

HB

312

CS HB 312 (2in)

Est Dnde Creek Critical Habitat Area.

4/25

Requested Dick Bradley, LAA Legal Secs,
prepare Senate Committee Substitute
deleting mental health land description per instructions.

✓

Called Rodger Painter, Aide to Rep
Hall

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

*Senate Community & Regional Affairs, 3/6/86 3:40
, 4/29/86 3:38*

Proposed Amendments to CSHB 312

Page 1, Line 28, after the word "parcels" insert the following:

", except for any mental health trust lands,"

Page 2, add a new section to read:

* Sec. 2. The Department of Natural Resources will identify and appraise any mental health trust lands included in the parcels described in AS 16.20.031 (d) above. The Department of Natural Resources will then identify and appraise suitable state general grant lands of equal value to replace the appraised mental health trust lands. Upon identification and appraisal of the replacement general grant lands, the mental health trust lands within the parcels described in subsection (d) of section 1 above shall be included in the Dude Creek Critical Habitat Area, and the replacement general grant lands there shall be managed by the Department of Natural Resources as mental health trust lands. The commissioner of natural resources shall ensure that at the time of the appraisal the replacement lands for the mental health lands to be included in the Dude Creek Critical Habitat Area have at least equal potential for generating revenues as the mental health trust lands contained in the parcels described in AS 16.20.031 (d) above. The provisions of AS 38.05.945 are applicable to the designation of general grant lands as replacement lands for the mental health trust lands included in the Dude Creek Critical Habitat Area.

Offered: 4/30/85
Referred: Rules

Original sponsors: Goll, Duncan,
M.M. Miller and Binkley

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 312 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Dude Creek Critical Habitat
7 Area."

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

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11 purpose of the Dude Creek Critical Habitat Area is the protection and
12 enhancement of the wet meadow habitat that is the key roosting area
13 for migrating lesser sandhill cranes, for the protection of lesser
14 sandhill cranes, and for the continued public use and enjoyment of the
15 area.

16 (b) The Dude Creek Critical Habitat Area described in (d) of
17 this section shall be managed under a management plan prepared by the
18 Department of Fish and Game in consultation with the community of
19 Gustavus and approved by the Board of Game.

20 (c) The Department of Fish and Game shall manage hunting, fish-
21 ing, and trapping within the Dude Creek Critical Habitat Area. The
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23 firewood harvesting, wildlife viewing, hiking, and berry picking under
24 the management plan adopted under (b) of this section to the extent
25 that the activities are compatible with the purpose for which the Dude
26 Creek Critical Habitat Area was established.

27 (d) The state-owned land and water within the following de-
28 scribed parcels are designated as the Dude Creek Critical Habitat
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1 Township 40 South, Range 58 East, Copper River Meridian
2 Section 2: W1/2
3 Section 3
4 Sections 9 - 10
5 Section 11: W1/2NE1/4, W1/2
6 Section 14: Lot 3, NW1/4, N1/2SW1/4, SW1/4SW1/4
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COMMITTEE REPORT

SENATE

FURTHER: RESOURCES
FINANCE

5/3/85

Date 4/29/86

Mr. President

The Committee on C&RA considered CSHB 312(Fin)

establishing the Dude Creek Critical Habitat Area.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt ^{Senate} CS for CS for HB 312 (C&RA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
Chairman

[Signature]
Chairman recommendation

Original sponsors: Goll, Duncan,
M.M. Miller and Binkley

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 312 (C&RA)

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29 Area:



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:
Senator Ferguson, Vice Chairman
Senator Coghill
Senator Sturgulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

MEMORANDUM

April 29, 1986

TO: Senator DeVries
FROM: Trudie Alford, Aide *TA*
SUBJ: New Material for Committee Meeting Today

The attached letters were received after the committee packets were prepared for the C&RA Committee Meeting.

- (a) Ltr from James B. Gottstein dtd 4-22-86 on HB 312.
- (b) Memorandum from Scott A. Burgess, Executive Director, Alaska Municipal League, dtd 4-29-86 on HB 558.

cc: Senator Ferguson
Senator Sturgulewski
Senator Vic Fischer
Senator Coghill

CVRA Mtg 4/29/86

CS HB 312

CS adopted a. mtn by
Sen Coghill, w/o objection

CS passed from Com
w/ ind. recs

JAMES B. GOTTSTEIN

ATTORNEY AT LAW

406 G STREET, SUITE 206
ANCHORAGE, ALASKA 99501
(907) 274-7886

APR 25 1986

April 22, 1986

Senator Edna DeVries
Pouch V
Juneau, Alaska 99811

Re: CSHB 312 (Fin)

Dear Senator DeVries:

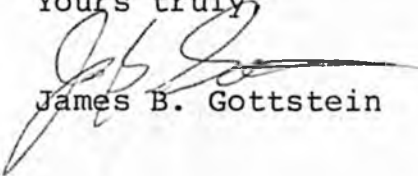
On April 21, 1986 I received your April 16, 1986 letter requesting I provide you with legal descriptions of Mental Health lands within the proposed Dude Creek Critical Habitat Area. You should properly address this request to the Department of Natural Resources. It is my understanding that some 3,443 acres of 4,100 acres initially proposed for the Dude Creek Critical Habitat Area are Mental Health lands.

I am sorry that your Senate Majority Caucus made the decision it did, because Representative Goll, the Department of Natural Resources, myself and David Walker had all worked out an approach to enable the Dude Creek Critical Habitat Area to proceed with the original acreage proposed.

I would like to point out, however, that it is critical that the Interim Mental Health Trust Lands Commission be adequately funded to perform the required appraisals and audits on Mental Health lands. Otherwise, Mental Health lands could be in limbo for many years.

As always, I am available for any questions or comments.

Yours truly,


James B. Gottstein

cc: Representative Goll
Bob Arnold
David Walker

JBG/tvd

Bradley
3/10/86

Final ordered 3/11/86
(S checked by Painter 3/10/86)
NOT USED

Original sponsors: Goll, Duncan,
M.M. Miller and Binkley

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

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24 applies to the designation of general grant land as replacement land for
25 the mental health trust land included in the Dude Creek Critical Habitat
26 Area.

Bradley
3/10/86,

4/28/86 NOT USED
AND ORIGINAL RETURNED
TO LAA, LEGAL SVS.
THIS DATE.

Original sponsors: Goll, Duncan,
M.M. Miller and Binkley

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Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

April 16, 1986

James B. Gottstein
Attorney at Law
406 G Street, Suite 206
Anchorage, Alaska 99501

Subject: Committee Substitute for HB 312 (Fin)
An Act establishing the Dude Creek Critical
Habitat Area

Dear Mr. Gottstein:

The Senate Majority Caucus made a decision that it would not pass any bills providing for land withdrawals which contained mental health lands.

Representative Goll, sponsor of the subject bill, has requested that the Committee on Community & Regional Affairs amend HB 312 to exclude all mental health lands.

A copy of CSHB 312 (Fin) is enclosed. Please advise the Committee of the legal description of mental health lands within the proposed Habitat Area.

Your assistance in this matter will be most appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edna DeVries".

Edna DeVries
Senator

Enclosure

cc: Representative Goll

Proposed Amendments to CSHB 312

Not
Adopted

Page 1, Line 28, after the word "parcels" insert the following:

", except for any mental health trust lands,"

Page 2, add a new section to read:

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Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 12, 1986

To: Representative Peter Goll

From: Senator Edna DeVries, Chair
Community & Regional Affairs Committee

Subj: Dude Creek Critical Habitat Legislation

The State Senate is making every effort to balance the current State budget, as well as plan ahead for the major revenue shortfall the State will experience in FY 1987.

In this regard a decision has been made that no Mental Health Lands will be included in any new land withdrawals or land classifications/reclassifications.

The Dude Creek Critical Habitat Area as proposed in CSHB 312 (fin) includes Mental Health Lands. My committee will not act on the bill as it is presently drafted.

If you desire to re-write the bill so that it excludes all lands classified "Mental Health", please let me know and I will work with you on getting a revised bill through my committee.

cc: Robert D. Arnold, Dep Commissioner, Dept Natural Resources
Senator Dick Eliason
C&RA Committee Members:
Senator Coghill
Senator Ferguson
Senator Vic Fischer
Senator Sturgulewski



STATE OF ALASKA
HOUSE OF REPRESENTATIVES

M E M O R A N D U M

March 6, 1986

TO: Senate Community and Regional Affairs Committee
FROM: Representative Peter Goll *Peter Goll*
SUBJECT: Briefing Paper for House Bill 312

DUDE CREEK CRITICAL HABITAT AREA

Location

Gustavus, Alaska

Land Status

There are no in-holdings; the parcel proposed for the critical habitat area is state-owned or selected. Much of the acreage is mental health lands; this issue is addressed in proposed amendments and letters submitted to the committee.

History

The residents of Gustavus have been working on the proposal for the past three years. The critical habitat status was selected after a careful review of the available land management options.

The concept was endorsed in a community-wide January, 1984, referendum by a 66-25 vote. A committee of resident citizens was formed to work with the Alaska Department of Fish and Game to develop proposed legislation.

The resulting legislation (House Bill 312) and accompanying letter of intent received the unanimous endorsement of the Gustavus Community Association on March 4, 1985.

Purpose

The wet meadow at the western edge of the community of Gustavus is a major resting area for the Pacific population of Lesser Sandhill Cranes during their annual migration between western Alaska and southern California.

Research shows that half or more of the entire Pacific population of Lesser Sandhill Cranes uses the Dude Creek meadow during the September and April-May migratory periods. The adjacent national park is little used by the cranes.

The crane habitat at Gustavus has been greatly reduced in recent years by development and natural reforestation. The proposed critical habitat area includes the largest remaining block of appropriate habitat in the area. The wet meadow favored by the cranes is very susceptible to alteration by draining. The birds also are very easily disturbed by human presence.

The proposed legislation requested by Gustavus is designed to give the Alaska Department of Fish and Game authority to manage human uses of the Dude Creek wet meadow to protect the habitat needed by the cranes. The legislation and letter of intent also make it clear that existing compatible human uses will be accommodated. The letter of intent also gives ADF&G clear direction to work in close cooperation with Gustavus residents in drafting a management plan.

4/10



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER HB312	SPONSOR Goll, Duncan, Miller, Binkley
DEPARTMENT POSITION Strongly Support			
PREPARED BY Habitat Division/Debra Clausen	DATE 4/2/85	COMMISSIONER'S SIGNATURE <i>David C. Bellumworth</i>	DATE 4-5-85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL Community of Gustavus
ORGANIZATIONAL SUPPORT FOR BILL Community of Gustavus	ORGANIZATIONAL OPPOSITION TO BILL None known

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The purpose of establishing the Dude Creek Critical Habitat Area is to protect and enhance the wet meadow habitat that is the key roosting area for migrating lesser sandhill cranes, to protect lesser sandhill cranes, and for the continued public use and enjoyment of the area.

