

S B

731

COMMITTEE REPORT

SENATE

FURTHER:

Date: 2/22/92

Mr. President:

The Committee on Education has had SB 401

Establishing the Special Talent Trade Bank

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 401 same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

SHUYAK ISLAND PARK AND REFUGE LEGISLATION: SB 730 AND SB 731

THE SETTLEMENT AGREEMENT TO FINALIZE THE KODIAK ISLAND BOROUGH LAND ENTITLEMENT RESULTED IN MANY ADJUSTMENTS TO THE ORIGINAL KODIAK ISLAND BOROUGH SELECTIONS. IN THE CASE OF SHUYAK ISLAND THE MOST DESIRABLE AREAS (THE WEST AND EAST COASTAL AREAS) WERE GIVEN UP AND LESS DESIRABLE LANDS WERE TAKEN IN THE CENTER OF THE ISLAND. THE STATE, THROUGH THE DEPARTMENT OF NATURAL RESOURCES, STRESSED THE WEST SIDE OF THE ISLAND WAS OF GREATER INTEREST TO THE STATE FOR STATE PARK LAND AND THE DEPARTMENT OF FISH AND GAME STRESSED THE EAST SIDE OF THE ISLAND SHOULD BE PRESERVED AS GAME HABITAT.

IN FINALIZING THE SHUYAK ISLAND SELECTIONS THE BOROUGH INCLUDED A CLAUSE IN THE SETTLEMENT AGREEMENT TO LOCK THE STATE INTO KEEPING THE RELINQUISHED BOROUGH SELECTIONS ON THE ISLAND AS PARK AND REFUGE LAND. THE CLAUSE STATES THAT IF THE STATE EVER CHANGES THE INTENDED PARK AND REFUGE USE THE BOROUGH HAS THE FIRST RIGHT TO OBTAIN THE RELINQUISHED LANDS. BOTH THE PARK AND GAME PEOPLE STATED THAT THEIR ABILITY TO HOLD TO THIS AGREEMENT WOULD BE STRENGTHENED IF LEGISLATION WAS PASSED TO DEDICATE THE LANDS. THE BOROUGH AGREED TO INTRODUCE SUCH LEGISLATION AS AT THE TIME OF NEGOTIATIONS IT WAS TOO LATE FOR THE STATE TO INTRODUCE IT.

ALSO IN THE NEGOTIATIONS OF THE OUT OF COURT SETTLEMENT, THE STATE REPRESENTATIVES DIVIDED UP THE REMAINDER OF THE ISLAND TO ABSORB ANY LANDS RELINQUISHED BY THE BOROUGH. (AS 41.20.507 (b) OF SB 731 AND AS 16.20.035 (c) OF SB 730). ALONG WITH THIS THEY INCLUDED ALL THE TIDE AND SUBMERGED LANDS OUT TO APPROXIMATELY THE THREE MILE LIMIT. AT THIS POINT THE NEGOTIATIONS WERE WEARING THIN. RATHER THAN NEGOTIATE THE ISSUE ANY FURTHER, THE BOROUGH STATED IT WOULD MAKE A REASONABLE EFFORT TO INTRODUCE THE PARK AND REFUGE LEGISLATION BUT WOULD NOT SUPPORT THE INCLUSION OF THE TIDE AND SUBMERGED LANDS.

AT THIS POINT THE INTRODUCED LEGISLATION DOES NOT INCLUDE ANY TIDE AND SUBMERGED LANDS. THE KODIAK ISLAND BOROUGH ASSEMBLY VOTED TO HOLD THIS POSITION EVEN THOUGH SUBSEQUENT PROPOSALS WERE MADE TO INCLUDE THE TIDE AND SUBMERGED LANDS OUT TO THE 10 FATHOM DEPTH (60 FEET) WHICH EXTENDS UP TO ONE MILE OFFSHORE AND INCLUDES THE EXTENSIVE BAY AREAS. BOTH PARKS AND GAME WANT THE WATER INCLUDED. ONE OF THE BIGGEST CONCERNS OF THE KODIAK ISLAND BOROUGH IS THAT PRESENTLY OPEN FISHING WATERS MAY BE CLOSED OR VESSEL USE IN THESE WATERS COULD BE CLOSED BY A DIRECTORS ORDER.

IF ANY TIDE AND SUBMERGED LANDS ARE INCLUDED IN THE LEGISLATION IT WILL BE NECESSARY TO INCLUDE A COMPATIBLE USE CLAUSE. WITHOUT IT THE PARKLAND REFUGE DESIGNATIONS COULD PRECLUDE THE PLACING OF WARFS, DOCKS, PILING, ETC. IN TIDE AND SUBMERGED LANDS TO UTILIZE THE ADJACENT UPLANDS. ANOTHER CLAUSE SHOULD BE ADDED TO ALLOW FISHING, (BOTH COMMERCIAL AND SPORT) WITHIN THE PARK AND REFUGE WATERS. THESE CLAUSES WERE INCLUDED IN THE FEBRUARY 6, 1982 DRAFT OF THE BILLS.

AS A BOTTOM LINE ISSUE THE KODIAK ISLAND BOROUGH'S INTERESTS ARE PROTECTED BY THE AGREEMENT OF SETTLEMENT AND CONSENT DECREE APPROVED BY THE COURT. THE EFFORTS OF THE STATE AGENCIES TO EXPAND THE PROPOSED LEGISLATION TO INCLUDE TIDE AND SUBMERGED LANDS GOES BEYOND THE ORIGINAL ISSUE OF THE BOROUGH SELECTION ENTITLEMENT AND ERODES THE KODIAK ISLAND BOROUGH'S OPPORTUNITIES TO ENHANCE ITS GENERAL WELFARE AND USE OF ITS LAND ENTITLEMENT.

SIGNED BY DALE P. TUBBS,
LAND CONSULTANT FOR THE
KODIAK ISLAND BOROUGH

KODIAK ISLAND BOROUGH

Telephones 486-5736 - 486-5737 — Box 1246

KODIAK, ALASKA 99615

October 7, 1981

To: Honorable Bob Mulcahy
The State Senate
State of Alaska
Box 246
Kodiak, Alaska 99615

Dear Senator Mulcahy:

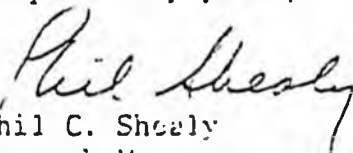
Enclosed find a certified copy of Kodiak Island Borough Resolution No. 81-71-R requesting state legislation to create the Aleksandr Baranov State Game Refuge as well as Resolution No. 81-72-R requesting state legislation to create the Shuyak Island State Park. Both resolutions were unanimously passed at the regular Borough Assembly meeting on October 1, 1981 and are accompanied by proposed language for the text of the act. We have also enclosed a copy of a letter from Dale P. Tubbs, Land Management Consultant for the Kodiak Island Borough, dated August 17, 1981 outlining the steps necessary to effect the Agreement of Settlement and Consent Decree between the Borough and the State of Alaska.

