. All selections must include all available lands with any section selected. Selections must be in reasonably compact form.



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D C 20250

December 2, 1981

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

The Alaska National Interest Lands Conservation Act (ANILCA) provides at Section 1430 for a study of the land ownership and use patterns of Chugach Natives, Incorporated, a corporation existing under the laws of the State of Alaska and the Alaska Native Claims Settlement Act (ANCSA). The now completed study was the joint endeavor of the Secretaries of Agriculture and the Interior, the Alaska Land Use Council and the Chugach Natives, Inc. Its purpose was to identify lands which would achieve a fair and just land settlement for the Corporation as well as other objectives enumerated in Section 1430 of ANILCA.

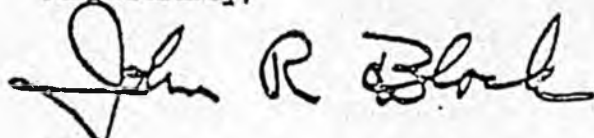
The participants to the study failed to reach agreement on a land settlement for Chugach Natives, Inc. On November 13, 1981, the federal government proposed a final settlement which would grant the Corporation its full acreage entitlement of 378,000 acres under ANCSA. The federal proposal satisfies all the requirements of Section 1430 of ANILCA and is valued at \$111.1 million, well in excess of the values of land to which the Corporation is entitled. Notwithstanding, the Corporation has declined the proposal of the federal government. The enclosed position paper of the Departments of Agriculture and the Interior discusses in greater detail the basis of the federal proposal.

In case the study required by Section 1430 of ANILCA failed to result in an agreement, Congress provided at Section 1429 for a fallback settlement that would allow the selection of approximately 33,000 acres from the Chugach National Forest in addition to other existing selection rights. Since the study failed to provide an agreement on lands to be conveyed, the Corporation may exercise its selection rights under Section 1429 of ANILCA. In the alternative, the Corporation may elect to accept the federal proposal. In all cases, legislation is not necessary to effectuate the transfer of lands since the respective Secretaries have adequate administrative authority to make conveyances pursuant to Section 22(f) of ANCSA.

Section 1430(d) of ANILCA requires the President to report the results of the study to the Congress along with proposed legislation that may be needed to implement study recommendations. No legislation is required since there were no recommendations forthcoming from the study. Legislation would not be required to implement the federal proposal.

In a letter to you dated November 19, 1981, the Corporation proposed three counteroffers to the federal proposal of November 13, 1981. These counteroffers would provide the Corporation with a settlement which greatly exceeds the value of their ANCSA entitlement. The three counteroffers are unacceptable to the Departments of Agriculture and the Interior, being that there is no justification for going beyond the lands and resources already offered to the Corporation. The federal proposal of November 13, 1981, fulfills the requirements of Section 1430 of ANILCA and will result in a fair and just settlement for the Corporation and the American people.

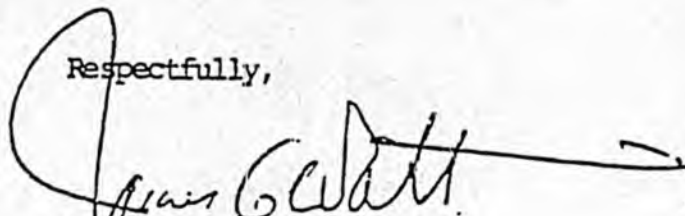
Respectfully,



JOHN R. BLOCK
Secretary of Agriculture

Enclosure

Respectfully,



JAMES G. WATT
Secretary of the Interior

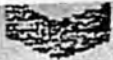
TO THE CONGRESS OF THE UNITED STATES:

Pursuant to the provisions of Section 1430 of the Alaska National Interest Lands Conservation Act (ANILCA), I hereby transmit the Chugach Region Study. The participants to the study failed to agree upon a settlement of the land claims of Chugach Natives, Incorporated. However, the Chugach Natives, Incorporated, may elect to satisfy their land entitlements pursuant to existing law under Section 1429 of ANILCA, or pursuant to land exchanges in accordance with a federal proposal dated November 13, 1981.

RONALD REAGAN

THE WHITE HOUSE,

December 8, 1981.



Chevron U.S.A. Inc.
 535 Market Street, San Francisco, California
 Tel. Area: 415 774-7100 San Francisco CA 94105

March 12, 1982

William B. Kenney
 Coordinator
 State & Local Relations
 Government Affairs

Alaska Legislation - 1982
 HB 759 - Willow Creek State Recreation Area
 SB 730 - Baranov State Game Refuge
 SB 812 - Nechina Public Use Area
 SB 794 - State Marine Park System
Alaska Reserves

Mr. Eugene F. Wiles
 Hotel Baranof
 Suite 504
 Juneau, AK 99801

Dear Gene:

HB 759 and SB 730 create reserves in Alaska that have little impact on Chevron. Thus, we take no position in these bills.

S.B. 812 also has little impact on our company. However, identical boundaries are listed for items (6) and (10), page 2, lines 4 and 12. Boundary (6) should read "Township 22 North, Range 5 East ...".

S.B. 794 appears to have the following discrepancies:

- (1) Item (13), page 7 designates Goat Harbor State Marine Park as a unit of the state marine park system. However, we have determined that these boundaries appear to lie wholly in the ocean. We would appreciate verification.
- (2) Item (28), page 11 reads as "Township 5 North, Range 7 East, Copper River Meridian". This should be listed as "Township 5 North, Range 7 East, Seward Meridian."
- (3) ~~Item (38), page 14 reads as "Township 17 South, Range 8 West, Seward Meridian". This should be "... Copper River Meridian".~~
- (4) Item (39), page 14 and 15 describes "a 1 unnamed island ...". If the boundaries lie within township 9 and 10 North, Range 11 West, we would not object. However, we would be detrimentally affected if the township designation should actually be "... South ...". We also would appreciate verification of this boundary. (Either the Copper River Meridian or Seward Meridian are acceptable to us.)

WPK
 William B. Kenney

WJK:mt

2072

TESTIMONY

BY

CHUGACH NATIVES, INC.

ON

SENATE BILL No. 794

BEFORE THE

SENATE RESOURCES COMMITTEE

JUNEAU, ALASKA

MARCH 24, 1982

MY NAME IS CARL PROPES, AND I AM PLEASED TO BE HERE BEFORE THE SENATE RESOURCES COMMITTEE TO TESTIFY ON BEHALF OF S.B. 794 -- A BILL ESTABLISHING THE ALASKA MARINE PARK SYSTEM. I AM THE DIRECTOR OF LANDS AND NATURAL RESOURCES FOR CHUGACH NATIVES, INCORPORATED, THE REGIONAL NATIVE CORPORATION FOR THE PRINCE WILLIAM SOUND AREA.

IT IS WITH GREAT PLEASURE THAT I CAN WHOLEHEARTEDLY ENDORSE THE PROPOSED MARINE PARK SYSTEM. RARELY DOES ANY PROPOSED LEGISLATION MEET WITH THE NEARLY UNANIMOUS SUPPORT THAT THIS BILL HAS. IT IS MY UNDERSTANDING, FOR INSTANCE, THAT THE THREE MAJOR COMMUNITIES IN PRINCE WILLIAM SOUND -- WHITTIER, VALDEZ AND CORDOVA -- HAVE ALL EXPRESSED SUPPORT FOR THIS PROPOSAL, AS HAVE THE MAJOR USER GROUPS, REPRESENTATIVES OF THE STATE'S TOURISM AND RECREATION INDUSTRY, AND WE, THE LARGEST PRIVATE LANDOWNERS.

MUCH OF THE CREDIT FOR THIS EFFORT MUST GO TO THOSE INDIVIDUALS WHO WORKED ON THE NATIONAL FOREST SELECTION TEAM OUT OF FORMER COMMISSIONER LERESCHE'S OFFICE IN 1977 -- SPECIFICALLY CHIP DENNERLEIN AND CRAIG LINDH. THEY DID A THOROUGH AND EXEMPLARY

JOB -- BOTH ON THE PHYSICAL SIDE OF IDENTIFYING THE OPTIMUM SYSTEM OF COVES AND BAYS FOR STATE ACQUISITION, AND ON THE PUBLIC RELATIONS SIDE OF DRUMMING UP WIDESPREAD LOCAL SUPPORT FOR THEIR EFFORTS. IT IS DUE TO THEIR SKILL AND PROFESSIONALISM THAT WE CAN SIT HERE TODAY AND DISCUSS THESE ISSUES INTELLIGENTLY AND WITHOUT THE DEVISIVENESS THAT ISSUES OF LAND ALLOCATION SO OFTEN CREATE BETWEEN PEOPLE.

