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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 2, 1984

The Honorable Jalmar Kerttula  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Kerttula:

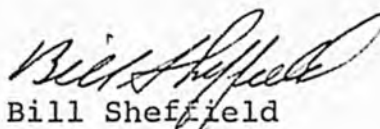
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would create the Toklat River Critical Habitat Area.

The Toklat River supports the largest known population of late fall chum salmon in Alaska. Warm upwelling spring water and ideal spawning, egg incubation, and salmon rearing conditions combine to provide prime irreplaceable habitat for Yukon River fall chum salmon. Population estimates of spawning salmon in the proposed critical habitat area have produced counts as high as 96,500 with an annual average of 31,250 counted. In the last five years an annual average of 100,000 Toklat River fall chum salmon have been harvested by the commercial and subsistence fisheries downstream from the Toklat River on the Tanana and Yukon rivers. This harvest represents a direct average value to the commercial fishermen of over \$500,000 annually and an estimated replacement cost value for the subsistence fisheries of nearly \$700,000 annually, totaling approximately \$1,200,000 annually.

Toklat chum salmon also provide the mainstay winter food supply for a significant portion of the grizzly bear population of the Kantishna drainage. The proposed Toklat River Critical Habitat Area supports a population of overwintering mallards that is believed to be the northernmost sizable concentration in North America. This area also supports large numbers of wolves, fox, coyotes, bald and golden eagles, ravens, owls, river otter, and mink.

The proposed critical habitat area encompasses 2560 acres and is located approximately 84 air miles southwest of Fairbanks. Because the spawning area encompassed by the habitat proposal contributes substantially to the commercial and subsistence salmon harvest of the communities located downstream of the mouth of the Kantishna River on the Tanana and Yukon Rivers, I urge enactment of this legislation. This proposal is made to the legislature under AS 16.20.270, which requires the commissioner of fish and game to submit a list of additional critical habitat areas to the legislature annually.

Sincerely,

  
Bill Sheffield  
Governor

**Sec. 16.20.220. Purpose.** The purpose of AS 16.20.220 — 16.20.270 is to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose. (§ 2 ch 140 SLA 1972)

**Sec. 16.20.230. Critical habitat areas established.** The following described areas are established as fish and game critical habitat areas:

(1) Port Moller:

(A) Township 50 South, Range 71 West, Seward Meridian

Sections 7—8

Section 14 (not tide or submerged land)

Sections 15—17

Sections 21—23

Section 32

(B) Township 51 South, Range 71 West, Seward Meridian

Section 3 (not tide or submerged land)

Sections 4—5

Section 7

Sections 9—10

Sections 15—17

(C) Township 49 South, Range 73 West, Seward Meridian

Sections 10—11

Section 12 (not tide or submerged land)

Sections 13—16

Section 21

Section 24

Section 28

(D) Township 51 South, Range 72 West, Seward Meridian

Sections 5—8

Sections 11—12

(E) Township 50 South, Range 72 West, Seward Meridian

Sections 18—19

Sections 30—32

(F) Township 50 South, Range 73 West, Seward Meridian

Sections 7—13

Sections 14—17 (not tide or submerged land)

Section 18

(G) Township 50 South, Range 74 West, Seward Meridian

Sections 5—7

Section 8 (not tide or submerged land)

Sections 9—13

Sections 14—16 (not tide or submerged land)

Sections 17—18

Section 20

(H) Township 50 South, Range 75 West, Seward Meridian

Section 1

16.20.270  
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following  
itat areas:

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Sections 6—7

Section 12

(I) Township 49 South, Range 75 West, Seward Meridian

Section 3

Sections 4—6 (not tide or submerged land)

Sections 7—11

Sections 14—16

Sections 21—32

(J) Township 48 South, Range 75 West, Seward Meridian

Sections 15—18

Section 22

Sections 29—30

Section 31 (not tide or submerged land)