As you can see from the letter, the Kodiak Island Borough is to use its best efforts to have legislation introduced to create the state park and state game refuge on Shuyak Island for those portions not conveyed to the Kodiak Island Borough.

We hope that you would be able to assist in the adoption of the proposed legislation and would urge you to contact either myself or the mayor and Borough Assembly for further particulars on this matter.

Thanking you in advance for your assistance in this matter, I remain,

Respectfully yours,


Phil C. Shealy
Borough Manager

Enclosures

mdd

WHEREAS, on August 14, 1981 the Superior Court ordered the Agreement of Consent Decree to effectively dismiss the appeals the Kodiak Island Borough brought against the Alaska Department of Natural Resources in regards to its lands selections, and

WHEREAS, a condition of the Agreement of Settlement and Consent Decree is that the Kodiak Island Borough is to use its best efforts to have legislation introduced to create a State Park and State Game Refuge on Shuyak Island for those portions not to be conveyed to the Kodiak Island Borough, and

WHEREAS, the primary purpose is the creation of Shuyak Island State Park to protect and enhance the areas recreational, natural, cultural, scenic, and wildlife resources and to protect the areas natural and wild coastline, and

WHEREAS, the Kodiak Island Borough has caused to be prepared a proposed bill entitled "An Act Creating the Shuyak Island State Park".

NOW, THEREFORE, BE IT RESOLVED by the Kodiak Island Borough Assembly that legislation entitled "An Act Creating the Shuyak Island State Park" be introduced and assigned a number providing for the creation of said park.

BE IT FURTHER RESOLVED by the Kodiak Island Borough Assembly that the Borough administration be directed to send this resolution to Senator Mulcahy and Representatives Sutcliffe and Zharoff and implore their assistance in the successful adoption of this legislation.

PASSED AND APPROVED this 1st day of October, 1981 by the Borough Assembly.

KODIAK ISLAND BOROUGH

By W D TJA O H
Borough Mayor

ATTEST:

By [Signature]
Borough Clerk

I, Margaret D. Duros, do certify this to be a true and correct copy of Resolution No. 81-72-R passed and approved by the Kodiak Island Borough Assembly on October 1, 1981.

[Signature]
Notary Public in and for the State of Alaska
My Commission Expires: October 4, 1984

NOV - 3 1981

7 8 9 10 11 12 1 2 3 4 5 6

AGREEMENT OF SETTLEMENT

and

CONSENT DECREE

The parties to this agreement are the State of Alaska, Department of Natural Resources, through its Division of Forest, Land and Water Management ("the State") and the Kodiak Island Borough ("KIB").

Whereas, pursuant to AS 29.18.201-.213 KIB is entitled to select 56,500 acres from state general grant land within its boundaries, and has filed such selections in the manner provided by statute; and

Whereas, a considerable portion of the land selections filed by KIB were rejected by the State on the grounds that the lands selected had been previously classified by the State for a use or purpose which disqualified those lands for conveyance to KIB pursuant to AS 29.18.201 et seq., or had been designated as state interest lands pursuant to AS 38.05.047; and

Whereas, by reason of said selections by KIB and rejections by the State, the parties are currently involved in three separate judicial appeals from administrative decisions which are now pending in the Superior Court, Third Judicial District under case numbers JAN-80-3070 (Woody Island), JAN-80-5710 (Land Classification); and JAN-81-1385 (Shuyak Island); and

Whereas, both parties desire to settle finally the question of those lands which will be conveyed to KIB in satisfaction of its statutory land entitlement, and further desire to resolve this question in the near future without extended litigation, and to resolve pending litigation.

Now, therefore, the parties agree as follows:

1. a. The State agrees to convey to KIB, as soon as practicable, the lands now owned by the State or hereafter acquired pursuant to Section 6 of the Alaska Statehood Act and which are described in Exhibit A (Shuyak Island) and Exhibit B (other lands). Open to Entry parcels under lease within lands described in Exhibit B which expire shall be conveyed to KIB upon expiration. All conveyances shall be completed not later than nine (9) months after execution of this agreement, except that, with respect to lands as to which the state has not yet received tentative approval, within nine (9) months after tentative approval.

b. KIB agrees that it will invoke its land regulatory powers, including zoning powers, to disallow in the west one-half of Section 10, T. 19 S., R. 20. W., S.M. fronting on Big Bay on Shuyak Island heavy industrial uses incompatible with use and enjoyment of adjacent park or public recreation lands. The Borough agrees to guarantee reasonable public access through the above described parcel for the purpose of utilizing adjacent park or public recreation lands. The State may reserve in the patent to these lands the right to re-enter and take possession upon the determination, by a court of competent jurisdiction, that KIB has breached this paragraph.

2. KIB agrees to execute a quitclaim deed to the State for the property described in Exhibit C (Pillar Creek Watershed and Woody Island).

3. In the event that at any time in the future the state-selected or state-tentatively approved lands described in Exhibit D are finally determined not to be subject to conveyance under the Alaska Native Claims Settlement Act (P.L. 92-203, 43 U.S.C. Sec. 1601 et. seq.) as amended for any reason, the State agrees that it will convey those lands to KIB upon receipt

of written notice from KIB of its election to receive such lands.

4. In the event that all or part of the lands described in Exhibit D are conveyed to KIB, KIB agrees to reconvey to the State, (in sequence from an easterly to a westerly direction), an equal number of acres from lands on Shuyak Island previously conveyed by the State to KIB pursuant to Paragraph 1.a. of this Agreement. Such reconveyance by KIB to the State shall be made first from Area I, and then from Area II, which are described below:

Area I. The area within protracted Sections 29, 30, 31, and 32, T. 19 S., R. 19 W., S.M. lying west of the agreed-upon proposed Aleksandr Baranov Game Refuge described in Paragraph 6 below.

Area II. Those lands lying within T. 18 S., R. 19 W. and T. 18 S., R. 20 W., S.M. which are east of Carry Inlet and west of Shangin Bay.

5. If lands described in Exhibit D and which are conveyed by the State to KIB pursuant to paragraph 3 of this Agreement exceed in acreage the lands designated as Area I and Area II in Paragraph 4 above, KIB agrees to reconvey to the State additional sections of land on Shuyak Island until such reconveyances within Area I and Area II are equal in total acreage to the acreage of the lands described in Exhibit D which have been conveyed to KIB. Such additional conveyances shall be designated by KIB from any lands on Shuyak Island then owned by KIB, or designated for transfer to KIB pursuant to this Agreement, provided that such lands are compact and contiguous with other lands on Shuyak Island which are then in state ownership.