MOREOVER, IT CANNOT GO UNSTATED HOW REMARKABLE IT IS FOR CHUGACH NATIVES -- THE ONLY NATIVE CORPORATION IN ALASKA STILL WITHOUT A LAND SETTLEMENT -- TO SUPPORT THIS BILL. WE HAVE BEEN STRUGGLING FOR OVER TEN YEARS NOW TO ACHIEVE OWNERSHIP OF THE SMALL PERCENTAGE OF THE PRINCE WILLIAM SOUND THAT OUR SHAREHOLDERS WILL BE ABLE TO CALL FOREVER THEIRS -- AND DESPITE THE MANDATE OF THE U. S. CONGRESS THIS GOAL STILL GOES UNMET. YOUR SUPPORT AND UNDERSTANDING OF OUR EFFORTS TO MOVE THE FOREST SERVICE AND THE FEDERAL BUREAUCRACY TO A FAIR AND JUST SOLUTION TO THIS PROBLEM WHICH IS SO CRITICAL TO CNI IS MOST APPRECIATED.

DURING THE COURSE OF THE CHUGACH REGION STUDY LAST YEAR AGREEMENT WAS REACHED BETWEEN CHUGACH NATIVES AND THE STATE ADMINISTRATION ON FIVE STATE SELECTIONS (OR PORTIONS THEREOF) IN THE PRINCE WILLIAM SOUND WHICH WOULD BE RELINQUISHED TO CHUGACH AS PART OF OUR TOTAL LAND SETTLEMENT. OUR PRIMARY CONCERN WITH S.B. 794 IS THAT IT RECOGNIZE AND HONOR THIS TENTATIVE AGREEMENT. HOWEVER, TWO OF THE FIVE AGREED-UPON SITES ARE INCLUDED IN THE BILL AT THIS TIME. DURING THE PAST SEVERAL DAYS WE HAVE REACHED AGREEMENT WITH THE ALASKA DIVISION OF PARKS THAT THESE TWO CONFLICT AREAS BE DELETED. THEY ARE DESCRIBED AS:

T. 17 S., R. 8 W., C.R.M.

SECS. 32-34

T. 18 S., R. 8 W., C.R.M.

SECS. 4-5, 8

WHICH REPRESENTS THE 800 ACRES ON NUCHEK ISLAND WHICH SHOULD BE DELETED FROM THE CONSTANTINE HARBOR STATE MARINE PARK (A.S. 41.20.520(6)) AND:

A LARGE UNNAMED ISLAND LYING WITHIN:

T. 11 S., R. 11 W., C.R.M.

SEC. 14: SE $\frac{1}{4}$

SEC. 23: ALL

WHICH REPRESENTS 180 ACRES WHICH SHOULD BE DELETED FROM THE EAGLE BAY STATE MARINE PARK (A.S. 41.20.520(11)). CHUGACH HAS AGREED TO ACCEPT BOTH OF THESE CONVEYANCES WITH CERTAIN RESTRICTIVE COVENANTS TO ENSURE THAT THE RESOURCE VALUES IN THE ADJACENT MARINE PARKS WILL NOT BE COMPROMISED.

THIS PROPOSED AMENDMENT WILL ALSO ALLOW THE DELETION OF THE EXISTING SECTION 2 IN THE BILL, WHICH ADDRESSES CHUGACH NATIVES' INTEREST IN THESE SITES, AS WELL AS MAKING 41.20.520(38) AND (39) UNNECESSARY. THEREFORE, WE WOULD REQUEST THAT THOSE PROVISIONS, WHICH WOULD CONFLICT WITH WHAT WE HAVE JUST ACCOMPLISHED, BE DELETED AS WELL.

NEXT, WE PROPOSE THAT A NEW SECTION BE ADDED, NUMBERED A.S. 41.20.525, ENTITLED ADDITIONAL LANDS AND WATERS. THIS SECTION SHOULD READ:

"(A) THE COMMISSIONER OF NATURAL RESOURCES MAY RELINQUISH THE STATE'S SELECTION OF THE FOLLOWING-DESCRIBED PARCELS, IN HIS DISCRETION, TO MAKE SUCH LANDS AVAILABLE TO CHUGACH NATIVES, INCORPORATED,

IN PARTIAL SETTLEMENT OF ITS LAND CLAIMS UNDER
THE ALASKA NATIVE CLAIMS SETTLEMENT ACT:

(1) EAGLE BAY STATE MARINE PARK A LARGE
UNNAMED ISLAND LYING WITHIN:

T. 11 S., R. 11 W., C.R.M.

SECTION 14: SE $\frac{1}{4}$

SECTION 23: ALL

(2) CONSTANTINE HARBOR STATE MARINE PARK
NUCHEK 'ISLAND'

T. 17 S., R. 8 W., C.R.M.

SECS. 32-34

T. 18 S., R. 8 W., C.R.M.

SECS. 4-5, 8

(B) IF, AFTER FINAL SETTLEMENT OF CHUGACH
NATIVES, INC.'S LAND CLAIMS, OR TEN YEARS FROM THE
EFFECTIVE DATE OF THIS ENACTMENT, WHICHEVER IS LESS,
CHUGACH NATIVES, INCORPORATED HAS NOT SELECTED THE
LANDS DESCRIBED IN SUBSECTION (A), THEN THOSE LANDS
SHALL BE ADDED TO THE STATE MARINE PARK SYSTEM."

THESE AMENDMENTS WOULD AMPLIFY UPON THE PREVIOUS CHANGES TO MAKE
CLEAR THAT IF THE LANDS DESIGNATED FOR CHUGACH NATIVES IN THE
EAGLE BAY AND CONSTANTINE HARBOR MARINE PARK PROPOSALS ARE NOT
INCLUDED IN CHUGACH'S FINAL LAND SETTLEMENT WITHIN A TIME CERTAIN,
IN THIS CASE TEN YEARS, THEN THEY WILL BE INCLUDED IN THE MARINE
PARK SYSTEM AUTOMATICALLY.

OUR THIRD PROPOSED AMENDMENT WOULD CREATE A SUBSECTION (B) IN
A.S. 41.20.520, AND WOULD READ AS FOLLOWS:

"(B) THE MANAGEMENT PLAN REQUIRED BY SUBSECTION (A) SHALL PROVIDE FOR APPROXIMATE ACCESS ACROSS LANDS DESCRIBED IN THAT SUBSECTION. IN PARTICULAR, THE COMMISSIONER OF NATURAL RESOURCES SHALL ENSURE THAT APPROPRIATE ROAD AND POWERLINE EASEMENTS ARE PROVIDED FOR ACROSS THE HORSESHOE BAY STATE MARINE PARK."

THE PURPOSE OF THIS AMENDMENT IS TO GUARANTEE THAT A PRACTICAL ROAD RIGHT-OF-WAY CONNECTING THE LATOUCHE ISLAND TOWNSITE DEVELOPMENT WITH ADDITIONAL PRIVATE LANDS AT HORSESHOE BAY WILL BE ENSURED, RATHER THAN REMAIN AT THE DISCRETION OF SOME FUTURE DIRECTOR OF PARKS WHO MAY NOT BE AS SYMPATHETIC AS THE CURRENT ONE.

THE SAME PRINCIPLE HOLDS TRUE IN OTHER AREAS AS WELL. FOR INSTANCE, THE WATER SUPPLY FOR CHUGACH'S EAGLE BAY LODGE MAY NEED TO BE SECURED FROM STATE LANDS IN THE MARINE PARK ON GLACIER ISLAND. IN THAT EVENT WE WILL NEED THE UNDERSTANDING AND COOPERATION OF THE DEPARTMENT OF NATURAL RESOURCES TO CONSTRUCT A DAM AND DIVERSIONARY STRUCTURE THERE. THE SAME HOLDS TRUE FOR THE CONSTANTINE HARBOR STATE MARINE PARK, WHERE THE MOST APPROPRIATE LOCATION TO BUILD A DOCK AND SMALL AIRSTRIP APPEAR TO BE ON STATE SELECTED LAND ADJACENT TO NUCHEK ISLAND WHICH WILL BE CONVEYED TO CHUGACH NATIVES.

OUR FOURTH PROPOSED AMENDMENT TO S.B. 794 CONCERNS THE NUMEROUS HISTORICAL PLACES AND CEMETERY SITES IDENTIFIED BY CHUGACH NATIVES UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT WHICH ARE IN THE VICINITY OF THESE MARINE PARK UNITS. TO ADDRESS THIS WE PROPOSE THAT THE FOLLOWING LANGUAGE BE ADDED TO SECTION 1:

"SECTION 41.20.515(H)

IN THE DEVELOPMENT AND MANAGEMENT OF THESE

AREAS THE COMMISSIONER OF NATURAL RESOURCES SHALL CONSULT AND COOPERATE WITH THE NATIVE CORPORATION WHICH OWNS ANY HISTORICAL OR CULTURAL SITE SELECTED PURSUANT TO SECTION 14(H)(1) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND WHICH IS IN THE VICINITY OF OR ADJACENT TO ANY OF THOSE AREAS. IN THE DEVELOPMENT AND MANAGEMENT OF THESE AREAS THE COMMISSIONER OF NATURAL RESOURCES SHALL ADDRESS POTENTIAL CONFLICTS WITH THE CULTURAL AND HISTORICAL VALUES OF SECTION 14(H)(1) LANDS AND SHALL PROVIDE FOR THE PROTECTION OF THESE VALUES."

