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# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

### TESTIMONY TO HOUSE RESOURCE COMMITTEE

Representative Shultz, Co-Chairman  
Representative Herrmann, Co-Chairman  
Members of House Resources Committee  
February 20, 1985

#### HB 44 MARINE PARKS

Paula Burgess, Regional Manager  
Southeast Region, Division of Land and Water Management  
Department of Natural Resources

I am Paula Burgess, Southeast Regional Manager for the Division of Land and Water Management. I am the primary individual responsible for state land sales in Southeast Alaska. One of the goals of my job is to offer a reasonable number of acres of land each year for private ownership.

I operate a land sale program in Southeast Alaska that is balanced. In identifying land and planning a sale I attempt to balance local desires with statewide interests, habitat issues with human needs, and park lands with private ownership. I believe that there is enough land in Southeast Alaska to supply all of these demands.

The state has received selection approval, tentative approval, or patent to 162,000 acres from the Tongass National Forest.<sup>1</sup> Of that land base, 36,000 acres are scheduled for conveyance to municipalities, and 26,000 acres are in public use (as parks, road rights-of-way, or public facilities).

Of the remaining 100,000 acres of state land, we have transferred 8,000 acres to private ownership since the disposal program began in earnest in 1979. That leaves 92,000 acres as a state land base to be retained and managed for parks and other public uses, or to be sold for private ownership. Less than one-third of this total will prove to be suitable for settlement, the remainder being too steep, too rocky, or too wet.

When I look over the state land base to identify land for sale, I look first for land that is within commuting distance of jobs in an existing

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1. The state selected an additional 21,000 acres from the Tongass which was rejected by the Forest Service. That rejection was appealed by the state, and the issue is still in court (Alaska v. Block).

community. If none is available, I look for land near private holdings where a community and jobs may someday develop. The least desirable land sales are those that create strips of private ownership sprinkled along the coastline, where the residents have no means of making a living, and no one has the opportunity to leave development behind.

Unfortunately, this latter type of land sale, with sparse and scattered pockets of settlement along the coast, has the highest rate of success. This type succeeds where the first two types fail, because no one lives there yet. Residents and property owners in the vicinity of a land sale inevitably object. They fear that having neighbors will alter their quality of life. One question to be asked is: How much say should a few people have about the use of state land around them? How many of us would be here if the first people here weren't willing to share what they enjoyed?

The state selected 162 acres at Funter Bay from the Forest Service in 1977. We selected that land at the request of three people that had permits from the Forest Service for cabins in the bay, and wanted to purchase the land their cabins were on. The selection was made so that these people could get title to their land, and with the understanding that the state would offer additional land for private ownership. Now all seven of the property owners in Crab Cove oppose that sale, including the people that we helped get title to their land.

Funter Bay is an example of a proposed land sale that makes sense from a land management point of view. The bay has a few current residents, and additional land in private ownership that will someday be developed. The site that we propose for sale is ideal for a few additional lots, but it is not ideal for a marine park. It is already somebody's front yard. We propose to sell 60 acres (about 20 lots)<sup>2</sup>, amidst the existing private development in the bay. The lots will probably develop as recreational cabin sites now, but may someday be part of a small community. (See the attached photographs.)

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2. The lots in Funter Bay will be sold at fair market value, producing revenue for the state.

I recognize that Funter Bay is an ideal spot for a marine park because of its natural amenities, and its proximity to Juneau. Therefore, I would propose to select an additional 240 acres of the nicest land in the bay from the Forest Service for a marine park. That site, at Coot Cove, would include two miles of undeveloped shoreline, a salmon stream, seven small islands, and a seal rookery on the outer coast.

I understand the desire of the Funter Bay people to protect their quality of life, and I have spent hours with several of the residents in order to design the kind of disposal they would find most acceptable. The state has more than 150 acres in the bay, and we want to sell less than 60 acres. We are also willing to select an additional 240 acres for a marine park.

Because we plan to sell only 60 acres in Funter Bay, you might wonder why I have chosen to defend the sale as strongly as I have. Perhaps it is because this sale, when compared to many others, makes sense. If Funter Bay isn't the proper place to sell land in Southeast, then where can we sell it?