ANALYSIS OF BILL/PROGRAM EFFECTS

1. Establishes the Dude Creek Critical Habitat Area.
2. Identifies the purpose for which the area is established.
3. Provides for the management of the Dude Creek Critical Habitat Area including the development of a management plan.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

OK
4/10

HB 312

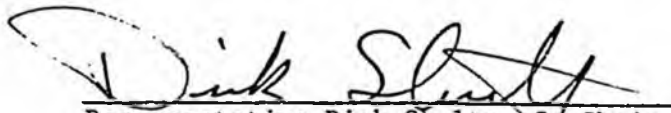
DUDE CREEK CRITICAL HABITAT AREA

Letter of Intent

It is the intent of the Legislature that surface vegetation and soils be maintained to preserve the wetlands nature of the critical habitat area and provide protection to migrating lesser sandhill cranes.

In creating the Dude Creek Critical Habitat Area, the Legislature also intends that hunting, fishing and trapping activities will continue to occur in accordance with harvest regulations as established by the Boards of Fisheries and Game. The following public uses of the area are recognized as historic and traditional: wildlife viewing, firewood harvesting, public access, hiking, berry picking, and grazing. It is the intent of the Legislature that the listed uses will continue unless they are determined to be incompatible with the purpose for which the area is established. The Department of Fish and Game will conduct specific fact finding, including public hearings in Gustavus, prior to making final determination of the compatibility of the listed uses during various times of the year.

The Department is to consult with the community of Gustavus in the preparation and implementation of a management plan for the Dude Creek Critical Habitat Area. In the event that the community forms a local fish and game advisory committee or a critical habitat advisory group, the Department will work closely with those entities in preparation of the plan.


Representative Dick Shultz, Co-Chair
House Resources Committee
April 10, 1985

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/12/86

REQUEST

Bill/Resolution No. : HB 312
 Title : Establish Dude Creek CHA

Sponsor : Goll, Duncan, M.M. Miller, Binkley
 Requestor : Senate, C&RA
 Date of Request : 02/11/86

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Land and Water Management

Components : Public Use

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	a	a	a	a	a	a

CAPITAL	15.0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND	15.0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	15.0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Section 2 of the bill provides for replacement of about 3900 acres of mental health trust land inside the Critical Habitat Area with an equal value of General Grant Land. To effect this replacement the department must appraise the mental health Land. It is estimated that \$7500 will be needed to appraise the

Prepared by : Michael E. Vediner *MEV* Phone : 465-2400
 Division : Land and Water Management Date : 2-12-86

Approved by Commissioner : *Wm D James, Deputy* Date : 2/14/86
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Gustavus Community Association

P.O. Box 62
Gustavus, Alaska 99826

February 28, 1986

Senator Elna DeVries
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator DeVries,

As you are aware, the bill for an act to establish the Dude Creek Critical Habitat Area (CSHB 312) is to be addressed March 6, at the Senate Community & Regional Affairs Committee meeting.

I would like to take this opportunity to encourage your support for this bill. The critical habitat designation for the "crane flats" in Gustavus is a dream we hope to see reach fruition this session. It began as a grass roots movement to provide legal habitat protection for the sandhill cranes that roost here during migration. Frankly, this did not meet with general community approval. What developed through a process of negotiation and compromise was a proposal that does meet the needs and wishes of most people. For example, any previous use of this land, i.e. public access, hunting, firewood harvest, grazing, etc. is allowable and assured in the wording of this bill.

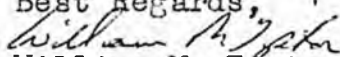
The community demonstrated majority support for this bill in January, 1984, in a referendum ballot polling every registered voter. The response was 66 in favor and 25 opposed. Last year the Gustavus Community Association endorsed the bill.

I strongly support the critical habitat designation for the following reasons:

- 1) it allows continued existing uses
- 2) it was conceived within the community and developed in the spirit of compromise
- 3) this land classification is consistent with the developing economic theme in Gustavus, i.e. recreation, tourism and resource attractions. I sincerely believe that what appears to be intangible benefit now will manifest itself as economic stimulation for the community in the long run.

This bill offers Gustavus a promise of continued public access and enduring habitat protection.

Thank you for your consideration.

Best Regards,

William M. Tipton
President

WT/am

Point Adolphus Seafoods

Gourmet Quality Alaskan Seafoods
P.O. Box 63 • Gustavus, Alaska 99826 • (907) 697-2246

March 2, 1986

Senator Edna DeVries
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator DeVries:

This letter is in regard to CSHB 312, the Dude Creek Critical Habitat Area. I am strongly in favor of this bill because it will provide for the continuation of existing uses of this land, mainly hunting and hiking. It also compliments the developing tourist industry locally, and I know of individuals who schedule their visits to Gustavus when they are most likely to see sandhill cranes.

For several years I have been working at compiling a history of Gustavus, and I have records of a family which visited relatives in Gustavus each fall in order that they could hunt ~~gg~~ geese on the flats here. They did so for some fifteen years, until 1939, when they moved here. Additionally, when a portion of Gustavus which had been incorporated into Glacier Bay National Monument (in 1939) was removed from the Monument in 1955, the Alaska Daily Empire stated that "the new release is ... important in that a large area has been thrown open to duck hunters for the first time in 16 years."

Last year, in a suit against the State of Alaska, Charles and Dorothy DeBoer were awarded about 100 acres of land along and east of the Salmon River. The land is largely tidal, and is bisected by a State maintained road. This was the most popular hunting area (duck and geese) in Gustavus and I used to hunt there often. Now the land is private property, and hunting (or berry-picking or hiking) is with permission only. The Dude Creek Critical Habitat Area would provide, in perpetuity, a place where the public could be sure it was welcome.

I hope that I am not short-changing the cranes. They are certainly an asset here, and I believe they contribute to the local quality-of-life. Myself, I know it is spring when I look at the calendar, but I know it more certainly when I here the cranes arriving.

Sincerely,


James R. Mackovjak

2900

 *
 * DELIVER TO: JPOM
 *
 * ORIGINAL
 * SENT: 02/28/86 TIME: 09:05
 * FROM: LIOSIT
 * SUBJECT: POM
 * PRINT DATE: 02/28/86 TIME: 09:05
 *

TO: SENATE C&RA COMMITTEE MEMBERS
 DEVRIS, FERGUSON, COGHILL, V. FISCHER, AND STURGULEWSKI
 CC. SENATOR ELIASON AND REPRESENTATIVE GRUSSENDORF
 FROM: GREG STREVELER, CHAIRMAN
 GUSTAVUS CRANE COMMITTEE
 P.O. BOX 94, GUSTAVUS, AK 99826 697-2287
 RE: CSHB312(FIN); EST, DUDE CREEK CRITICAL HABITAT AREA

URGE YOUR SUPPORT OF CSHB312 THIS BILL WAS ORIGINATED BY THE
 COMMUNITY OF GUSTAVUS. IN ENJOYS OVERWHELMING LOCAL SUPPORT
 BECAUSE IT PROTECTS AN IMPORTANT SAND HILL CRANE STOPOVER AREA
 WHILE AT THE SAME TIME INSURING CONTINUANCE OF ALL COMPATIBLE
 TRADITIONAL USES.

***** SITKA LIO, 2-28-86 *****



STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

OFFICE OF THE COMMISSIONER

March 4, 1986

The Honorable Edna DeVries
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

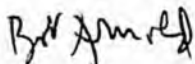
Dear Senator DeVries:

I am writing to provide the department's position relative to the amendments proposed by the sponsor for HB 312, creating the Dude Creek Critical Habitat Area, which is scheduled for hearing in your committee on Thursday, March 6, 1986.

This substitute requires that the commissioner replace the 3,000 acres of mental health land inside the unit with an equal value of suitable general grant land elsewhere. In making this replacement, the commissioner must ensure that the replacement lands have at least an equal potential as the mental health lands to generate revenue. Inclusion of this provision in this bill would not impose a burden upon the department.

The department further agrees that in the event HB 312 passes with the amendments proposed by Representative Goll and provided that settlement has not been reached in the mental health lands case, Weiss v. Alaska, the department will seek to implement the following arrangement concerning the required land appraisals with the plaintiffs and intervenors: Within the constraints of the Administrative Procedures Act, (1) the department will obtain an agreement with the plaintiffs and intervenors as to the criteria for selection of an independent appraiser; and (2) departmental appraisal instructions provided to the appraiser will be agreed upon by the state and attorneys for the plaintiffs and intervenors. Failing to reach agreement on these issues, the court will be asked to review the criteria for selection of an appraiser and issuance of instructions for an appraisal.

Sincerely,



Robert D. Arnold
Deputy Commissioner

cc: Representative Goll

*
* DELIVER TO: JPOH
*
* ORIGINAL
* SENT: 03/06/86 TIME: 09:23
* FROM: LIOSIT
* SUBJECT: FOM
* PRINT DATE: 03/06/86 TIME: 09:33
*

6

TO: SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE MEMBERS
~~DEVRIES~~, FERGUSON, COGHILL, V. FISCHER, AND STURGULEWSKI
FROM: JERRY CASE, GLACIER BAY NATIONAL PARK
GUSTAVUS, AK 99826 697-2300
RE: CSHB312(FIN), EST. DUDE CREEK CRITICAL HABITAT AREA

I TOTALLY SUPPORT THE PASSAGE OF THE BILL TO ESTABLISH THE DUDE
CREEK CRITICAL HABITAT AREA FOR PROTECTION OF SAND HILL CRANES IN
GUSTAVUS AND URGE YOUR SUPPORT IN ITS PASSAGE THROUGH YOUR
COMMITTEE.

***** SITKA LIO, 3-6-86 *****

Ltr of Intent - existing uses to be continued HB186

CoRA 3/6/86

HB 312 -

Roger Painter carried the bill for Coll
Went over amendment in light of

Bruce Baker = Fish & Game

Supports bill

help rural comm achieve goals
identified by community

Scott Highleyman Alaska Environmental Lobby supports

Mike Videner - has reviewed amendments

support bill w/amendments

replace w/ equal value land would be
o.k. - Dept could live with

Co

Coghill

Are we setting precedent to take other land from land bank
of state in exchange for mental health land
being locked-up - What is happening to
us down the line w/ mental health lands?

Videner - lawsuit will settle, or legislative policy
changes

Storgun - must be a value to land, but this
does not add any more land - is that correct?

Videner - Dept will have to depend on the appraisal of lands to insure that land w/ equal revenue generating potential is exchanged

Sturgeon - The bill will come to resources and this policy matter will have to be discussed further.

If Bottstein language adopted - bill would have to come back to legislature

Parsons - Do have concern w/ Bottstein ltr

— Prepare Comm Substitute and bring back to Committee —

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

APR 22 1986

April 21, 1986

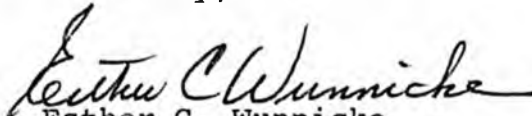
The Honorable Edna DeVries
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator DeVries:

At your request I have enclosed legal descriptions for both the mental health lands and non-mental health lands within the proposed Dude Creek Critical Habitat Area.