TO FURTHER THIS POLICY I WOULD LIKE TO PROVIDE THE COMMITTEE WITH A PRELIMINARY LISTING WHICH WE HAVE COMPILED OF ALL OVERLAPS BETWEEN OUR 14(H)(1) SITES AND THESE MARINE PARK SYSTEM PROPOSALS.

FIFTHLY, WE WOULD LIKE TO LEND OUR STRONG SUPPORT TO THE AGREEMENT WORKED OUT BETWEEN THE TATITLEK CORPORATION AND SENATOR FISCHER'S OFFICE TO MAKE ALLOWANCE FOR THREE ADDITIONAL AREAS -- SNUG CORNER COVE, EMERALD COVE AND HELL'S HOLE -- WHICH ARE NOW UNDER THE OWNERSHIP OF THE TATITLEK VILLAGE CORPORATION, TO BE INCLUDED AS UNITS OF THE STATE MARINE PARK SYSTEM UPON THE EFFECTUATION OF A LAND EXCHANGE BETWEEN THE STATE OF ALASKA AND THE TATITLEK CORPORATION. MOREOVER, WE STRONGLY URGE YOU TO USE THIS VEHICLE TO PROVIDE THE DEPARTMENT OF NATURAL RESOURCES WITH THE REQUESTED FUNDING SO THAT THEY MAY PURSUE THIS LAND EXCHANGE IN FY83 WHICH IS SO CLEARLY IN THE INTERESTS OF ALL CONCERNED.

IN CLOSING, I WOULD LIKE TO REITERATE THE IMPORTANCE WHICH WE ATTACH TO THIS LEGISLATION. IT IS ONE OF THE FEW PIECES OF LEGIS-

LATION BEFORE YOU THIS YEAR THAT WOULD ACHIEVE SO MUCH AT SO LITTLE EXPENSE AND WITH SO LITTLE CONTROVERSY.

FOR INSTANCE, WHEN THESE STATE SELECTIONS WERE ORIGINALLY FILED A DELIBERATE ATTEMPT WAS MADE TO EXCLUDE KNOWN MINERALIZED AREAS AND AREAS OF COMMERCIAL TIMBER POTENTIAL. THIS EFFORT WAS LARGELY SUCCESSFUL. IF IT HAD NOT BEEN, WE WOULD NOT BE HERE BEFORE YOU TODAY SUPPORTING THIS BILL.

THE ORIGINAL INTENT BEHIND THE VAST MAJORITY OF THESE STATE SELECTIONS WAS TO PROVIDE A SYSTEM OF REMOTE RECREATIONAL OPPORTUNITIES FOR THE RESIDENTS OF THE EXISTING COMMUNITIES AND ANY FUTURE COMMUNITIES IN THE CHUGACH NATIONAL FOREST. FAVORABLE ACTION BY THE LEGISLATURE DURING THIS SESSION ON THIS BILL WOULD BE CONSISTENT WITH THIS ORIGINAL INTENT OF THE ALASKA STATEHOOD ACT. MOREOVER, A DIVERSIFIED SYSTEM OF STATE PARKS WHICH WE CAN ALL BE PROUD OF GIVES THE STATE OF ALASKA GOOD AMMUNITION WITH WHICH TO COMBAT THE ENVIRONMENTAL EXTREMISTS OUTSIDE WHO ARE FOREVER TRYING TO LOCK UP ALASKA UNDER THE FALSE PRETENSE THAT WE WHO LIVE HERE CANNOT MANAGE OUR LANDS ADEQUATELY OURSELVES.

CONFLICTS BETWEEN STATE MARINE PARK PROPOSAL (S.B. 794) AND CHUGACH NATIVES, INC.
 ANCSA §14(h)(1) CEMETERY AND HISTORICAL SITE SELECTION APPLICATIONS

STATE MARINE PARK PROPOSAL	14(h)(1) SITE IN CONFLICT	LEGAL DESCRIPTION OF SELECTION AREA IN CONFLICT W/ PROPOSAL	LEGAL DESCRIPTION OF ACTUAL SURVEYED SITE
Canoe Passage	AA-10779	T. 15 S., R. 5 W., CRM, Sec. 32: F NE $\frac{1}{4}$ NE $\frac{1}{4}$, F NW $\frac{1}{4}$ NE $\frac{1}{4}$, F SW $\frac{1}{4}$ NE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$	Not Available
Canoe Passage	AA-10996	T. 16 S., R. 5 W., CRM, Sec. 1: F NE $\frac{1}{4}$ SE $\frac{1}{4}$, F SE $\frac{1}{4}$ SE $\frac{1}{4}$ T. 16 S., R. 4 W., CRM, Sec. 6: F NW $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ SW $\frac{1}{4}$	T. 16 S., R. 5 W., CRM, Sec. 1: NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ T. 16 S., R. 4 W., CRM, Sec. 6: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
Constantine Harbor	AA-10764	T. 17 S., R. 8 W., CRM, Sec. 22: F SE $\frac{1}{4}$ SE $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27: F NW $\frac{1}{4}$ NE $\frac{1}{4}$, F NE $\frac{1}{4}$ NE $\frac{1}{4}$	T. 17 S., R. 8 W., CRM, Sec. 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27: NE $\frac{1}{4}$
Constantine Harbor	AA-11049	T. 17 S., R. 8 W., CRM, Sec. 31: F SE $\frac{1}{4}$ NE $\frac{1}{4}$, F NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32: F SW $\frac{1}{4}$ NW $\frac{1}{4}$, F NW $\frac{1}{4}$ SW $\frac{1}{4}$	T. 17 S., R. 8 W., CRM, Sec. 31: F SE $\frac{1}{4}$ NE $\frac{1}{4}$, F NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32: F SW $\frac{1}{4}$ NW $\frac{1}{4}$, F NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Constantine Harbor	AA-11050	T. 17 S., R. 8 W., CRM, Sec. 33: F NW $\frac{1}{4}$ NW $\frac{1}{4}$, F NE $\frac{1}{4}$ NW $\frac{1}{4}$ F SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	Not Available
Constantine Harbor	AA-10766	T. 17 S., R. 8 W., CRM, Sec. 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$, F NE $\frac{1}{4}$ NE $\frac{1}{4}$, F SW $\frac{1}{4}$ NE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$	Not Available
Constantine Harbor	AA-10767	T. 17 S., R. 8 W., CRM, Sec. 33: F SW $\frac{1}{4}$ NE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$, F NW $\frac{1}{4}$ SE $\frac{1}{4}$, F NE $\frac{1}{4}$ SE $\frac{1}{4}$	Not Available

STATE MARINE PARK PROPOSAL	14(h)(1) SITE IN CONFLICT	LEGAL DESCRIPTION OF SELECTION AREA IN CONFLICT W/ PROPOSAL	LEGAL DESCRIPTION OF ACTUAL SURVEYED SITE
Disk Island	AA-12587	T. 5 N., R. 10 E., SM, Sec. 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$	T. 5 N., R. 10 E., SM, Sec. 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
Disk Island	AA-12591	T. 5 N., R. 10 E., SM, Sec. 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$	T. 5 N., R. 10 E., SM, Sec. 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
Drier Bay	AA-12584 AA-12592	T. 3 N., R. 9 E., SM, Section 34: SE $\frac{1}{4}$ SE $\frac{1}{4}$	T. 3 N., R. 9 E., SM Section 34: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Drier Bay	AA-11143	T. 3 N., R. 9 E., SM, Sec. 32: F SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33: F SW $\frac{1}{4}$ SW $\frac{1}{4}$	N/A
		T. 2 N., R. 9 E., SM, Sec. 4: F NW $\frac{1}{4}$ NW $\frac{1}{4}$, F SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5: F NE $\frac{1}{4}$ NE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$	N/A
Drier Bay	AA-11038	T. 2 N., R. 9 E., SM, Sec. 4: F NW $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5: NE $\frac{1}{4}$ SE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$	T. 2 N., R. 9 E., SM, Sec. 4: F NW $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5: F NE $\frac{1}{4}$ SE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
Eagle Bay	AA-10959	T. 11 S., R. 11 W., CRM, Sec. 21: F NE $\frac{1}{4}$ NE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22: F SW $\frac{1}{4}$ NW $\frac{1}{4}$, F NW $\frac{1}{4}$ NW $\frac{1}{4}$	N/A
Entry Cove	AA-12590	T. 8 N., R. 6 E., SM, Sec. 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$	N/A

