

S B

1 9

Introduced: 1/24/85
Referred: Community & Regional Affairs,
Resources and Finance

1 IN THE SENATE

BY V.FISCHER AND KETTULA

2

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act creating the Anchorage Coastal State Wildlife
7 Refuge."

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. 16.20.031. ANCHORAGE COASTAL STATE WILDLIFE REFUGE. (a)

11

The following described state-owned land and water is established as
12 the Anchorage Coastal State Wildlife Refuge and shall be managed for
13 the protection of waterfowl, shorebirds, and other fish and wildlife
14 species and for the use and enjoyment of the people of the state:

15

(1) Township 13 North, Range 4 West, Seward Meridian

16

Section 20: SE 1/4 seaward of the 20 foot elevation

17

contour

18

SE 1/4 NE 1/4 seaward of the 20 foot elevation con-

19

tour

20

Section 29: E 1/2 seaward of the 20 foot elevation

21

contour

22

SW 1/4 seaward of the 20 foot elevation contour

23

Section 30: SE 1/4 SE 1/4

24

Section 31: All seaward of the 20 foot elevation

25

contour except NW 1/4 NW 1/4

26

Section 32: All seaward of the 20 foot elevation

27

contour

28

(2) Township 13 North, Range 5 West, Seward Meridian

29

Section 36: S 1/2

1 S 1/2 N 1/2
2 (3) Township 12 North, Range 4 West, Seward Meridian
3 Sections 6 - 9: Seaward of the 20 foot elevation
4 contour
5 Section 15: NW 1/4 seaward of the 20 foot elevation
6 contour
7 SW 1/4 NE 1/4 seaward of the 20 foot elevation
8 contour
9 Government Lot 5 and the remainder of the W 1/2 SE
10 1/4, all
11 SW 1/4
12 Section 16: Seaward of the 20 foot elevation contour
13 Sections 17 - 22
14 Section 23: Government Lot 1 and the remainder of the
15 SW 1/4, all seaward of the 20 foot elevation contour
16 Government Lot 2 and the remainder of the S 1/2 NW
17 1/4, all seaward of the 20 foot elevation contour
18 Government Lots 3 and 4, and the remainder of the SE
19 1/4, all seaward of the 20 foot elevation contour
20 Section 24: Tract A, Shorecrest Subdivision (Plat No.
21 81-68, Anchorage Recording District)
22 Section 25: Government Lots 1 and 2, and the remainder
23 of the W 1/2, all
24 Tract A, Johns Park Estates, and the remainder of the
25 NE 1/4, excluding Skyway Park Estates, Addition No. 1
26 all seaward of the 20 foot elevation contour Govern-
27 ment Lots 3 and 4, and the remainder of the SE 1/4,
28 all
29 Sections 26 - 36

1 (4) Township 12 North, Range 5 West, Seward Meridian
2 Sections 1 - 2
3 Sections 11 - 14
4 Sections 23 - 26
5 Sections 35 - 36
6 (5) Township 12 North, Range 3 West, Seward Meridian
7 Section 29: That portion of the SW 1/4 southwesterly
8 of the Alaska Railroad right-of-way and southerly of
9 Oceanview Subdivision, Addition No. 6
10 Section 30: That portion of Tract A, Johns Park
11 Estates, seaward of the 20 foot elevation contour
12 Government Lot 2 and that portion of the SE 1/4 NW
13 1/4 southwesterly of Oceanview West Subdivision,
14 Addition No. 1
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16 1/4, all
17 That portion of the SW 1/4 NE 1/4 and the SE 1/4
18 southwesterly of Oceanview Subdivision, Addition No.
19 4 and Addition No. 6
20 Section 31
21 Section 32: All lands southwesterly of the Alaska
22 Railroad right-of-way
23 Section 33: All lands westerly of the Alaska Railroad
24 right-of-way
25 (6) Township 11 North, Range 3 West, Seward Meridian
26 Section 3: Government Lot 5
27 Section 4: That portion southwesterly of the Old
28 Seward Highway right-of-way and The Landings
29 Subdivision which is northeasterly of the New Seward

1 Highway right-of-way

2 That portion southwesterly of the Alaska Railroad
3 right-of-way

4 Sections 5 - 8

5 Section 9: That portion southwesterly of the Alaska
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7 That portion northeasterly of the New Seward Highway
8 right-of-way

9 Section 10: That portion westerly of the Old Seward
10 Highway right-of-way which is northeasterly of
11 the New Seward Highway right-of-way

12 That portion southwesterly of the Alaska Railroad
13 right-of-way

14 (7) Township 11 North, Range 4 West, Seward Meridian

15 Sections 1 - 4

16 Sections 10 - 12

delete
17 (b) The management of the Anchorage Coastal State Wildlife
18 Refuge established under (a) of this section is assigned to the De-
19 partment of Fish and Game and, except as provided in (c) of this
20 section, shall be managed under a management plan prepared by the
21 Department of Fish and Game under AS 16.20.040 - 16.20.060.

22 (c) Land owned by the Municipality of Anchorage that lies within
23 the boundary of the Anchorage Coastal State Wildlife Refuge described
24 in (a) of this section may be included in the Anchorage Coastal State
25 Wildlife Refuge. An agreement between the Department of Fish and Game
26 and the Municipality of Anchorage for the management of the land
27 within the Anchorage Coastal State Wildlife Refuge that is owned by
28 the Municipality of Anchorage shall be approved by the Municipality of
29 Anchorage and by the Department of Fish and Game.

1 (d) If state law permits a use or activity on land within state
2 game refuges that is not permitted on the land owned by the Municipal-
3 ity of Anchorage, the use or activity is not permitted on the land
4 owned by the Municipality of Anchorage within the Anchorage Coastal
5 State Wildlife Refuge.

6 (e) The state or the Municipality of Anchorage may not acquire
7 privately owned land within the Anchorage Coastal State Wildlife
8 Refuge described in (a) of this section by eminent domain for inclu-
9 sion within the Anchorage Coastal State Wildlife Refuge. The Depart-
10 ment of Fish and Game or the Municipality of Anchorage may acquire
11 privately owned land within the Anchorage Coastal State Wildlife
12 Refuge by purchase, exchange, or otherwise except by eminent domain.

13 (f) The land and water areas of the Anchorage Coastal State
14 Wildlife Refuge are closed to mineral entry under AS 38.05.185 -
15 38.05.275.

16 * Sec. 2. AS 16.20.030(b) is repealed.

Jan 23

Called Bev Ward - ARCO

Jim Jinks - Ak Miners (Phil Holdsworth, local lobbyist) 276-0347

Paula Easley - RDC - 276-0700

Ak Supp. Indus. Alliance (The Alliance) 562-0100 - 3 times - no answer

CIRI - 274-8638 - Huhndorf out of town

George ~~Christ~~ Kruste, Exec Vice President

P.O. Drawer 4-N

Arc 99509

Chip Dennerlein - ~~786-8461~~

Peggy Hackett - 264-4960

Audubon Society - 276-7034 -- called twice - no answer

Jan 25 Peter Scholes - interested in sponsor substitute changes -- suggested he talk to Ginger Baim Szymanski's ofc -- asked if there was a teleconf. on SB-19 - said "no"

2/14 copies of back-up sent to Mark in Diane Pierce's ofc

Senator Vic Fischer

Alaska State Legislature
Pouern V • Juneau, Alaska 99811 • (907) 465-4954

Rec'd morning of
1/24/85



January 23, 1985

EXPLANATION OF CHANGES IN SPONSOR SUBSTITUTE
FOR SENATE BILL 19

Both the Department of Fish and Game and the Division of Mining have asked that technical changes be made to SB 19. Attached is a draft Sponsor Substitute with changes highlighted in yellow.