Please let me know if there is additional information I might furnish.

Sincerely,


Esther C. Wunnicke
Commissioner

cc: The Honorable Peter Goll
David Walker
Jim Gottstein
Tom Koester
Tom Hawkins
Salli Slaughter

Legal Descriptions for HB 312

Mental Health Land:

Township 40 South, Range 58 East, CRM

Section 2, SW $\frac{1}{4}$	160 acres
Section 3, All	640 acres
Section 9, All	640 acres
Section 10, All	640 acres
Section 11, W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	400 acres
Section 14, Lot 3, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	323 acres
Section 15, All	<u>640 acres</u>
TOTAL	3443 acres

Non Mental Health Land:

Township 40 South, Range 58 East, CRM

Section 2, NW $\frac{1}{4}$	160 acres
Section 16, N $\frac{1}{2}$, SE $\frac{1}{4}$	<u>480 acres</u>
TOTAL	640 acres

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811



Official Business

M E M O R A N D U M

April 16, 1986

TO: Commissioner Wunnicke
Department of Natural Resources

FROM: Edna DeVries, Chair *Edna*
Senate C&RA Committee

SUBJ: CS for HB 312 (Fin) An Act establishing the
Dude Creek Critical Habitat Area

This memorandum confirms a conversation this date between a member of my staff and Ned Farquhar, Legislative Liaison, Department of Natural Resources.

Please furnish the Committee the legal description of mental health lands within the proposed Dude Creek Critical Habitat Area.

This information is required from DNR for the record. Representative Peter Goll, sponsor of the bill, has requested the Senate C&RA to consider an amendment which would exclude mental health lands from the Habitat Area.

Your earliest response to this request would be most appreciated.

cc: Representative Goll



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

M E M O R A N D U M

April 7, 1986

TO: Senator Edna DeVries
Chairman
Community and Regional Affairs Committee

FROM: Representative Peter Goll *Peter Goll*

SUBJECT: Proposed Amendment to CSHB 312 (Fin)

Page 2, line 2:

Section 2: [W1/2] NW1/4

Page 2, lines 3-7:

Delete all language

Comment: This amendment removes all Mental Health Trust Lands from the Dude Creek Critical Habitat Area. The remaining 640 acres of general grant lands are contained in two separate parcels.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

APR 23 1986

April 21, 1986

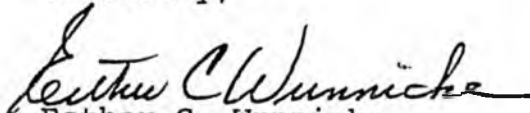
The Honorable Edna DeVries
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator DeVries:

At your request I have enclosed legal descriptions for both the mental health lands and non-mental health lands within the proposed Dude Creek Critical Habitat Area.

Please let me know if there is additional information I might furnish.

Sincerely,


Esther C. Wunnicke
Commissioner

cc: The Honorable Peter Goll
David Walker
Jim Gottstein
Tom Koester
Tom Hawkins
Salli Slaughter

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TOTAL	3443 acres

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TOTAL	640 acres



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

COMMITTEE MEETING -- April 29, 1986

CS HB 558 (Fin) -- An Act relating to time periods to be used for administering the tax equalization program and the municipal assistance program; efd.

CS HB 312 (Fin) -- An Act establishing the Dude Creek Critical Habitat Area.

CS HB 647 (Fin) am -- An Act establishing requirements (CONT'D FROM 4-24-86) for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; efd.

CS HB 558 (Fin) would change DC&RA procedures for the collection of data and calculation of revenue sharing entitlements and provide for earlier disbursement to municipalities.

CS HB 312 (Fin) was considered by the Committee on March 6. A proposed C&RA Committee Substitute, agreed to by Rep. Goll, deleting all mental health land from the legal description of the habitat area has been prepared.

Hearing on CS HB 647 (Fin) will continue for consideration of a CS work draft and draft amendment, and to receive testimony from Sam Neal, State Fire Marshall, and Jim Sweeney, Municipality of Anchorage, by teleconference.

Materials attached are:

- (1) Section analysis from LAA, Legal Svcs., dtd 4-18-86 on CS HB 558 (Fin).
- (2) DC&RA Position Paper dtd 2-26-86 on HB 558.
- (3) Ltr from Commissioner Notti, DC&RA to Sen. DeVries dtd 4-23-86 with 4 atchs. on HB 558.
- (4) Memo from Rep. Goll to Sen. DeVries dtd 4-7-86 with attached map on CS HB 312 (Fin).
- (5) Ltr from Commissioner Wunnicke, DNR, to Sen. DeVries dtd 4-21-86 with attachment on CS HB 312 (Fin).
- (6) A CS work draft and amendment on CS HB 647 (Fin) am, (Requirements; hazardous materials and waste.)

Original sponsors: Goll, Duncan,
M.M. Miller and Binkley

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 312 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Dude Creek Critical Habitat
7 Area."

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

9 * Section 1. AS 16.20 is amended by adding a new section to read:

10 Sec. 16.20.231. DUDE CREEK CRITICAL HABITAT AREA. (a) The
11 purpose of the Dude Creek Critical Habitat Area is the protection and
12 enhancement of the wet meadow habitat that is the key roosting area
13 for migrating lesser sandhill cranes, for the protection of lesser
14 sandhill cranes, and for the continued public use and enjoyment of the
15 area.

16 (b) The Dude Creek Critical Habitat Area described in (d) of
17 this section shall be managed under a management plan prepared by the
18 Department of Fish and Game in consultation with the community of
19 Gustavus and approved by the Board of Game.

20 (c) The Department of Fish and Game shall manage hunting, fish-
21 ing, and trapping within the Dude Creek Critical Habitat Area. The
22 Department of Fish and Game shall permit public access, grazing,
23 firewood harvesting, wildlife viewing, hiking, and berry picking under
24 the management plan adopted under (b) of this section to the extent
25 that the activities are compatible with the purpose for which the Dude
26 Creek Critical Habitat Area was established.

27 (d) The state-owned land and water within the following de-
28 scribed parcels are designated as the Dude Creek Critical Habitat
29 Area:

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Township 40 South, Range 58 East, Copper River Meridian

Section 2: NW1/4

Section 16: N1/2, SE1/4

Offered: 4/30/85
Referred: Rules

Original sponsors: Goll, Duncan,
M.M.Miller and Binkley

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 312 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
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4 Sections 9 - 10
5 Section 11: W1/2NE1/4, W1/2
6 Section 14: Lot 3, NW1/4, N1/2SW1/4, SW1/4SW1/4
7 Section 15
8 Section 16: N1/2, SE1/4



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

Committee Meeting -- Thursday, March 5, 1986

CSHB 312 (Fin) An Act establishing the Dude Creek Critical Habitat Area

- . . . Representative Goll, bill sponsor, will propose 2 amendments to the bill
Proposed amendments; Ltr from Deputy Commissioner, Dept Natural Resources

Packet contains:

- 1) Briefing paper from Bill sponsor
- 2) Ltr from J. Gottstein on behalf of Alaska Mental Health Association
- 3) Bill analysis from Fish and Game
- 4) Letter of Intent attached by House Resources Committee
- 5) Fiscal note of \$7500
- 6) Letters of support for HB 312 from community of Gustavus
 - a) Wm Tipton, President Gustavus Community Association
 - b) J. Mackovjak, Pt Adolphus Seafoods
 - c) G. Streveler
 - d) K. Boesser
 - e) G. Jensen
 - f) L. Jensen
 - g) M. DuBoer

Offered: 4/30/85
Referred: Rules

Original sponsors: Goll, Duncan,
M.M.Miller and Binkley

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 312 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

March 4, 1986

The Honorable Edna DeVries
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

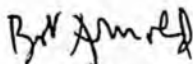
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The department further agrees that in the event HB 312 passes with the amendments proposed by Representative Goll and provided that settlement has not been reached in the mental health lands case, Weiss v. Alaska, the department will seek to implement the following arrangement concerning the required land appraisals with the plaintiffs and intervenors: Within the constraints of the Administrative Procedures Act, (1) the department will obtain an agreement with the plaintiffs and intervenors as to the criteria for selection of an independent appraiser; and (2) departmental appraisal instructions provided to the appraiser will be agreed upon by the state and attorneys for the plaintiffs and intervenors. Failing to reach agreement on these issues, the court will be asked to review the criteria for selection of an appraiser and issuance of instructions for an appraisal.

Sincerely,



Robert D. Arnold
Deputy Commissioner

cc: Representative Goll

Proposed Amendments to CSHB 312

Page 1, Line 28, after the word "parcels" insert the following:

", except for any mental health trust lands,"

Page 2, add a new section to read:

* Sec. 2. The Department of Natural Resources will identify and appraise any mental health trust lands included in the parcels described in AS 16.20.031 (d) above. The Department of Natural Resources will then identify and appraise suitable state general grant lands of equal value to replace the appraised mental health trust lands. Upon identification and appraisal of the replacement general grant lands, the mental health trust lands within the parcels described in subsection (d) of section 1 above shall be included in the Dude Creek Critical Habitat Area, and the replacement general grant lands thereafter shall be managed by the Department of Natural Resources as mental health trust lands. The commissioner of natural resources shall ensure that at the time of the appraisal the replacement lands for the mental health lands to be included in the Dude Creek Critical Habitat Area have at least equal potential for generating revenues as the mental health trust lands contained in the parcels described in AS 16.20.031 (d) above. The provisions of AS 38.05.945 are applicable to the designation of general grant lands as replacement lands for the mental health trust lands included in the Dude Creek Critical Habitat Area.



STATE OF ALASKA
HOUSE OF REPRESENTATIVES

M E M O R A N D U M

March 6, 1986

TO: Senate Community and Regional Affairs Committee
FROM: Representative Peter Goll *Peter Goll*
SUBJECT: Briefing Paper for House Bill 312

DUDE CREEK CRITICAL HABITAT AREA

Location

Gustavus, Alaska

Land Status

There are no in-holdings; the parcel proposed for the critical habitat area is state-owned or selected. Much of the acreage is mental health lands; this issue is addressed in proposed amendments and letters submitted to the committee.

History

The residents of Gustavus have been working on the proposal for the past three years. The critical habitat status was selected after a careful review of the available land management options.

The concept was endorsed in a community-wide January, 1984, referendum by a 66-25 vote. A committee of resident citizens was formed to work with the Alaska Department of Fish and Game to develop proposed legislation.

The resulting legislation (House Bill 312) and accompanying letter of intent received the unanimous endorsement of the Gustavus Community Association on March 4, 1985.

Purpose

The wet meadow at the western edge of the community of Gustavus is a major resting area for the Pacific population of Lesser Sandhill Cranes during their annual migration between western Alaska and southern California.