STATE MARINE PARK PROPOSAL	14(h)(1) SITE IN CONFLICT	LEGAL DESCRIPTION OF SELECTION AREA IN CONFLICT W/ PROPOSAL	LEGAL DESCRIPTION OF ACTUAL SURVEYED SITE
Garden Cove	AA-10772	T. 18 S., R. 7 W., CRM, Sec. 6: F NE $\frac{1}{2}$ NW $\frac{1}{2}$, F SE $\frac{1}{2}$ NW $\frac{1}{2}$, F NW $\frac{1}{2}$ NE $\frac{1}{2}$, F SW $\frac{1}{2}$ NE $\frac{1}{2}$	T. 18 S., R. 7 W., CRM, Sec. 6: NE $\frac{1}{2}$, SW $\frac{1}{2}$, NW $\frac{1}{2}$ T. 18 S., R. 8 W., CRM, Sec. 1: SW $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NW $\frac{1}{2}$
Garden Cove	AA-10773	T. 18 S., R. 8 W., CRM, Sec. 11: NE $\frac{1}{2}$ NE $\frac{1}{2}$, F SE $\frac{1}{2}$ NE $\frac{1}{2}$, F SW $\frac{1}{2}$ NE $\frac{1}{2}$, F NW $\frac{1}{2}$ NE $\frac{1}{2}$	T. 18 S., R. 8 W., CRM, Sec. 11: SW $\frac{1}{2}$ Sec. 10: SE $\frac{1}{2}$ SE $\frac{1}{2}$ Sec. 11: NE $\frac{1}{2}$ NE $\frac{1}{2}$, F SE $\frac{1}{2}$ NE $\frac{1}{2}$, F SW $\frac{1}{2}$ NE $\frac{1}{2}$, F NW $\frac{1}{2}$ NE $\frac{1}{2}$
Golden Creek	AA-10984	T. 10 N., R. 8 E., SM, Sec. 10: F NE $\frac{1}{2}$ NE $\frac{1}{2}$, F SE $\frac{1}{2}$ NE $\frac{1}{2}$	N/A
Golden Creek	AA-10984	T. 10 N., R. 8 E., SM, Sec. 11: F NW $\frac{1}{2}$ NW $\frac{1}{2}$, F SW $\frac{1}{2}$ NW $\frac{1}{2}$	N/A
Horseshoe Bay	AA-12550	T. 2 S., R. 9 E., SM, Sec. 5: NE $\frac{1}{2}$ NE $\frac{1}{2}$	T. 1 S., R. 9 E., SM, Sec. 32: SE $\frac{1}{2}$ SE $\frac{1}{2}$ T. 2 S., R. 9 E., SM, Sec. 5 N $\frac{1}{2}$ NE $\frac{1}{2}$
Long Bay	AA-10719	T. 7 N., R. 7 E., SM, Sec. 17: NW $\frac{1}{2}$ NE $\frac{1}{2}$, F SW $\frac{1}{2}$ NE $\frac{1}{2}$, F NE $\frac{1}{2}$ NW $\frac{1}{2}$, F SE $\frac{1}{2}$ NW $\frac{1}{2}$	N/A
Marsha Bay	AA-12586	T. 3 N., R. 10 E., SM, Sec. 14: SW $\frac{1}{2}$ SW $\frac{1}{2}$	N/A
Perry Island	AA-10753	T. 7 N., R. 9 E., SM, Sec. 20: F NW $\frac{1}{2}$ NW $\frac{1}{2}$, F NE $\frac{1}{2}$ NW $\frac{1}{2}$, F SW $\frac{1}{2}$ NW $\frac{1}{2}$, F SE $\frac{1}{2}$ NW $\frac{1}{2}$	N/A

STATE MARINE PARK PROPOSAL	14(h)(1) SITE IN CONFLICT	LEGAL DESCRIPTION OF SELECTION AREA IN CONFLICT W/ PROPOSAL	LEGAL DESCRIPTION OF ACTUAL SURVEYED SITE
Port Chalmers	AA-11033	T. 2 N., R. 13 E., SM, Sec. 16: F SE $\frac{1}{2}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21: F NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$	T. 2 N., R. 13 E., SM, Sec. 16: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 17: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20: NE $\frac{1}{4}$ Sec. 21: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$
Port Chalmers	AA-12463	T. 2 N., R. 13 E., SM, Sec. 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$	T. 2 N., R. 13 E., SM, Sec. 15: SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$
Princeton Creek	AA-12572	T. 2 N., R. 7 E., SM, Section 18: NE $\frac{1}{4}$ SW $\frac{1}{4}$	N/A
Princeton Creek	AA-12574	T. 2 N., R. 7 E., SM, Sec. 8: NW $\frac{1}{4}$ SE $\frac{1}{4}$	N/A
Princeton Creek	AA-10725	T. 2 N., R. 6 E., SM, Sec. 24: F NE $\frac{1}{2}$ SW $\frac{1}{4}$, F SE $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	T. 2 N., R. 6 E., SM, Sec. 13: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24: W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Siwash Bay	AA-11044	T. 10 N., R. 10 E., SM, Sec. 13: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14: F SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23: F NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24: F NW $\frac{1}{4}$ NW $\frac{1}{4}$	N/A
Nuchek Island	AA-12547	T. 17 S., R. 8 W., CRM, Sec. 33: SE $\frac{1}{4}$ SW $\frac{1}{4}$	T. 17 S., R. 8 W., CRM, Sec. 33: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
Nuchek Island	AA-11051	T. 17 S., R. 8 W., CRM Sec. 33: F SW $\frac{1}{4}$ SW $\frac{1}{4}$, F NW $\frac{1}{4}$ SW $\frac{1}{4}$, F NE $\frac{1}{4}$ SW $\frac{1}{4}$, F SE $\frac{1}{4}$ SW $\frac{1}{4}$	N/A

STATE MARINE PARK PROPOSAL	14(h)(1) SITE IN CONFLICT	LEGAL DESCRIPTION OF SELECTION AREA IN CONFLICT W/ PROPOSAL	LEGAL DESCRIPTION OF ACTUAL SURVEYED SITE
Nuchek Island	AA-10769	T. 17 S., R. 8 W., CRM, Sec. 33: SE $\frac{1}{4}$ SE $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$ T. 18 S., R. 8 W., CRM, Sec. 4: F NE $\frac{1}{4}$ NE $\frac{1}{4}$, F NW $\frac{1}{4}$ NE $\frac{1}{4}$	N/A
Nuchek Island	AA-11053	T. 18 S., R. 8 W., CRM, Sec. 5: F SE $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8: F NE $\frac{1}{4}$ NW $\frac{1}{4}$, F NW $\frac{1}{4}$ NE $\frac{1}{4}$	N/A
Nuchek Island	AA-11054	T. 18 S., R. 8 W., CRM, Sec. 5: F NE $\frac{1}{4}$ SW $\frac{1}{4}$, F SE $\frac{1}{4}$ SW $\frac{1}{4}$, F NW $\frac{1}{4}$ SE $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$	N/A

SEC. 5. The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. ^{Title to property.} Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

SEC. 6. (a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied: *Provided further*, That for the purposes of this section the term "public lands of the United States in Alaska which are vacant, unappropriated, and unreserved" shall include, without limiting the use thereof, the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals.

Effect of amendment—Act of Sept. 14, 1960, Pub. L. No. 56-786, § 4, 74 Stat. 1025, added the second proviso beginning "Provided further." ^{rights-of-way legally exercised. Mercer v. Yutan Constr. Co., Sup. Ct. Op. No. 371 (File No. 631), 420 P.2d 323 (1966).}

Lease rights are subordinated to

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: *Provided*, That nothing herein contained

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shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: And provided further, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

The purpose of land grants under the Alaska Statehood Act is to serve Alaska's overall economic and social well-being. Some of the lands so selected will probably be used to protect mineral deposits. Others will safeguard wildlife. Still others will be used to protect domestic water supplies. *Udall v. Kalerak*, 396 F.2d 746 (9th Cir. 1968).

The grant of lands to Alaska under this subsection operates in present. Use of the words "is hereby granted" signifies a present grant of lands to be thereafter identified by selection. By virtue of that grant the state became at once vested with the right of property in selected lands. It cannot be thereafter di-

vested of such right. The United States Supreme Court has so held. 1969 Op. Att'y Gen., No. 6 (Supp.).

Compensation of natives.—As to whether the United States may compensate Alaskan natives by taking a royalty out of lands already granted in fee to the State of Alaska, see 1969 Op. Att'y Gen., No. 6 (Supp.).

Indian trapping, hunting and camping could constitute a condition which would deprive the selected lands of the status of being "vacant, unappropriated, and unreserved." *Alaska v. Udall*, 420 F.2d 938 (9th Cir. 1969).

Cited in *McCubbins v. Keenan*, Sup. Ct. Op. No. 645 (File No. 1165), 475 P.2d 696 (1970).

(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., secs. 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., secs. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety calendar days after

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the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned, as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section (8) (a) of the Act of September 2, 1937, as amended (16 U.S.C., 55 Stat. 632. sec. 669g-1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U.S.C., sec. 777k), 64 Stat. 434. shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea-otter skins made in accordance with the provisions of the Fur Seal Act of 1966. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Fur Seal Act of 1966, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands, and the payments made to any municipal corporation established pursuant to section 206 of the Fur Seal Act of 1966 and to the civil service retirement and disability fund pursuant to section 208 of the Fur Seal Act of 1966. In administering the Pribilof Islands fund established by section 407 of the Fur Seal Act of 1966, the Secretary shall consult with the State of Alaska annually. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Fur Seal Act of 1966 and the Northern Pacific Halibut Act of 1937 (16 U.S.C. 772—772i).