Section 32

(K) Township 48 South, Range 76 West, Seward Meridian

Sections 13—17

Sections 19—23

Sections 25—27

Sections 29—30

Sections 34—35

Section 36 (not tide or submerged land)

(L) Township 50 South, Range 76 West, Seward Meridian

Section 1

Section 3

Section 4 (not tide or submerged land)

Section 9 (not tide or submerged land)

Sections 10—13

Sections 14—16 (not tide or submerged land)

Sections 21—23 (not tide or submerged land)

Sections 24—25

Sections 26—28 (not tide or submerged land)

(M) Township 49 South, Range 76 West, Seward Meridian

Sections 1—4

Sections 7—9

Sections 10—11 (not tide or submerged land)

Sections 12—14

Sections 15—16 (not tide or submerged land)

Sections 17—18

Section 21 (not tide or submerged land)

Section 22

Sections 28—29

Sections 33—34

(N) Township 49 South, Range 77 West, Seward Meridian

Sections 1—2

Sections 4—5

- Sections 7—12
- Sections 13—18 (not tide or submerged land)
- (O) Township 48 South, Range 77 West, Seward Meridian
  - Sections 20—23
  - Sections 26—28
- (P) Township 48 South, Range 78 West, Seward Meridian
  - Sections 26—27
  - Sections 31—34
- (Q) Township 49 South, Range 78 West, Seward Meridian
  - Sections 2—5
  - Sections 8—12
  - Sections 13—16 (not tide or submerged land)
  - Section 17;
- (2) Port Heiden:
  - (A) Township 38 South, Range 59 West, Seward Meridian
    - Sections 13—15 (not tide or submerged land)
    - Section 16
    - Section 21
    - Sections 22—27 (not tide or submerged land)
    - Section 28
    - Sections 33—34
    - Sections 35—36 (not tide or submerged land)
  - (B) Township 38 South, Range 60 West, Seward Meridian
    - Sections 17—19
  - (C) Township 38 South, Range 61 West, Seward Meridian
    - Sections 24—26
    - Section 34
  - (D) Township 39 South, Range 59 West, Seward Meridian
    - Sections 1—2 (not tide or submerged land)
    - Section 3
    - Sections 10—14 (not tide or submerged land)
    - Section 15
    - Sections 19—22
    - Sections 23—25 (not tide or submerged land)
    - Sections 26—29
    - Sections 30—33 (not tide or submerged land)
    - Sections 34—36
  - (E) Township 39 South, Range 60 West, Seward Meridian
    - Sections 18—24
    - Section 25 (not tide or submerged land)
    - Sections 26—27
    - Sections 28—36 (not tide or submerged land)
  - (F) Township 39 South, Range 61 West, Seward Meridian
    - Sections 2—4
    - Sections 8—9

Section 10 (not tide or submerged land)

Sections 11—13

Sections 14—15 (not tide or submerged land)

Sections 16—18

Sections 19—20 (not tide or submerged land)

Section 21

Sections 22—36 (not tide or submerged land)

(G) Township 39 South, Range 62 West, Seward Meridian

Section 13

Sections 23—28

Sections 32—34

Sections 35—36 (not tide or submerged land);

(3) Cinder River:

(A) Township 32 South, Range 54 West, Seward Meridian

Section 29

Sections 31—32

(B) Township 33 South, Range 55 West, Seward Meridian

Sections 1—4

Sections 7—13

Sections 14—17 (not tide or submerged land)

Section 18

(C) Township 33 South, Range 56 West, Seward Meridian

Sections 13—14

Sections 22—23

Sections 24—26 (not tide or submerged land)

Sections 27—29

Sections 31—32

Sections 33—36 (not tide or submerged land)

(D) Township 34 South, Range 56 West, Seward Meridian

Sections 5—7

Section 4 N  $\frac{1}{2}$

(E) Township 34 South, Range 57 West, Seward Meridian

Section 1

Section 12;

(4) Egegik:

(A) Township 24 South, Range 51 West, Seward Meridian  
(protracted)

Sections 1—2

Section 11 S  $\frac{1}{2}$

Section 12 N  $\frac{1}{2}$

(B) Township 23 South, Range 51 West, Seward Meridian  
(protracted)

Section 13

Sections 24—25

Sections 35—36

- (C) Township 23 South, Range 50 West, Seward Meridian  
(protracted)  
Section 7  
Sections 18—19  
Section 30  
Section 31 (not tide or submerged land);  
(5) Pilot Point:  
(A) Township 30 South, Range 52 West, Seward Meridian  
(protracted)  
Sections 1—3  
Section 12  
(B) Township 30 South, Range 51 West, Seward Meridian  
(protracted)  
Sections 5—8  
Section 17  
(C) Township 31 South, Range 51 West, Seward Meridian  
(protracted)  
Sections 5—8  
Sections 13—15  
Sections 17—27  
(D) Township 30 South, Range 52 West, Seward Meridian  
(protracted)  
Sections 27—29  
Sections 31—34  
(E) Township 31 South, Range 52 West, Seward Meridian  
(protracted)  
Sections 1—3  
Sections 5—6  
Sections 11—14  
Sections 23—24  
(F) Township 30 South, Range 53 West, Seward Meridian  
(protracted)  
Section 36  
(G) Township 31 South, Range 53 West, Seward Meridian  
(protracted)  
Sections 1—2  
Sections 10—11  
Sections 12—14 (not tide or submerged land)  
Sections 15—16  
Sections 20—21  
Sections 22—28 (not tide or submerged land)  
Sections 29—31  
Sections 32—36 (not tide or submerged land)  
(H) Township 32 South, Range 54 West, Seward Meridian  
(protracted)

Meridian

Section 36;  
 (6) Kalgin Island:  
 (A) Township 3 North, Range 15 West, Seward Meridian  
 Section 7 NW  $\frac{1}{4}$   
 Section 6 SW  $\frac{1}{4}$

Meridian

(B) Township 3 North, Range 16 West, Seward Meridian  
 Section 1  
 Sections 11—12,  
 Section 2 E  $\frac{1}{2}$

Meridian

(C) Township 4 North, Range 16 West, Seward Meridian  
 Section 35 E  $\frac{1}{2}$   
 Section 36;

Meridian

(7) Fox River Flats:  
 (A) Township 4 South, Range 10 West, Seward Meridian  
 Section 20 SE  $\frac{1}{4}$  (not tide or submerged land)  
 Section 21 S  $\frac{1}{2}$  (not tide or submerged land)  
 Section 22 S  $\frac{1}{2}$   
 Section 23 S  $\frac{1}{2}$  (not tide or submerged land)  
 Sections 25--29  
 Sections 33—36

Meridian

(B) Township 4 South, Range 9 West, Seward Meridian  
 Section 30 W  $\frac{1}{2}$  (not tide or submerged land)

Meridian

(8) Chilkat River: The areas encompassed by a boundary beginning at a point identical with the north corners common to Sections 1 and 2, Township 29 South, Range 56 East, Copper River Meridian, Alaska; thence west a distance of 500 feet along the north boundary of Section 2; thence south along a line parallel to the west boundary of Section 2, Township 29 South, Range 56 East, Copper River Meridian, a distance of approximately one mile to the south boundary of Section 2; thence east a distance of approximately 500 feet to the southeast corner of Section 2; thence south along the east boundary of Section 11, Township 29 South, Range 56 West, Copper River Meridian crossing the Tsirku River, to the first point of intersection with a meander line 500 feet upland from the line of mean high water on the south bank of the Tsirku River; thence easterly along said meander line to its first point of intersection with a western boundary or the northerly extension of the western boundary of U.S. Survey 786; thence to the northwest corner of U.S. Survey 786; thence east 2,640 feet to the northeast corner of U.S. Survey 786; thence south along the east boundary to U.S. Survey 786 to its intersection with the section line common to Sections 17 and 20 of Township 29 South, Range 57 East, Copper River Meridian; thence east along said section line to its first point of intersection with a meander line running 500 feet upland from the mean high water mark on the west bank of the Chilkat River; thence meandering in a southeasterly direction along a line 500 feet upland from the mean high water mark on the southeast bank of the Chilkat

