

S B

3 5

Bradley
5/9/85

Original sponsors: Kerttula and V.Fischer

1 IN THE SENATE BY THE RESOURCES COMMITTEE
 2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35 (Resources)
 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 Nelchina Public Use Area."
 7

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

9 * Section 1. AS 41 is amended by adding a new chapter to read:

10 * CHAPTER 23. MULTIPLE USE MANAGEMENT OF PUBLIC RESOURCES.

11 ARTICLE 1. PUBLIC USE AREAS.

12 Sec. 41.23.010. PURPOSE. The purpose of AS 41.23.010 - 41.23.-
 13 040 is to establish the area described in AS 41.23.040 as the Nelchina
 14 Public Use Area. The Nelchina Public Use Area is established to

15 (1) protect and maintain fish and wildlife habitat, partic-
 16 ularly caribou calving areas, trumpeter swan nesting areas, and other
 17 important habitats for moose, Dall sheep, and brown bear so that
 18 traditional public uses of fish and wildlife populations may continue;

19 (2) perpetuate and enhance public enjoyment of fish and
 20 wildlife and their habitat including fishing, hunting, trapping,
 21 viewing, photography;

22 (3) perpetuate and enhance general public recreation in a
 23 quality environment;

24 (4) perpetuate and enhance additional public uses described
 25 in the Susitna Area Plan;

26 (5) allow additional public uses of the area in a manner
 27 compatible with the purposes specified in (1) - (4) of this section.

28 Sec. 41.23.020. MANAGEMENT. (a) Management of the surface and
 29 subsurface estate of the Nelchina Public Use Area is the responsibil-
 ity of the Department of Natural Resources. After adequate public

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* 2 hearings the commissioner may designate incompatible uses and shall
3 adopt and may revise a management plan for the Nelchina Public Use
4 Area. With regard to the management of land within the central caribou
5 calving area described in AS 41.23.040(b), the commissioner shall
6 obtain the concurrence of the Department of Fish and Game in the
7 adoption and revision of the management plan. With regard to the
8 management of land within the public use area described in AS 41.23.-
9 040(c), the commissioner shall consult with the Department of Fish and
10 Game in the adoption and revision of the management plan.

11 (b) The Department of Fish and Game is responsible for the
12 management of fish and game resources and public use of fish and
13 wildlife in the Nelchina Public Use Area consistent with the purposes
14 of AS 41.23.010.

15 (c) The Nelchina Public Use Area shall be open to mineral entry
16 under AS 38.05.185 - 38.05.275, and the commissioner may adopt regu-
17 lations to achieve the purposes specified in AS 41.23.010. Each valid
18 existing right or permit shall remain valid and continue in full force
19 and effect according to its terms. Exploration, development, and
* 20 extraction of subsurface resources shall be allowed in a manner that
21 is compatible with the purposes specified in AS 41.23.010(1) - (4).

22 (d) The state may not acquire by eminent domain privately owned
23 land within or abutting state-owned land described in AS 41.23.040 but
24 may acquire privately owned land by purchase, exchange, or otherwise
25 for inclusion in the Nelchina Public Use Area.

* 26 (e) The commissioner may not manage the Nelchina Public Use Area
27 as a unit of the state park system.

28 Sec. 41.23.030. COMPATIBILITY OF USES. (a) Except as provided
29 in this section, the commissioner may prohibit or restrict incompat-
ible uses under the management plan adopted under AS 41.23.020 within

1 the state-owned land and water described in AS 41.23.040.

2 (b) Nothing in AS 41.23.010 - 41.23.040 prohibits the Department
3 of Fish and Game from engaging in rehabilitation, enhancement, and
4 development of fish and wildlife habitat within an area described in
5 AS 41.23.040.

* 6 (c) The commissioner may not restrict lawful sport and subsis-
7 tence fishing, hunting, or trapping rights allowed under a regulation
8 of the Board of Fisheries or the Board of Game within the Nelchina
9 Public Use Area.

* 10 (d) The commissioner shall allow traditional access to the
11 Nelchina Public Use Area by motorized or nonmotorized means of trans-
12 portation to private land, interests in private land, and for lawful
13 sport and subsistence hunting, fishing, trapping, and recreational
14 purposes in a manner that is compatible with purposes specified in
15 AS 41.23.010(1) - (4).
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17 (e) The Department of Public Safety and the Department of Fish
18 and Game shall have necessary access for fish and game management,
19 research, and enforcement purposes.

20 (f) If the commissioner determines that a use is incompatible
21 with one or more other uses in a portion of the Nelchina Public Use
22 Area, the commissioner shall state in the management plan adopted or
23 revised under AS 41.23.020

- * 24 (1) each determination of incompatibility;
- 25 (2) the specific area where the incompatibility is de-
- 26 termined to exist;
- 27 (3) the time within which the incompatibility is determined
- 28 to exist; and
- 29 (4) the reasons for each determination of incompatibility.

Sec. 41.23.040. NELCHINA PUBLIC USE AREA. (a) The vacant and

1 unappropriated state-owned land and water and the state land and water
 2 acquired in the future that lie within the boundaries described in
 3 this section are designated as the Nelchina Public Use Area, are
 4 reserved for all uses compatible with their primary function as public
 5 use land, and are assigned to the Department of Natural Resources for
 6 control and management.