1. Page 4, line 21, after Department of Fish and Game add "under AS 16.20.040-16.20.060."

The Department of Fish and Game was concerned that since the bill creates a "wildlife" refuge as opposed to a "game" refuge, their management authority could be challenged unless it was specifically spoken to in statute. The drafter, Dick Bradley, did not feel this was a problem but in order to make it clear, added the highlighted language.

2. Page 4, line 29, delete "Board of Game" and insert "Department of Fish and Game".

The Department of Fish and Game, not the Board, has management authority and responsibility for preparing a management plan. This was a drafting error. Again, this change is at the request of the ADF&G. (See attached letter from Commissioner Collinsworth.

3. Page 5, line 14 & 15, delete "AS 38.05.135 - 38.05.280" and insert "AS 38.05.185 - 38.05.275."

This is a cite change requested by the Division of Mining to correct a technical error. AS 38.05.280 doesn't exist. It should have been written as AS 38.05.275. Further, the cite (which describes the kind of mineral entry prohibited within the refuge) should begin at AS 38.05.185 instead of AS 38.05.135.

Under SB 19 oil and gas leasing would be prohibited. Under the amended language in the sponsor substitute oil and gas leasing, exploration, and/or development would not be prohibited, nor would it necessarily be permitted.

The permitting process governing oil and gas leasing/development in or under refuges is already addressed in existing statutes. The amended language in the sponsor substitute makes SB 19 consistent with statutes establishing other game refuges in Alaska.

/qj

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: 907 465-4100

December 27, 1984

Senator Vic Fischer
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Fischer:

Thank you for your letter of November 26, 1984, requesting comments on the draft Anchorage Coastal State Wildlife Refuge bill. Members of my Anchorage staff have been working with your staff, the Municipality of Anchorage, and the Alaska Department of Natural Resources on this draft legislation. The department supports this proposed extension of the existing Potter Point State Game Refuge as a way to help protect important waterfowl and shorebird habitat in the Anchorage area. However, we believe that two changes to the proposed legislation are necessary. First, the term "wildlife refuge" currently has no meaning in state statutes. We assume that you want the management and regulatory provisions of AS 16.20.040-.060 to apply to the Anchorage Coastal State Wildlife Refuge. If so, it is not clear that those provisions would be applicable, given your proposed designation of a wildlife refuge. If they are not applicable, we are left with no statutory protection for the area. Therefore, we recommend that you take one of the following actions: 1) call it the Anchorage Coastal State Game Refuge or 2) call it the Anchorage Coastal State Wildlife Refuge (A State Game Refuge). Reference to a State Game Refuge needs to appear in the proposal.

The other requested change is with regard to AS 16.20.031 (c). The last sentence of that paragraph should read, "An agreement between the Department of Fish and Game and the Municipality of Anchorage for the management of the land within the Anchorage Coastal State Wildlife Refuge that is owned by the Municipality of Anchorage shall be approved by the Municipality of Anchorage and by the Department of Fish and Game [Board of Game]." The Department of Fish and Game, not the Board of Game, has authority for managing state game refuges.

I might mention that we have found that a boundary survey of refuges is important to their proper management. If you

Senator Vic Fischer

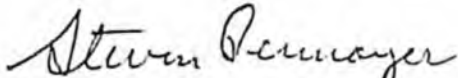
-2-

December 27, 1984

agree, you may want to consider a fiscal note which will provide for it.

Thank you for the opportunity to review the proposed bill. If I can be of assistance to you in the furtherance of this legislation, please contact me.

Sincerely,



Don W. Collinsworth
Commissioner

cc: Ginger Baim
Roger Poppe

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17 (b) The management of the Anchorage Coastal State Wildlife
18 Refuge established under (a) of this section is assigned to the De-
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16 * Sec. 2. AS 16.20.030(b) is repealed.
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28
29

**Municipality
of
Anchorage**



P.O. BOX 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4960

TONY KNOWLES,
MAYOR

INTER-GOVERNMENTAL AFFAIRS

February 20, 1985

Hon. Edna DeVries
Pouch V
Juneau, Alaska 99811

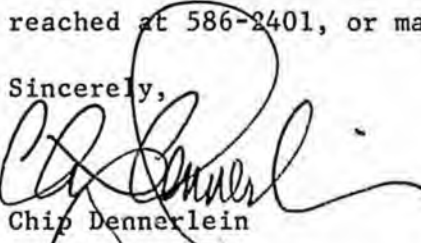
Dear Sen. DeVries:

During a recent hearing concerning S.B. 19, creating the Anchorage Coastal State Wildlife Refuge, you asked whether the Anchorage Assembly supported the legislation. At that time, I responded by highlighting several actions which the Assembly had taken with respect to the management of lands within the Refuge for preservation and public recreation purposes, including adoption of the Coastal Zone Management Plan and an Anchorage Wetlands Plan. While both of these documents and other actions spoke directly to land use, we wanted to make certain that the Assembly had an opportunity to speak directly on the issue of S.B. 19 itself.

Attached is Assembly Resolution 85-42, recommending enactment of S.B. 19 creating the Anchorage Coastal State Wildlife Refuge, which was passed by the Assembly on February 19, 1985.

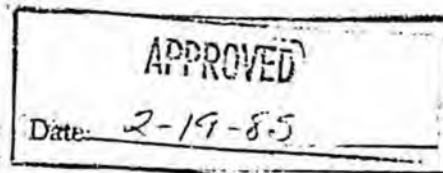
If I can be of any further assistance in moving along S.B. 19, please call on me. I will be in Juneau the first three days of next week, and can be reached at 586-2401, or may see you on the Hill.

Sincerely,


Chip Dennerlein

Enclosure

cc: Sen. Vic Fischer
Rep. Mike Szymanski



Submitted by: Assemblywoman Angvik
Prepared by: Department of Property
and Facility Management
For reading: February 19, 1985

ANCHORAGE, ALASKA
AR NO. 85-42

A RESOLUTION RECOMMENDING ENACTMENT OF SENATE BILL NO. 19 CREATING THE ANCHORAGE COASTAL STATE WILDLIFE REFUGE

WHEREAS, the existing Potter Point State Game Refuge which extends from Potter Point to Point Campbell including Potter Marsh ensures the protection of habitat for waterfowl, shorebirds and other fish and wildlife species on tidelands and coastal wetlands along Turnagain Arm; and

WHEREAS, the Potter Point State Game Refuge provides an extraordinary opportunity for tourists and Anchorage residents to view and otherwise enjoy coastal wildlife in a natural setting; and

WHEREAS, the Municipality is building the Coastal Trail to enhance public access from built-up portions of Anchorage to its coastline and open spaces along Cook Inlet; and

WHEREAS, the Assembly in 1979 approved the Anchorage Coastal Management Plan which provides that the coastal wetlands between Point Woronzof and Point Campbell shall be classified as an "Area Meriting Special Attention" (AMSA); and

WHEREAS, the Pt. Woronzof-Pt. Campbell Wetlands Master Plan, a 1982 element of the Anchorage Coastal Management Plan, recommends that the lands within the AMSA should be made part of the Potter Point State Game Refuge; and

WHEREAS, the Administration has worked with the State Departments of Natural Resources and Fish and Game to prepare legislation effecting the inclusion of State lands below the bluff between Point Woronzof and Point Campbell in the renamed Anchorage Coastal State Wildlife Refuge; and

WHEREAS, a bill creating the Anchorage Coastal State Wildlife Refuge has been introduced in the Legislature this year as Senate Bill No. 19.