6. KIB agrees to attempt to obtain introduction and passage of legislation in the Alaska State Legislature which

would create a state game refuge denominated the "Aleksandr Baranov State Game Refuge" consisting of the lands described in Exhibit E. KIB agrees to support introduction of such legislation beginning with the 1981 legislative session, and to support early passage of such legislation, provided that KIB is not obligated to support inclusion of tide or submerged lands except upon mutual agreement with the state with respect to the regulatory implications of such inclusion. The State agrees to support such legislation in good faith, by such oral and written testimony as may be appropriate.

7. KIB agrees to attempt to obtain introduction and passage of legislation in the Alaska State Legislature creating a state park denominated the "Shuyak Island State Park" and consisting of all lands described in Exhibit F. KIB agrees to support introduction of such legislation beginning with the 1981 legislative session, and to support early passage of such legislation, provided that KIB is not obligated to support inclusion of tide or submerged lands except upon mutual agreement with the state with respect to the regulatory implications of such inclusion. The State agrees to support such legislation in good faith, by such oral and written testimony as may be appropriate.

8. In the event that lands to be included in the proposed "Aleksandr Baranov State Game Refuge" or the proposed "Shuyak Island State Park", referred to in Paragraph 6 and 7 respectively, are not finally included by legislation in the proposed game refuge or park, such lands shall be at all times classified and managed by the State in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes. Otherwise KIB shall be entitled to select those lands not so classified and managed, and the State shall thereupon promptly transfer the selected lands to KIB. Upon transfer of such lands to KIB, KIB shall reconvey equivalent acreage to the State from Shuyak Island in the manner provided in Paragraph 4, and thereafter in the manner provided in Paragraph 5.

9. The State will designate, on lands owned by it, public easements for the benefit of KIB and the public, each of which shall be 200 feet in width, to provide public access from the line of mean high tide westerly to lands on Shuyak Island which have been conveyed to KIB pursuant to Paragraph 1 of this agreement. The easements will be in the following areas, as more specifically indicated on the attached map entitled Exhibit H, and further subject to exact location in the field:

- A. Traversing Section 26, T. 18 S., R. 19 W., S.M.;
- B. Traversing Sections 15 and 16, 21 and 22, of T. 19 S., R. 19 W., S.M.;
- C. Traversing Section 32, T. 19 S., R. 19 W., S.M..

In the event that lands are conveyed to the State pursuant to paragraphs 4 and 5 above, those easements designated in subparagraphs A, B, and C of this paragraph shall be reserved so as to continue through such lands.

10. The State shall reserve the easements described in Exhibit G. With respect to easements reserved pursuant to AS 38.05.127 or other applicable provision of law, on all other lands conveyed to KIB, their location shall be determined by the borough, subject to approval by the Department of Natural Resources, prior to conveyance by the borough to a private third party.

11. The State and KIB agree that this Agreement is intended by the parties to resolve all outstanding legal and factual differences between them concerning the application of the Municipal Land Selection Act (AS 29.18.201-.213), including particularly, pending Superior Court lawsuits numbered JAN-80-3070, JAN-80-6710, and JAN-81-1385. To achieve this result, the parties agree to accomplish the following actions promptly upon execution of this Agreement:

- a. KIB agrees to relinquish its nominations, selections, and selection approvals not designated for transfer to KIB in this Agreement and further

agrees not to litigate or otherwise challenge the retention by the State of such lands.

- b. KIB agrees not to litigate or otherwise challenge retention by the State of those public easements depicted in Exhibit G.
- c. The State agrees to accept from KIB the relinquishment of those nominations, selections, and approved selections required by this Agreement, and to accept future selections and reconveyances by KIB pursuant to Paragraphs 4, 5, and 8.
- d. All previous transfers of land from the State to KIB are hereby affirmed. Nothing herein affects KIB's right to apply for land under AS 38.05.315 or other applicable law, excluding AS 29.18.201-213.
- e. The State and KIB agree that the terms of this Agreement shall constitute a consent decree and judgment to be presented to the Superior Court for entry in final settlement and dismissal of all pending litigation between the parties with respect to KIB land selections under AS 29.18.201-213, such pending litigation consisting of the following pending judicial appeals from administrative decisions:
- JAN-80-3070 (Woody Island)
 - JAN-80-6710 (Land Classification)
 - JAN-81-1385 (Shuyak Island)
- f. All such litigation shall be dismissed upon execution and court approval of this Agreement and Consent Decree, with each party to bear its own costs and attorney's fees.

12. The State and KIB agree that this Agreement, together with its Exhibits A through H, embodies all of the terms and conditions of the Agreement for settlement of pending litigation and for conveyance of all lands due to KIB pursuant to AS 29.18.201-.213, and that no additional enforceable agreements or commitments exist between them with regard to this subject which are not contained in the text of this Agreement and its Exhibits. The parties reserve the right, by mutual consultation and agreement, to correct if necessary any technical errors or omissions in the specific land descriptions comprising Exhibits A through H herein, so as to more nearly conform to the mutual intentions of the parties with regard to implementation of this Agreement

DATED this 19th day of June, 1981.

DEPARTMENT OF NATURAL RESOURCES

KODIAK ISLAND BOROUGH

[Signature]
Commissioner

[Signature]
Borough Mayor

STATE OF ALASKA

Attest: [Signature]
Borough Clerk

[Signature]
Director, Division of Forest,
Land & Water Management

Attest: [Signature]
Municipal Land
Selections Officer

APPROVED AS TO FORM:

[Signature]
Thomas E. Gudham
Assistant Attorney General
State of Alaska

[Signature]
Richard W. Garnett III
Attorney, Kodiak Island
Borough

ORDER

IT IS ORDERED, that the foregoing Agreement of Settlement and Consent Decree is hereby adopted and approved and

shall be enforceable as a judgment of the court.

DATED this 12 day of August, 1981 at
Anchorage, Alaska.

S/ Daniel A. Moore Jr.
Judge of the Superior Court

LAND PLANNING REPORT
PROPOSED SHUYAK ISLAND STATE PARK
SHUYAK ISLAND
September 23, 1981

Kodiak Island Borough
Kodiak, Alaska
RECEIVED

NOV - 5 1981

7 8 9 10 11 12 1 2 3 4 5 6
A M P M

Existing Classification - Forestry - SC-80-037
Recommended Classification - Public Recreation
Acreage - Approximately 13,000 acres

Proposed Classification/Justification

The proposed classification is public recreation. This classification action will implement the Agreement of Settlement and Consent Decree between the State of Alaska and the Kodiak Island Borough.

Location

The subject parcel is located on the western portion of Shuyak Island and includes adjacent small islands and offshore rocks. Shuyak Island is the northernmost major island in the Kodiak archipelago. It is 50 miles north of Kodiak, Alaska and 85 miles southwest of Homer, Alaska.