7 (b) The land described in this subsection is the central caribou
 8 calving area:

- 9 (1) Township 5 North, Range 10 West, Copper River Meridian,
 10 Section 5
 11 Section 8
 12 Section 17;

- 13 (2) Township 6 North, Range 10 West, Copper River Meridian,
 14 Sections 4 - 5
 15 Sections 8 - 9
 16 Sections 16 - 17
 17 Sections 20 - 21
 18 Sections 28 - 29
 19 Sections 32 - 33;

- 20 (3) Township 7 North, Range 10 West, Copper River Meridian,
 21 Sections 4 - 5
 22 Sections 8 - 9
 23 Sections 16 - 17
 24 Sections 20 - 21
 25 Sections 28 - 29
 26 Sections 32 - 33;

- 27 (4) Township 8 North, Range 10 West, Copper River Meridian,
 28 Sections 4 - 5
 29 Sections 8 - 9

1 Sections 16 - 17

2 Sections 20 - 21

3 Sections 28 - 29

4 Sections 32 - 33;

5 (5) Township 9 North, Range 10 West, Copper River Meridian,

6 Sections 20 - 22,

7 Sections 27 - 29

8 Sections 32 - 34;

9 (6) Township 10 North, Range 10 West, Copper River Merid-
10 ian, those portions of Sections 2 - 4 and 11 lying south of the Tyone
11 River and

12 Sections 9 - 10

13 Sections 14 - 16;

14 (7) Township 23 North, Range 8 East, Seward Meridian,

15 Sections 1 - 6

16 Sections 8 - 12;

17 (8) Township 23 North, Range 9 East, Seward Meridian,

18 Sections 1 - 14;

19 (9) Township 23 North, Range 10 East, Seward Meridian,

20 Sections 3 - 9;

21 Sections 17 - 20;

22 (10) Township 23 North, Range 11 East, Seward Meridian,

23 Sections 1 - 4;

24 (11) Township 23 North, Range 12 East, Seward Meridian,

25 Section 6;

26 (12) Township 24 North, Range 7 East, Seward Meridian,

27 Section 1

28 Sections 12 - 13

29 Sections 24 - 25;

- 1 (13) Township 24 North, Range 8 East, Seward Meridian;
2 (14) Township 24 North, Range 9 East, Seward Meridian;
3 (15) Township 24 North, Range 10 East, Seward Meridian;
4 (16) Township 24 North, Range 11 East, Seward Meridian;
5 (17) Township 24 North, Range 12 East, Seward Meridian,
6 Sections 1 - 23
7 Sections 26 - 31
8 (18) Township 25 North, Range 7 East, Seward Meridian,
9 Sections 1 - 2
10 Sections 11 - 13
11 Sections 24 - 25
12 Section 36;
13 (19) Township 25 North, Range 8 East, Seward Meridian;
14 (20) Township 25 North, Range 9 East, Seward Meridian;
15 (21) Township 25 North, Range 10 East, Seward Meridian;
16 (22) Township 25 North, Range 11 East, Seward Meridian;
17 (23) Township 25 North, Range 12 East, Seward Meridian;
18 (24) Township 26 North, Range 7 East, Seward Meridian,
19 Sections 1 - 17
20 Sections 20 - 28
21 Sections 35 - 36
22 (25) Township 26 North, Range 8 East, Seward Meridian;
23 (26) Township 26 North, Range 9 East, Seward Meridian;
24 (27) Township 26 North, Range 10 East, Seward Meridian;
25 (28) Township 26 North, Range 11 East, Seward Meridian;
26 (29) Township 26 North, Range 12 East, Seward Meridian;
27 (30) Township 27 North, Range 6 East, Seward Meridian,
28 Sections 1 - 3
29 Sections 11 - 13;

- 1 (31) Township 27 North, Range 7 East, Seward Meridian,
2 (32) Township 27 North, Range 8 East, Seward Meridian;
3 (33) Township 27 North, Range 9 East, Seward Meridian;
4 (34) Township 27 North, Range 10 East, Seward Meridian;
5 (35) Township 27 North, Range 11 East, Seward Meridian;
6 (36) Township 27 North, Range 12 East, Seward Meridian;
7 (37) Township 28 North, Range 6 East, Seward Meridian,
8 Sections 1 - 6
9 Sections 8 - 17
10 Sections 21 - 28;
11 Sections 33 - 36;
12 (38) Township 28 North, Range 7 East, Seward Meridian,
13 (39) Township 28 North, Range 8 East, Seward Meridian;
14 (40) Township 28 North, Range 9 East, Seward Meridian;
15 (41) Township 28 North, Range 10 East, Seward Meridian;
16 (42) Township 28 North, Range 11 East, Seward Meridian;
17 (43) Township 28 North, Range 12 East, Seward Meridian;
18 (44) Township 29 North, Range 5 East, Seward Meridian,
19 Section 13
20 Sections 23 - 26
21 Section 36;
22 (45) Township 29 North, Range 6 East, Seward Meridian;
23 (46) Township 29 North, Range 7 East, Seward Meridian,
24 (47) Township 29 North, Range 8 East, Seward Meridian;
25 (48) Township 29 North, Range 9 East, Seward Meridian;
26 (49) Township 29 North, Range 10 East, Seward Meridian;
27 (50) That portion of Township 29 North, Range 11 East,
28 Seward Meridian, lying south of the Susitna River;
29 (51) Township 29, North, Range 12 East, Seward Meridian,

- 1 Sections 3 - 9
2 Sections 16 - 21
3 Sections 28 - 34;
4 (52) Township 30 North, Range 6 East, Seward Meridian,
5 Sections 13 - 14
6 Sections 20 - 29
7 Sections 32 - 36;
8 (53) Township 30 North, Range 7 East, Seward Meridian,
9 Sections 1 - 3
10 Sections 8 - 36
11 (54) Township 30 North, Range 8 East, Seward Meridian;
12 (55) That portion of Township 30 North, Range 9 East, Seward
13 Meridian, lying southeast of the Susitna River;
14 (56) That portion of Township 30 North, Range 10 East,
15 Seward Meridian, lying south of the Susitna River;
16 (57) That portion of Township 30 North, Range 11 East,
17 Seward Meridian, lying south of the Susitna River;
18 (58) That portion of Township 30 North, Range 12 East,
19 Seward Meridian, lying south of the Susitna and Tyone Rivers;
20 (59) Township 31 North, Range 7 East, Seward Meridian,
21 Sections 13 - 14,
22 Sections 22 - 27
23 Sections 34 - 36;
24 (60) That portion of Township 31 North, Range 8 East, Seward
25 Meridian, lying south of the Susitna River;
26 (61) That portion of Township 31 North, Range 9 East, Seward
27 Meridian, lying south of the Susitna River;
28 (62) Township 31 North, Range 10 East, Seward Meridian, that
29 portion of section 31 lying southeast of the Susitna River.