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The Anchorage Municipal Assembly recommends prompt enactment of Senate Bill No. 19, which expands the Potter Point State Game Refuge to include tidelands and near shore upland between Point Woronzof and Point Campbell and renames the refuge as Anchorage Coastal State Wildlife Refuge.

Section 2. Copies of this resolution shall be distributed to the Governor and all members of the State Legislature.

PASSED AND APPROVED by the Anchorage Municipal Assembly this ____ day of _____, 1985.

Chairman

ATTEST:

Municipal Clerk

Proposed amendment to CS SS SB 19 (C&RA)

Offered by: V. Fischer
2/26/85

Page 4, line²³. Insert a new subsection to read:

(c) "The management plan prepared under AS 16.20.040-16.20.060 shall assure continued surface access to Fire Island and recommend corridors for constructed access and utilities between Fire Island and the Anchorage mainland."

Redesignate and renumber subsequent subsections.

/gb

25 + 26 at 2:30 P.M.
to Mayors
~~24 + 25~~
Side 29 -

Jan Cook
assure 7 chapters
Plepper -
Amendments -
second - Home Rule -
School District -
population - 1st class City -

Submitted by: Assemblywoman Angvik
Prepared by: Department of Property
and Facility Management
For reading:

ANCHORAGE, ALASKA
AR NO.

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PASSED AND APPROVED by the Anchorage Municipal Assembly this ____ day of _____, 1985.

Chairman

ATTEST:

Municipal Clerk

A M E N D M E N T

TO: SSSB 19

Page 4, line 17 through line 21, delete all material and substitute new material to read:

"(b) Except as provided in (c) of this section, the Department of Fish and Game and the Department of Natural Resources shall exercise their respective authorities over the Anchorage Coastal State Wildlife Refuge consistent with a management plan prepared by the Department of Fish and Game under AS 16.20.040 - 16.20.060."



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

C&RA Committee Meeting -- Tuesday, Jan 29 '85

AGENDA

I. Call meeting to order

Members present --- (Sturgulewski out of town)

Welcome to public....

Those who testify please sign the Register and repeat their name and affiliation before the microphone for the recording secretary.

II. Legislation before Committee

Sponsor Substitute for Senate Bill 19, creating the Anchorage Coastal State Wildlife Refuge by Senator Vic Fischer and Senator Kerttula

- The bill ¹⁾ adds land to the existing Potter Point Game Refuge,
- 2) renames the area the Anchorage Coastal State Wildlife Refuge,
 - 3) provides a more precise legal description of subject lands,
 - 4) Permits management of that part of the proposed Refuge under Municipal of Anchorage ownership ~~and managed~~ by the Department of Fish and Game subject to approval by the Municipality; ~~and~~ ⁵⁾ prohibits the acquisition of private land within the Refuge by eminent domain, ~~however~~ ^{but} private land may be acquired through purchase, exchange, or "otherwise", and
 - 6) closes the land and water areas of the Anchorage Coastal State Wildlife Refuge from mineral entry under AS 38.05.185-38.05.275. AS 16.20.030(b) is repealed by this act.

(AS 16.20.030 established the Potter Point Game Refuge)

Yesterday, Commissioner Wunnicke, had delivered to my office a proposed amendment to this bill.

I also have received written testimony from the Audubon Society President, Thebe Tobish, which will be made a part of the record of this hearing. All committee members do have copies.

The departments of Fish and Game and Natural Resources have submitted fiscal notes of zero. Senator Vic Fischer, bill sponsor, will be the first to testify.

(Edna,

Fischer's office tells me that ADF&G and DNR have reached an agreement and he will be presenting an amendment on their behalf.....

I suggest that you announce that in light of the presentation of an amendment that neither you or the committee has seen prior to the meeting....that you will take testimony but that the committee will not take any action on the bill today.....)

pipelines -

*time limit of
negot plan -
within 3 years -
3*

*CC&A Substitute
Alaska State -*

*no surface access on their
lands -*

Rec'd in file 11:10 a.m.
Jan 29 '85
ya



ANCHORAGE
Audubon Society, Inc.
ALASKA CHAPTER OF NATIONAL AUDUBON SOCIETY

Post Office Box 101161
Anchorage, Alaska
99510

Thede Tohish - President
Anchorage Audubon Society

27 January 1985

Senator Edna Armstrong-DeVries
Chairman--Senate Resources Committee
Pouch V
Juneau, Alaska 99811

Dear Senator DeVries and Members of the Resources Committee;

As President of the 1410 member Anchorage Audubon Society, I would like to enter Anchorage Audubon's comments on Senate Bill-19 into the official record with your committee. As you undoubtedly know, Anchorage Audubon has been quite active in the history of Potter Refuge, especially in Potter Marsh. We were instrumental in initiating the now successful Potter Marsh Task Force which has worked towards implementation of a management scheme. The Task Force joined various agencies and public groups to affect and facilitate data gathering for an operational plan which is now in preparation by A.D.F. and G..

For background to this bill it is useful to outline the importance of the refuge to the peoples of Anchorage. The interesting and valuable Potter Marsh User Survey compiled by the Habitat Division of A.D.F. and G., documented the heavy and consistent use of the Potter Marsh section of the refuge by Anchorage residents and visitors. This heavy, public, non-consumptive use of the refuge points directly to the overall nature of this refuge: it is predominantly an urban refuge, and habitat management is as vital as wildlife management. The Anchorage Coastal State Wildlife Refuge is unique in the state system because of its user definition and location in the center of the state's largest population. The Anchorage Coastal Trail will open up the remainder of this urban refuge to the public; thus the timely need to give habitat equal management mandate. The general outline and direction of the final management plan must address this urban habitat, non-consumptive aspect of the refuge. We would like to request that the Resource Committee specify in the legislation that the operational plan adopted by Fish and Game address specific habitat management applications, i.e. maintenance of water quality and quantity. The future of this refuge as a resource for its principal users, the Anchorage public, depends on the maintenance of the integrity of its unique tracts of undisturbed habitat.

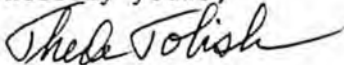
Wording in the current version of SSSB-19 includes definition of the entire refuge boundary as closed to mineral entry; we reiterate the importance and necessity of this clause to the maintenance of undisturbed habitat throughout the refuge. Also, wherever wording refers to fish and wildlife within the refuge, we would like species named. For instance all salmon and other indigenous fish should be specified in any section that refers to "fish" in the current version. Anchorage Audubon also requests that the current refuge boundaries as defined remain unchanged; they are clearly delineated and cover sufficient area to maintain entire vegetative communities.

Finally, we feel it imperative to specify that the managing agency be required to finish and commence implementation of the refuge operational/management plan within one year of passage of this legislation.

Anchorage Audubon would like to thank you for accepting our ideas and comment into the record on Senate Bill-19. We strongly encourage the adoption of this bill with our comments included. This unique refuge should serve as a model for future urban refuges in Alaska.

Thank you for your support and consideration.