Research shows that half or more of the entire Pacific population of Lesser Sandhill Cranes uses the Dude Creek meadow during the September and April-May migratory periods. The adjacent national park is little used by the cranes.

The crane habitat at Gustavus has been greatly reduced in recent years by development and natural reforestation. The proposed critical habitat area includes the largest remaining block of appropriate habitat in the area. The wet meadow favored by the cranes is very susceptible to alteration by draining. The birds also are very easily disturbed by human presence.

The proposed legislation requested by Gustavus is designed to give the Alaska Department of Fish and Game authority to manage human uses of the Dude Creek wet meadow to protect the habitat needed by the cranes. The legislation and letter of intent also make it clear that existing compatible human uses will be accommodated. The letter of intent also gives ADF&G clear direction to work in close cooperation with Gustavus residents in drafting a management plan.

JAMES B. GOTTSTEIN

ATTORNEY AT LAW

406 G STREET, SUITE 206
ANC 'ORAGE, ALASKA 99501
(907) 274-7686

March 5, 1986

The Honorable Edna DeVries
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: Admendent to HB 312

Dear Senator DeVries:

Representative Peter Goll has asked that I write you a letter regarding the position of the Alaska Mental Health Association et al, Intervenor in the Weiss v. State lawsuit regarding the attached (a) Amendment to HB 312, and (b) March 4, 1986 proposed letter from Robert Arnold to yourself.

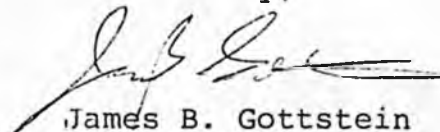
I must note that Mr. David T. Walker is also participating in the Mental Health Lands lawsuit as the attorney for the original Plaintiffs. Thus, you will probably want his reaction for the record as well. I have discussed this matter with him and I believe we are in complete accord.

This is to advise you that we do not have any objection to the above referenced Amendment with the letter from Robert Arnold. However in so stating I feel it is important to make two points. One, in the event that we cannot accept the appraisal, we of course, have the option to dispute it and two, under general principles of the duties of fiduciaries, it does not appear why the State, as Trustee, would ever make a trade where it was only as well off as it was before, other than to be "a good guy".

Notwithstanding, the second point, we do not object to the proposed Amendment. However, if the language was changed so that the lands to be received by the Trust would have to have "greater potential for generating revenues as the mental health trust lands contained in the parcels described in AS 16.20.031(d) above." I think we could wholeheartedly support it.

I hope this has been helpful to you.

Yours truly,



James B. Gottstein

JBG:ls

cc: Representative Goll
David Walker
G. Thomas Koester

4/10



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER HB312	SPONSOR Goll, Duncan, Miller, Binkley
DEPARTMENT POSITION Strongly Support			
PREPARED BY Habitat Division/Debra Clausen	DATE 4/2/85	COMMISSIONER'S SIGNATURE <i>Chris Collinsworth</i>	DATE 4-5-85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL Community of Gustavus
ORGANIZATIONAL SUPPORT FOR BILL Community of Gustavus	ORGANIZATIONAL OPPOSITION TO BILL None known
FISCAL IMPACT: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL NOTE ATTACHED	

BACKGROUND/LEGISLATIVE INTENT

The purpose of establishing the Dude Creek Critical Habitat Area is to protect and enhance the wet meadow habitat that is the key roosting area for migrating lesser sandhill cranes, to protect lesser sandhill cranes, and for the continued public use and enjoyment of the area.

ANALYSIS OF BILL/PROGRAM EFFECTS

1. Establishes the Dude Creek Critical Habitat Area.
2. Identifies the purpose for which the area is established.
3. Provides for the management of the Dude Creek Critical Habitat Area including the development of a management plan.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

File
4/10

HB 312

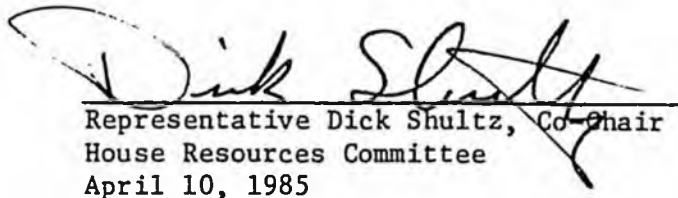
DUDE CREEK CRITICAL HABITAT AREA

Letter of Intent

It is the intent of the Legislature that surface vegetation and soils be maintained to preserve the wetlands nature of the critical habitat area and provide protection to migrating lesser sandhill cranes.

In creating the Dude Creek Critical Habitat Area, the Legislature also intends that hunting, fishing and trapping activities will continue to occur in accordance with harvest regulations as established by the Boards of Fisheries and Game. The following public uses of the area are recognized as historic and traditional: wildlife viewing, firewood harvesting, public access, hiking, berry picking, and grazing. It is the intent of the Legislature that the listed uses will continue unless they are determined to be incompatible with the purpose for which the area is established. The Department of Fish and Game will conduct specific fact finding, including public hearings in Gustavus, prior to making final determination of the compatibility of the listed uses during various times of the year.

The Department is to consult with the community of Gustavus in the preparation and implementation of a management plan for the Dude Creek Critical Habitat Area. In the event that the community forms a local fish and game advisory committee or a critical habitat advisory group, the Department will work closely with those entities in preparation of the plan.


Representative Dick Shultz, Co-Chair
House Resources Committee
April 10, 1985

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 2/12/86

REQUEST

Bill/Resolution No.: HB 312
 Title: Establish Dude Creek CHA

FISCAL DETAIL

Agency Affected: Natural Resources
 BRU: Land and Water Management

Sponsor: Goll, Duncan, M.M. Miller, Binkley Components: Public Use
 Requestor: Senate, C&RA
 Date of Request: 02/11/86

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	a	a	a	a	a	a

CAPITAL	15.0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
----------------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND	15.0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	15.0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Section 2 of the bill provides for replacement of about 3900 acres of mental health trust land inside the Critical Habitat Area with an equal value of General Grant Land. To effect this replacement the department must appraise the mental health Land. It is estimated that \$7500 will be needed to appraise the

Prepared by: Michael E. Vediner Phone: 465-2400
 Division: Land and Water Management Date: 2-12-86

Approved by Commissioner: Wm D. Amos, Deputy Date: 2/14/86
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

general grant Land, though this estimate is possibly less accurate because we do not know where the replacement Land will be located. These appraisals will be performed under contract.

Gustavus Community Association

P.O. Box 62
Gustavus, Alaska 99826

MAR 4 1986

February 28, 1986

Senator Edna DeVries
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator DeVries,

As you are aware, the bill for an act to establish the Dude Creek Critical Habitat Area (CSHB 312) is to be addressed March 6, at the Senate Community & Regional Affairs Committee meeting.

I would like to take this opportunity to encourage your support for this bill. The critical habitat designation for the "crane flats" in Gustavus is a dream we hope to see reach fruition this session. It began as a grass roots movement to provide legal habitat protection for the sandhill cranes that roost here during migration. Frankly, this did not meet with general community approval. What developed through a process of negotiation and compromise was a proposal that does meet the needs and wishes of most people. For example, any previous use of this land, i.e. public access, hunting, firewood harvest, grazing, etc. is allowable and assured in the wording of this bill.

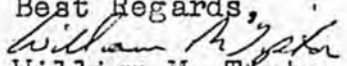
The community demonstrated majority support for this bill in January, 1984, in a referendum ballot polling every registered voter. The response was 66 in favor and 25 opposed. Last year the Gustavus Community Association endorsed the bill.

I strongly support the critical habitat designation for the following reasons:

- 1) it allows continued existing uses
- 2) it was conceived within the community and developed in the spirit of compromise
- 3) this land classification is consistent with the developing economic theme in Gustavus, i.e. recreation, tourism and resource attractions. I sincerely believe that what appears to be intangible benefit now will manifest itself as economic stimulation for the community in the long run.

This bill offers Gustavus a promise of continued public access and enduring habitat protection.

Thank you for your consideration.

Best Regards,

William M. Tipton
President

WT/am

Point Adolphus Seafoods

Gourmet Quality Alaskan Seafoods
P.O. Box 63 • Gustavus, Alaska 99826 • (907) 697-2246

March 2, 1986

Senator Edna DeVries
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator DeVries:

This letter is in regard to CSHB 312, the Dude Creek Critical Habitat Area. I am strongly in favor of this bill because it will provide for the continuation of existing uses of this land, mainly hunting and hiking. It also compliments the developing tourist industry locally, and I know of individuals who schedule their visits to Gustavus when they are most likely to see sandhill cranes.

For several years I have been working at compiling a history of Gustavus, and I have records of a family which visited relatives in Gustavus each fall in order that they could hunt ~~gg~~ geese on the flats here. They did so for some fifteen years, until 1939, when they moved here. Additionally, when a portion of Gustavus which had been incorporated into Glacier Bay National Monument (in 1939) was removed from the Monument in 1955, the Alaska Daily Empire stated that "the new release is ... important in that a large area has been thrown open to duck hunters for the first time in 16 years."

Last year, in a suit against the State of Alaska, Charles and Dorothy DeBoer were awarded about 100 acres of land along and east of the Salmon River. The land is largely tidal, and is bisected by a State maintained road. This was the most popular hunting area (duck and geese) in Gustavus and I used to hunt there often. Now the land is private property, and hunting (or berry picking or hiking) is with permission only. The Dude Creek Critical Habitat Area would provide, in perpetuity, a place where the public could be sure it was welcome.

I hope that I am not short-changing the cranes. They are certainly an asset here, and I believe they contribute to the local quality-of-life. Myself, I know it is spring when I look at the calendar, but I know it more certainly when I here the cranes arriving.

Sincerely,


James R. Mackovjak

February 28, 1986

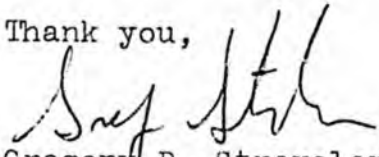
Edna DeVries
Alaska State Senate
Pouch V
Juneau, Ak. 99811

Dear Senator DeVries:

I respectfully request your favorable consideration of CSHB 312 (Dude Creek Critical Habitat Area) when it comes before the Senate Community and Regional Affairs Committee.

This bill crowns an effort by the Gustavus community to ensure a place for sandhill cranes in our future, while protecting traditional uses that are compatible with this goal. A 66 - 25 referendum vote taken two years ago, and overwhelmingly positive testimony before the House of Representatives last year both demonstrate the degree of local support.

Thank you,



Gregory P. Streveler
Box 94
Gustavus, Alaska 99826

Feb. 28, 1986

Dear Senator DeVries:

I sincerely hope you will support CSHB 312
Dude Creek Critical Habitat Area when it
comes before your committee. The cranes
were here long before Gustavus, and they
need protecting. The community has spoken
out in favor of this Critical Habitat area
in a referendum and in the State House.
We hope you will favor the bill.

Thank you for your consideration.