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2 (c) The land described within this subsection is the area of the
3 Nelchina Public Use Area that is outside of the central caribou calv-
4 ing area:

- 5 (1) Township 21 North, Range 6 East, Seward Meridian,
6 Section 1
7 Section 3, W1/2
8 Sections 4 - 9
9 Section 11, E1/2
10 Sections 12 - 13
11 Section 14, E1/2
12 Sections 16 - 20
13 Section 23, E1/2
14 Sections 24 - 27
15 Section 30;
- 16 (2) Township 21 North, Range 7 East, Seward Meridian,
17 Sections 1 - 26
18 Sections 29 - 30
19 Section 33, S1/2
20 Section 34, S1/2
21 Sections 35 - 36;
- 22 (3) Township 21 North, Range 8 East, Seward Meridian;
23 (4) Township 21 North, Range 9 East, Seward Meridian;
24 (5) Township 21 North, Range 10 East, Seward Meridian;
25 (6) Township 22 North, Range 6 East, Seward Meridian,
26 Sections 1 - 22
27 Sections 24 - 25
28 Sections 27 - 34
29 Section 36;
- (7) Township 22 North, Range 7 East, Seward Meridian;

- 1 (8) Township 22 North, Range 8 East, Seward Meridian;
2 (9) Township 22 North, Range 9 East, Seward Meridian;
3 (10) Township 22 North, Range 10 East, Seward Meridian;
4 (11) Township 22 North, Range 11 East, Seward Meridian;
5 (12) Township 22 North, Range 12 East, Seward Meridian,
6 Sections 1 - 24
7 Sections 27 - 34;
8 (13) Township 23 North, Range 6 East, Seward Meridian;
9 (14) Township 23 North, Range 7 East, Seward Meridian;
10 (15) Township 23 North, Range 8 East, Seward Meridian,
11 Section 7
12 Sections 13 - 36;
13 (16) Township 23 North, Range 9 East, Seward Meridian,
14 Sections 15 - 36;
15 (17) Township 23 North, Range 10 East, Seward Meridian,
16 Sections 1 - 2
17 Sections 10 - 16
18 Sections 21 - 36;
19 (18) Township 23 North, Range 11 East, Seward Meridian,
20 Sections 5 - 36;
21 (19) Township 23 North, Range 12 East, Seward Meridian,
22 Sections 1 - 5
23 Sections 7 - 36;
24 (20) Township 24 North, Range 6 East, Seward Meridian;
25 (21) Township 24 North, Range 7 East, Seward Meridian,
26 Sections 2 - 11
27 Sections 14 - 23
28 Sections 26 - 36;
29 (22) Township 24 North, Range 12 East, Seward Meridian,

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Sections 24 - 25

Sections 32 - 36;

- (23) Township 25 North, Range 4 East, Seward Meridian;
- (24) Township 25 North, Range 5 East, Seward Meridian;
- (25) Township 25 North, Range 6 East, Seward Meridian;
- (26) Township 25 North, Range 7 East, Seward Meridian,

Sections 3 - 10

Sections 14 - 23

Sections 26 - 35;

- (27) Township 26 North, Range 3 East, Seward Meridian;
- (28) Township 26 North, Range 4 East, Seward Meridian;
- (29) Township 26 North, Range 5 East, Seward Meridian;
- (30) Township 26 North, Range 6 East, Seward Meridian;
- (31) Township 26 North, Range 7 East, Seward Meridian,

Sections 18 - 19

Sections 29 - 34;

- (32) Township 27 North, Range 3 East, Seward Meridian;
- (33) Township 27 North, Range 4 East, Seward Meridian;
- (34) Township 27 North, Range 5 East, Seward Meridian;
- (35) Township 27 North, Range 6 East, Seward Meridian,

Sections 4 - 10

Sections 14 - 36;

- (36) Township 28 North, Range 3 East, Seward Meridian;
- (37) Township 28 North, Range 4 East, Seward Meridian;
- (38) Township 28 North, Range 5 East, Seward Meridian;
- (39) Township 28 North, Range 6 East, Seward Meridian,

Section 7

Sections 18 - 20

Sections 29 - 32;

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(40) Township 29 North, Range 3 East, Seward Meridian;

(41) Township 29 North, Range 4 East, Seward Meridian;

(42) Township 29 North, Range 5 East, Seward Meridian,

Sections 1 - 12

Sections 14 - 22

Sections 27 - 35;

(43) Township 29 North, Range 12 East, Seward Meridian,

Sections 1 - 2

Sections 10 - 15

Sections 22 - 27

Sections 35 - 36;

(44) Township 30 North, Range 3 East, Seward Meridian;

(45) Township 30 North, Range 4 East, Seward Meridian;

(46) Township 30 North, Range 5 East, Seward Meridian;

(47) Township 30 North, Range 6 East, Seward Meridian,

Sections 1 - 12

Sections 15 - 19

Sections 30 - 31;

(48) Township 30 North, Range 7 East, Seward Meridian,

Sections 4 - 7;

(49) That portion of Township 31 North, Range 3 East, Seward Meridian, lying south of the Susitna River;

(50) That portion of Township 31 North, Range 4 East, Seward Meridian, lying south of the Susitna River;

(51) Township 31 North, Range 5 East, Seward Meridian;

(52) Township 31 North, Range 6 East, Seward Meridian;

(53) Township 31 North, Range 7 East, Seward Meridian, those portions of Sections 2 - 4 and Sections 11 - 12 lying south of the Susitna River, and