Effect of amendments. — Act of June 25, 1959, Pub. L. No. 86-70, § 2(b), 73 Stat. 141, substituted "ninety calendar days" for "ninety legislative days" in the first sentence.

Act of Nov. 2, 1966, Pub. L. No. 89-702, Title IV, § 408(b), 80 Stat. 1098, substituted "Fur Seal Act of 1966" for "Act of February 26, 1944 (68

Stat. 100; 16 U.S.C., secs. 631A-631Q), as supplemented and amended" in the third sentence, substituted "Fur Seal Act of 1966" for "Act of February 26, 1944, as supplemented and amended" in the fourth sentence, added the language beginning "and the payments made to any municipal corporation"

in that sentence, added the fifth sentence, and substituted "Fur Seal Act of 1966 and the Northern Pacific Halibut Act of 1937" for "Act of Febru-

ary 26, 1944, as supplemented and amended, and the Act of June 28, 1937 (50 Stat. 325), as amended" in the last sentence.

(f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

Public school support.

(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection or, in the case of selections under subsection (a) of this section, one hundred and sixty acres. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute

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conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words "equitable claims subject to allowance and confirmation" include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

Effect of amendment.—Act of Oct. 8, 1963, Pub. L. No. 88-135, 77 Stat. 223, added the words "or, in the case of selections under subsection (a) of this section, one hundred and sixty acres" at the 2nd of the second sentence.

(h) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 and the following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U.S.C. 432 and the following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless an application to select such lands is filed with the Secretary of the Interior within a period of ten years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act. When all of the lands subject to a lease, permit, license, or contract are selected, the patent for the lands so selected shall vest in the State of Alaska all the right, title, and interest of the United States in and to that lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all the rentals, royalties, and other payments accruing after that date under that lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of that lease, permit, license, or contract: *Provided*, That nothing herein contained shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder. Where only a portion of the lands subject to a lease, permit, license, or contract are selected, there shall be reserved to the United States the mineral or minerals subject to that lease, permit, license, or contract, together with such further rights as may be necessary to the full and complete enjoyment of all rights, privileges, and benefits under or with respect to that lease, permit, license, or contract; upon the termination of the lease, permit, license, or contract, title to the minerals so reserved to the United States shall pass to the State of Alaska.

Effect of amendments. — Act of Aug. 18, 1959, Pub. L. No. 86-173, 73 Stat. 395, deleted the words "unless such lease, permit, license, or contract is in effect on the date of approval of this act, and" following "State of Alaska under this act" in the first sentence.
Act of Sept. 14, 1960, Pub. L. No. 86-786, 74 Stat. 1025, deleted the former last two sentences and inserted three new ones in their place.

Act of March 25, 1964, Pub. L. No. 88-289, 78 Stat. 169, substituted "ten years" for "five years" in the first sentence.

(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express conditions that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

(j) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental subdivisions, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

(k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U. S. C., sec. 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 30 U. S. C., sec. 191), as amended, are repealed and all lands therein reserved under the provisions of section 1 as of the date of this Act shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.

Confirmation of grants.
Repeals.

Cross reference.—See note to AS 38.05.180
Proviso as to grants of school and university lands and mental health lands.—The grants by the federal government of school and university lands and mental health lands were confirmed and transferred to the

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State of Alaska upon its admission to the Union under this subsection, with the express proviso that they

be used for the purposes for which they were reserved. 1964 Op. Att'y Gen. No. 7.

(l) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U. S. C., sec. 857), and in lieu of the swampland grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U. S. C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U. S. C., secs. 301-308), which grants are hereby declared not to extend to the State of Alaska.

Internal improvements.

(m) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

Submerged lands.
43 USC 1301
note.

Alaska's ownership of tidelands same as other states.—By this subsection, Alaska was given the same ownership of tidelands and lands beneath navigable waters as other states of the Union. State v. A.J. Indus., Inc., Sup. Ct. Op. No. 263 (File No. 477), 397 P.2d 280 (1964); City of Juneau v. Cropley, Sup. Ct. Op. No. 415 (File No. 752), 429 P.2d 21 (1967).

The State of Alaska became owner of the submerged lands underlying the waters of Tustumena Lake as an incident to Statehood, and under its rights of admission to the Union on an equal footing with the original states, according to the United States Constitution. 1967 Ops. Att'y Gen. No. 7.

SEC. 7. Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include two Senators and one Representative in Congress.

Certification by President.

SEC. 8. (a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: *Provided*, That the general election shall not be held later than December 1, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for

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Alaska State Legislature

Senator Vic Fischer · Pouch V · Juneau, Alaska 99811 · (907) 465-4954

February 16, 1982

To: Members of the Senate and interested parties

From: Senator Vic Fischer

Re: SB 794 - establishing the Alaska Marine Park System

This legislation establishes the Alaska Marine Park System and designates certain lands within Prince William Sound as part of that system.

Modeled after a similar marine park program in British Columbia and Washington state, the purpose of the system is to provide for the public use of the recreational, natural, cultural, scenic, wilderness and wildlife resources, and to protect the natural and wilderness character of the coastline of these areas.

Prince William Sound is a major recreational area of national significance in close proximity to Alaska's major population center. Overwhelming public and agency sentiment expressed during a hearing conducted in December on Prince William Sound Recreation, urged reserving these state lands for maximum public use.

Of the 36 sites proposed by the Division of Parks in 1977, only 18 have been approved by the Forest Service for transfer under the Alaska Statehood Act. The division has filed a complaint against the Forest Service to obtain approval of the remaining sites and views the federal position as a violation of the Statehood Act. The Attorney General concurs that the state's case may be strengthened by designation of park system lands at this time.

There has been concern that state recreation land in Prince William Sound would be sold or leased through a land disposal program. This must be prevented. Selections in the park system were filed for the purpose of community expansion, development of resources use, fish hatchery sites, and recreation. This legislation reconfirms the state selection intent and establishes a commitment for maximum use by the public of state-owned lands in Prince William Sound.

The bill ensures a continuation of commercial, sport, and subsistence fishing rights and allows for the development of aquaculture facilities in these areas.

Habitat protection afforded by park status and increased tourism and recreation use of the Sound should result in a high level of public concern for and awareness of the Sound's resources.

Committees: State Affairs, *Chairman*; Resources, *Vice-Chairman*; Health, Education & Social Services

Strong public support has been expressed for the marine park system through resolutions of support from Whittier and Valdez, letters and testimony from the Alaska Visitors Association, Cordova's city manager, sportfishing and conservation organizations, and recreational users. Representatives of the U.S. Forest Service have agreed that the concept of a marine park system is a good one, that it would improve cooperative planning and management possibilities, and that it should be pursued regardless of land ownership or proprietary issues.

The state marine park system established by the bill would eventually be extended to include land in Southeast Alaska and other parts of the state.

LEGISLATION SUMMARY

CSSB 794 (Fin.) "An act relating to the management of state land for marine parks and game sanctuaries; and providing for an effective date.

Sec. 1: Purpose of the bill is to establish, subject to valid existing rights, state-owned or acquired lands and waters as units of the state marine park system.

Primary purposes are: (1) maintenance of natural, cultural and scenic values; (2) maintenance of fish and wildlife resources; (3) development of recreational uses and facilities; and (4) promotion and support of Alaska tourism.

- .515 (a) Assigns the lands to the Department of Natural Resources for control, maintenance and development.
- (b) Assigns responsibility for management of fish and game resources in the park units to the Department of Fish and Game. The Department of Fish and Game shall consult with the Department of Natural Resources before adopting fish and game regulations for the units.
- (c) The Department of Natural Resources shall develop a management plan for each unit. The commissioner shall consult with the Department of Fish and Game, proximate municipalities and private landowners, the U.S. Forest Service, conservation, recreation and tourism organizations, and other interested parties during the preparation of a management plan. Requires written notice and public hearings held in communities proximate to a proposed park unit.
- (d) Prohibits the commissioner of natural resources from restricting valid fishing rights or other privileges under state law in a unit.
- (e&f) Authorizes the commissioner to allow the development of aquaculture facilities within units, and to enter into cooperative management agreements for units with federal agencies, state municipalities, or nearby private landowners.
- (g) Requires the commission to consult and cooperate with Native corporations owning historical or cultural sites granted under the Alaska Native Claims Settlement Act (ANCSA) nearby a unit in the management of that unit. In managing units, the commissioner shall address potential conflicts with cultural and historic values of Native land granted under ANCSA, and protect those values.
- .520 Designates state-owned or acquired land and water within described sections of the following parcels as units of the state marine park system:

1. Bettles Bay Marine Park
2. Decision Point Marine Park
3. Entry Cove Marine Park
4. Oliver Inlet Marine Park
5. Sawmill Bay Marine Park
6. Shoup Bay Marine Park
7. South Esther Island Marine Park
8. Surprise Cove Marine Park
9. Swanson Harbor Marine Park
10. Ziegler Cove Marine Park
11. Horseshoe Bay Marine Park

Sec. 2(a) Requires the commissioner of natural resources to assess the state selected, tentatively approved, and patented land and water in certain areas, considering the values of each area, as set out in sec. 506, and with regard to private land ownership patterns and development plans, community expansion, and other potential uses.