Legal Description

(Unsurveyed land--All sections are protracted)

Beginning at the $\frac{1}{4}$ corner common to Sections 31 and 32, T19S, R20W, S.M., which is the Point of Beginning, and which is offshore in the vicinity of the SW corner of Shuyak Island;

Thence northeasterly, approximately 1.0 mile to the C-W-W $\frac{1}{64}$ th corner of Section 29, T19S, R20W, S.M. in Shuyak Harbor;

Thence, within Shuyak Harbor, northeasterly 0.52 miles to the W $\frac{1}{16}$ th corner common to Sections 20 and 29, T19S, R20W, S.M.;

Thence east leaving Shuyak Harbor along the section line between Sections 20 and 29 and the $\frac{1}{4}$ corner common to Sections 20 and 29, T19S, R20W, S.M.;

Thence northeasterly approximately 2.5 miles to the corner common to Sections 9, 10, 15 and 16, T19S, R20W, S.M.;

Thence north between Sections 9 and 10, T19S, R20W, S.M., approximately 0.25 miles to the point of mean high tide on the south shore of Big Bay;

SHUYAK ISLAND
September 23, 1981
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(Unsurveyed land--All sections are protracted) (continued)

Thence meandering easterly and northerly in a counter-clockwise direction along the mean high tide line of Shuyak Island to a point common to the W 1/16th line in the north-half of the north-half of Section 10, T19S, R20W, S.M.;

Thence north along the W 1/16th line approximately 150 feet to the section line common to Sections 3 and 10, T19S, R20W, S.M.;

Thence, east 0.5 miles between Sections 3 and 10 to the E 1/16th corner of Sections 3 and 10, T19S, R20W, S.M.;

Thence north 0.5 miles along the E 1/16th line of Section 3 to the C-E 1/16th corner of Section 3, T19S, R20W, S.M.;

Thence west 0.25 miles along the E- $\frac{1}{2}$ line of Section 3, T19S, R20W, S.M.;

Thence north 0.25 miles along the N- $\frac{1}{2}$ line of Section 3 to the C-N 1/16th corner of Section 3, T19S, R20W, S.M.;

Thence north-northeasterly approximately 1.65 miles to the C-E-W-SW 1/256th corner of Section 26, T18S, R20W, S.M.;

Thence east 0.80 miles along the S 1/16th line of Section 26 to the S 1/16th corner of Sections 25 and 26, T18S, R20W, S.M.;

Thence south 0.25 miles between Sections 25 and 26 to the corner common to Sections 25, 26, 35 and 36, T18S, R20W, S.M.;

Thence east between Sections 25 and 36, T18S, R20W, S.M., and Sections 30 and 31, T18S, R19W, S.M. approximately 1.75 miles to the intersection with the mean high tide line on the west shore of the unnamed bay that connects to Shangin Bay;

Thence meandering southerly and easterly along the mean high tide line of said unnamed bay to Shangin Bay and then continuing southerly, easterly and northerly along the mean high tide line of Shangin Bay to a point common to the N 1/16th line of Section 32, T18S, R19W, S.M.;

Thence east along the N 1/16th line of Sections 32 and 33 approximately 0.3 miles to the NW 1/16th corner of Section 33, T18S, R19W, S.M.;

SHUYAK ISLAND
September 23, 1981
Page 3

(Unsurveyed land--All sections are protracted) (continued)

Thence northeasterly approximately 1.5 miles to the section corner common to Sections 22, 27, 28 and 21, T18S, R19W, S.M.;

Thence north along the west boundary of Sections 22, 15, 10, 3 and 34, 5.0 + miles to the corner common to Sections 27, 34, 33 and 28, T17S, R19W, S.M.;

Thence, northwesterly, 4.2 miles + to the corner common to Sections 7 and 18, T17S, R19W, S.M., and Sections 13 and 12, T17S, R20W, S.M.;

Thence southwesterly, 9 miles + to the corner common to Sections 12, 13, 14 and 11, T18S, R21W, S.M.;

Thence southwesterly, 5.4 miles + to the corner common to Sections 3, 10, 9 and 4, T19S, R21W, S.M.;

Thence southeasterly 4.7 miles + to the C $\frac{1}{2}$ corner of Section 35, T19S, R21W, S.M.;

Thence east along the E-W $\frac{1}{2}$ line of Sections 35 and 36, T19S, R21W, S.M. to the $\frac{1}{2}$ corner common to Section 36, T19S, R20W, S.M. and Section 31, T19S, R20W, S.M.;

Thence east approximately 1.0 mile along the E-W $\frac{1}{2}$ line of said Section 31 to the $\frac{1}{2}$ corner common to Sections 31 and 32, T19S, R20W, S.M., which is the Point of Beginning of this description.

The above description encompasses State owned and subsequently acquired uplands, tidelands and submerged lands. Those lands which are uplands total approximately 13,000 acres.

Background

The Kodiak Island Borough pursuant to AS 29.18.201-.213 is entitled to select 56,500 acres from State general grant land within its boundaries and has filed such selections in the manner provided. However, a considerable portion of the land selections filed by the Kodiak Island Borough were administratively rejected by the State. As a result the Kodiak Island Borough filed three separate judicial appeals of the administrative decisions in the Superior Court, Third Judicial District under case numbers 3AN-80-3070 (Woody Island), 3AN-80-6710 (Land Classification), and 3AN-81-1385 (Shuyak Island). Both parties desired to settle the question of which lands will be conveyed to the Kodiak Island Borough without extended litigation and entered into an agreement of settlement and consent decree which was approved and adopted by the court.

Background (continued)

Section 7 of the Agreement of Settlement and consent decree provides both parties shall support legislation to create a State park denominated the "Shuyak Island State Park" on the subject parcel.

Section 8 of the Agreement of Settlement and consent decree provides that in the event the lands to be included in the proposed "Shuyak Island State Park" are not finally included by legislation such lands shall be at all times classified and managed by the State in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes.

Physical Description

Shuyak Island is the northernmost and smallest of the major islands in the Kodiak Island Archipelago, which is formed by the Kodiak Mountains, a structural southwest continuation of the Kenai-Chugach Mountains. The area is characterized by an irregular coastline with many fiords and islands. Short, swift, clear streams, small lakes and numerous small ponds are widely scattered over the glacially sculptured topography. Unlike the larger islands of the group the topography of Shuyak Island is of rather low relief with elevations ranging from 0 to 660 feet above sea level with predominantly gently rolling slopes.

Shuyak Island is in a maritime climatic zone, however, climatic data for the area is sporadic. The only major recording station is on Kodiak Island, with supporting data from ship movement through the areas. The maritime climatic zone is strongly influenced by the marine environment and characterized by moderately heavy precipitation, cool temperatures, high cloud and fog frequency with little or no freezing weather. Temperature patterns are characterized by relatively cool summers and warm winters, as compared to interior land temperatures at similar latitudes. The mean high temperature for January is 32 to 36° F while the mean high temperature for July is only 56 to 62° F. Above freezing temperatures, which are common during all winter months, usually keep the snow depth from becoming excessive at low elevations. However, the warm temperatures at low elevations also result in wet heavy snow with high water content.