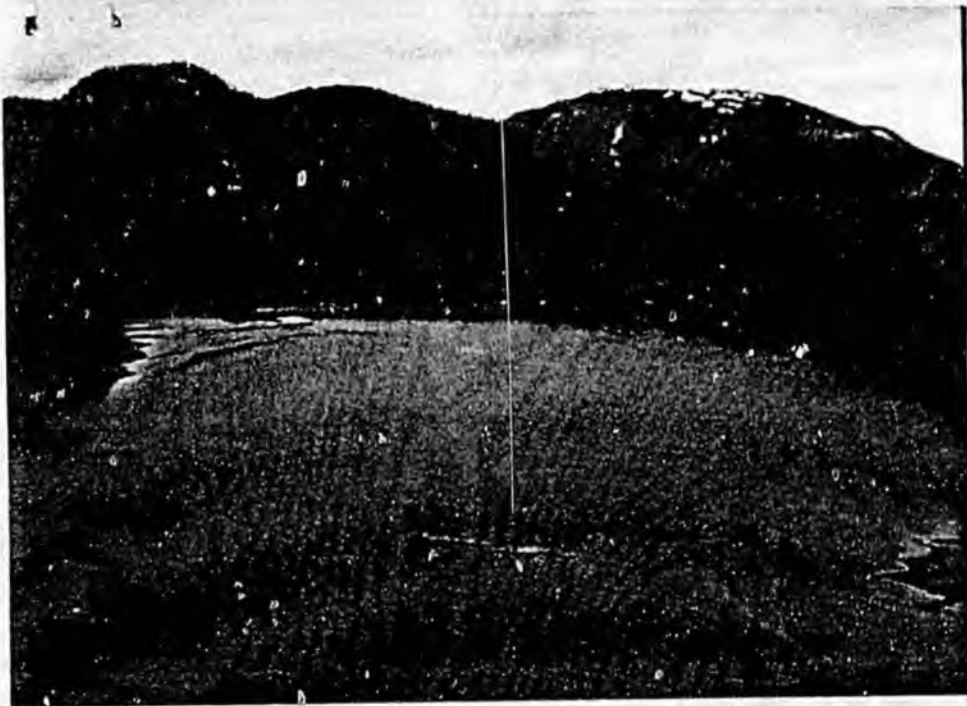
My office went through all of the legal descriptions in HB 44 very carefully. Our revised legal descriptions, for the most part, do not represent major changes but necessary clean-up. We removed Forest Service lands, private parcels, and existing subdivisions, and added tide and submerged lands which are essential to a marine park. DNR's revised legal descriptions resolve the Forest Service objections to Taku Harbor, Thoms Lake, and Traitor's Cove. There are only two substantive changes:

- 1) The alternate Funter Bay proposal; and
- 2) The exclusion of Traitor's Cove. (The state's tentative approval from the federal government recognizes the right of the Forest Service to carry out their long term timber sale plans.)

The sites, as we have revised them, would make excellent parks and would allow our balanced disposal program in Southeast Alaska to continue.

Attachments: Photographs

Summary and Control Index showing the original reason for most of the selections



## CRAB COVE

Looking into Crab Cove.  
Cabins and other structures already  
dominate the cove. State land  
is to the right of existing  
settlement.



Standing in the proposed  
marine park looking toward  
the head of the bay.



Standing in the proposed marine  
park. The creek, which is very  
close to existing development  
would be the only running water  
in the 65 acre marine park.



Anadromous salmon stream at  
the head of cove.



Old ship skeleton, with salmon  
stream in background. Mussels  
and clams on beach.



The view toward Mt. Robert Barron  
from the head of the cove.

SUMMARY AND CONTROL INDEX

## NATIONAL FOREST LAND SELECTIONS

(ALASKA STATEHOOD ACT SEC. 6(a))

## KEY TO PURPOSES OF SELECTION:

- A - Expansion of established community
- B - Development of established community
- C - Established community recreation
- D - Suitable for prospective community center
- E - Suitable for prospective recreational area
- F - Suitable for fish hatchery