Sincerely yours,



Thede Tobish

CC Rep. Mike Szymanski
Sen. Vic Fischer
Sen. Jay Kerttula
Dennis Kelso

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M
JUNEAU, ALASKA 99811
PHONE:

January 28, 1985

Wunnicke amendment

The Honorable Vic Fischer
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Fischer:

I am writing to indicate the Department's support for SSSB 19 (Anchorage Coastal State Game Refuge) and to request a clarifying amendment in the bill (attached).

The amendment would clarify that land management will be the responsibility of the Department of Natural Resources, as it is in other game refuges under statute. The Department's land management actions must be consistent with the management plan, as it affects land and realty actions, required under AS 16.20.031(b) as proposed in the bill.

The amendment is particularly needed for two reasons. First, there is the possibility that some of the oil and gas rights within the proposed refuge will be leased out in Sale 46A, scheduled for late February, 1985. The Department of Natural Resources will continue to administer these leases within the proposed refuge. Second, without clarification, the current language on the bill could be interpreted as giving the Department of Fish and Game the land management responsibility for the refuge. Neither DFG nor ADF&G wishes to transfer land management responsibility for the refuge.

I appreciate your attention to this proposed amendment and will have my staff available at the first hearing of the bill on Tuesday afternoon.

Sincerely,

Esther C. Wunnicke
Esther C. Wunnicke
Commissioner

cc: Commissioner Don Collinsworth
Senator Edna DeVries (Chair, Senate C&RA)

DNR AMENDMENT TO SSSB 19

(g) Management of the surface and subsurface estate is the responsibility of the Department of Natural Resources and shall be consistent with the management plan prepared under (b) of this section. Entry upon the Anchorage Coastal State Game Refuge for purposes of exploration and development of oil and gas resources shall be permitted when compatible with the protection of waterfowl, shorebirds, and other fish and wildlife species and with the recreational use and enjoyment of the refuge. Existing leases shall continue in full force and effect according to their terms.

Senator Vic Fischer



Alaska State Legislature

Pouch V • Juneau, Alaska 99811 • (907) 465-4954

SECTIONAL ANALYSIS/ SPONSOR SUBSTITUTUE FOR SENATE BILL 19 ("An act creating the Anchorage Coastal State Wildlife Refuge")

Scope of legis"ation:

SSSB 19 would (1) add additional tidelands and near shore upland to the existing Potter Point State Game Refuge, extending its boundaries from Point Campbell to Point Woronzof, (2) rename the area the "Anchorage Coastal State Wildlife Refuge", (3) provide a more precise legal description for refuge lands, (4) permit management of Municipal land by the Alaska Department of Fish and Game subject to approval by the Municipality and (5) restrict property acquisitions by the state and municipality for inclusion within the Refuge to "purchase, exchange, or otherwise", prohibiting acquisition by eminent domain.

Section 1 - AS 16.20.031 (a):

Enacts new section, AS 16.20.031(a) ANCHORAGE COASTAL STATE WILDLIFE REFUGE. Establishes the Anchorage Coastal State Wildlife Refuge and designates certain state-owned land and water described in subsection (1) through (7) as part of that refuge to be managed for the protection of waterfowl, shorebirds, and other fish and wildlife species and for the use and enjoyment of the people of the state.

(Section 1, subsections (1) through (7) describe the legal boundaries of the state-owned land and water included in the refuge.)

(b): assigns management responsibilities for the Anchorage Coastal State Wildlife Refuge to the Alaska Department of Fish and Game and, except as provided by (c) requires the Refuge to be managed under a management plan prepared by the Department of Fish and Game under AS 16.20.040-16.20.060. (These statutes set general guidelines for ADF&G in managing game refuges and in permitting use, lease or disposal of real property in refuges created under AS 16.20.010-16.20.080).

(c) permits land owned by the Municipality of Anchorage that lies within the boundaries of the Anchorage Coastal State Wildlife Refuge to be included in the Refuge. Requires an agreement between the Department of Fish and Game and the Municipality of Anchorage for the management of municipal owned land within the Refuge to be approved by the Municipality and by the Department of Fish and Game.

(d) provides that a use or activity on land within state game refuges that is allowed by state law will not be permitted on land owned by the Municipality of Anchorage within the Anchorage Coastal

State Wildlife Refuge if such use or activity is not allowed on land owned by the Municipality of Anchorage.

(Example: The discharge of firearms is prohibited on Municipal land. The discharge of firearms within a state wildlife refuge may be permitted under state law but would not be permitted on that portion of land within the refuge that is owned by the Municipality of Anchorage.)

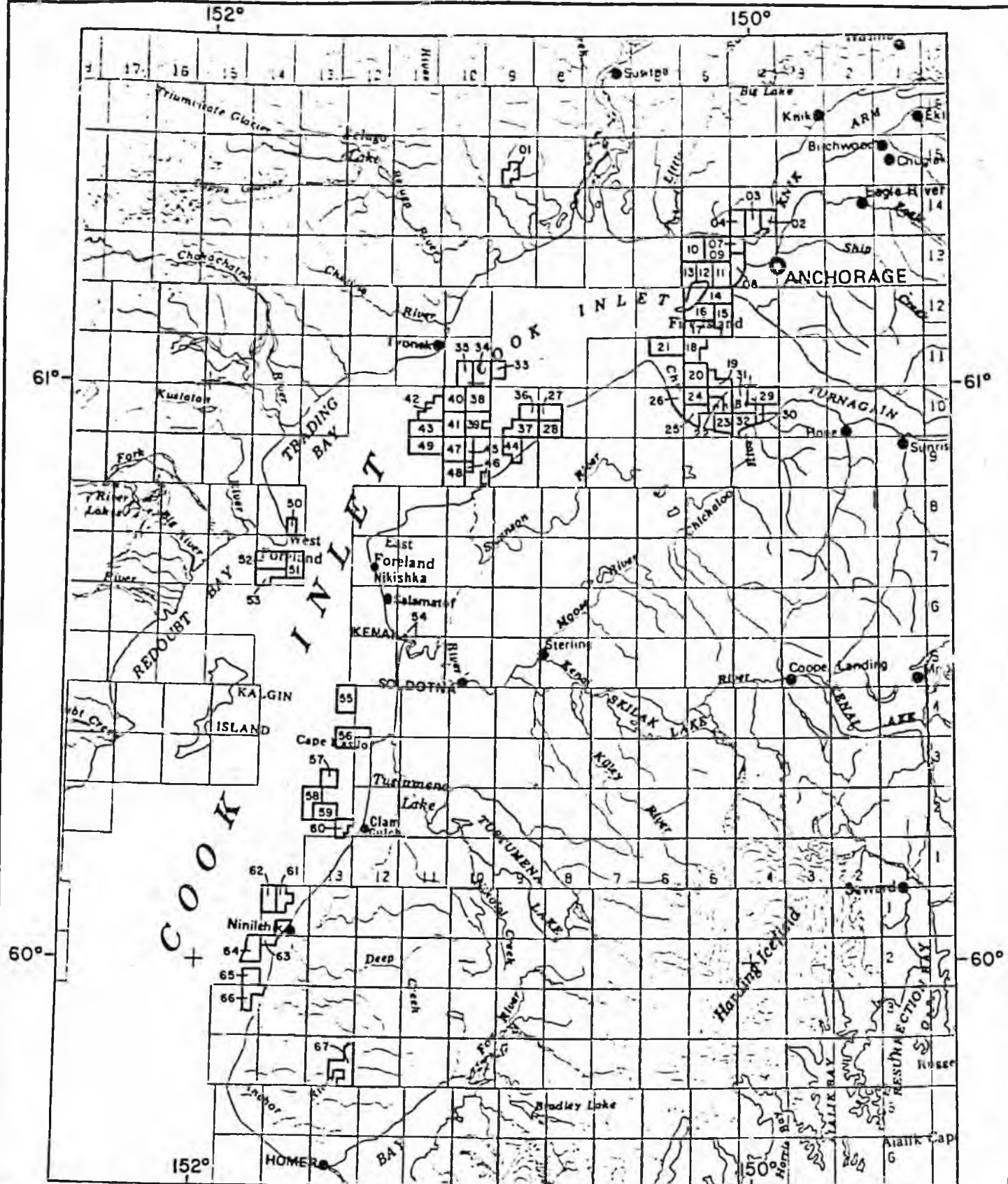
(e) prohibits the Municipality of Anchorage or the state from acquiring privately owned land within the Anchorage Coastal State Wildlife Refuge by eminent domain for inclusion within the Refuge. The Department of Fish and Game or the Municipality of Anchorage may acquire privately owned land within the Anchorage Coastal State Wildlife Refuge by purchase, exchange or otherwise, except by eminent domain.