(b) Requires the commissioner to consider recreational opportunities, and the demand and desirability of selecting land for inclusion in the state marine park system in selections under sec.6(a) of the Alaska statehood act.

(c) Lists 80 areas for assessment by the commissioner of the Department of natural resources.

Sec. 3 Requires the commissioner to report to the Governor on actions under this Act by December 1 of each even-numbered year, to be submitted to the legislature by the tenth day of the first session of each legislature. Requires the report to include progress in assessments required under sec. 2, and recommendations by the Governor for additional areas for inclusion as units and other recommendations for legislation.

Sec. 4 Establishes the Cape Seniavin state game Sanctuary.

Purpose is to provide a permanent protection for walrus hauling grounds and other fish and wildlife populations and their habitat for scientific, aesthetic and educational purposes.

Sec. 5 Applies provisions of AS 16.20.120-140 relating to the administration, multiple use and sale and lease of the Walrus Islands State Game Sanctuary to the McNeil River State Game Sanctuary also.

Applies provisions of AS 16.20.120 relating to the administration of the Walrus Islands State Game Sanctuary also to the Cape Seniavin State Game Sanctuary. Prohibits surface entry for oil and gas exploration and development and mineral leasing and the acquisition of mining rights within the Cape Seniavin State Game Sanctuary.

Sec. 6 Immediate effective date.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: 465-4100

February 3, 1982

The Honorable Vic Fischer
Alaska State Senate
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Senator Fischer:

The Department of Fish and Game welcomes the opportunity to testify before your committee on recreational development of Prince William Sound. The Department feels that Prince William Sound has the potential to significantly contribute to the recreational sport fishing needs of many Alaskans, and in particular Cook Inlet residents. At the present time, about 60% of all angling in Alaska occurs in Cook Inlet. If some of those anglers can be diverted into Prince William Sound, the overcrowding of some Cook Inlet waters may be reduced.

Recreational fishery resources in Prince William Sound are diverse and spread over many areas. Except near a limited number of stream mouths, salmon stocks are not really sufficiently concentrated to attract the intense salmon sport fisheries so common in Cook Inlet. In contrast, the average sport fisherman in Prince William Sound appears to be primarily interested in cruising among the area's many islands and bays, perhaps setting some crab and shrimp pots, hunting in season, fishing for halibut, taking pictures, enjoying the scenery and simply relaxing. This is considerably different than the typical angler fishing along the highway system in Cook Inlet where the angler may drive up to 400 miles, fish and return to Anchorage on a weekend.

The following table lists the current recreational fishing effort in Prince William Sound for the period 1977-1980.

Man-Days of Sport Fishing Effort in Prince William Sound

	YEAR			
	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Fresh water	*	*	12,655	15,151
Salt water	<u>*</u>	<u>*</u>	<u>33,939</u>	<u>31,317</u>
Total	48,269	35,046	46,594	46,468

* Not divided into fresh and salt waters in 1977-1978.

Note that use has been remarkably stable during recent years. Obviously, the single factor restricting recreational angling use in Prince William Sound at this time is lack of road access to suitable boat launching areas.


Currently, the Department of Fish and Game stocks silver salmon at Whittier and at Seward to support the sport fisheries in the bays adjacent to these communities. In addition, the Division of Sport Fish has completed basic fishery surveys of many of the fresh water systems in Prince William Sound. The harvest and effort data shown above is collected as part of a larger sampling program which defines catch and public participation in various waters of the State.

At the present time, there does not appear to be any stocks of fish in Prince William Sound being overharvested by the sport fishery. Therefore, the Department has no plans to immediately increase our level of activities in the Sound. However, it should be noted that approximately 40% of all Prince Williams Sound sport fishing occurs in Valdez Bay. The potential for conflict between user groups is very real within Valdez Arm.

WM The Department of Fish and Game strongly supports plans for the Division of Parks to protect and develop camping areas and boat berthing areas at sites scattered throughout the Sound. *WM*

Thank you for the opportunity to contribute to your planning efforts for Prince William Sound.

Sincerely,


Ronald O. Skoog
Commissioner

cc: Ron Lehr
Keith Specking



Alaska State Legislature

Senator Vic Fischer • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

4 February 1982

To: Chair, Senator Bettye Fahrenkamp and
Members - Senate Resources Committee

From: Senator Vic Fischer, Chair
Subcommittee on Parks and Recreation

A handwritten signature in black ink, appearing to read "Fischer", written over the "From:" line.

Subject: Prince William Sound Recreation

Attached is a report on the public meeting and teleconference held December 15, 1982.

It is clear that recreation potentials of the Sound are among the most important in Alaska, serving the needs of Alaskans as well as visitors to the state. While everyone agrees that the natural environment must be protected, problems of access, land availability, and adequate facilities are yet to be resolved.

Several important land transfers are currently pending, and federal and private development plans are in final stages of completion. Legislation establishing the Alaska Marine Parks System is being drafted for introduction in the Senate next week. Recommendations for other legislative action will be withheld pending further work on Prince William Sound recreation development.

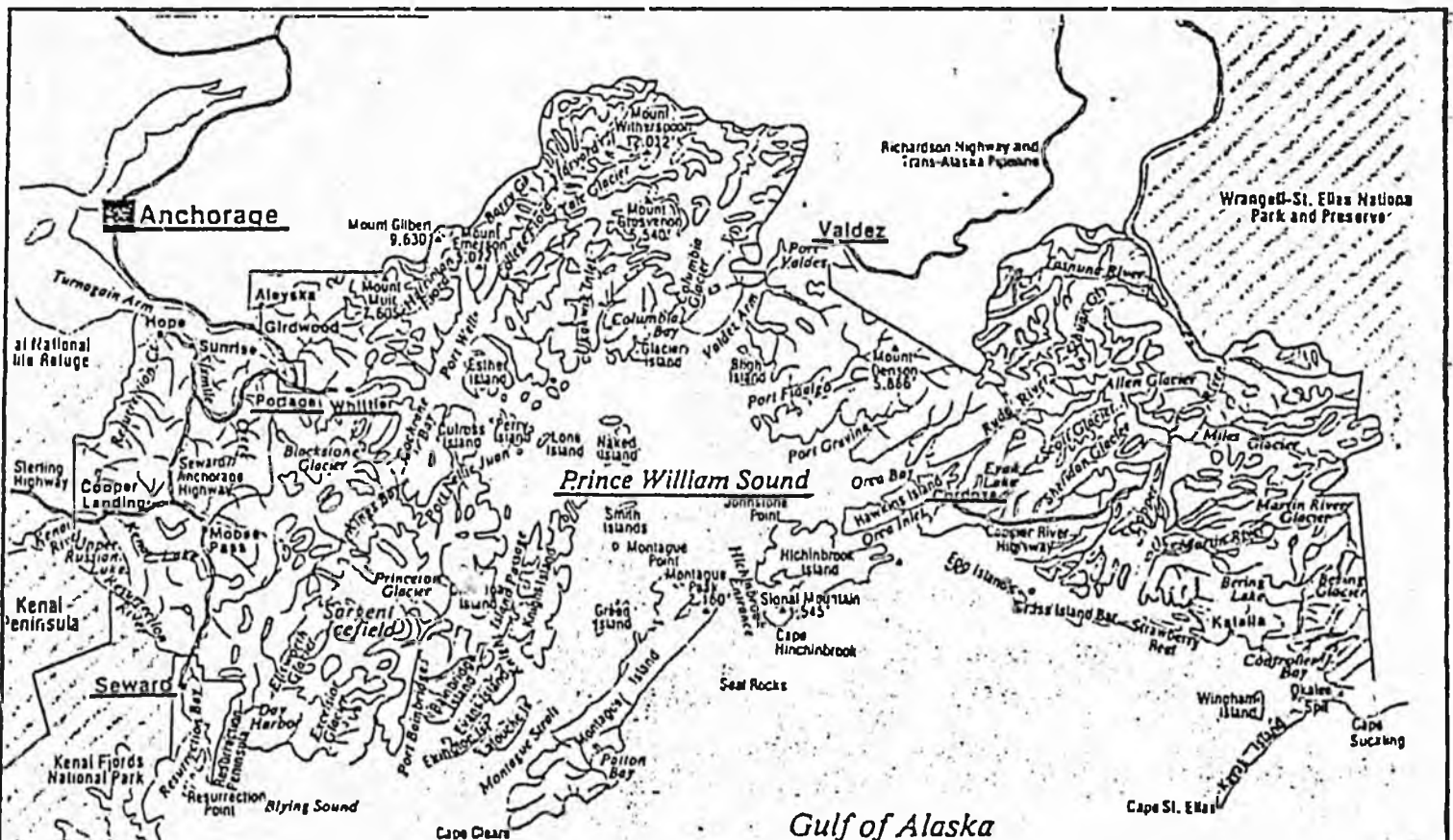
cc Senate President Jalmar Kerttula
Other Legislators
Teleconference participants
Agencies

PRINCE WILLIAM SOUND RECREATION

Report and Summary of public meeting/teleconference
PARKS AND RECREATION SUBCOMMITTEE
SENATE RESOURCES COMMITTEE
December 15, 1982
Anchorage, Alaska

Although the scenic beauty and recreation possibilities of Prince William Sound have long been recognized, limited access, lack of facilities, land status problems, and high costs have prevented the Sound's potentials from being realized.