Sincerely,
Kate Boesser
Box 47
Gustavus, 99826

Senator Edna DeVries
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator DeVries,

I would like to add only one point of emphasis to Lynne Jensen's letter concerning the Crane Flats. The Dude Creek Critical Habitat Area (CSH13312) is important to Sandhill cranes because it is wet and because it is relatively open, unforested land. Traditional uses of this land by Gustavus residents have not required changes in land qualities important from a crane's point of view; the proposed legislation allows all such traditional use. Thus, Gustavus residents, looking at the crane habitat from widely differing philosophies concerning land use, have clearly shown their support for the concept of this critical habitat area. The 1984 referendum supported this critical habitat area legislation with 73% of the vote in favor of the proposed Critical Habitat designation.

These cranes are magnificent and having them here does not compromise other land uses—thus, the strong local support; thus the request for legislative support. I would urge your support for this legislation.

Sincerely,

George Jensen

Box 87

Gustavus, AK 99826

3/3/86

Senator Edna DeVries
Alaska State Legislature
Pouch V
Juneau, AK. 99811

Dear Senator DeVries,

I understand that you are the chairperson for the Senate Community & Regional Affairs Committee which will be meeting on March 6th to address the Dude Creek Critical Habitat Area (CSHB 312) in Gustavus.

I would like to ask your support for this bill. The "crane flats", as we call the Dude Creek area, are very important to this community. As in the song "when the swallows come back to Capistrano", when the sandhill cranes visit our community each Spring and Fall on their annual migrations north & south, everyone takes notice. Ric Muñoz has even painted a picture of the cranes in flight over Gustavus. It is an awesome sight to see and to hear the hundreds of cranes high in the sky circling in their big wheels, or to stand looking up

The decision to go with critical habitat designation came after long discussions, meetings, phone calls, and finally a panel discussion with people from DNR, Fish & Game, Coastal zone management and C+RA. All of the options for protection were considered. "Critical Habitat" seemed to us to be the least restrictive and the most protective of the habitat for the cranes.

I realize the problems you are encountering with the difficult "mental health lands" issue. It is our hope that DNR & Div. of Mental Health can work out an exchange of some kind. The land itself would ~~be~~ not be worth much on the open market because it is so wet.

Thank you very much for taking the time to consider the Dude Creek Critical Habitat. Again, I would urge your support for this important decision.

Sincerely,
Lynne M. Jensen

Box 87
Rustavus Ak. 99826

and watching the long skeins pass overhead for what seems like forever.

We Austavon folks feel it is important to protect the wetlands where the cranes congregate on their annual visits here. If that area were to be drained, the habitat would change and would not support the numbers of cranes that stop there. Other areas in Austavon where cranes historically landed are no longer used because they have been drained (i.e. north of the airport runway).

As you probably know, Austavon folks rarely agree on anything out here. But in a referendum questionnaire done in 1984, sent to every registered voter, the result was highly in favor of protection for the crane flats. The reason people agreed was because we could continue our traditional uses of the land - it wouldn't be "locked up" for only the cranes to use - but the habitat would be protected so they will continue to stop here every year.

Feb. 27, 1986

Dear Senator, Dr. Uries,

I would like to ask for your support of C.S. H.B. 312, an act creating the Dude Creek Sandhill Crane Critical Habitat.

I understand that this piece of legislation is before your committee this coming week.

I strongly support this bill because it is designed to protect a traditional resting and feeding area for sandhill crane.

The community of Gustavus, which lies next to this area, has worked at achieving some sort of protection status for migrating crane habitat for several years. Meetings with state officials, committee work, and the polling of residents have all gone into this effort.

This bill is not merely an attempt to lock up land for its own sake. Compromise has been undertaken on boundaries, the least restrictive classification for the area, and the continuance

of traditional uses (ie. trapping,
hunting, hiving) are evidence of
that desire.

We seek to set aside an
area that without proper monitoring
could be altered by drainage
or other harmful harassments by
man.

Thank you for your time and
good luck in ~~your~~ the lieutenant
governors race.

Respectfully,

Wynon Duber



STATE OF ALASKA
HOUSE OF REPRESENTATIVES

M E M O R A N D U M

March 6, 1986

TO: Senate Community and Regional Affairs Committee
FROM: Representative Peter Goll *Peter Goll*
SUBJECT: Briefing Paper for House Bill 312

DUDE CREEK CRITICAL HABITAT AREA

Location

Gustavus, Alaska

Land Status

There are no in-holdings; the parcel proposed for the critical habitat area is state-owned or selected. Much of the acreage is mental health lands; this issue is addressed in proposed amendments and letters submitted to the committee.

History

The residents of Gustavus have been working on the proposal for the past three years. The critical habitat status was selected after a careful review of the available land management options.

The concept was endorsed in a community-wide January, 1984, referendum by a 66-25 vote. A committee of resident citizens was formed to work with the Alaska Department of Fish and Game to develop proposed legislation.

The resulting legislation (House Bill 312) and accompanying letter of intent received the unanimous endorsement of the Gustavus Community Association on March 4, 1985.

Purpose

The wet meadow at the western edge of the community of Gustavus is a major resting area for the Pacific population of Lesser Sandhill Cranes during their annual migration between western Alaska and southern California.

Research shows that half or more of the entire Pacific population of Lesser Sandhill Cranes uses the Dude Creek meadow during the September and April-May migratory periods. The adjacent national park is little used by the cranes.

The crane habitat at Gustavus has been greatly reduced in recent years by development and natural reforestation. The proposed critical habitat area includes the largest remaining block of appropriate habitat in the area. The wet meadow favored by the cranes is very susceptible to alteration by draining. The birds also are very easily disturbed by human presence.

The proposed legislation requested by Gustavus is designed to give the Alaska Department of Fish and Game authority to manage human uses of the Dude Creek wet meadow to protect the habitat needed by the cranes. The legislation and letter of intent also make it clear that existing compatible human uses will be accommodated. The letter of intent also gives ADF&G clear direction to work in close cooperation with Gustavus residents in drafting a management plan.

JAMES B. GOTTSTEIN

ATTORNEY AT LAW

406 G STREET, SUITE 206
ANCHORAGE, ALASKA 99501
(907) 274-7686

March 5, 1986

The Honorable Edna DeVries
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: Admendent to HB 312

Dear Senator DeVries:

Representative Peter Goll has asked that I write you a letter regarding the position of the Alaska Mental Health Association et al, Intervenors in the Weiss v. State lawsuit regarding the attached (a) Amendment to HB 312, and (b) March 4, 1986 proposed letter from Robert Arnold to yourself.

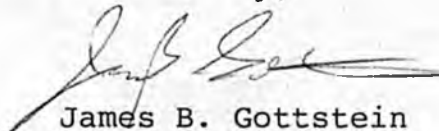
I must note that Mr. David T. Walker is also participating in the Mental Health Lands lawsuit as the attorney for the original Plaintiffs. Thus, you will probably want his reaction for the record as well. I have discussed this matter with him and I believe we are in complete accord.

This is to advise you that we do not have any objection to the above referenced Amendment with the letter from Robert Arnold. However in so stating I feel it is important to make two points. One, in the event that we cannot accept the appraisal, we of course, have the option to dispute it and two, under general principles of the duties of fiduciaries, it does not appear why the State, as Trustee, would ever make a trade where it was only as well off as it was before, other than to be "a good guy".

Notwithstanding, the second point, we do not object to the proposed Amendment. However, if the language was changed so that the lands to be received by the Trust would have to have "greater potential for generating revenues as the mental health trust lands contained in the parcels described in AS 16.20.031(d) above." I think we could wholeheartedly support it.

I hope this has been helpful to you.

Yours truly,



James B. Gottstein

JBG:ls

cc: Representative Goll
David Walker
G. Thomas Koester

Gustavus Community Association

P.O. Box 62
Gustavus, Alaska 99826

MAR 4 1986

February 28, 1986

Senator Edna DeVries
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator DeVries,

As you are aware, the bill for an act to establish the Dude Creek Critical Habitat Area (CSHB 312) is to be addressed March 6, at the Senate Community & Regional Affairs Committee meeting.

I would like to take this opportunity to encourage your support for this bill. The critical habitat designation for the "crane flats" in Gustavus is a dream we hope to see reach fruition this session. It began as a grass roots movement to provide legal habitat protection for the sandhill cranes that roost here during migration. Frankly, this did not meet with general community approval. What developed through a process of negotiation and compromise was a proposal that does meet the needs and wishes of most people. For example, any previous use of this land, i.e. public access, hunting, firewood harvest, grazing, etc. is allowable and assured in the wording of this bill.

The community demonstrated majority support for this bill in January, 1984, in a referendum ballot polling every registered voter. The response was 66 in favor and 25 opposed. Last year the Gustavus Community Association endorsed the bill.

I strongly support the critical habitat designation for the following reasons:

- 1) it allows continued existing uses
- 2) it was conceived within the community and developed in the spirit of compromise
- 3) this land classification is consistent with the developing economic theme in Gustavus, i.e. recreation, tourism and resource attractions. I sincerely believe that what appears to be intangible benefit now will manifest itself as economic stimulation for the community in the long run.

This bill offers Gustavus a promise of continued public access and enduring habitat protection.

Thank you for your consideration.

Best Regards,
William M. Tipton
William M. Tipton
President

WT/am

Point Adolphus Seafoods

Gourmet Quality Alaskan Seafoods
P.O. Box 63 • Gustavus, Alaska 99826 • (907) 697-2246

March 2, 1986

Senator Edna DeVries
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator DeVries:

This letter is in regard to CSHB 312, the Dude Creek Critical Habitat Area. I am strongly in favor of this bill because it will provide for the continuation of existing uses of this land, mainly hunting and hiking. It also compliments the developing tourist industry locally, and I know of individuals who schedule their visits to Gustavus when they are most likely to see sandhill cranes.

For several years I have been working at compiling a history of Gustavus, and I have records of a family which visited relatives in Gustavus each fall in order that they could hunt ~~gg~~ geese on the flats here. They did so for some fifteen years, until 1939, when they moved here. Additionally, when a portion of Gustavus which had been incorporated into Glacier Bay National Monument (in 1939) was removed from the Monument in 1955, the Alaska Daily Empire stated that "the new release is ... important in that a large area has been thrown open to duck hunters for the first time in 16 years."

Last year, in a suit against the State of Alaska, Charles and Dorothy DeBoer were awarded about 100 acres of land along and east of the Salmon River. The land is largely tidal, and is bisected by a State maintained road. This was the most popular hunting area (duck and geese) in Gustavus and I used to hunt there often. Now the land is private property, and hunting (or berrypicking or hiking) is with permission only. The Dude Creek Critical Habitat Area would provide, in perpetuity, a place where the public could be sure it was welcome.

I hope that I am not short-changing the cranes. They are certainly an asset here, and I believe they contribute to the local quality-of-life. Myself, I know it is spring when I look at the calender, but I know it more certainly when I here the cranes arriving.