A. Tongass National Forest

VICINITY	LOCATION	GROSS LAND AREA (ACRES)	NATIONAL FOREST LAND (ACRES)	PURPOSES OF SELECTIONS
Juneau	Southwest Douglas <sup>1</sup>	5610	5516.08	A, B
	Shelter Is. South	830	488.79	A, B
	Shelter Is.	898	888.74	C
	Montana Creek	2160	1988	C, E
	Douglas Is. - Eaglecrest	3880	3880	C, E
	Taku Harbor	688	624.52	C, E
	Taku River	2640	2610.005	C, E
	S. Gastineau Channel	895	788.28	A, B
	Berners Bay	7207.31	6876.79	C, D
	subtotal	24808.31	23661.20	
Petersburg	Rock Pit	160	160	B
	S. Mitkof Is.	4015	4015	D, E
	Frederick Point	2921	2921	A, B
	Wrangell Narrows	4723	4723	A, B, D, E
	subtotal	11819	11819	Beecher Pass
Upreanof	Coho Creek	3515	3515	A, B

Goldbelt Corp. Selection lies within this selection and takes precedence over it.  
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December, 1977

Sitka	Goddard Hot Springs	3731	3694.41	C,E
	Starrigavin	480	455	A,B
	subtotal	4,211	4,149.41	
Wrangell	E. Passage -			
	Zimovia Strait	10985	10853	A,B,D
	Olive Cove	520	514.13	A,B
	Thoms Place	2531	2527.23	A,B,C
	Thoms Lake	2520	2520	C,E
subtotal	16,556	16,394.36		
Port Alexander	Port Alexander	405	326.64	A,B
Elfin Cove	Elfin Cove	7	7	A,B
Pelican	Pelican	2038	1950.98	A,B
Funter Bay	Funter Bay <sup>3</sup>	1,236.1	162.511	A,B
Hoonah	Hoonah	1106	1056.52	A,B
Thomas Bay	Thomas Bay	2280	2280	D
Chilkat Peninsula	Upper Excursion Inlet	390	295.18	A,B
	Excursion Inlet	2530	2579.33	A,B
	St. James Bay	3683	3683	E
	Swanson Harbor	1095	1095	E - DISAPPROVED
	subtotal	7,698	7,452.51	
Kosciusko Is.	Edna Bay	7283	7043	D
Hyder	Hyder	1090	952	A,B

<sup>3</sup>This is a revision of NFGC 18

Ketchikan	(Dall Head	917	850.22	A, B, C
	Settlers' Cove	325	275	C
	Blank Inlet	9747	8429	C, D
	Manzanita Bay	384	384	E
	Carroll Point	1102	1085.49	A, B
	Herring Cove	770	755	A, B
	Mountain Point	600	326	A, B
	White River Loop	480	480	A, B, C
	Lake Harriet Hunt	400	400	C
	First Waterfall Cr.	1295	990	A, B
	Whipple Cr.	1750	1641	A, B
	Whipple Cr. Addition	5.35	5.35	A, B
	Vallena Bay	4632	3801	A, B
	Upper George Inlet	2903	2903	A, B
	Traitors Cove	562	362	A, B, C
	subtotal	25,672.35	22,687.06	

Prince of				
Wales Island	Port Protection	1550	1260.62	A, B
	Waterfall	1540	1530.71	D
	Hollis	4910	4339.467	A, B
	Whale Passage	2348	2348	A, B, F
	Thorne Bay	6850	6789.11	A, B
	Niblack Anchorage	1003	982	E, F
	Salmon Bay	192	192	E
	Grindell Is.	515	515	E
	So. Arm Chomondeley	568	568	F, E
	subtotal	19,476	18,524.91	

Revillagigedo				
Is.	Shrimp Bay	860	860	F, E
	Neets Creek	350	350	F, E
	Alava Bay	631	631	E
	subtotal	1,841	1,841	