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Sections 5 - 10

Sections 15 - 21

Sections 28 - 33;

(54) That portion of Township 32 North, Range 4 East, Seward Meridian, lying south of the Susitna River;

(55) That portion of Township 32 North, Range 5 East, Seward Meridian, lying south of the Susitna River;

(56) That portion of Township 32 North, Range 6 East, Seward Meridian, lying south of the Susitna River;

(57) That portion of Township 32 North, Range 7 East, Seward Meridian, lying south of the Susitna River;

(58) Township 3 North, Range 9 West, Copper River Meridian,
Sections 1 - 30

Sections 33 - 34;

(59) Township 3 North, Range 10 West, Copper River Meridian;

(60) Township 3 North, Range 11 West, Copper River Meridian;

(61) Township 4 North, Range 9 West, Copper River Meridian,
all sections except for portions of sections 20 and 29 described as
John Lake Subdivision (ASLS-82-190);

(62) Township 4 North, Range 10 West, Copper River Meridian;

(63) Township 4 North, Range 11 West, Copper River Meridian;

(64) Township 5 North, Range 9 West, Copper River Meridian;

(65) Township 5 North, Range 10 West, Copper River Meridian,

Sections 1 - 4

Sections 9 - 16

Sections 19 - 36;

(66) Township 6 North, Range 9 West, Copper River Meridian;

(67) Township 6 North, Range 10 West, Copper River Meridian,

Sections 1 - 3

1 Sections 10 - 15

2 Sections 22 - 27

3 Sections 34 - 36;

4 (68) Township 7 North, Range 9 West, Copper River Meridian;

5 (69) Township 7 North, Range 10 West, Copper River Meridian,

6 Sections 1 - 3

7 Sections 10 - 15

8 Sections 22 - 27

9 Sections 34 - 36;

10 (70) Township 8 North, Range 9 West, Copper River Meridian;

11 (71) Township 8 North, Range 10 West, Copper River Meridian,

12 Sections 1 - 3

13 Sections 10 - 15

14 Sections 22 - 27

15 Sections 34 - 36;

16 (72) That portion of Township 9 North, Range 9 West, Copper
17 River Meridian, lying south west of the Tyone River;

18 (73) Township 9 North, Range 10 West, Copper River Meridian,

19 Sections 1 - 4

20 Sections 9 - 16

21 Sections 23 - 26

22 Sections 35 - 36;

23 (74) That portion of Township 10 North, Range 9 West, Copper
24 River Meridian, lying southwest of the Tyone River;

25 (75) Township 10 North, Range 10 West, Copper River Merid-
26 ian, that portion of Sections 12 and 13 south of the Tyone River, and

27 Sections 21 - 28

28 Sections 33 - 36

29 * Sec. 2. Nothing in AS 41.23.010 - 41.23.040 as enacted in sec. 1 of

1 this Act may be construed to restrict the development and establishment of
2 the Susitna Hydroelectric Project.
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4 *(section 3 deleted)*
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Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-4801

PLANNING DEPARTMENT

LAND MANAGEMENT
745-9652

PLATTING
745-9650

PLANNING
745-9661

April 16, 1985

APR 19 1985

Honorable Jan Faiks
Alaska State Senate
Pouch V
Juneau, AK 99811

RE: SSSB 35 - Nelchina Public Use Area

Dear Senator Faiks:

Attached is a resolution of the Matanuska-Susitna Borough Assembly supporting the establishment of a Nelchina Public Use Area. The area covered by SSSB 35 encompasses the major caribou calving grounds of the Nelchina caribou herd.

The Susitna Area Plan which was recently adopted by the Assembly called for the establishment of a Nelchina Public Use Area. That Plan had over 40 public hearings over a three year period and was a successful joint effort between the Borough and the Department of Natural Resources.

In addition to the Borough's support for this piece of legislation, both the Departments of Fish & Game and Natural Resources have indicated support for the bill. The sponsor substitute for SB 35 is now awaiting a hearing before the Senate Finance Committee, and we urge you to schedule a hearing this session.

If there is anything the Borough can do in the way of testifying or providing other support for this piece of legislation, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Robert J. Stickles".

Robert J. Stickles
Planning Director

mu

Attachment

cc: Senator Kerttula

AMENDED

Planning Director

MATANUSKA-SUSITNA BOROUGH

ASSEMBLY RESOLUTION SERIAL # 85- 21

A RESOLUTION OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH SUPPORTING THE ESTABLISHMENT OF A NELCHINA PUBLIC USE AREA.

WHEREAS, Administration recommends establishment of Nelchina Public Use Area; and

WHEREAS, the Susitna Area Plan has identified these lands for retention in public ownership to protect fish and wildlife resources, to provide recreation opportunities, and to permit exploration and development of mineral resources; and

WHEREAS, it should be the intent to insure the traditional and customary uses including, but not limited to, snow machining, use of swamp buggies, aircraft and power boats; and

WHEREAS, the Nelchina Public Use Area is consistent with the concept of the Talkeetna Mountain Special Use District; and

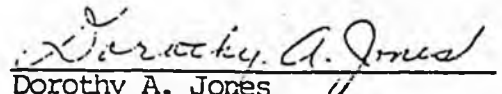
WHEREAS, legislative protection of these lands will insure long term retention in public ownership; and

WHEREAS, disposal of public lands within the Public Use Area will be prohibited; and

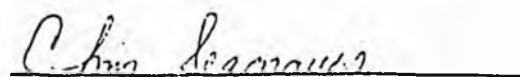
WHEREAS, adverse impact of mining on critical caribou calving areas will be regulated through the application of lease stipulations or State Land Use Permit guidelines proposed in the Susitna Area Plan.


NOW THEREFORE, BE IT RESOLVED that the Assembly of the Matanuska-Susitna Borough does hereby support the establishment of a Nelchina Public Use Area.