The significance of the Sound to Anchorage and other population centers is seen by a glance at the map. The vast majority of recreational users in Alaska, both resident and tourist, are in close proximity to the Sound. Nearly half of all visitors to Alaska stop in Anchorage. Combined with tourists entering the Sound through Valdez, they represent the largest piece of the tourist pie outside of Southeastern Alaska.



Reproduced from: ALASKA NATIONAL INTEREST LANDS (Alaska Geographic, Vol. 8., No.4/1981)

In the words of Westours director Jack Musiel, "Prince William Sound has the potential of providing a water related vacation experience that, with proper consumer awareness and unlimited access, could rival Alaska's Inside Passage in consumer demand."

A unique public resource of national significance, the wealth of recreation, scenic, biologic, and cultural resources in the Sound argues strongly for cooperative management. Coordination and cooperation among landowner/managers, local residents, and user groups within the Sound is essential to protect and promote its recreational potential.

Recent negotiations have opened the way for settlement of serious land use and ownership conflicts. Rapidly escalating use, potential conflicts between user groups, need for public investments and concern over the quality and pace of development prompted a Senate Subcommittee on Parks and Recreation public hearing to provide a meeting ground for interested parties.

Testimony was presented by residents, as well as by municipal employees from Valdez, Whittier, Cordova, and Anchorage representatives of the tourist industry, wilderness guiding operations, commercial fishermen, private developers, and recreational users. Representatives of Native village and regional corporations, U.S. Forest Service, Alaska railroad, state Department of Transportation and Public Facilities, and the state Division of Parks testified during the teleconference.

This initial report concentrates on some of the principal problems preventing full use of the recreation potential of the Sound, on suggestions for alleviating those problems, and on policy considerations presented in public testimony before the subcommittee.

CURRENT LANDOWNERS/MANAGERS

The most serious problem with overall management of the recreation potential of Prince William Sound thus far has been the question of land status and ownership.

Five major groups currently comprise the landowners/managers within the Sound. They are: (1) federal government through Chugach National Forest (U.S. Forest Service) and, to a lesser extent, National Park Service; (2) state government, primarily through Department of Natural Resources, Division of Parks; (3) Chugach Natives Inc. and village corporations within it; (4) private landowners, including commercial developers; and (5) municipal governments.

1. Federal - The boundaries of Chugach National Forest include the entire Sound, although approximately 195,700 acres are being conveyed to the villages of Chenega, Tatitlek, and Eyak. Additional acreage will be transferred under Section 1428 of the Alaska National Interest Lands Conservations Act (ANILCA). Future land exchanges and conveyances are uncertain, however, in the wake of the recently completed Chugach Region Study, section 1429 of ANILCA and Section 14(h)(1) of the Alaska Native Claims Settlement Act (ANSCA).

The Forest Service is in the process of classifying lands within the Sound area and testimony noted their intent to identify locations complimenting sites approved in state selection for the Marine Park System. Also approved are some land transfers under the Alaska

Statehood Act in the vicinity of Whittier, Valdez, Cordova, and elsewhere.

The Chugach National Forest land management plan, in which management of the Sound is a key element, will be released in March 1982. It will be followed by a 90 day comment period. The Forest Service hopes to have the final plan ready by fall of 1982.

2. State - In 1977 the state, through the Division of Parks, began a program to select statehood entitlements from the National Forest and to lay groundwork for the Alaska Marine Park System.

This system, modeled after a similar one in British Columbia and Washington state, resulted from concern over federal timber harvesting practices and a recognition of the importance of the Sound for resident and visitor recreation. This led to the state's selection of several bays and islands from the Tongass and Chugach National Forest for possible future establishment - by an act of the state legislature - of an Alaska Marine Park System.

Of the 36 sites proposed in 1977, only 18 have been approved by the Forest Service and will be conveyed to the state by the Bureau of Land Management. The Division of Parks has filed a complaint against the Forest Service to obtain approval of the remaining sites and discussions on joint management possibilities have produced no agreements thus far.

The primary management goal for the Marine Park System is protection of natural and cultural resources for long-term public use and enjoyment. State park officials see neither the need nor desirability for commercial developments within any of the potential marine park sites in the Sound and held that basic services should be provided by the private sector.

3. Native Landowner/managers - Chugach Natives, Inc. (CNI), the second smallest regional corporation created under ANCSA, has not yet received its entitlements under provisions of the act. Initial negotiations with the Forest Service were unsatisfactory, particularly from the point of view of CNI, and a study of ownership patterns in the Chugach region was initiated under Sec. 14.30 of ANILCA, to help provide a meeting ground for Chugach Natives Inc., U.S. Forest Service, and the Division of Parks.

Testimony before the subcommittee suggested that Chugach Natives, Inc. felt that land status conflicts revealed through the recently completed Chugach Region Study must be settled immediately and while partial settlement was possible, it was unlikely either party would agree to entitlement without a view of the "total picture". Both the Forest Service and the state Division of Parks agreed that settlement of proposed land status questions was essential before any reasonable and responsible development of the Sound could occur.

Gail Evanaugh of Chenega Corporation testified that the natural harbor of Crab Bay at the new Chenega townsite, is ideally located to accommodate development to serve the area's recreational potential.

Families are expected to move into new community housing by fall of 1982.

Chenega's development plans, scheduled for release in March 1982, include recreational use by non-shareholders on a controlled basis. Chenega intends to request regular state ferry service to the townsite. Carl Propes of Chugach Natives Inc., said they plan to "aggressively develop" suitable unsettled areas and were considerably hampered in those efforts by problems of land ownership/management questions.

4. Private/Commercial Landowner/managers - Although less than 5% of Prince William Sound is in private ownership, other than Native corporation entitlements, private holdings do exist at the head of Nelson Bay, near Katalla, Port Fidalgo, Tatitlek, and on the abandoned townsite of Latouche. Additionally, there are numerous individuals holding homesite leases from the Forest Service; and there are lighthouse reserves at Cape Hinchinbrook, Cape St. Elias, the south end of Elrington Island, and near the entrance to Port Nellie Juan.

Probably the single most significant private landholding is on Latouche Island where nearly 200 parcels of private land have been sold and a model recreational community is planned.

Gliff Groh, attorney for Rarearth Inc., the company responsible for the development and sale of the Latouche land, discussed the extent of private holdings and plans for the future. He argued that private land is hard to come by in the Sound and that the state should have a compelling interest in making private land usable and accessible to residents. Since private land held by Native corporations would allow non-shareholder use only on a "controlled basis", Latouche presented the only real possibility for the general public to own and manage land within the sound.

However, most personal and written testimony argued that private development should not be supplemented or subsidized by the state in the form of roads, airports, improved harbors, or hydroelectric projects unless: (1) there was an existing need for services the private sector was unable to provide, (2) the greater public interest was being served and, (3) public funding did not interfere with nor compete with private interests.

Various local residents and land owners in the Sound area testified they felt it was improper that public money was being used to develop support facilities at Latouche when already existing facilities at Port San Juan, a regular ferry stop, are in great need of repair. Local residents testified that whereas Clam Bay (new Chenega townsite) was one of the best natural harbors in the Sound, Latouche was notoriously one of the worst.

Groh defended the state's choice of developing a harbor at Latouche by pointing out that copper companies shipped thousands of tons of ore from this site over a long period of time and "they must have known what they were doing". Dave Noten, one of the 194 private landholders at Latouche

also testified in favor of using public funds to develop basic support facilities.

ACCESS

Testimony about access to Prince William Sound concerned itself almost exclusively with transportation from Portage to Whittier.

The Sound can be accessed through Whittier by airplane or rail road. The nature of the weather prevents air transportation from being a reasonable alternative and no highway access exists beyond Portage.