Sincerely,


James R. Mackovjak

PENDING LEGISLATION CONTAINING MENTAL HEALTH LAND
December, 1985

*Rec'd 04/09/86
from Uediner, DNR*

This chart pertains to legislative bills containing mental health lands which were left pending at the close of the 1985 session. This information was obtained through the Legislative Affairs computer system. See attached sheet for a listing of all bills reviewed for the inclusion of mental health land.

Bill #	Description of Bill	Sponsor	Legal Description of Mental Health Lands	Approximate* Total Acreage	Approximate MH Acreage
HB 44	Establishment of Additional State Land as Marine Park Units of the State Park System	M. M. Miller, Goll, Duncan	T. 58 S., R. 79 E., C.R.M. within secs. 18, 19, 20, 29 and 32	16,611	1512.41
HB 86	Lands designated as Willow Creek State Recreation Area	Rules Committee at the request of the Governor	T. 20 N., R. 4 W., S.M. within Sec. 31	3,669	76
HB 93	Establishment of a system of Recreation Rivers	Rules Committee at the request of the Governor	T. 17 N., R. 4 W., S.M. within Secs. 4, 6, 7, 8, 17 and 18 T. 26 N., R. 4 W., S.M. within Sec. 7 and 18 T. 26 N., R. 5 W., S.M. within Secs. 12, 13, and 23 T. 18 N., R. 3 W., S.M. within Secs. 28, 29 and 30	226,070	3,898
HB 312	Establishment of the Dude Creek Critical Habitat Area	Goll, Duncan, M. M. Miller, Brinkley	T. 40 S., R. 58 E., C.R.M. within Secs. 2, 3, 9, 10, 11, 14 and 15	4,083	3,443
SB 19 HB 186	Creation of Anchorage Coastal State Wildlife Refuge	V. Fischer, Kerttula Szymanski	T. 12 N., R. 4 W., S.M. within Secs. 15, 22, 23, 25 and 26 T. 12 N., R. 3 W., S.M. within Secs. 30, 31 and 32 T. 11 N., R. 3 W., S.M. within Sec. 10	**1,653	**516- 740.5
SB 30	Yakataga State Forest	Eliason, V. Fischer, Kerttula	T. 22 S., R. 19-22 E., C.R.M. within all secs T. 23 S., R. 21-22 E., C.R.M. within all secs	360,834	47,316

*Pertains to uplands only. The mental health lands in SB 19 are currently included in the Potter Point State Game Refuge.

**These estimates were made from the legal descriptions provided in the bills and may contain non-state land or lands already encumbered.

February 28, 1986

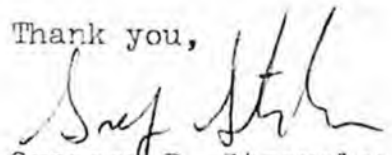
Edna DeVries
Alaska State Senate
Pouch V
Juneau, Ak. 99811

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This bill crowns an effort by the Gustavus community to ensure a place for sandhill cranes in our future, while protecting traditional uses that are compatible with this goal. A 66 - 25 referendum vote taken two years ago, and overwhelmingly positive testimony before the House of Representatives last year both demonstrate the degree of local support.

Thank you,



Gregory P. Streveler
Box 94
Gustavus, Alaska 99826

Feb. 28, 1986

Dear Senator DeVries:

I sincerely hope you will support CSHB 312
Dude Creek Critical Habitat Area when it
comes before your committee. The cranes
were here long before Gustavus, and they
need protecting. The community has spoken
out in favor of this Critical Habitat area
in a referendum and in the State House.
We hope you will favor the bill.

Thank you for your consideration.

Sincerely,
Kate Boesser
Box 47
Gustavus, 99826

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Alaska State Legislature
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Dear Senator DeVries,

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These cranes are magnificent and having them here does not compromise other land uses - thus, the strong local support; thus the request for legislative support. I would urge your support for this legislation.

Sincerely,

George Jensen

Box 87

Gustavus, AK 99826

3/3/86

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Alaska State Legislature
Pouch V
Juneau, AK. 99811

Dear Senator DeVries,

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I would like to ask your support for this bill. The "crane flats", as we call the Dude Creek area, are very important to this community. As in the song "when the swallows come back to Capistrano", when the sandhill cranes visit our community each Spring and Fall on their annual migrations north & south, everyone takes notice. Ric Muñoz has even painted a picture of the cranes in flight over Gustavus. It is an awesome sight to see and to hear the hundreds of cranes high in the sky circling in their big wheels, or to stand looking up

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I realize the problems you are encountering with the difficult "mental health lands" issue. It is our hope that DNR & Div. of Mental Health can work out an exchange of some kind. The land itself would ~~be~~ not be worth much on the open market because it is so wet.

Thank you very much for taking the time to consider the Deade Creek Critical Habitat. Again, I would urge your support for this important decision.

Sincerely,
Lynne M. Jensen

Box 87
Gustavus, Ak. 99826

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As you probably know, Gustav folks rarely agree on anything out here. But in a referendum questionnaire done in 1984, sent to every registered voter, the result was highly in favor of protection for the crane flats. The reason people agreed was because we could continue our traditional uses of the land - it wouldn't be "locked up" for only the cranes to use - but the habitat would be protected so they will continue to stop here every year.

Feb. 27, 1986

Dear Senator De Vries,

I would like to ask for your support of C.S. H.B. 312, an act creating the Wude Creek Sandhill Crane Critical Habitat.

I understand that this piece of legislation is before your committee this coming week.

I strongly support this bill because it is designed to protect a traditional resting and feeding area for sandhill crane.

The community of Gustavus, which lies next to this area, has worked at achieving some sort of protection status for migrating crane habitat for several years. Meetings with state officials, committee work, and the polling of residents have all gone into this effort.

This bill is not merely an attempt to lock up land for its own sake. Compromise has been undertaken on boundaries, the least restrictive classification for the area, and the continuance

of traditional uses (ie. trapping, hunting, fishing) are evidence of that desire.

We seek to set aside an area that without proper monitoring could be altered by drainage or other harmful harassments by man.

Thank you for your time and good luck in ~~your~~ the lieutenant governors race.

Respectfully,

Morgan DeBoer

Box 51

Gustavus, AK 99826



STATE OF ALASKA
HOUSE OF REPRESENTATIVES

M E M O R A N D U M

February 13, 1986

TO: Senator Edna DeVries
Chairman, Senate Community and Regional Affairs

FROM: Representative Peter Goll *Peter Goll*

SUBJECT: CSHB 312 (Dude Creek Critical Habitat Area)

Thank you for your patience in the scheduling of House Bill 312 for hearings in your committee. The additional time has allowed me to draft language for proposed amendments to the legislation to address the Mental Health Lands issue.

The Department of Natural Resources has identified 3,443 acres of the proposed 4,100-acre critical habitat area as mental health lands. Attached are proposed amendments to address the issue that has been agreed upon by the Departments of Natural Resources and Fish and Game.

The amendments would keep the mental health trust lands intact until replacement lands of equal value are identified. DNR also has developed a new fiscal note to cover the costs of assessing the mental health lands in the Dude Creek parcels and replacement lands.

I respectfully request your favorable consideration of the proposed amendments and prompt scheduling of a hearing on CSHB 312. Thanks for your assistance on this matter.

DUDE CREEK CRITICAL HABITAT AREA

Letter of Intent

It is the intent of the Legislature that surface vegetation and soils be maintained to preserve the wetlands nature of the critical habitat area and provide protection to migrating lesser sandhill cranes.

In creating the Dude Creek Critical Habitat Area, the Legislature also intends that hunting, fishing and trapping activities will continue to occur in accordance with harvest regulations as established by the Boards of Fisheries and Game. The following public uses of the area are recognized as historic and traditional: wildlife viewing, firewood harvesting, public access, hiking, berry picking, and grazing. It is the intent of the Legislature that the listed uses will continue unless they are determined to be incompatible with the purpose for which the area is established. The Department of Fish and Game will conduct specific fact finding, including public hearings in Gustavus, prior to making final determination of the compatibility of the listed uses during various times of the year.

The Department is to consult with the community of Gustavus in the preparation and implementation of a management plan for the Dude Creek Critical Habitat Area. In the event that the community forms a local fish and game advisory committee or a critical habitat advisory group, the Department will work closely with those entities in preparation of the plan.



STATE OF ALASKA
HOUSE OF REPRESENTATIVES

update

April 1, 1985

M E M O R A N D U M

TO: House Resources Committee
FROM: Representative Peter Goll
SUBJECT: Briefing Paper for House Bill 312

DUDE CREEK CRITICAL HABITAT AREA

Location

Gustavus, Alaska

Land Status

There are no in-holdings; the parcel proposed for the critical habitat area is state-owned or selected.

History

The residents of Gustavus have been working on the proposal for the past three years. The critical habitat status was selected after a careful review of the available land management options.

The concept was endorsed in a community-wide January, 1984, referendum by a 66-25 vote. A committee of resident citizens was formed to work with the Alaska Department of Fish and Game to develop proposed legislation.

The resulting legislation (House Bill 312) and accompanying letter of intent received the unanimous endorsement of the Gustavus Community Association on March 4, 1985.

Purpose

The wet meadow at the western edge of the community of Gustavus is a major resting area for the Pacific population of Lesser Sandhill Cranes during their annual migration between western Alaska and southern California.

Research shows that half or more of the entire Pacific population of Lesser Sandhill Cranes uses the Dude Creek meadow during the September and April-May migratory periods. The adjacent national park is little used by the cranes.

The crane habitat at Gustavus has been greatly reduced in recent years by development and natural reforestation. The proposed critical habitat area includes the largest remaining block of appropriate habitat in the area. The wet meadow favored by the cranes is very susceptible to alteration by draining. The birds also are very easily disturbed by human presence.

The proposed legislation requested by Gustavus is designed to give the Alaska Department of Fish and Game authority to manage human uses of the Dude Creek wet meadow to protect the habitat needed by the cranes. The legislation and letter of intent also make it clear that existing compatible human uses will be accommodated. The letter of intent also gives ADF&G clear direction to work in close cooperation with Gustavus residents in drafting a management plan.

Call
Nelso
Monday 14th

Representative Peter Goll
Alaska State Legislature
Pouch V
Juneau, AK 99811

Gustavus
Jan. 5, 1985

Dear Representative Goll,

In January, 1984, a referendum (enclosure 1) was sent to all registered Gustavus voters, asking whether they favored creation of a 4100-acre Critical Habitat Area to protect migrating sandhill cranes. This capped a two-year community effort to research the need for protection and the various protective options available.

A committee of Gustavus residents was then formed to act on this mandate. In consultation with Debra Clausen, ADF&G, Habitat Division, we developed a package of background information (enclosure 2), a proposed draft of enabling legislation (enclosure 3), and a boundary map (enclosure 4). This material has now been displayed at the post office for several weeks, and to date we have received no adverse comment on it. We hope that you and Senator Eliason will now begin the process of enactment into law.