ACCEPTED AND APPROVED by the Assembly of the Matanuska-Susitna Borough this 14th day of February, 1985.


Dorothy A. Jones
Borough Mayor

ATTEST:


Chris Seagraves
Borough Clerk

REVIEWED AND APPROVED:

Gary Thurlow
Borough Manager



Alaska Environmental Lobby, Inc.

204 N. Franklin Street, Suite 3 Juneau, Alaska 99801

907-586-2315

THE NELCHINA PUBLIC USE AREA: SB35

The Nelchina Public Use Area encompasses 2.3 million acres of primarily state owned lands on the northeastern slopes of the Talkeetna Mountains. The area supports a variety of wildlife resources and recreational use. Wildlife includes caribou, moose, sheep, brown bear, black bear, wolf and wolverine as well as many species of furbearers, waterfowl, small game and unclassified game. Recreational use of the area includes hunting, fishing, backpacking, climbing, canoeing, whitewater rafting, ORV use, snowmachining, skiing, and panning for gold amongst others.

The Nelchina caribou herd, numbering 25,000, is the largest in Southcentral and due to its proximity to both Anchorage and Fairbanks, has been the most accessible caribou herd in Alaska since before statehood. Once numbering 70,000, the caribou are being impacted by increasing development pressures north of the Glenn Highway which is altering and removing lands from the habitat base and by the Trans-Alaska pipeline which bisects their traditional range. The calving grounds are the "center of habitation" for the herd which covers an area of about 1 million acres and makes up the core of the Nelchina Public Use Area. The herds are most vulnerable when moving to and using these grounds.

The Susitna Area Plan after over 40 public hearings during a 3 year process, has identified the Nelchina Public Use Area and has recommended it for immediate legislative designation. SB35 sponsored by Sen. Jalmar Kerttula would provide for the establishment of the Nelchina Public Use Area, the purpose of which would be to assure that these lands remain in public ownership and that area fish and wildlife populations and habitat as well as associated compatible recreational uses are perpetuated. It would also provide:

- ** DNR to be land managers and to develop a management plan with the concurrence of ADF&G who would manage fish and game resources.
- ** Mineral entry under regulations set up by DNR to achieve the area's purpose. Valid existing mining claims and multiple land use permits would remain valid and continue in full force.
- ** Traditional access for lawful sport and subsistence hunting, fishing and trapping.

The Alaska Environmental Lobby supports the establishment of the Nelchina Public Use Area and SB35 and will be closely monitoring the developments in this legislation.

Prepared by Mark Stasik, staff lobbyist for the AEL, 3/4/85

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER SIERRA CLUB • JUNEAU GROUP SIERRA CLUB • SITKA GROUP SIERRA CLUB
ANCHORAGE GROUP SIERRA CLUB • DENALI GROUP SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY
DENALI PENINSULA COUNCIL • ALASKA FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY
DENALI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • ALASKA WILDERNESS GUIDES ASSOCIATION
SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL



Dept. of Transportation & Public Facilities

Position Paper

WAR 2 2 1985

BILL NO: SSSB 35

APPROVED:

[Signature]
P. W. Mapp
Commissioner

TITLE: An Act Creating the Nelchina Public Use Area

DATE:

3/11/85

The Department of Transportation and Public Facilities has no objection to the creation of the Nelchina Public Use Area based on our understanding of SSSB 35. Our understanding is that SSSB 35 is creating a new category of State managed land use under Title 16 ("Fish and Game") of the Alaska Statutes. Further, it is our understanding that this is a new category of land use, and restrictions will be developed and adopted under a management plan to be done at a later time.

Based on these understandings, it is the Department of Transportation and Public Facilities' position that the Department be a member of any group or body responsible for the development of the management plan for the Nelchina Public Use Area. Such membership will ensure that transportation related issues and concerns, as relate to the Department's responsibilities, are addressed to the fullest extent possible during critical stages of the management plan's development and implementation.

LEGISLATIVE PROTECTION OF THE NELCHINA CARIBOU CALVING AREA

Need for Designation

The Nelchina caribou herd is one of southcentral Alaska's most important wildlife resources. It is the largest caribou herd in southcentral Alaska, currently numbering about 25,000 caribou, and is expected to increase somewhat under continued conservative management, provided a habitat base is maintained. Due to its accessibility from Anchorage and Fairbanks, it has been the most intensively recreationally-hunted caribou herd in Alaska since before statehood. Even though hunting is now limited by permit, tremendous demand is expressed each year. More than 12,000 Alaskans applied for 1,900 Nelchina caribou hunting permits in 1984. The herd is also important in meeting the subsistence needs of Copper River Basin residents. Additionally, annual migrations often bring caribou near Nelchina highways where they provide people with otherwise uncommon wildlife viewing opportunities.

The Nelchina caribou range over an area of 20,000 square miles, annually moving to and from their calving and summer range in the Talkeetna Mountains to winter ranges in the Lake Louise Flats, across the Glenn Highway to Chistochina, and often as far east as the Wrangell Mountains near Nabesna. Although different winter ranges may be occupied from one year to the next, the calving grounds have been used every year since studies of the herd began in the 1950's. This consistent use is indicative of the importance of the calving area to

the herd. The calving grounds are the "center of habitation" for the herd, an area that meets the special needs of caribou after the long winter, where pregnant cows can find suitable habitat to give birth to and nurture their newborn calves. Over the great expanses of range covered annually by caribou, they are most vulnerable when moving to and using their calving grounds.