Severe storms with high winds are common in the area. Surface winds are more hazardous to human activities in the area than temperature or precipitation. Sustained extreme wind speeds during storms may range from 50 to 75 knots, with gusts as high as 100 knots. From June through September when the air contains the most moisture and is warmer than the water, fog is common and the principal cause of reduced visibility.

The vegetation on Shuyak Island is characterized by well developed extensive stands of large size, over-mature Sitka spruce, stands of pole size Sitka spruce, sedges and other water tolerant plants in the lowland areas, and alder and grasses in the non-timbered areas.

Resource Values

Timber

Extensive commercial stands of mature and over-mature timber are the primary resource value of Shuyak Island. It is estimated there are 23,518 acres of timber land and 10,250 acres of non-timber land on the island.

Wildlife/Fisheries

There is a thriving deer herd on the island. Brown bear and elk are also present but there is little information available as to numbers or concentration. There is a high density of both sea otter and harbor seals in the bays and fiords of Shuyak Island as well as sea lions along the northeasterly end of the island.

There are numerous seabird colonies along the coastline and particularly on the small islands and offshore rocks within the area.

Agriculture

The raising of field crops is not feasible due to the poor soils and cool summer temperatures. Grazing of livestock might be possible, however, there would be bear-livestock conflicts. In addition competition between livestock and deer for available food supplies would present problems.

Reasons for State Selections

Extensive commercial stands of mature timber and potential of subsurface mineral resources were prime considerations in State selections. In addition the numerous fiords and small islands along the coast provide excellent habitat for marine mammals and seabird colonies as well as an area of unsurpassed natural beauty with a nearly unlimited potential for outdoor recreation.

Socio/Economic Conditions

The economic mainstay of the Kodiak Island Archipelago is fishing and seafood processing. The major species taken include king, tanner, and dungeness crab, salmon, halibut and shrimp. Employment in the area tends to be seasonal because of the heavy dependence on the fishing and seafood processing industry. Other employment available includes Federal, State and local government positions, trade and service industries, tourism, finance, insurance, real estate, construction, transportation and communications.

Socio/Economic Conditions (continued)

There are no communities on Shuyak Island. The City of Kodiak, the only major community in the archipelago, is 50 miles south of Shuyak Island and has a population of approximately 6,000.

Existing/Adjacent Land Use

Shuyak Island is uninhabited and used only to a limited extent for hunting and recreation.

Coastal Zone Consistency

Shuyak Island is within Alaska's Coastal Zone. Because no developments or new uses will result from this classification action there will be no adverse effects on the coastal resource.

Statewide Plan

The Statewide plan identifies the western portion of Shuyak Island as recreation and also the subsurface resource as minerals. This classification will support the Statewide plan.

Recommendations

The Southcentral District recommends the classification of Public Recreation for the lands within the proposed Shuyak Island State Park to implement the Agreement of Settlement and Consent Decree.



Alaska State Legislature
Senate

JUNEAU, ALASKA

TO: Senator Bettve Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senator Bob Mulcahy *Bob Mulcahy*

SUBJ: SB 730 and 731

DATE: March 3rd, 1982

During the March 1st hearing on SB 730 and 731, two questions were raised: the first question was in regards to private lands on Shuyak Island, and the second question was in regards to surveying costs being mentioned in the court settlement.

The only patented private lands on Shuyak Island lie outside of the proposed park and the proposed game refuge. These lands will not be affected by either of these bills. There are several small areas claimed under the Native Land Claims that are scattered around the island; these are at present being adjudicated.

There is nothing in the court settlement about surveying costs at all. I am informed by the Kodiak Island Borough that there is no concern about the question of survey costs at this time.

cc: Senator Gilman



Official Business

Alaska State Legislature

Senate Resources Committee

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: Committee Meeting, Friday, March 5, 1982
DATE: March 4, 1982

Please find attached background information for this Friday's meeting on the following bills:

- SB 730 An Act establishing the Aleksandr Baranov State Game Refuge
- SB 731 An Act establishing the Shuyak Island State Park
- SB 769 An Act removing the requirement that power projects constructed under the energy program for Alaska be owned by the state.

The meeting will be held at 1:30 p.m. in the Beltz Room.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 731
 Title Establishing Shuyak Island State Park
 Requested by Senate Resources Date 2-26-82

II. FISCAL DETAIL

Agency Affected Fish and Game
 Program Category Affected NRMEC
 BRU, Program, Or Subprogram(s) Affected Habitat Division
 (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	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

No fiscal impact to this Department.

IV. DATE 2/26 PREPARED BY Janet Green
 AGENCY _____
 PHONE _____
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Janet Green
2/26

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

BILL NUMBER SB 731

IDENTIFICATION:

BILL NAME: "An Act establishing the Shuyak Island State Park; and providing for an effective date."

SPONSOR(S): Mulcahy

RELATED BILLS PENDING: SB 730

DATE INTRODUCED: 2/9/82

REFERRALS Resources

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED *yes*

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP

MATERIALS: - *Roshala Island Boro Resolution in favor*
- *State/Boro statement of agreement, consent*
- *land planning report, Shuyak Island State Park*

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPRATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET: 3/1 3/5

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED:

✓ Dan Helton Wolfe 2421
✓ Greg Voz. 4100
State Env. Agency

SEARCH - QUERY
00007 '16.05.092' CITATION.

AS16.05.092 DOCUMENT# 1 OF 1

HEADINGS TITLE 16.
FISH AND GAME.
CHAPTER 05.
FISH AND GAME CODE.
ARTICLE 1.
THE DEPARTMENT OF FISH AND GAME.

CITATION SEC. 16.05.092.

CATCH LINE

DUTIES OF DIVISION OF FISHERIES REHABILITATION, ENHANCEMENT AND DEVELOPMENT

TEXT THE DIVISION OF FISHERIES REHABILITATION, ENHANCEMENT AND DEVELOPMENT SHALL

(1) DEVELOP AND CONTINUALLY MAINTAIN A COMPREHENSIVE, COORDINATED STATE PLAN FOR THE ORDERLY PRESENT AND LONG-RANGE REHABILITATION, ENHANCEMENT AND DEVELOPMENT OF ALL ASPECTS OF THE STATE'S FISHERIES FOR THE PERPETUAL USE, BENEFIT AND ENJOYMENT OF ALL CITIZENS AND REVISE AND UPDATE THIS PLAN ANNUALLY;

(2) ENCOURAGE THE INVESTMENT BY PRIVATE ENTERPRISE IN THE TECHNOLOGICAL DEVELOPMENT AND ECONOMIC UTILIZATION OF THE FISHERIES RESOURCES;

(3) THROUGH REHABILITATION, ENHANCEMENT AND DEVELOPMENT PROGRAMS DO ALL THINGS NECESSARY TO INSURE PERPETUAL AND INCREASING PRODUCTION AND USE OF THE FOOD RESOURCES OF ALASKA WATERS AND CONTINENTAL SHELF AREAS;

(4) MAKE A COMPREHENSIVE ANNUAL REPORT TO THE LEGISLATURE, CONTAINING DETAILED INFORMATION REGARDING ITS ACCOMPLISHMENTS UNDER THIS SECTION AND PROPOSALS OF PLANS AND ACTIVITIES FOR THE NEXT FISCAL YEAR, NOT LATER THAN 20 DAYS AFTER THE CONVENING OF EACH REGULAR SESSION.