Meridian

Meridian

Meridian

River to its first point of intersection with the section line common to Sections 21 and 28 of Township 29 South, Range 57 East, Copper River Meridian; thence east along said section line to the corner common to Sections 21, 22, 27 and 28, Township 29 South, Range 57 East, Copper River Meridian; thence north along section lines to the point of intersection with the Haines Highway right-of-way; thence northwesterly along the southwest boundary of said highway right-of-way to the point of intersection with the north boundary of Section 6, Township 29 South, Range 57 East, Copper River Meridian; thence west along section lines to the point of beginning, comprising 4,800 acres, more or less.

(9) Kachemak Bay:

(A) Township 4 South, Range 10 West, Seward Meridian (only tide and submerged land and waters)

(B) Township 5 South, Range 10 West, Seward Meridian (only tide and submerged land and waters)

(C) Township 5 South, Range 11 West, Seward Meridian (only tide and submerged land and waters)

(D) Township 5 South, Range 12 West, Seward Meridian (only tide and submerged land and waters)

(E) Township 6 South, Range 11 West, Seward Meridian (only tide and submerged land and waters)

(F) Township 6 South, Range 12 West, Seward Meridian (only tide and submerged land and waters)

(G) Township 6 South, Range 13 West, Seward Meridian (only tide and submerged land and waters)

(H) Township 6 South, Range 14 West, Seward Meridian (only tide and submerged land and waters)

(I) Township 7 South, Range 11 West, Seward Meridian (only tide and submerged land and waters)

(J) Township 7 South, Range 12 West, Seward Meridian (only tide and submerged land and waters)

(K) Township 7 South, Range 13 West, Seward Meridian (only tide and submerged land and waters)

(L) Township 7 South, Range 14 West, Seward Meridian (only tide and submerged land and waters)

(M) Township 8 South, Range 12 West, Seward Meridian (only tide and submerged land and waters)

(N) Township 8 South, Range 13 West, Seward Meridian (only tide and submerged land and waters)

(O) Township 8 South, Range 14 West, Seward Meridian (only tide and submerged land and waters)

(P) Township 9 South, Range 14 South, Seward Meridian (only tide and submerged land and waters)

(Q) Township 9 South, Range 15 South, Seward Meridian (only tide and submerged land and waters)

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(R) Township 5 South, Range 15 West, Seward Meridian (including all tide and submerged land and waters east of a line from Anchor Point to Point Pogibshi)

(S) Township 6 South, Range 15 West, Seward Meridian (including all tide and submerged land and waters east of a line from Anchor Point to Point Pogibshi)

(T) Township 7 South, Range 15 West, Seward Meridian (including all tide and submerged land and waters east of a line from Anchor Point to Point Pogibshi)

(U) Township 8 South, Range 15 West, Seward Meridian (including all tide and submerged land and waters east of a line from Anchor Point to Point Pogibshi)

(10) Clam Gulch: All tide and submerged land to the minus five foot elevation, from Cape Kasilof to Happy Valley, contained in the following description:

(A) Township 3 North, Range 12 West, Seward Meridian Sections 9, 16, 21, 28, 33

(B) Township 2 North, Range 12 West, Seward Meridian Sections 4, 8, 9, 17, 20, 29, 31, 32

(C) Township 1 North, Range 12 West, Seward Meridian Sections 6—7

(D) Township 1 North, Range 13 West, Seward Meridian Sections 12—14, 22, 23, 27, 33, 34

(E) Township 1 South, Range 13 West, Seward Meridian Sections 5—7

(F) Township 1 South, Range 14 West, Seward Meridian Sections 12—14, 23, 26—27, 33—34

(G) Township 2 South, Range 14 West, Seward Meridian Sections 4, 8—9, 17, 20, 29, 32

(H) Township 3 South, Range 14 West, Seward Meridian Sections 5, 6, and that portion of Section 7 lying north of Happy Creek.