The Nelchina caribou will be affected by increasing development in their range. The Trans-Alaska oil pipeline has already bisected their range; the long term effects on the herd remains uncertain. The most significant new development on the horizon is the Susitna Hydroelectric project. If built, the impoundments may impede movements to and from the calving area, and disturbance associated with the project may displace caribou from some summer range. In addition, development of Native lands adjacent to the project and great increases in recreational uses in the vicinity of the impoundment are likely. Other actions also have the potential for adverse effects on the caribou: increased settlement, grazing, transportation corridors, and military operations have been proposed in the past. As development and use of the land in the upper Susitna and Copper River Basins increase, the cumulative effects will adversely affect the herd. If the state's goal is to maintain the Nelchina caribou herd, the most effective way to minimize these cumulative impacts with the least constraint on other land uses is to protect the calving ground where caribou are most vulnerable.

Area Proposed

The area proposed for legislative designation is located on the northern and eastern slopes of the Talkeetna Mountains (see enclosed map and legal description, Appendix 3). The area contains approximately one million acres and encompasses the primary calving grounds of the Nelchina caribou herd. The area is largely mountainous with rolling uplands covered by alpine herbaceous and subalpine shrubland vegetation. It is undeveloped except for small placer mining operations and a few cabins used for hunting and trapping. The area has no merchantable timber, no agricultural potential, and little commercial grazing capability, but it has substantial wildlands recreation values. The area supports considerable hunting effort directed at caribou, moose and brown bear, although hunting for moose, bears and sheep is more intense in the peripheral sections (see the Nelchina Public Use Area description, Appendix 1) where populations of these species are larger. In addition to big game hunting, the area receives use by small game hunters, trappers, sport fishermen, backpackers, and winter recreationists.

Options for Designation

The Department of Fish and Game (ADF&G) believes legislative designation of this area is needed to permanently protect its special values. The form of designation is secondary to the considerations of ensuring long-term retention and management provisions protecting the Nelchina caribou population and other fish and wildlife resources and

associated public uses. The Nelchina caribou calving area can be designated separately, or in combination with surrounding lands with significant public use values. Several kinds of designation are possible including a public use area, a critical habitat area, a state game refuge, or some other new form of designation.

1. Calving area only. The central calving area is the most critical and important area requiring designation. The Susitna Area Plan has identified it, as meriting immediate legislative designation as a public use area, while recommending eventual designation for surrounding lands as an addition to the public use area. Preliminary draft legislation (Appendix 4) reflecting tentative agreements reached by the ADF&G and the Department of Natural Resources (ADNR) in the preparation of the Governor's South-central Recreation Action Plan would assign the area to ADNR for control, development and maintenance and would provide for ADF&G concurrence with a management plan to be prepared by ADNR for the area. The ADF&G's statutory/regulatory authority in the area would be limited to its general authorities for management of fish and game resources and public uses of fish and game. The ADF&G would rely on provisions of the management plan and on existing consultation procedures with ADNR to protect habitat and wildlife (especially caribou) from land uses potentially inimical to these resources in the area. If statutory authority for such protection by the ADF&G is desired, critical habitat designation would be appropriate. Other options would be to establish the area as a game refuge or create a new article in Title 16,

Chapter 20 for Fish and Game Public Use Areas containing language similar to that found in AS 16.20.050 and .060 (permitting authority).

2. Calving area plus public use area. The original proposed Nelchina Public Use Area, first considered by the legislature in 1980, contains approximately 2.3 million acres of land with exceptional wildlife and public use values (see enclosed map and description, Appendix 1 and 2). Although the final draft of the Susitna Area Plan recommends immediate legislative designation only for the central calving area of about one million acres (with subsequent designation of the remainder at some future date), the ADNR has indicated that it is not opposed to designation of the entire public use area at this time if that is the legislature's wish. Numerous public comments on the draft Susitna Area Plan have supported immediate designation of the larger area.

The enclosed draft bill can be used for either the central calving area or the larger public use area if the designation is to be as a public use area. If the legislature finds it desirable to accord the entire area special designation but feels it is appropriate to give the ADF&G some statutory authority in determining compatibility of land uses in the central calving area (beyond concurrence in a management plan), critical habitat or refuge designation or a new category of lands as suggested above could be established. One option that could be considered

is to have concurrent designation of the calving area as both part of a larger public use area and as critical habitat. Under this option, the entire area would be managed under the provisions of the public use area and the management plan developed jointly by the ADF&G and ADNR. At the same time, the critical caribou calving habitat could be protected when necessary under its critical habitat status.

TALKEETNA MOUNTAINS SUBREGION

The following section describes land use policy within the Talkeetna Mountain Subregion. It is divided into two parts. The first is an overview of resources and their management for the subregion as a whole. The second presents specific statements of management intent, land use designations, prohibited uses, and management guidelines for each of the subregion's three management units. The land use plan's proposals on two issues--the borough's Talkeetna Mountains Special Use District and the proposed Susitna Hydroelectric project--overlap several management units and are therefore presented in the first part of this subregion summary under the section on management summary. Maps showing land ownership in the subregion and boundaries of management units and subunits are presented at the end of the first part.

I. SUBREGION OVERVIEW

A. Background

The boundaries of the Talkeetna Mountains Subregion are the planning area boundaries on the north and east (these coincide with the boundary of the Matanuska-Susitna Borough), a line that approximates the northern edge of the Matanuska River drainage on the south, and on the west, a line that roughly follows the 2,500' contour. These boundaries generally encompass only the upper portions of the mountains. Lower-lying portions of river valleys which extend into the area such as the Talkeetna, Sheep, and Kashwitna are included in the adjacent subregions.

This subregion encompasses roughly 6 million acres, the majority of which is publicly owned. The northern half of the unit is primarily in federal ownership, the southern half is held by the State of Alaska. The state recently received tentative approval for nearly all of the approximately 80 townships (1,840,000 acres) of federal land it had selected in the southern half of the area. There are approximately 206,000 acres of Native selected and interim conveyed lands in the area. Most of these lands are located in the Susitna River - Stephan Lake area and in the East Fork of the Chulitna River drainage. These Native selected lands are very likely to be conveyed. In addition to private land held by Native corporations there are also numerous scattered small parcels held by private individuals. These holdings are generally of two types: state offered open-to-entry sites adjacent to fly-in lakes (primarily used for recreational purposes), and federally patented mining claims located in the Nelchina area, the Clearwater Mountains and other mining areas. See the ownership maps at the end of this section for more information.