(f) closes the land and water areas of the Anchorage Coastal State Wildlife Refuge to mineral entry under AS 38.05.185-38.05.275. (This does not affect oil and gas leasing).

Section 2:

Repeals AS 16.20.030(b) (existing statute establishing the Potter Point State Game Refuge).

/gb



STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL & GAS
 OIL AND GAS LEASE SALE 46A
 COOK INLET TRACT MAP

NOTE THIS MAP IS NOT TO BE CONSIDERED AN OFFICIAL TRACT MAP. A SET OF THE 1:250,000 SCALE TRACT MAPS IS AVAILABLE AT THE DEPT. OF NATURAL RESOURCES, DIVISION OF OIL AND GAS, 833 CORDOVA ST. P.O. BOX 18077, ANCHORAGE, ALASKA 99500. PHONE 1807/288-2488

DATE APPROVED 12/28/84
 BASE MAP COPYRIGHT 1976
 ENVIRONMENTAL INFORMATION SYSTEMS CENTER, 1976. ALL RIGHTS RESERVED. THIS INFORMATION IS PROVIDED AS IS AND IS NOT TO BE USED IN ANY MANNER THAT COULD BE CONSIDERED A WARRANTY OF ANY KIND.

SCALE 1:1,000,000 1 inch = 16 Miles
 10 0 10 20 30 40 50 Miles

DIRECTOR, DIV OF OIL & GAS
 KAY BROWN *Kay Brown*

LEASING MANAGER,
 PAMELA ROGERS *Pamela Rogers*

DRAWN BY O.D.S.
 CHECKED BY *WIK*

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SSSB 19
 Title: Anchorage Coastal State
 Game Refuge
 Sponsor: V. Fischer
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC
 BRU, Program or Subprogram(s) Affected:
 Land and Water

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact, unless survey is required

Prepared By: Ned Farquhar Phone: 465-2400
 Division: Commissioner's Office Date: January 23, 1985
 Approved by Commissioner: *James D. ...* Date: January 23, 1985
 Agency: Natural Resources

*N.A.
K.B.
S.B.*

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 19	SPONSOR Senator Vic Fischer
DEPARTMENT POSITION Strongly Support			
PREPARED BY Habitat Div. - Debra Clausen	DATE 1/24/85	COMMISSIONER'S SIGNATURE <i>Steven Rasmussen</i>	DATE 1/25/85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL Anchorage Residents
ORGANIZATIONAL SUPPORT FOR BILL Municipality of Anchorage Department of Natural Resources Potter Marsh Task Force (Interagency)	ORGANIZATIONAL OPPOSITION TO BILL None known

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Establishment of the Anchorage Coastal State Wildlife Refuge will protect important waterfowl and shorebird habitat in the Anchorage area. It will provide for public use and enjoyment of the Refuge. The bill will enhance the existing Potter Point State Game Refuge and has been actively endorsed by the Potter Marsh Task Force, an inter-agency group.

ANALYSIS OF BILL/PROGRAM EFFECTS

The bill will:

- (1) Change the name of Potter Point State Game Refuge to Anchorage Coastal State Wildlife Refuge.
- (2) Extend the refuge to encompass wetlands and nearshore waters lying between Point Campbell and Point Woronzoff.
- (3) Clarify the legal boundaries of the refuge.
- (4) Provide for the management of lands lying within the refuge.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 19
 Title: An Act Creating the Anchor-
 age Coastal State Wildlife Refuge
 Sponsor: Senator Vic Fischer
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Fish and Game
 Program Category Affected: _____
Game Resource Conservation
 BRU, Program or Subprogram(s) Affected: _____
Game

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Phil Koehl Phone: 465-4190
 Division: Game Date: 1/24/85

Approved by Commissioner: Steen Pennington Date: 1/25/85
 Agency: _____

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SSSB 19
 Title: Anchorage Coastal State
Game Refuge
 Sponsor: V. Fischer
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC
 BRU, Program or Subprogram(s) Affected:
Land and Water

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact, unless survey is required

Prepared By: Ned Farquhar Phone: 465-2400
 Division: Commissioner's Office Date: January 23, 1985
 Approved by Commissioner: *James D. ...* Date: January 23, 1985
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

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

7/1/84

N.A. 5/8

Municipality
of
Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 786-8401

TONY KNOWLES,
MAYOR

OFFICE OF PUBLIC SERVICES

June 20, 1984

Sen. Vic Fischer
1538 Orca Street
Anchorage, Alaska 99501

Dear Vic:

It may seem a bit early to talk about legislation to be introduced next session, but no grass grows under our feet! So, take a deep breath - here it is, your chance to sponsor legislation expanding and redesignating the Anchorage Coastal Wildlife Refuge. As you know, during this last year, the Municipality has been working with various agencies through the Potter Marsh Task Force. One of the issues has been to look over the boundaries of the entire Potter Point State Game Refuge.


In reviewing the boundaries, it was noted that there were portions of state lands and lands conveyed to the Municipality in the vicinity of Pt. Campbell which lie below the toe of the bluff but which are not now included in the State Refuge. The Municipality has been willing to include its lands within the exterior boundary of the Refuge and provide for coordinated management with other state lands.

Initially, the Municipality had hoped to have the legislation in a form which could be introduced and acted on this session. Naturally, we wanted to be able to present an essentially non-controversial piece of legislation that could be supported by both the Municipality and state departments. Understandably, the Department of Fish and Game would like to improve the Refuge boundaries, but there were also some substantive technical land management and resource issues which fall within the responsibilities of the Department of Natural Resources. In the course of doing things right, the process of refinement, coordination and signoff by various interests took a bit longer than I wished, and final resolution was not achieved in time to enable the legislation to move forward this year. However, the draft legislation has now received formal signoff from all divisions in DNR, and Commissioner Wunnicke approved the legislation in May. In fact, the Commissioner noted that the legislation represented "good work in considering all affected responsibilities of DNR".

Sen. Vic Fischer
June 20, 1984
Page Two

So here we are. Despite the fact that this session has just ended, I would like to begin talking with you about your legislative program for next year. I and the rest of the Potter Marsh Task Force are aware of your continued interest and support in this area, and I think this legislation could be a positive part of your program for next year.