HISTORY (SEC. 2 CH 113 SLA 1971)

R0801 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

SEARCH - QUERY
00001 '38.05.300'.CITATION.

AS38.05.300 DOCUMENT# 1 OF 1

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 11.
MISCELLANEOUS PROVISIONS.

CITATION SEC. 38.05.300.

CATCH LINE

CLASSIFICATION OF LANDS.

TEXT

(A) THE COMMISSIONER SHALL CLASSIFY FOR SURFACE USE LANDS IN AREAS WHERE HE CONSIDERS IT NECESSARY AND PROPER. THIS SECTION DOES NOT PREVENT RECLASSIFICATION OF LANDS WHERE THE PUBLIC INTEREST WARRANTS RECLASSIFICATION, NOR DOES IT PRECLUDE MULTIPLE PURPOSE USE OF LANDS WHENEVER DIFFERENT USES ARE COMPATIBLE. NO STATE LAND, WATER, OR LAND AND WATER AREA SHALL, EXCEPT BY ACT OF THE STATE LEGISLATURE, BE CLOSED TO MULTIPLE PURPOSE USE, IF THE AREA INVOLVED CONTAINS MORE THAN 640 ACRES.

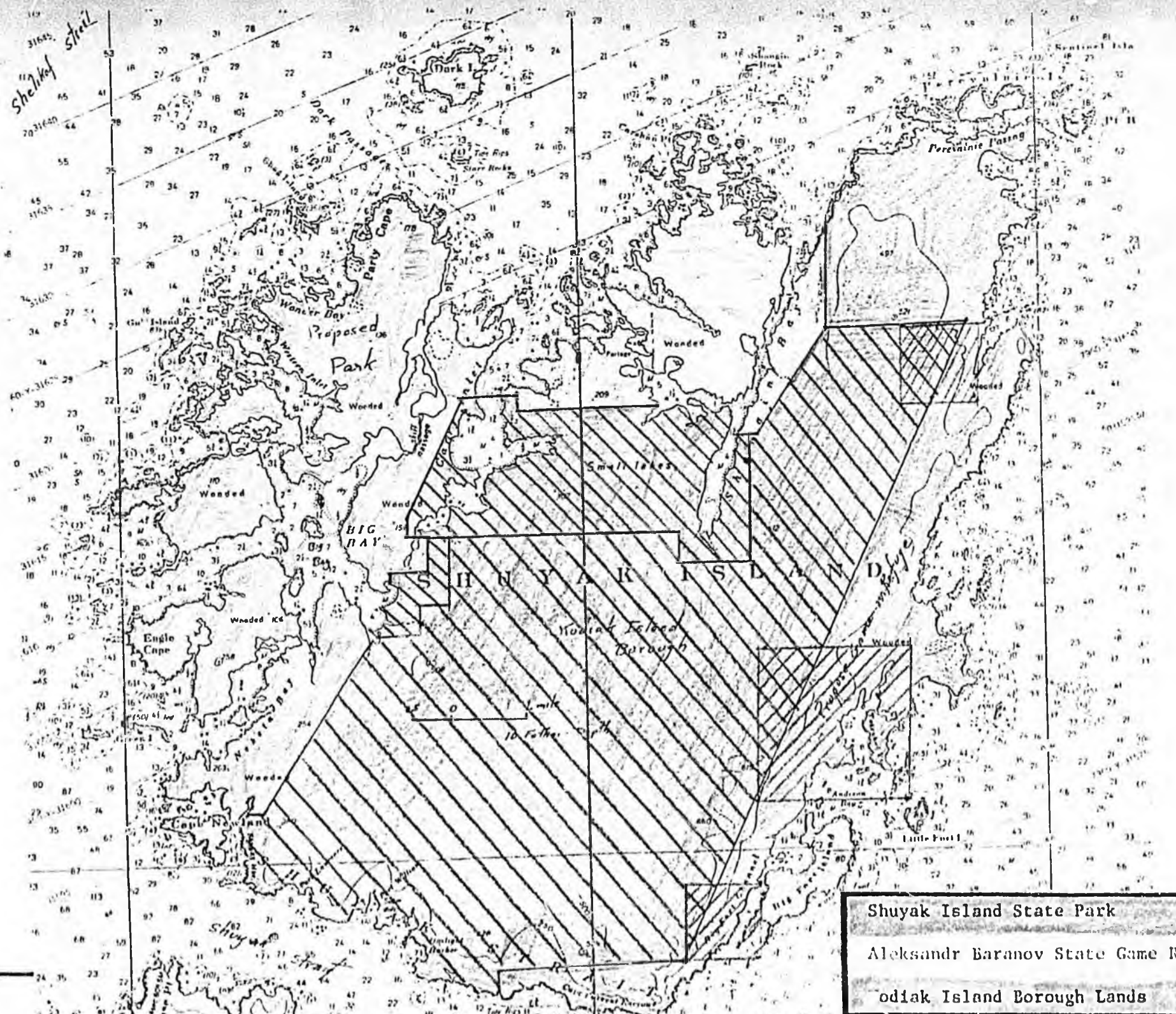
(B) NOT LATER THAN FEBRUARY 1 OF EACH YEAR, THE COMMISSIONER SHALL SUBMIT A WRITTEN REPORT TO EACH HOUSE OF THE LEGISLATURE WHICH DESCRIBES AND SHOWS THE LOCATION OF ALL CLASSIFICATIONS OF STATE LAND MADE UNDER (A) OF THIS SECTION DURING THE PRECEDING YEAR.

HISTORY

(SEC. 1 ART III CH 169 SLA 1959; AM SEC. 2 CH 31 SLA 1964; AM SECS. 33, 34 CH 85 SLA 1979)

R0691 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

31655
Shuyak Strait



Shuyak Island State Park
Aleksandr Baranov State Game Refuge
 Kodiak Island Borough Lands

Sectional analysis of SB 730

Section 1:

16.20.035 (a) This section creates the Aleksandr Baranov State Game Refuge. See provided map for area of the refuge. It is the yellow shaded area.

(b) This section establishes that the game refuge is created to provide for protection of habitat, continued opportunity for sport fishing and hunting, trapping and commercial fishing, and opportunity to view, study, and photograph the plants and wildlife.

(c) This section states that if the Kodiak Island Borough gives back to the state the land detailed in blue with purple cross-hatching on the map, it will become part of the refuge.