Access to the periphery of the subregion is provided by two major highways -- the Glenn on the south, the Parks on the west. The only road access into the subregion is provided by the Denali Highway on the north. This highway traverses mostly alpine country in federal ownership from Paxson to Cantwell. The State Department of Transportation is presently working on improvements to the western end of this highway. A number of trails branch off from these highways and provide a measure of access into the mountains. Other means of access include landing strips, fly-in lakes, and boatable rivers.

Although most of this rugged area does not offer the potential for agriculture, forestry, or settlement found elsewhere in the study area, these limitations are well balanced by the region's rich fish and wildlife, recreational and mineral resources. This area is one of the most heavily used big game hunting areas in the state, offering moose, Dall sheep, bear, and caribou. The majority of the range of the 20,000 animals of the Nelchina caribou herd is located here. The area's many lakes and rivers offer excellent fishing for salmon, lake and rainbow trout, grayling and other species. The subregion offers literally millions of acres of alpine country for hiking, camping, skiing and climbing.

These same alpine areas have a rich and to a large degree unexplored potential for mineral development. Several areas -- Hatcher Pass, Nelchina and Valdez Creek -- are currently active producers of gold and other precious minerals.

The Alaska Power Authority recently applied to the Federal Energy and Regulatory Commission (FERC) for a license to build a major hydroelectric project on the Susitna River. Two dams are proposed for sites at Devil's Canyon and Watana. (More on this proposal below.)

B. Management Summary

The Talkeetna Subregion will be managed as a multiple use area emphasizing the uses that are most important in the area now: recreation, including hunting and fishing, protection of fish and wildlife habitat, and mining. Grazing, private recreational settlement (remote cabins), and personal use timber harvests are also uses appropriate in specific portions of this subregion. The vast majority of this rugged, mountainous area is expected to remain remote and very sparsely developed. Additional road access to the area and concentrated settlement on public lands will be contingent on a demonstrated need for such development in order to facilitate activities such as mining or dam construction.

1. Settlement

State and federal land disposals for private recreational settlement are a very low priority in this subregion. The state will issue permits for remote cabin sites in this subregion under the remote cabin permit program in limited, select sites. Should the proposed Susitna hydropower project be developed, state land will be available for a workcamp or other settlement uses associated with the construction and operation of the dams. Most of these hydro-project related uses, however, are expected to occur on lands presently in Native ownership. If road access into this area is provided as a result of the hydro project native lands are likely to be developed for private recreational purposes. Settlement may be an appropriate use on public lands adjacent to areas developed by the natives although no lands are designated for this purpose at this time. (Demand for private residential and commercial uses that may be associated with the project are discussed further under the section on Susitna hydro.) Residential development of public land also may occur in this unit concurrent with major mineral development. Any settlement in this subregion should be designed to maintain public access and protect fish and wildlife habitat and the area's high scenic quality--particularly where the activities occur within the highway corridors.

2. Agriculture

Grazing is the only agricultural use that is possible in this subregion. Grazing will be limited to an area several hundred thousand acres in size in the southwestern portion of the subregion. This area is relatively close to access and to land that could be used for farm headquarter sites. Management guidelines will be applied to grazing activities to ensure compatibility with wildlife.

3. Forestry

Although most of this unit is above timberline, major drainages (e.g., the Susitna and Talkeetna rivers) have personal use and perhaps commercial timber harvest potential. If major developments such as the Susitna hydro project occur there will undoubtedly be associated demands for structural timbers which could be met from these areas. In general, however, the state will set a higher priority on protecting the scenic, habitat, and recreational values of these forested areas rather than using these areas for commercial uses. Limited personal use harvests will be permitted in some areas.

4. Recreation/Fish and Wildlife

This subregion will be managed to protect its current status as one of the major game harvest areas in the state for moose, caribou and sheep. Streams will be managed to protect their recrea-

tion and commercial fishery values. The area also will be managed to maintain a full range of summer and winter recreation activities, including skiing, mountain climbing, hiking, and snowmobiling. Adequate access for these recreation purposes should be maintained in public ownership. Because the Talkeetnas are a highly scenic but still relatively gentle mountain range, the area is particularly suited for cross country hiking, skiing and snowmobiling. A system of trails running through this subregion should be identified and promoted. The state and borough should also seek funding to build and, if necessary, operate public use cabins along this trail system.

Construction of the Susitna Hydroelectric project also could provide increased opportunities for public recreation, primarily due to improved access. Any plans for recreation improvements in the subregion--for example a trails system--should be coordinated with recreation plans associated with the proposed Hydro project.

The plan recommends that the southeastern portion of the Talkeetna Mountains be legislatively or administratively designated as the "Nelchina Public Use Area" to protect the Nelchina caribou herd. This proposal would allow multiple use of the area, including mining, but would prohibit lands sales except for what might be required for resource development. (See Management Unit 3 for more details.)

5. Minerals

This subregion will remain open to mineral exploration and development and to oil and gas leasing. Mineral development, including necessary roads and workcamps, should be designed to minimize impacts on important wildlife and recreation values in this unit.

6. Access

The road/rail system that would provide access to the Susitna hydroelectric project is the only major access improvement being considered in the area. The Power Authority's proposed access route, described in the FERC license application, would provide access to the Watana Dam site from the Denali Highway via Deadman Creek. The Devils Canyon site would be provided with access via a railroad spur from near Gold Creek (on the existing RR line) and via a road on the north side of the Susitna River from the Watana site. A final decision on the planned access route will be made through the environmental impact statement review process.