In the course of our work on the crane issue, three clearcut community opinions have emerged. First, there is strong sentiment in favor of crane protection. Second, people favor the idea of a Critical Habitat if the community is fully involved in preparing legislation and management plan. And third, many feel that human use should be regulated only to the extent necessary. In particular, the following public uses and activities should be allowed: wildlife viewing, firewood harvesting, mechanical and non-mechanical access, hiking, berry picking, and grazing, unless such activities are documented to be detrimental to the migrating sandhill cranes or their habitat.

There is general agreement that present use types and amounts are not threatening the cranes or their habitat in the area proposed for legislative action. The protective effort was begun because cranes have been substantially excluded from other parts of Gustavus and could be eliminated throughout if future use and development proceed in an unplanned fashion.

Lloyd Prouty, Debbie Woodruff, Morgan DeBoer and I will be glad to provide further information or assist in any way you wish.

Sincerely,

Greg Streveler, Chairman
"Crane Committee"



best
Alaska
Representative

Gustavus Community Association Referendum JANUARY, 1984

Established two years ago, the referendum was initiated to sample the opinions of the whole community, that is the registered voters of this election district. While not legally binding it is nonetheless recognized by the State of Alaska as a valid polling device.

Those responding are requested to return the completed referendum questions no later than Feb. 5th by mailing them to Box 62 Gustavus, AK 99826.

1. Road Maintenance-

Fact: In 1983 the Alaska State Legislature appropriated \$115,000 to upgrade Tong Road, Same Old Road, Salmon River Road and Rink River Road. An additional 27 thousand dollars was appropriated which was not used. The question arises on whether or not to spend this money for the maintenance of existing roads or upgrading other roads or returning the money to the state. Since receiving this request for this referendum, solicited legal opinion states that the GCA can be held liable for damages incurred as a result of this recent upgrade or any future maintenance or improvements to the roads or the Goode River Bridge.

Question:

1. The \$27,000 should be used for maintaining the four recently upgraded roads. Yes No
2. The \$27,000 should be used to upgrade other local access roads. Yes No
3. The \$27,000 should be used to hire a professional engineer to inspect the recently upgraded roads and to pay for any necessary corrections for safety, therefore minimizing liability to GCA. Yes No
4. The \$27,000 should be returned to the State. Yes NO

Pro Statement:

The \$27,000 could be used for several years to maintain local access roads, including snow removal. It has been estimated that it would cost somewhere between \$3,000 and \$6,000 a year to maintain these local access roads.

Winter snow removal would allow access year round and would allow the Fire Department and EMTs to respond to fire and medical emergencies. Pot holes could be filled in the spring and the roads could be graded throughout the spring.

Con Statement:

The acceptance of the \$27,000 will put the community in the road maintenance business while the intent of the \$115,000 was to bring the roads up to standard. Acceptance establishes a precedent for other new roads that will be built, with the community expected to maintain them. This also represents another step in our inertia towards local government, and if and when Gustavus incorporated road maintenance and liability costs would be substantial.

II. Jetfoil Service-

Fact: In early December of 1983, representatives from Boeing Marine and the State Division of Marine Transportation met with the community, informing residents of their plan to bring jetfoil service to Gustavus. Plans called for a 240 passenger boat coming once a week with a 40 lb. baggage limit at a price of \$30 on a test basis for the summer of '84, with alterations planned for the existing float. In response to protest expressed at the meeting the state agreed to postpone service until the question was put to the community in the form of a referendum. (P.S. On 12/13/83, a phonecall was received from DOT stating they could not wait for results of this referendum to do their schedule and therefore

question: were removing Gustavus from the 1984 summer route. The GCA would still like your opinion on this matter so please answer the question

1. Should the State of Alaska bring jetfoil service to the community of Gustavus? Yes No

Pro Statement:

Jetfoil service would provide a cheaper means of transportation and would thus enable more people to visit who would spend tourist dollars in our community. Other communities would be more accessible and may lead to full-time ferry service, which would allow increased freight and vehicular services. This would be an alternative for those who do not like to fly.

Con Statement:

The community has repeatedly petitioned against regular ferry service in the past and jetfoil service represents the same. Alterations to the existing float could possibly imperil local usage and existing barge service. There are no existing facilities to handle a large influx of visitors and subsequent impact could be substantial and detrimental to the community.

III. Dude Creek Meadows Protection-

Fact: In May of 1983 a questionnaire was sent to the registered voters of Gustavus asking if the sandhill cranes which, during migration, feed and rest along Dude Creek be given some sort of protection. Eighty-one percent of those questioned replied "yes." A committee was established to research the options available for protecting sandhill cranes and recommended the Community Association request the state legislature through Fish and Game, establish some 4,000 acres along Dude Creek as sandhill crane critical habitat.

Question:

1. Should approximately 4,000 acres ^(Option 1) paralleling Dude Creek be designated as 'critical habitat' for the sandhill crane? 66 Yes No 25
2. If "no", would you support inclusion of only the area west of Dude Creek (Option 2), or some other type of protection other than "critical habitat" ?
 Yes No Specify _____

Pro Statement:


The setting aside of approximately 4,000 acres of Gustavus wetlands for a critical habitat designation for the approximately 7,000 sandhill cranes who rest and feed annually in the Dude Creek meadows signifies the commitment to the well-being of a particular species of waterfowl. Boundaries protect only the areas most heavily used by the cranes. All traditional uses such as hunting, trapping, firewood harvest and all-terrain vehicle use will continue as long as they do not interfere with the species. The area would serve for perpetuity as a recreational area. Community input on the area's management can be very strong if we help write the legislation and management plan.

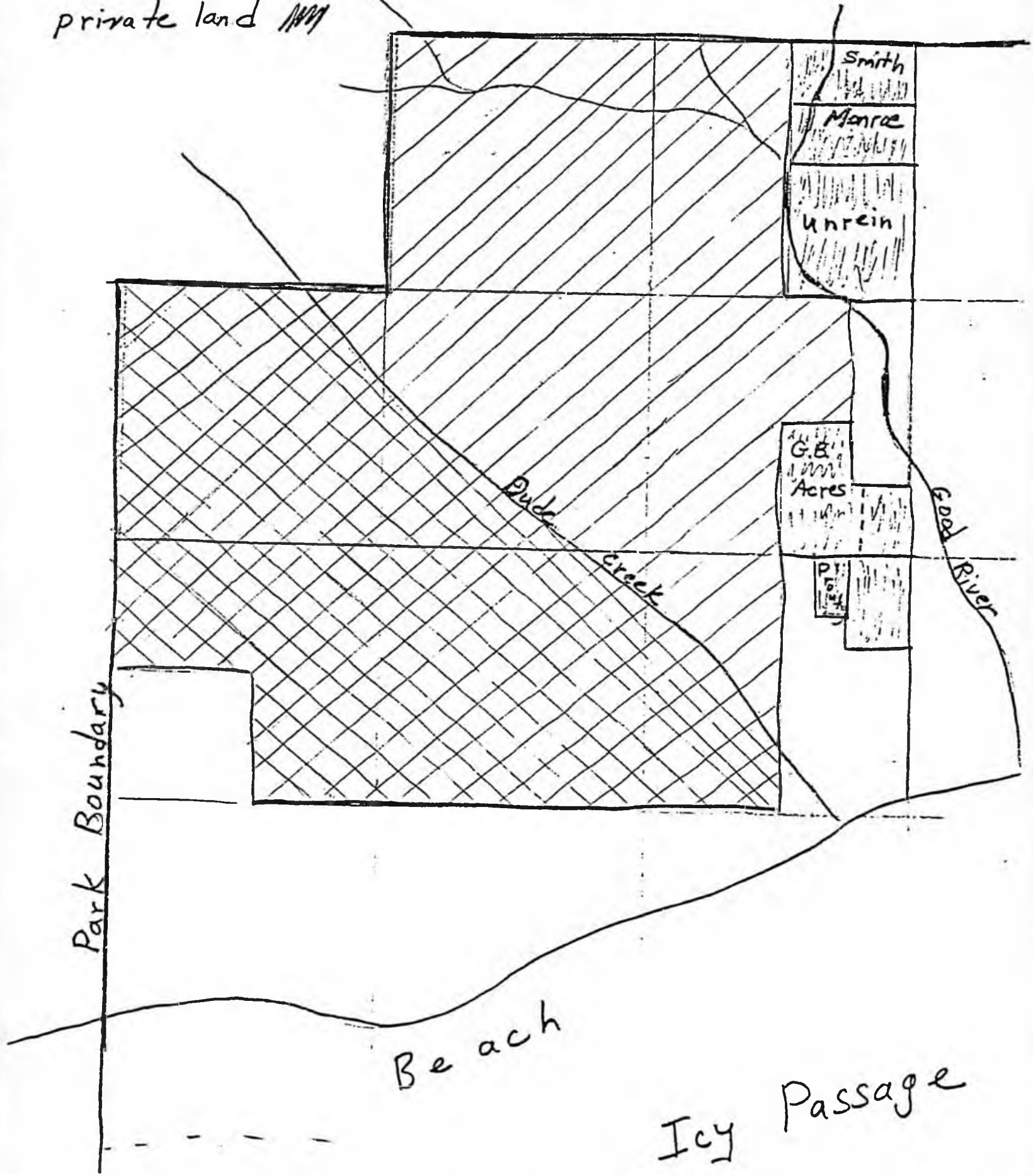
Con Statement:

Because Gustavus is already surrounded by 2 million acres of Park, any lands restricted for use within our community would only hinder further growth and is merely an attempt to lock up more of our state. Agricultural and recreational uses may be restricted by Fish & Game and/or "environmental concerns" and others who may not be truly in touch with our needs - this could be dangerous. To lock up lands used only a couple months a year by the cranes, and likely to change by natural succession is unwise.

Option 1  about 4100 acres

Option 2  about 1800 acres

private land 



Background Information

Location: The proposed Dude Creek Critical Habitat Area is located in Southeast Alaska immediately west of the settlement of Gustavus; two miles southeast of Bartlett Cove, headquarters of Glacier Bay National Park (USGS quad Juneau B-6).

Area Description: Dude Creek bisects a low gradient alluvial fan formed by the outwash from the Glacier Bay ice sheet at its Neoglacial maximum. Outwash formation ceased and revegetation began approximately 200 years ago, following ice recession from the Bartlett Cove area.

A generally high water table has favored the development of extensive wet meadows dominated by several species of sedge, moss, and horsetail. Willow thickets, scrub pine forests, then luxuriant Sitka spruce stands are arrayed in rough bands paralleling Dude Creek and nearby Good River. This pattern has developed in response to the increasingly depressed water table as the watercourses are approached. To the seaward, meadows grade into a broad band of thickets and scrub forests. This band approximately parallels the present beach and occupies former tidelands that

have risen isostatically in response to recession of Neoglacial ice in nearby Glacier Bay.

The Dude Creek wet meadows are the largest of their kind in the Icy Strait region. Their vegetation differs substantially from that of the muskegs that are extensive on Pleasant Island, Chichagof Island, and portions of the northern Mainland. Cranes do not appear to stop over regularly in muskegs during migration.