(11) Copper River Delta: All public land, tideland, submerged land, and water contained in the following description: Beginning at a point on the south edge of the Copper River Highway right-of-way 200' west of its intersection with the Eyak Trail trailhead; thence southwesterly 200' west of the Eyak Trail and parallel to it approximately 4 miles to the mean high tide line; thence southwesterly along the mean high tide line to Point Whitshed; thence northwesterly along the mean high tide line to a point of intersection at the west edge of Section 21, T16S, R4W, C.R.M. and the mean high tide line at the mouth of Orca Inlet; thence westerly a distance of approximately 3 miles to the northeast tip of Little Mummy Island; thence southwesterly a distance of approximately 4 miles to the intersection of the south edge of Section 33, T16S, R5W, C.R.M. and the mean high tide line; thence along the mean high tide line on the east portion of Hinchinbrook Island, including Boswell Bay to Point Bentinck; thence S.68°E. approximately 57

miles to a point of intersection with the protracted boundary line common between R4E and R5E, C.R.M.; thence N.13°E. approximately 10 miles to Palm Point; thence northwesterly along the mean high tide line to a point of intersection with the west boundary line of Section 25, T19S, R4E, C.R.M. to a point of intersection with the mean high tide on the north shore of Softuk Bar; thence northwesterly to Windy Point; thence due east approximately 1.1 miles to the 200 foot contour; thence northerly along the 200 foot contour around Ragged Mountain, easterly and northerly along the eastern shore of Martin and Little Martin lakes to a point 4 miles due south of Bridge No. 227 on the Proposed Bering River Highway; thence north to Bridge No. 227; thence westerly along the south edge of the Bering River Highway to its junction with the Copper River Highway; thence, westerly along the south edge of the Copper River Highway to the point of beginning; excluding all areas within the Cordova Airport Boundaries. (§ 2 ch 140 SLA 1972; am § 2 ch 117 SLA 1974; am § 1 ch 31 SLA 1976; am § 1 ch 93 SLA 1978)

Editor's notes. — Section 2, ch. 31, SLA 1976, provides: "Nothing in this designation alters existing rights of access to set net site leases."

Section 3, ch. 31, SLA 1976 provides: "It

is not the intent of this Act to in any manner change the fishing rights of set net operators that have set net leases within the area described in AS 16.20.230."

**Sec. 16.20.240. Regulations.** The Board of Fisheries and the Board of Game, where appropriate, shall adopt regulations they consider advisable for conservation and protection purposes governing the taking of fish and game in state fish and game critical habitat areas. (§ 2 ch 140 SLA 1972; am § 27 ch 206 SLA 1975)

**Sec. 16.20.250. Multiple land use.** Before the use, lease or other disposal of land under private ownership or state jurisdiction and control, within state fish and game critical habitat areas created under this chapter, the person or responsible state department or agency shall notify the commissioner of fish and game. The commissioner shall acknowledge receipt of notice by return mail. (§ 2 ch 140 SLA 1972)

**Sec. 16.20.260. Submission of plans and specifications.** (a) When a board determines that the following information is required, it shall instruct the commissioner, in the letter of acknowledgment, to require the person or governmental agency to submit:

- (1) full plans for the anticipated use;
- (2) full plans and specifications of proposed construction work;
- (3) complete plans and specifications for the proper protection of fish and game; and
- (4) the approximate date when the construction or work is to commence.

(b) the board shall <sup>128</sup> require the person or governmental agency to obtain the written approval of the commissioner as to the sufficiency of the plans or specifications before construction is commenced.