*1,045.00 11/179*

Cleveland Peninsula Port Stewart 310 310 E DISAPPROVED

Etolin Is. McHenry Anchorage 805 805 E DISAPPROVED

December, 1977

Dixon Entrance	Foggy Bay	1006	1006	E	DISAPPROVED
Frederick Sound	Read Island	705	705	E	
	Le Conte Bay	242	242	E	DISAPPROVED
	subtotal	947	947		
Stephens Passage	Hobart Bay	95	95	E	DISAPPROVED
	Sundown	445	440.10	E	DISAPPROVED
	subtotal	540	535.10		
<del>Kuiu Island</del>	<del>Security Bay</del>	<del>515</del>	<del>515</del>	<del>E</del>	
	<del>Explorers Basin</del>	<del>2350</del>	<del>2350</del>	<del>E</del>	<del>DISAPPROVED</del>
	subtotal	2,865	2,865		
Lynn Canal	Chilkat Islands	540	540	E	
	Sullivan Is.	639	639	E	
	subtotal	1,179	1,179		
North Kruzof	Kalinin Bay	831	831	E	DISAPPROVED
Behm Canal	Burroughs Bay	326	326	E	DISAPPROVED
Rocky Pass	High Island	607	607	E	
Baranof Is.	Kasnyku Bay	297	297	E	
	Red Bluff Bay	1088	1088	E	
	Betty Lake	420	416	F,E	DISAPPROVED
	Deep Cove	495	495	F,E	DISAPPROVED
	Shamrock Bay	515	515	F,E	DISAPPROVED
	subtotal	2,815	2,811		

December, 1977

## Chichagof

Is.	Pavlov Harbor	543	543	E	DISAPPROVED
	Cape Bingham	1112	1112	E	-
	Goulding Harbor	862	862	E	DISAPPROVED
	Lake Anna	545	545	E	
	subtotal	<u>3,062</u>	<u>3,062</u>		
	TONGASS SPRINGS	4,369			
		<u>7,431</u>			

## Admiralty

Is.	Gambier Bay	857	857	E	
	Chaik Bay	388	388	E	
	Pleasant Bay	530	530	E	
	Windfall Harbor	576	576	E	
	Oliver Inlet	365	365	E	
	Pybus Bay	919	886.41	E	
	subtotal	<u>3,635</u>	<u>3,602.41</u>		

## Total Selections from Tongass National Forest

gross 148,806.02 acres  
 net 142,689.41 acres



Official Business

# Alaska State Legislature


## House of Representatives

Pouch V  
State Capitol  
Juneau, Alaska 99811

### MEMO

DATE: Feb. 7, 1985

TO: Natural Resources Committee members

FROM: Rep. Sam Cotten 

RE: HB 142, Kroto-Deshka Public Use Area

HB 142 would create the Kroto-Deshka Public Use Area, to protect the habitat and recreation values of state land along Kroto Creek (also known as the Deshka River) in the southern Susitna Valley. The river is the prime king salmon sport fishery in the Matanuska and Susitna drainages, and used heavily by residents of Southcentral Alaska.

The bill would raise the level of protection of the land from administratively classified (that could be administratively reclassified) to a legislative designation that could be changed only by the legislature.

Recently there has been some controversy over land uses within the area that have not been resolved by the existing planning effort or classification. HB 142 would require concurrence of the two principal resource agencies, the Department of Natural Resources and the Department of Fish and Game, to develop a plan to resolve these land use conflicts.

The public use area concept is basically a multiple use land principle with strong emphasis and priority on public uses, and prohibits any sale or long-term leasing of the land.

I urge consideration and passage of HB142.

HB 142 Sectional Analysis

- (1) Section 41.21.876  
States the purpose of the bill, which is to legislatively designate the land to be managed for the purposes of preserving and protecting habitats and public uses for land along Kroto Creek (Desnka River).
- (2) Section 41.21.878
  - (a) States that the Department of Natural Resources is to manage the land resources and the Department of Fish and Game will manage the wildlife resources.
  - (b) DNR is to develop a plan, which may be a revision of an existing or proposed plan, with the concurrence of DF&G;
  - (c) that mineral leases may be issued by DNR when when not inconsistent with the purposes of the protection of wildlife
  - (d) that the area is closed to mining claims;
  - (e) that short-term leases may be issued;
  - (f) that DNR is prohibited from selling land;
  - (g) that the state may not condemn, but may otherwise acquire land within the area.
- (3) Section 41.21.880  
Establishes the area and defines the land subject to the bill (see map attached).

Introduced: 2/4/85  
Referred: Resources and  
Finance

1 IN THE HOUSE

BY COTTE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 142  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act creating the Kroto-Deshka Public Use Area."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 41.21 is amended by adding new sections to read:

9 ARTICLE 7A. PUBLIC USE AREAS.

10 Sec. 41.21.876. PURPOSE. The purpose of AS 41.21.876 - 41.21.-  
11 880 is to establish the area described in AS 41.21.880 as the Kroto-  
12 Deshka Public Use Area. The Kroto-Deshka Public Use Area is estab-  
13 lished to

14 (1) protect and maintain fish and wildlife habitat and  
15 populations, waterfowl nesting areas, and other important habitats for  
16 moose, bear and other furbearers;

17 (2) perpetuate public uses of fish and wildlife and their  
18 habitat including fishing, hunting, trapping, viewing, photography,  
19 and general public recreation in a high quality environment;

20 (3) allow other public uses of the area when compatible  
21 with the purposes specified in (1) and (2) of this section.