7. Stream Corridors

The headwaters of many major streams lie in the Talkeetna Mountains. Management of these corridors will be determined on a case-by-case basis consistent with the management objectives for the more heavily used downstream segments of the rivers. In general, the objectives for the rivers originating in this subregion will be to protect water quality, fish and wildlife habitat, and public access.

8. Susitna Hydroelectric Project

As mentioned, the two proposed Susitna hydroelectric dam sites are located within this subregion. The plan does not address any of the basic issues concerning the direct social, fiscal or environmental impacts of this project. This task is being addressed by the FERC licensing process and by the many state and federal agencies already working on the project. Several of the indirect impacts of the hydro project are, however, within the purview of the plan, and will be addressed here. (Note: Because the issues associated with the hydro project affect virtually the entire subregion, these issues will be discussed here for the whole subregion rather than within each of the three management units.)

Four issues addressed by the plan are mitigation lands, land ownership, and recreation and settlement associated with the project. Each are discussed below.

a. Mitigation Lands

Construction of the Susitna Hydroelectric project would have significant effects on terrestrial and aquatic habitats. One proposed method for mitigating the loss of wildlife habitat that would be inundated or disturbed by the hydro project is to designate and manage nearby lands in a way that compensates for this loss. The Alaska Power Authority estimates that roughly 20,000 acres of land would be needed to adequately compensate for the predicted loss of habitat lands.

No compensation lands have been depicted in this agency review draft plan. The Power Authority has prepared a description of the objectives to be met by identifying mitigation lands, criteria for selecting such areas, and lastly, identified a large pool of possible mitigation lands. This information is presented in Appendix 2. The final determination of mitigation strategies and, if appropriate, mitigation lands, will be done after the plan is complete.

b. Land Ownership

Nearly all of the land where the proposed dams, reservoirs, and associated facilities are planned to be located are selected by or interimly conveyed to Cook Inlet Region Inc. and its village corporations. If the hydro project is approved, the state has the option to condemn or buy these lands or trade for lands in other areas. Roughly 40,000 acres of land are at issue, however, the Power Authority estimates as little as 16,000 acres will actually have to be acquired. Final decisions related to land acquisition will be made in light of the plan's designations on land adjacent to the project and on possible trading stock lands.

c. Settlement Associated with the Dam Project

If the project is constructed this would increase development pressures on the portions of the planning area that are already settled and also, due to construction of new access, open new areas to settlement pressures. On the first of these two issues, sufficient private land presently exists to accommodate the predicted level of population growth associated with the project. Regarding possible new settlement areas, no plans can be made until a final decision is made on the location and mode of new access into the area. However, whatever route is ultimately chosen, DNR will follow a settlement policy of "commensurate impact". This means that in locations where the Power Authority is making a special effort (e.g., through road design and siting) to protect some aspect of environmental quality, DNR will not negate this effort through selling land in the particularly sensitive area. On the other hand, portions of the area opened as a result of the project likely will be able to support some land sales (or cabin construction under the remote cabin program) with an acceptable level of environmental impact. Overall, DNR does not intend to sell much land in this area, since it has limited physical capability to support settlement and is generally sensitive to development.

d. Recreation Associated with Dam Project

The area surrounding the project has good potential for various types of new, developed recreation activities. As part of the FERC application the Power Authority and the State Division of Parks and Outdoor Recreation are working together to finalize a plan identifying areas for trails, camping, dis-

9. Modifications to Boundary of the Talkeetna Mountains Special Use District

This subregion roughly corresponds to the boundaries of the Matanuska-Susitna Borough's Talkeetna Mountains Special Use District. Under the terms of this ordinance, land within the district can be used for recreation, protection and use of fish and wildlife, mining and grazing. Settlement required to support resource development is permitted but other types of year-round settlement are not allowed. Recreational/seasonal settlement is allowed on a case-by-case basis and usually is restricted to small "wilderness" cabins (<500 sq. feet, no running water, etc.)

The plan generally supports these land use designations and restrictions on settlement. It is recommended, however, that the boundaries of the special use district be modified to better follow the boundaries of the Talkeetna Mountains (see map of this subregion for details). At present the special use district includes several areas that are appropriate for land sales due to road or rail access (e.g., Lake Louise), adequate physical capability for settlement and very high amenities. This proposed change to the special use district boundaries will be brought before the borough assembly as one part of the land management proposals contained in the plan.

Box 1866
Seward, AK 99664
March 4, 1985

Greetings:

I am writing in regards to SB 35 & HB 98 offering support of both. I support the designation of the Nelchina public use area, and would like all 2.3 million acres protected in order to take in necessary caribou winter range as well as the many other fish & wildlife & recreational values of the area. I support the protection of fish & wildlife habitat & populations, & public uses of those resources, as the primary purposes of the designation, with the Dept. of Fish & Game as the lead management agency. Mining should be carefully regulated so as to minimize adverse impacts on the area's primary values.

To provide necessary access to those who cannot afford to fly in, the boundaries should be brought down to approximately the Glenn Hwy., as they were for the Katanaska Valley Moose Range. This adds very little acreage, while it improves access tremendously, & it will have virtually no effect on private lands, since they are not included in the area.

I support HB 93 establishing a state recreational rivers system. The upper little Susitna River, where most whitewater boating use is concentrated, & which is important for the maintenance of water quality, should be included in the system. The 5 rivers recommended by the Susitna Area plan should be designated. Additional rivers that might have other important values besides their fisheries, and that might be more accessible by road, should be included.

The mining exclusion is essential--witness the mud in Birch Creek and the substantial scenic degradation along the Resurrection pass and Crescent Creek trails. Gravel extraction & logging should also be prohibited within these narrow corridors to protect hiking, hunting, & other uses that people will want to enjoy in conjunction with fishing or floating. I support the protection of both natural values & primitive uses in the corridors, as well as more intensive recreational activities.

Sincerely,

Judith Gravec
Judith Gravec
Box 1866
Seward, AK 99664