(d) This section requires that the Department of Natural Resources allow a 200 foot easement through the areas on the map with red cross-hatching to borough or private property. The specific locations of these easements will be mutually agreed to by the Department of Natural Resources, the Department of Fish & Game, and the Kodiak Island Borough.

(e) This section requires the commissioner of natural resources to adopt regulations governing permits for seasonal cabins or shelters on the refuge. The Department of Natural Resources must consult with the Department of Fish and Game before adopting these regulations. In no case will a permit be for a time period over 5 years.

(f) This section states that the Boards of Fisheries and Game will manage the fish and wildlife within the refuge.

Sectional analysis of SB 731

Section one:

Sec. 41.20.506 establishes that the purpose of the Shuyak Island State Park is to protect the recreational and scenic resources, the fish and wildlife habitat, and to preserve the use of the area for hunting, fishing, trapping, and compatible recreational activities.

Sec. 41.20.507 (a) states that the state owned uplands and freshwater bodies in the following areas are designated as the Shuyak Island State Park. This is the area in green on the map.

(b) states that if the Kodiak Island Borough gives any of the land in the following sections back to the state, it may be added to the park by proclamation of the Governor. This is the area in blue with black cross-hatching.

Sec. 41.20.510 (a) designates the Department of Natural Resources as the agency with responsibility for management of the uplands and freshwater bodies in the park.

(b) designates the Department of Fish and Game as the agency with the responsibility for management of the fish and game resources in the park.

(c) requires the Department of Natural Resources to consult with the Department of Fish and Game before adopting regulations affecting the park.

(d) requires the Department of Fish and Game to consult with the Department of Natural Resources before adopting regulations affecting fish and game in the park.

Sec. 41.20.511 (a) states that DNR will designate incompatible uses in the park.

(b) states that shooting in the park is allowed, except in areas that are closed because of public safety.

(c) allows ADF&G to engage in stream rehabilitation and enhancement.

(d) states that regulations governing public uses in the park will provide reasonable access for hunting, fishing, and trapping.

(e) requires that reasonable access be allowed to the Depart-

Sectional analysis of SB 731 continued

ment of Public Safety and the Department of Fish and Game for the purposes of management and enforcement of fish and wildlife.

Sec. 41.20.515 allows the state to purchase property in the park. The state may not acquire land by eminent domain.

Section two adds an immediate effective date.

LEGISLATION SUMMARY

SB 731: "An Act establishing the Shuyak Island State Park; and providing for an effective date."

GENERAL: This bill would establish the Shuyak Island State Park, occupying roughly the western and northern coastal areas of Shuyak Island.

Sec. 1: Establishes the purpose of the bill: to create, subject to valid existing rights, the Shuyak Island State Park. The primary purposes of the Park are to protect the recreational and scenic resources, fish and wildlife habitat, and to preserve the use of the area for hunting, fishing, trapping and compatible recreational activities. The bill is also intended to close the area to multiple-use and to dedicate it as a special purpose site.

The Park shall consist of state-owned uplands and freshwater bodies and uplands acquired by the state in the future lying within a parcel designated by Township, Range and Section, and provides for inclusion in the Park of Kodiak Island Borough land selections lying within certain designated Sections if the Borough relinquishes the land to the state. Inclusions would be achieved by a proclamation of the Governor.

Provides for management of the Park by the Department of Natural Resources, and management of the fish and game by the Department of Fish and Game. Provides for the adoption of regulations by the Department of Natural Resources and the Boards of Fish and Game. Requires both Departments to consult with each other before the adoption of regulations.

Authorizes the commissioner of natural resources to designate by regulation incompatible uses within the Park. Expressly allows for shooting within the Park, except where prohibited by regulation by the commissioner of natural resources for reasons of public safety. Expressly allows stream rehabilitation enhancement and development by the Department of Fish and Game within the Park. Requires that both departments' regulations provide reasonable access for hunting, fishing and trapping, and requires that the Department of Public Safety and the Department of Fish and Game be allowed reasonable access for fish and game management, research, and enforcement.

Sec. 1 (cont.)

Authorizes the commissioner of natural resources to purchase title to or interest in real property lying within the Park's boundaries. Prohibits the acquisition of land by the state for the Park by eminent domain.

Immediate effective date.

PRIME SPONSOR: Mulcahy

CO-SPONSOR(S): None

THE LEGISLATURE OF THE STATE OF ALASKA
TWELETH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 731
 Title An Act establishing the Shuyak Island State Park
 Requested by Mulcahy Date 2-26-82

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 81	FY 82	FY 83	FY 84	FY 85	FY 86
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 Fund Source)						

POSITIONS

FULL TIME			-0-			
PART TIME						
TEMPORARY						

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

The Governor's proposed budget would cover first year management responsibilities by the Division of Parks.

IV. DATE 2-26-82 PREPARED BY Chip Dennerlein
 AGENCY Div. of Parks
 PHONE 274-4676
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 731
Title Establishing Shuyak Island State Park
Requested by Senate Resources Date 2-26-82

II. FISCAL DETAIL

Agency Affected Fish and Game
Program Category Affected NRMEC
BRU, Program, Or Subprogram(s) Affected Habitat Division
(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	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

No fiscal impact to this Department.

IV. DATE 2/26 PREPARED BY Janet Green
AGENCY _____
PHONE _____
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)



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 Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

March 22, 1982
1:35 p.m.

Beltz Room
Room 211 - Capitol

Hearing:

- SB 731 Establishing the Shuyak Island State Park.
SB 769 Removing the requirement that power projects constructed under the energy program for Alaska be owned by the State.
SB 843 Relating to surface coal mining and the surface effects of underground coal mining.
SJR 70 Relating to commercial fishing of North Pacific chinook salmon.
SJR 79 Requesting the National Park Service to adopt procedures providing public notice of proposed regulations, emergency regulations, and field orders for national parks, preserves, and monuments in Alaska.

SB 731

Senator Mulcahy said a Committee Substitute had been prepared, changing the word "compatible" to "other".

Jim Lieb, Alaska Department of Fish and Game, expressed support for the Committee Substitute.

Senator Gilman moved the acceptance of the Committee Substitute. He then moved CSSB 731 with individual recommendations.

SB 769

Senator Gilman explained that a Committee Substitute with a changed title had been prepared. It requires that federal power projects in which the State participates must meet the same tests as all State projects, and gives the Alaska Power Authority approval to proceed with the Bradley Lake project.

Senator Mulcahy moved the acceptance of the Committee Substitute. He then moved CSSB 769 with individual recommendations.

SB 843

Jay Nelson, Alaska Environmental Lobby, stated that some provisions of SB 843 are not strong enough to protect the people and the environment. He stressed the need for revegetation with native species, the designation as unsuitable for surface coal mining areas that are highly biologically productive, and the recognition of the fisheries value.