Sincerely,



Chip Bennerlein
Executive Manager,
Public Services

MEMORANDUM

To Chip
5/7/84

To Yungana
9/11/84

State of Alaska

DEPT. OF NATURAL RESOURCES, DIV. OF LAND & WATER MGMT., SOUTHCENTRAL DISTRICT

TO: Esther C. Wunnicke
Commissioner

DATE: April 6, 1984

FILE NO:

THRU: James K. Barnett
Deputy Commissioner

TELEPHONE NO: 276-2653

THRU: Bob Arnold
Deputy Commissioner

SUBJECT: Decision Memorandum #57
Anchorage Coastal Game
Refuge

FROM: Tom Hawkins
Director

Tom Hawkins

Statement of Issue

What is the Department of Natural Resources position on proposed legislation establishing Anchorage Coastal State Game Refuge?

Background

This legislation, as drafted by the Municipality of Anchorage, proposed to amend AS 16.20.030(b) which established Potter Point Game Refuge. The amending legislation would accomplish the following objectives:

1. Rename the area "Anchorage Coastal State Game Refuge."
2. Add additional lands to the Refuge tidelands and near shore upland from Point Campbell to Point Woronzof.
3. Provide a more precise legal description for refuge lands.
4. Permit management of Municipal land by the Alaska Department of Fish and Game subject to approval by the Municipality.
5. Restriction on property acquisitions by the State to "purchase, exchange, or otherwise"

Issues

1. Extension of Refuge.

The present refuge ends at Point Campbell. This proposed legislation would extend the refuge northward to Point Woronzof which would include state tidelands offshore of municipal lands for a stretch of four miles. These tidelands are all covered with offshore prospecting permits or issued leases about to expire.

2. Name of Refuge.

The issue is self-explanatory. One suggested change in the title would substitute the word "Wildlife" in place of "Game". Wildlife would better describe the diversity of species found within the area.

3. Legal Description

- a. Throughout the proposed description, the 20 foot contour is used as a landward limit for the refuge. This is not a widely accepted method of describing land due to the resulting difficulties of locating those boundaries on the ground.

The 20 foot contour, in this case approximates the "toe of the slope" along the escarpment from Potter Creek to Point Woronzof. One area of departure from this generality is the delta outwash from Rabbit Creek; here the slopes are more gentle and the "toe" of the slope is less apparent, therefore the 20 foot contour is less discernable on the ground. If the 20 foot contour is left as a part of the legal description it will be especially important for the legislation to carry with it an appropriation for survey. DTS estimated the cost of survey for the Potter Marsh area at \$172,000. DTS is currently working on a refinement of the legal description.

4. Management Authority on MOA land.

The proposed legislation is specific. It restricts state management to the Department of Fish and Game of Municipality-owned land within the refuge boundaries. The assumed intent is consolidated and therefore consistent management. Clarification of this delegation related to land use authorizations should be forwarded in the proposed legislation as we interpret ADF&G's permitting authority to be limited. It is recognized that ADF&G has broad powers to manage the State's fish and wildlife resources, A.S. 16.20.010(1), regardless of the land ownership. Responsibility for surface use authorizations should remain with the Municipality as the ADF&G does not have that mandate.

5. State land acquisitions.

The proposed legislation reads "the State may not acquire by eminent domain privately owned land within the refuge boundary ...". The refuge encompasses several miles of the Alaska Railroad and the Seward Highway (old and new). The proposed wording would not distinguish land acquisition for transportation purposes from refuge purposes. The substitution presented below should clarify this situation.

"The State may not acquire land for refuge purposes by eminent domain within the refuge boundary ...".

6. Refuge Management Plans.

The "management" plan being developed by ADF&G, DNR and other agencies is following the "Special Areas Program" which describes the ADF&G's planning process for refuges, critical habitat areas, sanctuaries, ranges and endangered species habitat. The Division of Land and Water Management, in its participation on the task force has not recommended a separate DNR plan for the area. DLWM approach has been to contribute to the development of the two primary ADF&G products: a "Strategic Plan" and an Operational Plan. The Strategic Plan provides long-range policy guidance and the operation plan provides a working document for specific projects, updated yearly or as needed. This type of cooperative involvement will then provide the background necessary for the development of DNR regulations governing non-refuge related land uses that may be applied for within the refuge.

With the above background, additional language should be developed in order to incorporate the DNR land use regulation responsibility into section (b)(5) of the proposed legislation. A draft of this wording follows:

"The Anchorage Coastal State Wildlife Refuge will be managed in accordance with management plans prepared by the Alaska Department of Fish and Game and endorsed by the Boards of Fish and Game; and land use regulations developed by the Alaska Department of Natural Resources, in consultation with the Municipality of Anchorage."

7. Mineral Estate.

No mention is made in the proposed mineral estate. The tidal and submerged land enclosed in the proposed boundary is completely covered by offshore prospecting permit applications, some of which are now being adjudicated by the Division of Mining. Division of Mining has suggested a boundary change near the Point Woronzof applications. Refer to attached map.

Options

1. Refuge extension.

- a. Extend refuge as proposed by municipality. This area is included with the Municipality's AMSA as a part of the coastal plan.
- b. Extend refuge but modify seaward limit as proposed by Division of Mining; see attached map. This would reduce conflict in area of OPP's being adjudicated.

- c. Do not extend refuge. This option would allow OPP operations to continue in an area of high interest to gold placer/gravel interests.
2. Name of Refuge.
 - a. Anchorage Coastal State Game Refuge.
 - b. Anchorage Coastal State Wildlife Refuge.
 - c. Other.
3. Legal Description.
 - a. Utilize a combination of survey methods and legal descriptions; Aliquot part descriptions where they apply to surveyed state, municipal and private lands. Use metes and bounds descriptions to areas unsurveyed. Use a surveyed meander to approximate the toe of bluff or the 20 foot contour line with the toe of bluff controlling where it is apparent.
 - b. Utilize a 20 foot contour and aliquot part boundaries as presently proposed.
4. ADF&G management of MOA land.
 - a. Comment to MOA of ADF&G limited authority.
 - b. Legislation as proposed.
5. State land acquisition.
 - a. Suggested wording above.
 - b. Other wording.
6. Refuge management plans.
 - a. ADF&G planning lead with ADNR input and ADNR regulations.
 - b. ADNR management plan plus ADF&G system.
7. Mineral Estate.
 - a. Close all lands within Refuge boundary.
 - c. Close all lands within Refuge boundary as amended by Division of Mining.

Decision Memorandum #57
April 6, 1984
Page 5

Recommended Option

1. Extend refuge boundary to include nearshore uplands and tidelands from Point Campbell to Point Woronzof using the seaward boundary suggested by Division of Mining.
2. Name - Anchorage Coastal State Wildlife Refuge.
3. Legal Description.
 - a. Utilize the combination of metes/bounds, meander and aliquot part descriptions.
4. ADF&G and MOA utilize a cooperative agreement which specifies management responsibilities for each organization.
5. State land acquisition wording above.
6. Option a - ADF&G plans with complimentary ADNR land use regulations.
7. Close all lands to mineral entry using the amended boundary suggested by Division of Mining.