A presentation by the Department of Transportation and Public Facilities (DOTPF) of the Whittier Transportations Options Study outlined various alternatives considered during the study. They included:

1. Improvement of existing Portage-Whittier Shuttle with a Bear Valley/Whittier auto/passenger shuttle. Total capital cost would be approximately \$20 million for the initial system (350 vehicles per day each direction and approximately 2,100 passengers) and about \$24 million for expanded service (590 vehicles and 3,900 passengers per day). Annual operating and maintenance costs were estimated at \$559,000 for initial service and just over \$1 million for the expanded system.
2. Improved rail passenger service, including four shuttle trips each way plus three round trips between Whittier and Anchorage. Estimated capital cost is \$22 million for initial (four shuttle trips plus three round trips) and \$26 million for expanded service (eight shuttle trips and four round trips). Annual operating costs were estimated at \$793,000 for initial and \$1.5 million for expanded service.
3. One-way joint use by vehicles and rail of existing tunnel. Capital cost for this alternative is estimated at \$36.7 million with maintenance and operating costs at \$390,000 per year.
4. Two-way joint use of widened, existing tunnel. Capital costs for this alternative are estimated at \$64.3 million, with annual operating and maintenance costs of \$440,000.
5. New two-way highway tunnel. The most expensive alternative, capital costs are estimated at \$68.3, with operating and maintenance costs estimated at \$440,000.
6. Portage Pass Highway. While it's possible to build a good highway, controlling the weather is, according to DOTPF, the most serious drawback to this alternative. Combinations of heavy snow fall with accompanying avalanche dangers, icing conditions, year-round high winds, steep grades (up to 9%) and heavy winter storms makes a high probability of having to close the highway for periods in the winter, particularly during adverse weather conditions. Since rail service may be eliminated if the highway were built, it could mean long periods of near total isolation for Whittier residents. Total capital costs are estimated at \$47.8 million, with maintenance and operating costs of \$270,000.

Although representatives from the tourism industry strongly supported the Portage Pass Highway, DOTPF preferred the Bear Valley/Whittier auto/passenger shuttle when evaluated for overall cost and service effectiveness.

Testimony from local residents supported the idea of improved rail service over creation of a new highway, both from a convenience and need standpoint and because they believed it would have the least negative impact on the protected lifestyle they enjoy in the Sound. Their emphasis was on access with the least negative impact on the environment.

Frank Jones of the Alaska Railroad suggested the state subsidize passenger service by improving support facilities, such as track changes in Whittier or Portage, a camper park and a visitor center near the ferry port for visitors to acquaint themselves with Prince William Sound offerings. Questions about future ownership of the railroad, in view of current negotiations between federal and state agencies, considerably hamper any long-term planning for improvement of rail services, according to Jones.

GENERAL COMMENTS

It was evident from testimony that both residents of the Sound and recreational users were concerned with the quality and pace of development.

Testimony suggested that as many as 40% of recreational users of the Sound seek an "off the beaten track" or "primitive" experience in close proximity to population and transportation centers. Local residents stressed that low population, lack of facilities, and isolation were the fabric of their lives and not something they wanted to "overcome".

At the same time, residents were concerned about the lack of emergency medical care or dependable transportation in emergencies, especially in view of the expected increase in search and rescue operations resulting from the rising use of the Sound by people unfamiliar with the area. Considerable anger was expressed that local residents transportation and timing needs were apparently not a priority with agencies planning the railroad and ferry schedules.

Testimony supported the concept that no or slow development was preferred to inappropriate or unplanned development. Local fishing communities expressed the fear that recreational use would interfere with the primary resource of the Sound - fishing.

The state-proposed Alaska Marine Parks System received universal support. Representatives from the tourist industry urged the state to educate recreational users of the Sound regarding harassment of marine mammals, eagles, other marine shore wildlife and spawning salmon. They also urged stronger anti-littering enforcement and education.

RECOMMENDATIONS

Based on the testimony presented during the public meeting and the process of soliciting that testimony, some suggestions became apparent. They are:

1. Establish and support the Alaska Marine Parks System as designed by the Alaska Department of Natural Resources, Division of Parks.
2. Support rapid settlement of land status questions between the Forest Service and other land owner/managers within the Sound.
3. Institute measures to assure communities, residents and user groups within the Sound area are informed about pending policy issues in a timely enough manner for them to have appropriate input. Adequate notice alone would do much to alleviate public anger. Notice of public meetings should reach residents at least two weeks in advance.
4. Form a permanent Prince William Sound Recreation Advisory Committee comprised of representatives of local residents, user groups, land owner/managers, and other interested parties. Require that this Committee submit a yearly report reflecting overall planning for recreational development in the Sound as well as needs identified through public meetings.
5. Schedule another public meeting by this subcommittee probably in April or May of 1982 after release of the draft plan by Chugach National Forest and the Chenega Corporation development plan. At that time, a further look should be taken at land uses in the Prince William Sound area, Whittier access alternatives and development of other facilities.



Alaska State Legislature

Senator Vic Fischer · Pouch V · Juneau, Alaska 99811 · (907) 465-4954

February 16, 1982

To: Members of the Senate and interested parties

From: Senator Vic Fischer

Re: SB 793 - relating to capital costs for improving access and support facilities in Whittier and Prince William Sound.

Prince William Sound is a recreation area of national significance in close proximity to Alaska's population centers. Demand for access to the Sound has reached a critical state because current facilities are totally inadequate.

Getting to Whittier and into Prince William Sound is difficult and costly both for local residents and visitors. Whittier residents face a two-day round trip to reach Anchorage, have no on-site medical service, and are often isolated for days at a time by bad weather and shuttle breakdowns.

Using the waters of the Sound through Valdez or Whittier is a two-day round trip for railbelt Alaskans and tourists alike. The time and expenses prohibit most people from enjoying the recreation potentials of the area.

This appropriation would provide funds to upgrade the road and rail system connecting Portage and Whittier. It will allow one-day round trips, increase carrying capacity and extend hours of operation, and construct support facilities.

Lack of adequate boat moorage to accommodate the boating public is another critical problem in the Sound. The moorage at Whittier is completely filled, with waiting lists several years long. There is no room to expand the current harbor facilities.

This bill provides funding for construction of a road from Whittier to Shotgun Cove, the best available new harbor site. Design of a small boat harbor will be carried under SB 793. Once costs are established, a capital appropriation will be proposed.

Capital improvements under this bill would improve the existing Whittier-Valdez segment of the State Marine Highway System and provide an attractive tourist resource. The possibility also exists for increased demand associated with natural resource development and expanded port activity.

The need for these projects is covered in the interim report on Prince William Sound recreation by the Senate Resources Subcommittee on Parks and Recreation, chaired by Senator Fischer.

Committees: State Affairs, Chairman; Resources, Vice-Chairman; Health, Education & Social Services

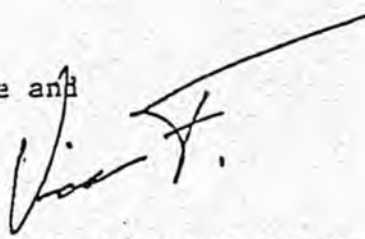


Alaska State Legislature

Senator Vic Fischer · Pouch V · Juneau, Alaska 99811 · (907) 465-4954

February 16, 1982

To: Members of the Senate and
interested parties

From: Senator Vic Fischer 

Re: SB 794 - establishing the Alaska Marine Park System

This legislation establishes the Alaska Marine Park System and designates certain lands within Prince William Sound as part of that system.

Modeled after a similar marine park program in British Columbia and Washington state, the purpose of the system is to provide for the public use of the recreational, natural, cultural, scenic, wilderness and wildlife resources, and to protect the natural and wilderness character of the coastline of these areas.

Prince William Sound is a major recreational area of national significance in close proximity to Alaska's major population center. Overwhelming public and agency sentiment expressed during a hearing conducted in December on Prince William Sound Recreation, urged reserving these state lands for maximum public use.

Of the 36 sites proposed by the Division of Parks in 1977, only 18 have been approved by the Forest Service for transfer under the Alaska Statehood Act. The division has filed a complaint against the Forest Service to obtain approval of the remaining sites and views the federal position as a violation of the Statehood Act. The Attorney General concurs that the state's case may be strengthened by designation of park system lands at this time.

There has been concern that state recreation land in Prince William Sound would be sold or leased through a land disposal program. This must be prevented. Selections in the park system were filed for the purpose of community expansion, development of resources use, fish hatchery sites, and recreation. This legislation reconfirms the state selection intent and establishes a commitment for maximum use by the public of state-owned lands in Prince William Sound.

The bill ensures a continuation of commercial, sport, and subsistence fishing rights and allows for the development of aquaculture facilities in these areas.

Habitat protection afforded by park status and increased tourism and recreation use of the Sound should result in a high level of public concern for and awareness of the Sound's resources.

Committees: State Affairs, Chairman; Resources, Vice-Chairman; Health, Education & Social Services

Strong public support has been expressed for the marine park system through resolutions of support from Whittier and Valdez, letters and testimony from the Alaska Visitors Association, Cordova's city manager, sportfishing and conservation organizations, and recreational users. Representatives of the U.S. Forest Service have agreed that the concept of a marine park system is a good one, that it would improve cooperative planning and management possibilities, and that it should be pursued regardless of land ownership or proprietary issues.

The state marine park system established by the bill would eventually be extended to include land in Southeast Alaska and other parts of the state.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 794
 Title Est. certain areas as units of the Marine Park System
 Requested by Senator Fischer Date 2/16/82

II. FISCAL DETAIL

Agency Affected Division of Parks
 Program Category Affected _____

BRU, Program, Or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME		-0-				
PART TIME						
TEMPORARY						

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

IV. DATE 4-1-82 PREPARED BY Jeff Haynes
 AGENCY Department of Natural Resources
 Original: Legislative Finance PHONE 465-2400
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)