Mark Wittow, Department of Natural Resources, stated that the Department of Fish and Game and the Department of Environmental Conservation both have permitting requirements that protect fisheries which would still stand. He further stated that performance standards will determine the type of reclamation and the amount of habitat protection required.

Senator Sturgulewski stated that State lands on which surface mining will not be allowed should be further defined.

Phil Holdsworth, COAL, in supporting the bill, clarified the point that all State agencies will continue to work together, so there are "built in" protections.

Senator Fahrenkamp stated that SB 843 would be held until 3/24/82.

SJR 70

Senator Mulcahy stated that SJR 70 had been heard in the Fisheries Subcommittee. He moved the acceptance of the Committee Substitute. He then moved CSSJR 70 with individual recommendations.

SJR 79

Senator Mulcahy stated that SJR 79 had been heard in the Fisheries Subcommittee. He moved the acceptance of the Committee Substitute. He then moved CSSJR 79 with individual recommendations.

The meeting was adjourned at 2:35 p.m.

Alaska State Legislature

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



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

Senate

Committee on Resources

March 5, 1982
1:35 p.m.

Beltz Room
Room 211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Gilman
Senator Sturgulewski
Senator Kertulla, President

Hearing:

SB 730 An Act establishing the Aleksandr Baranov State Game Refuge.
SB 731 An Act establishing the Shuyak Island State Park.
SB 769 An Act removing the requirement that power projects constructed under the energy program for Alaska be owned by the state.

SB 736

Senator Sturgulewski moved the bill with individual recommendations.

SB 731

Chip Dennerlein, Director, Division of Parks, Department of Natural Resources, spoke in support of the bill, but suggested two amendments: page 1, line 18 and page 5, line 17 replace "compatible" with "other", to avoid creating classes of users by implication. The Division of Parks would like to participate in writing the Committee Report or a letter of intent concerning tidelands inclusion, to assure them authority to build a boat ramp or dock in the future. The fiscal note on this bill is zero, as easements will be platted on paper only, and not constructed.

Senate Resources Committee

March 5, 1982

Page 2

Bob Hinman, Deputy Director, Game Division, Alaska Department of Fish and Game, spoke in opposition to the suggested amendments, stating that "compatible" may have been deliberate wording so as not to exclude commercial hunting or trapping.

Senator Sturgulewski moved that the bill be held until Monday, so this concern could be resolved.

SB 769

Senator Gilman explained the reason for this bill. Bradley Lake is a Corps of Engineers hydro project. Feasibility studies and design work have been completed, but there are no federal funds for construction. SB 769 would allow the State to put money into the project without owning it. However, the Legal Division has informed Gilman that the proposed Committee Substitute may be unconstitutional because it is "special legislation." In addition, there have been several different cost estimates for the project. Gilman suggested the bill be held until he meets with the Alaska Power Authority, the Corps of Engineers, and the Office of Budget and Management to discuss the project.

Senator Fahrenkamp appointed Senator Gilman to chair a committee to resolve this issue, at which time the Resources Committee will expedite their action on SB 769.

The meeting was adjourned at 2:15 p.m.

Alaska State Legislature

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



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

Senate

Committee on Resources

March 1, 1982
1:30 p.m.

Beltz Room
Capitol - Room 211

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

Hearing:

SB 730 An Act establishing the Aleksandr Baranov State Game Refuge.
SB 731 An Act establishing the Shuyak Island State Park.
SJR 59 Relating to support for legislation establishing a National Garden Week.

SB 730 and SB 731

Greg Vos, Alaska Department of Fish and Game, was present to answer questions.

Senator Mulcahy provided background. The bills are the result of negotiations between the Kodiak Island Borough and the Department of Natural Resources, as part of the municipal entitlement settlement. The proposed refuge is on the east side of Shuyak Island to protect the winter deer habitat. The proposed park is on the west side of the island, with the Kodiak Borough maintaining the core portion of the island and being provided with an easement.

Joyce Munson, representing the Kodiak Borough, spoke in support of SB 730 and 731, stating the Borough would oppose any amendments that would include tidal or submerged lands.

Senate Resources Committee
March 1, 1982
Page 2

Hilton Wolfe, Division of Parks, Department of Natural Resources,
expressed support for SB 731

After discussion by the Committee concerning payment for
survey work, Senator Fahrenkamp stated that Senate Bills 730
and 731 would be held until this question was answered,

SJR 59

Carol Burnside, Aide to Senator Colletta, was present to answer
questions.

Senator Mulcahy moved the bill with individual recommendations.

The meeting was adjourned at 1:50 p.m.

LEGISLATIVE SUMMARY

SB 731 "An Act establishing the Shuyak Island State Park; and providing for an effective date.

The Committee Substitute makes two changes:

Page 1, line 18 after the second "and" the word "compatible" was deleted and the word "other" was inserted in its place.

Page 5, line 19, after the word "trapping" the words "and other recreational" were inserted.



Alaska State Legislature

Senate Resources Committee

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: 3/22/82 Committee Hearing
DATE: March 19, 1982

Please find attached background information for Monday's hearing on the following bills:

SB 731 Establishing the Shuyak Island State Park.
(This bill has been heard before. Technical language changes were required, resulting in the attached Committee Substitute.)

SB 769 Removing the requirement that power projects constructed under the energy program for Alaska be owned by the State.
(This bill has been heard before. A Committee Substitute has been prepared.)

SB 843 Relating to surface coal mining and the surface effects of underground coal mining.
(This will be a continuation of the Friday, 3/19/82, meeting. Materials have been distributed.)

SJR 70 Relating to commercial fishing of North Pacific chinook salmon.

SJR 79 Requesting the National Park Service to adopt procedures providing public notice of proposed regulations, emergency regulations, and field orders for national parks, preserves, and monuments in Alaska.

SB 731

TO: Billy Berrier
Director
Legal Services

DATE: 3/11/82

FROM: Bettye Fahrenkamp
Chairman

RE: SB 731
Committee Substitute

I would appreciate a final Committee Substitute for SB 731
being written incorporating the following changes:

Page 1, line 18, after the second "and" delete the word
"compatible" and insert "other" in its place.

Page 5, line 19, after the word "trapping" insert "and other
recreational"

If you have any questions please contact Resa King at
465-3834 or Troy Henley at 465-3844. When the bill is completed
please return it to Room 211 Capitol Building.

cc: Senator Mulcahy

Attachment

SB 731

TO: Billy Berrier
Director
Legal Services

DATE: 3/11/82

FROM: Bettye Fahrenkamp
Chairman

RE: SB 731
Committee Substitute

I would appreciate a final Committee Substitute for SB 731 being written with the following changes:

Page 1, line 18, after the second "and" insert "other"

Page 5, line 19, after the word "trapping" insert "and other compatible"

If you have any questions please contact Resa King at 465-3834 or Troy Henley at 465-3844. When the bill is completed please return it to Room 211 Capitol Building.

cc: Senator Mulcahy

Attachment