TJH:PCB:dm

Decision Memo #57

Tom Hawkins
Tom Hawkins, Director
Division of Land and Water Management

AGREE DISAGREE

Date 4/16/84

Comments: _____

Neil Johnsen
Neil Johnsen
Division of Parks

Date 16 APRIL 84

Comments: \$ Outdoor Recreation

Kay Brown
Kay Brown
Division of Minerals and Energy Management

Date 4-16-84

Comments: _____

Pedro Denton
Pedro Denton
Division of Mining

Date 4-16-84

Comments: _____

Ross Scharf
Ross Scharf
Division of Geological and Geophysical Survey

Date 4-16-84

Comments: _____

James R. Anderson 4-16-84

Decision Memorandum #57

John Sturgeon
John Sturgeon
Division of Forestry

✓
Date 4-16-84

Comments: _____

Bill Heim
Bill Heim
Division of Agriculture

✓
Date 4/16/84

Comments: _____

Robert Arnold
Robert Arnold, Deputy Commissioner
Department of Natural Resources

✓
Date 5/2/84

Comments: _____

James K. Barnett
James K. Barnett, Deputy Commissioner
Department of Natural Resources

✓
Date 4-16-84

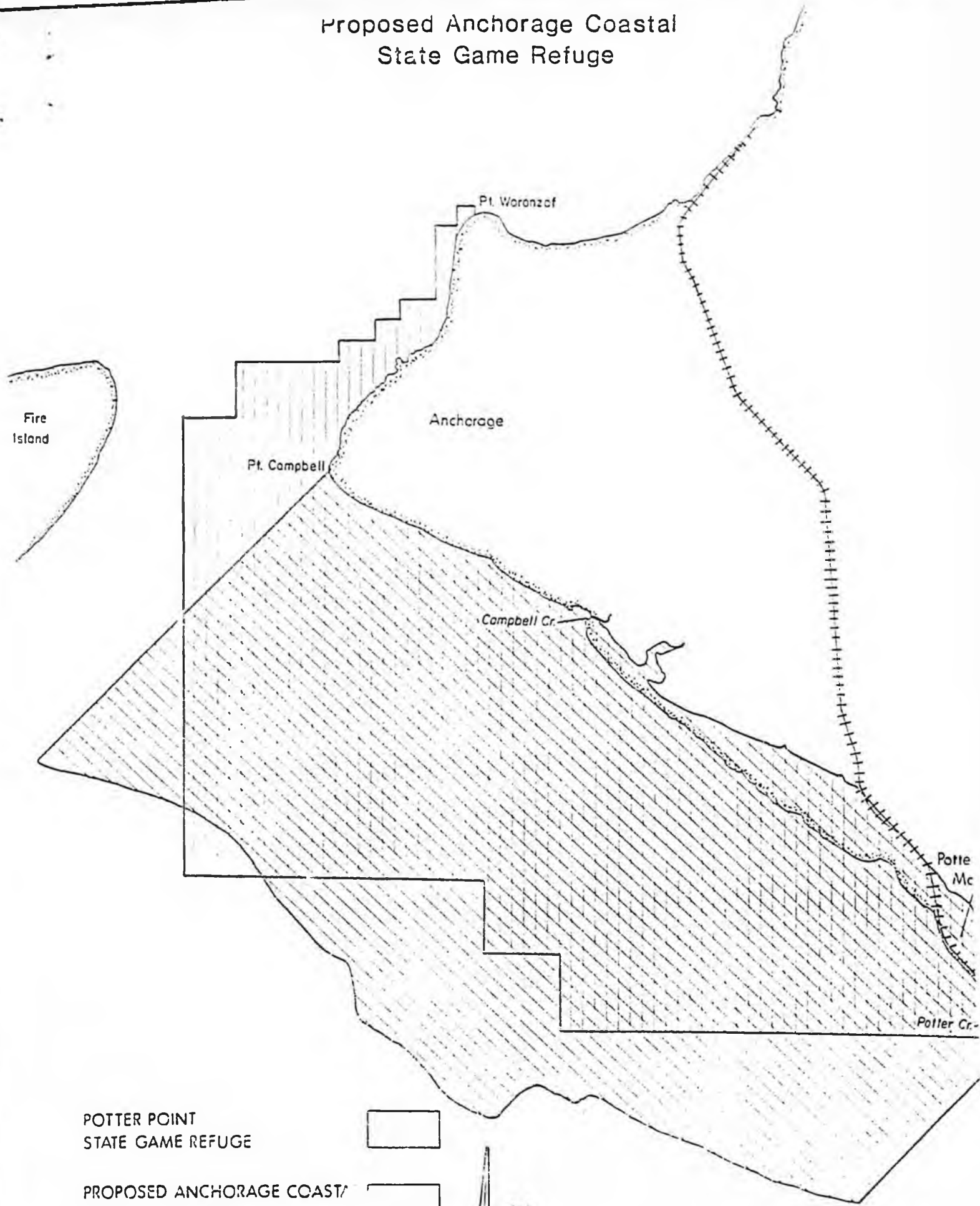
Comments: _____

Esther C. Wunnicke
Esther C. Wunnicke, Commissioner
Department of Natural Resources

5-2-84 Agree
Date _____

Comments: Good work in considering all affected
responsibilities of DNR. UV

Proposed Anchorage Coastal State Game Refuge



POTTER POINT
STATE GAME REFUGE



PROPOSED ANCHORAGE COAST/
STATE GAME REFUGE



0 1 2 3 miles



Municipality
of
Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4317

TONY KNOWLES,
MAYOR

DEPARTMENT OF PROPERTY & FACILITY MANAGEMENT

July 19, 1984

Ginger Balm
Office of Senator Vic Fischer
1024 West 6th Avenue
Anchorage, Alaska 99501

Ginger
Dear ~~Ms. Balm~~:

Chip Dennerlein asked that I send you the enclosed information for Senator Fischer's consideration in establishing his priorities for the 1985 session of the Legislature. The legislation, which in its essence extends the Potter Point State Game Refuge northward to Point Woronzof, was drafted cooperatively by the Municipal Property Management Division and State Fish and Game last November. The need for the bill is established in an element of the Anchorage Coastal Management Plan entitled "Pt. Woronzof-Pt. Campbell Wetlands Master Plan" (enclosed).

This past spring the draft legislation underwent thorough review and approval by the State Department of Natural Resources. The bill has not been redrafted to reflect the department's recommendations, all of which are acceptable to the Municipality. Further, DNR's Division of Technical Services will prepare a legal description for the refuge boundary that would be preferable in its form and specificity.

The Senator should be aware that this legislative proposal has not been subject to public comment or formal Municipal review. We are aware of private parties, including CIRI, that may have an interest in access from the Inlet across the tidal wetlands between Point Campbell and Point Woronzof to public uplands in the vicinity of the International Airport.

Please call 264-4806 if I can be of further assistance.

Sincerely,

Peter Scholes
Land Bank Officer

264-4506

enclosures (3)



Official Business

Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chairman • 1024 W. 6th Ave., Suite 204 C,
Anchorage, Alaska 99501
(907) 278-3654

To: Billy Berrier, Director
Legislative Legal Services

From: Senator Vic Fischer, Chairman
Senate State Affairs Committee

Date: July 30, 1984

Re: Bill drafting request/ Potter Point State Game Refuge

I would like a bill drafted, reelecting my sponsorship, extending the boundaries of the Potter Point State Game Refuge to Point Woronzof, as per the attached information.

The enclosed draft should be amended to include all the recommended options from page 6 of DNR's April 6, 1984 decision memorandum #57. Please contact the Division of Technical Services in DNR for a more adequate legal description of the land involved, as per the attached letter from Peter Scholes, MOA Land Bank Officer.