Justification: The Dude Creek Uplands of Gustavus provide level, wet, even marshy, open country remote from human activity. Situated on the Pacific flyway, the meadows have been used in fall and spring by staging lesser sandhill cranes at least since the time of the earliest Gustavus homesteaders. Streveler and Matkin (1983) recorded almost 13,000 cranes passing through the Gustavus area in fall of 1982. Over half of them were observed to have landed, mostly in the proposed critical habitat area. The observed cranes represent approximately half of the Pacific flyway population estimated by Herter (1983).

The loss of wild wetlands along the Pacific flyway has led the four Pacific states and the Province of British

Columbia to coordinate efforts to identify and preserve critical habitats for cranes. Habitats of key importance provide cranes with food sources suitable for fat deposition, shallow water for roosting, visibility for protection from predators, and remoteness from human activity. Such sites must be sufficiently abundant along the migratory route so as to be available when cranes are forced down by adverse weather. Clearly if the Pacific flyway population of lesser sandhill cranes is to flourish, then sites, such as the proposed area, which are of demonstrated value to cranes must be accorded protection.

Statutory designation of the Dude Creek crane meadows as a critical habitat area will allow management of the staging site for the perpetuation of those characteristics which attract the cranes. Without such protection, continued use of the area by cranes can not be assured.

Land Status: There are just ^{over}~~under~~ 4,000 acres of state-owned property within the candidate special area managed by the Department of Natural Resources, all but one quarter section of which is classified as grazing and timber. 160 acres within the area are in federal ownership.

During territorial days, the land was controlled by the federal government under the Bureau of Land Management. In the late 1930's, the National Park Service sought to put any unpatented lands in a bear preserve status, forcing out those who did not have completed patented homesteads. Included was Henrietta House's homestead along the Dude Creek, hence the name of the creek for her nickname.

In 1957, this area was once again opened to homesteading along with other unpatented lands in Gustavus, and in early 1960 homesteading was closed with the coming of statehood.

This land was then designated State Mental Health lands with Section 16 designated school lands. As far as is known, there are no current leases of this land although a grazing lease is being sought by Al Unrien in the northern portion of the proposed critical habitat area.

The only known rights of ways or easements are along pre-existing traditional section lines.

Area's History: As far as is known, the A.L. Parkers were the first to use the area. Between 1916 and

1939 they grazed as many as 200 cattle in the proposed critical habitat area. They fenced and did some ditching.

Cross-country skiing, berry picking, hiking, hunting, and firewood gathering have all been traditional uses of this area.

In the mid-1950's, the possibility of the establishment of a White Alice communication station was studied with the lower Dude Creek Meadows in mind. Miles of radio cable were strung by helicopter with a camp established along the creek.

In 1959, Joe Calbich filed on 160 acres in the middle of the Dude Creek area. A road and ditching were undertaken, followed by the construction of a cabin. However, he did not meet his clearing and residency requirements, so he lost this homestead.

With respect to observation and contact with the cranes, oldtimers confirm their existence in this area but felt that the cranes were dispersed over the whole Gustavus area because Gustavus, as we know it today, was basically wet meadows except for areas along major rivers, creeks, and sloughs. With major changes due to

glacial uplift and drainage done in conjunction with the airport construction and main roads, a major part of the "wet areas" of Gustavus were reduced.

National Resources/Wildlife: The natural resources contained inside the proposed habitat area are as follows:

1. Firewood
2. Berries
3. Furbearing mammals
4. Waterfowl (for subsistence hunting)
5. Fish (in Dude Creek)
6. Grazing land (these grazing lands were used from the 1920's until the late 19^{30's}~~40~~'s. Some of the early homesteaders used this land for their herds of cattle.)

Sandhill cranes are the Dude Creek area's premier wildlife species. Thousands stop briefly in the area's wet meadows during the spring and especially the fall migration.

Geese of several species, but primarily Canadas, rest and forage in the meadows through much of the year, but especially during spring and fall. Flocks of up to 300

have been recorded. A few mergansers and mallards may reside and raise young along the area's watercourses. Snipe, least sandpipers and savannah sparrows nest in the meadows, while the usual array of Southeast Alaskan songbirds nest in the shrublands and forests. A few horned owls nest in the best timber. Moderate numbers of raptors, notably marsh hawks, pass through the area during migration.

In general, fall and winter bird populations are sparse. Ravens, magpies, and eagles occur in small numbers. Chickadees and crossbills are most notable among the small songbirds.

Except for the occasional abundance of longtailed voles, mammal populations are not large. A few black bears occupy the area's wooded fringes. Coyotes and occasionally wolves traverse the area. Marten are at times common in the forests and adjacent habitats, while weasels are periodically abundant. A few otters occasionally occupy Dude Creek and Good River, which have very small fish populations. Red squirrels abound in the forests, and porcupines occur sparsely along creeks and forest edges.

Much thoroughfare by the larger mammals occurs along the forested Dude Creek corridor, which provides the last wholly intact upland link between the Gustavus beach and wildlands within Glacier Bay National Park.

Public Access: Access by the public to the proposed Dude Creek Critical Habitat Area can be obtained along all section lines. The preferred access is on the section line extending from the west on the God River Road which is Township 40 South, Range 58 East, Copper River Meridian. This section line runs between sections 11, 12, 13, 14, and extends west.

Threats to the Cranes: Vegetative succession appears to be proceeding toward forest over much of the Dude Creek area. This tendency is enhanced by creek entrenchment and consequently improved drainage in response to land uplift. Two processes appear to be occurring: spreading of the brush and forest zones, and the establishment of pine and willow seedlings throughout much of the meadows.

Any human activity that improves drainage will accelerate the shift away from wet meadow, and hence from the habitat most important to cranes. Ditching must therefore be avoided in or upgradient from the

meadows. The proposed Critical Habitat Area's boundaries include all key parts of the wet meadow watershed, except for certain private lands at its Southeast margin and Glacier Bay National Park to the north. Therefore, prohibition of ditching in the proposed Critical Habitat Area will substantially protect watershed characteristics. It will be desirable, however, to seek cooperation from adjacent landowners.

Harrassment of cranes by people or their domestic animals is a second potential threat. Cranes are notoriously shy, and now frequent only the most remote wet meadows available. For this reason, it will probably be necessary to strictly regulate human use of the Critical Habitat Area lands themselves during the migration season.

Development of lands outside Critical Habitat Area boundaries may become a major concern in this context^x. It will be desirable to classify adjacent state lands for uses compatible with cranes. Private landowners should be drawn into cooperative agreements if possible, but acquisition of certain adjacent private lands may become very desirable to preclude development with inescapable effects on the Critical Habitat Area.

Support: The local forum for decision-making in Gustavus is the Gustavus Community Association. During a recent referendum ballot, every registered voter was polled regarding the establishment of a critical crane habitat located in the Dude Creek area. The response to this issue was ^{66-25 in favor of} ~~very positive in~~ establishing such an area.

There is marginal opposition to the overall size of the crane habitat as expressed by a few individuals and local farmers. The farmers who reside adjacent to the proposed site are concerned about the unavailability of future state leases allowing for expansion of their acreage. There has also been a question of whether or not a conflict exists between the crane and cattle's feeding site.

IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - FIRST SESSION
A BILL

For an Act entitled: "An Act Creating the Dude Creek
Critical Habitat Area"

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

Section 1. AS 16.20.230 is amended by adding a new
paragraph to read:

(12) (A) Dude Creek: All land and water contained
in the following areas:

Township 40 South, Range 58 East,
Copper River Meridian

Section 2 $W\frac{1}{2}$

Section 3

Section 9

Section 10

Section 11 $W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$

Section 14 Lot 3, $NW\frac{1}{4}$, $NW\frac{1}{2}SW\frac{1}{4}$,
 $SW\frac{1}{4}SW\frac{1}{4}$

Section 15

Section 16 $N\frac{1}{2}$, $SE\frac{1}{4}$

(B) The purpose of AS 16.20.230 (12) is to protect and enhance the lesser sandhill cranes and the wet meadow habitat which is a key roosting area for migrating lesser sandhill cranes, and to provide for continued public use and enjoyment of the area in a manner compatible with the protection of lesser sandhill cranes and their habitats.

(C) The Dude Creek Critical Habitat Area will be managed in accordance with a management plan prepared by the Department of Fish & Game in consultation with the community of Gustavus.

(D) Hunting, fishing and trapping will continue to occur in accordance with harvest regulations as established by the Boards of Fisheries and Game. The following public uses and activities shall be allowed: wildlife viewing; firewood harvesting; mechanized and non-mechanized access; hiking; berry picking; and grazing; unless such activities are documented to be detrimental to the migrating lesser sandhill cranes or their habitat.



Alaska Environmental Lobby, Inc.

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

907-586-2345

DUDE CREEK CRITICAL HABITAT AREA: HB312

Even the modest growth and development around small towns can have big consequences for the wildlife of Alaska. The case of Gustavus, in Southeast Alaska, is a good example. Half or more of the entire Pacific population of lesser sandhill cranes stop over in the Gustavus area during their Fall migration South. In years past, the cranes were dispersed over the whole Gustavus area, because wet meadows, their favorite habitat, were plentiful. But the construction of the airport and main roads, combined with natural forest succession, have severely reduced the wet meadows in the area. These meadows provided the cranes with rich food for their migration, shallow water for roosting, visibility for protection from predators, and remoteness from human activity. Most of the migrating cranes now concentrate in the Dude Creek area immediately west of Gustavus, one of the few areas where suitable meadows remain.

House Bill 312 would establish the Dude Creek Critical Habitat Area, for the protection and enhancement of the cranes and of the Dude Creek wet meadows, the key roosting area for the migrating cranes. The State owns almost all of the meadows--about 4100 acres presently managed by the Department of Natural Resources. The rest of the land (160 acres) is federally owned. Under the bill, the meadows would be open to public access, grazing, firewood harvesting, wildlife viewing, hiking and berry picking, as long as those activities didn't harm the cranes or their habitat. The Department of Fish and Game would develop a plan in consultation with the community of Gustavus and approved by the Board of Game for the management of the area.

Similar efforts to protect the flyway of the lesser sandhill cranes are being made in the four Pacific states, as well as in British Columbia. The concept of the Dude Creek Critical Habitat Area was endorsed in a community-wide referendum in Gustavus in January 1984, by a 66-25 vote. This bill has subsequently received the unanimous endorsement of the Gustavus Community Association.

The Alaska Environmental Lobby supports HB312 with enthusiasm. The sandhill cranes that stop over in Gustavus travel nearly statewide. Because of their distinctive profile, these handsome birds are often recognized at great distances as they fly. Although the critical habitat area is in Gustavus, it benefits all of Alaska.

Issue paper #5 prepared for the AEL by Brian Allen, 4/8/85

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KNIK GROUP, SIERRA CLUB • DENALI GROUP, SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY
DENALI CITIZENS' COUNCIL • ALASKA FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY
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