22 Sec. 41.21.878. MANAGEMENT. (a) Management of the surface and  
23 subsurface estate of the Kroto-Deshka Public Use Area is the respon-  
24 sibility of the Department of Natural Resources. After adequate  
25 public hearings the Department of Natural Resources shall develop and  
26 adopt and may revise a management plan for the Kroto-Deshka Public Use  
27 Area with the concurrence of the Department of Fish and Game.

28 (b) The Department of Fish and Game is responsible for the  
29 management of fish and game resources and public use of fish and

1 wildlife in the Kroto-Deshka Public Use Area consistent with the  
2 purposes of AS 16.20.400.

3 (c) The Kroto-Deshka Public Use Area is open to mineral leasing  
4 under AS 38.05.135 - 38.05.184 if the commissioner of natural re-  
5 sources determines that mineral leasing is not inconsistent with the  
6 purposes specified in AS 41.21.876. Each valid existing mining lease  
7 and multiple land use permit remains valid and shall continue in full  
8 force and effect according to its terms.

9 (d) The Department of Natural Resources may issue surface leases  
10 under AS 38.05.070 - 38.05.105 for a term not to exceed five years  
11 within the Kroto-Deshka Public Use Area. The Department of Natural  
12 Resources may not sell land under AS 38.05.045 - 38.05.069 within the  
13 Kroto-Deshka Public Use Area and the land within the Kroto-Deshka  
14 Public Use Area is closed to mineral entry under AS 38.05.185 - 38.-  
15 05.275.

16 (e) The state may not acquire by eminent domain privately owned  
17 land within or abutting state-owned land described in AS 41.21.880 but  
18 may acquire privately owned land by purchase, exchange, or otherwise  
19 for inclusion in the Kroto-Deshka Public Use Area.

20 (f) The Department of Natural Resources may adopt regulations to  
21 implement the provisions of AS 41.21.876 - 41.21.880.

22 Sec. 41.21.880. KROTO-DESHKA PUBLIC USE AREA ESTABLISHED. The  
23 state-owned land and water and all that acquired in the future by the  
24 state, lying within the boundaries described in this section, are  
25 designated as the Kroto-Deshka Public Use Area, are reserved from all  
26 uses incompatible with their primary function as public use lands, and  
27 are assigned to the Department of Natural Resources for control,  
28 development, and maintenance:

29 Township 19 North, Range 6 West, Seward Meridian

1	Section 2 W1/2
2	Section 3
3	Sections 10 - 11
4	Section 14
5	Section 15 E1/2
6	Section 22 E1/2
7	Section 23
8	Section 26
9	Section 27 E1/2
10	Section 34 E1/2
11	Section 35
12	Township 20 North, Range 6 West, Seward Meridian
13	Section 4
14	Section 5 E1/2
15	Section 8 E1/2
16	Section 9
17	Section 15 W1/2
18	Section 16
19	Section 21 E1/2, N1/2NW1/4, SE1/4NW1/4
20	Section 22
21	Section 27
22	Section 34
23	Township 21 North, Range 6 West, Seward Meridian
24	Sections 3 - 4
25	Sections 8 - 10
26	Section 15 W1/2
27	Section 16
28	Section 20 E1/2
29	Section 21

1                   Section 28  
2                   Section 29 E1/2  
3                   Section 32 E1/2  
4                   Section 33  
5                   Township 22 North, Range 6 West, Seward Meridian  
6                   Section 4 W1/2, W1/2E1/2  
7                   Section 5 W1/2  
8                   Sections 6 - 7  
9                   Section 8 W1/2  
10                   Section 9  
11                   Section 16 W1/2, W1/2E1/2  
12                   Sections 17 - 18  
13                   Sections 20 - 21  
14                   Section 27 W1/2  
15                   Section 28  
16                   Section 29 NE1/4  
17                   Section 33 E1/2  
18                   Section 34