I would like a working draft of this bill as soon as possible in order to schedule public hearings in Anchorage this fall on the proposal. Contact Ginger Baim in my Anchorage office at 278-3654 if you have any questions.

Enclosures

/gb

Senator Vic Fischer

Alaska State Legislature
1024 W. 6th Avenue, Suite 204C
Anchorage, Alaska 99501 (907) 278-3654
During Session • Pouch ✓ • Juneau, Alaska 99811 (907) 465-4954



November 8, 1984

To: Dick Bradley, Attorney
Legislative Legal Services

From: Ginger Balm, Aide to
Senator Vic Fischer

Re: New draft request for Anchorage Coastal State Wildlife
Refuge bill (Work Order # 14-0014).

Before circulating the above bill for comments I'll need some changes to the current draft version. They are:

- A new legal description incorporating the 'tighter' boundary recommended by the Division of Mines. Attached is a complete and accurate legal description for the Anchorage Coastal State Wildlife Refuge. Please contact Debby Clausen at 267-2346 (ADF&G habitat Division) if you have any questions.
- On page 3, line 18, after Fish and Game delete 'and approved by the Board of Game'.

In addition to these changes, the Division of Habitat remains concerned that naming the refuge a wildlife refuge as opposed to a game refuge will present problems to them. Specifically they ask whether their authority, as outlined by statute, over game refuges is assumed to apply to wildlife refuges as well. I'd like a written opinion from you to set them at ease.

I know from working with you in the past that you believe legislation should specifically speak to the issues at hand and leave little for 'assumption' or interpretation. I also know you don't like to clutter legislation with unnecessary language. However, if you feel it's best to incorporate language into the bill to clear up the question, feel free to do so.

Finally, all parties agree that "Anchorage Coastal State Wildlife Refuge" is an unpleasant mouthful and a thoroughly uninspired title. Should a better name occur to you while drafting the bill please speak up - we could use some better suggestions.

I'd like a new draft as soon as possible in order to solicit comments. Call me at 278-3654 should you have any further questions and thanks, as usual, for your help.

Enclosure

MEMORANDUM (Brief Communications)

State of Alaska

TO:	Name <i>Ginger Basin</i>	Dept./Div./Sect. <i>Senator Vic Fischer's Office</i>	Mail Stop
FROM:	Name <i>Debby Clausen</i>	Dept./Div./Sect. <i>ADF+G Habitat Division</i>	Telephone <i>267-2346</i>
SUBJ.:	Proposed Anchorage Coastal State Game ^{Wildlife} Refuge		Date <i>11/6/84</i>

Attached is the legal description that DNR's Division of Technical Services prepared for the proposed Anchorage Coastal State Game Refuge. I have checked this description and think it provides the best legal description developed so far.

Debby

*106-14-0014
DEBBY*

*LETTER FROM DNR'S DIVISION
DEBETE "AND APPROVED BY THE
BOARD OF GAME"
PAGE 13*

LEGAL DESCRIPTION FOR PROPOSED (0/15/8
ANCHORAGE COASTAL GAME REFUGE 1

(A) T13N, R4W, Seward Meridian. New Boundary
5.15

Section 20 - SE1/4 Seaward of the 20 foot elevation contour.

SE1/4 NE1/4 Seaward of the 20 foot elevation contour.

Section 29 - E1/2 Seaward of the 20 foot elevation contour.

SW1/4 Seaward of the 20 foot elevation contour.

Section 30 - SE1/4 SE1/4.

Section 31 - All seaward of the 20 foot elevation contour except NW1/4
NW1/4.

Section 32 - All seaward of the 20 foot elevation contour.

(B) T13N, R5W, Seward Meridian.

Section 36 - S1/2, all.

S1/2 N1/2, all.

(C) T12N, R4W, Seward Meridian.

Section 6-9 - Seaward of the 20 foot elevation contour.

Section 15 - NW1/4 Seaward of the 20 foot elevation contour.

SW1/4 NE1/4 Seaward of the 20 foot elevation contour.

Govt. Lot 5 and the remainder of the W1/2 SE1/4, all.

SW1/4, all.

Section 16 - Seaward of the 20 foot elevation contour.

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Section 17-22 - all.

Section 23 - Govt. Lot 1 and the remainder of the SW1/4, all seaward of the 20 foot elevation contour.

Govt. Lot 2 and the remainder of the S1/2 NW1/4, all seaward of the 20 foot elevation contour.

Govt. Lots 3 and 4, and the remainder of the SE1/4, all seaward of the 20 foot elevation contour.

Section 24 - Tract A, Shorecrest Subdivision (Plat #81-68 Anchorage Recording District), all.

Section 25 - Govt. Lots 1 and 2, and the remainder of the W1/2, all.

Tract A, Johns Park Estates, and the remainder of the NE1/4, all seaward of the 20 foot elevation contour, and excluding Skyway Park Estates, Addn. No. 1.

Govt. Lots 3 and 4, and the remainder of the SE1/4, all.

Section 26-36 - all.

(D) T12N, R5W, Seward Meridian.

Section 1-2 - all.

Section 11-14 - all.

Section 23-26 - all.

Section 35-36 - all.

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(E) T12N, R3W, Seward Meridian.

Section 29 - That portion of the SW1/4 southwesterly of the Alaska Railroad right of way line and southerly of Oceanview Subdivision, Addition No. 6.

Section 30 - That portion of Tract A, Johns Park Estates, seaward of the 20 foot elevation contour.

Govt. Lot 2 and that portion of the SE1/4 NW1/4 southwesterly of Oceanview West Subdivision, Addn. No. 1.

Govt. Lots 3 and 4 and the remainder of the SW1/4, all.

That portion of the SW1/4 NE1/4 and the SE1/4 southwesterly of Oceanview Subdivision, Addn. No. 4 & Addn. No. 6.

Section 31 - all.

Section 32 - All lands southwesterly of the Alaska Railroad right of way line.

Section 33 - All lands westerly of the Alaska Railroad right of way line.

(F) T11N, R3W, Seward Meridian.

Section 3 - Govt. Lot 5, all.

Section 4 - That portion southwesterly of the Old Seward Highway right of way line and The Landings Subdivision which is northeasterly of the New Seward Highway right of way line. Also that portion southwesterly of the Alaska Railroad right of way line.

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Section 5-8 - all.

Section 9 - That portion southwesterly of the Alaska Railroad right of way line. Also that portion northeasterly of the New Seward Highway right of way line.

Section 10 - That portion westerly of the Old Seward Highway right of way line which is northeasterly of the New Seward Highway right of way line. Also that portion southwesterly of the Alaska Railroad right of way line.

(G) T11N, R4W, Seward Meridian.

Section 1-4 all.

Section 10-12 all.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

November 21, 1984

SUBJECT: Anchorage Coastal State Wildlife Refuge
(Work Order No. 14-0014)

TO: Senator Vic Fischer

FROM: Richard A. Bradley
Legislative Counsel *RB*

I have reviewed Ginger Baim's request for a revision of the bill. I may say that the letter was not received in this office until November 19.

And I have some comments.

I have included the description generally as you requested. But I believe that the description may be further improved on. In several places, the word "all" is added to the description; we generally do not use that word when the description standing alone without it comprehends everything. Thus, for example in T13N, R5W, to say "Section 36 - S1/2, all" adds nothing to the identical phrase without it. In those cases, the word has been deleted.

But there is a slightly different usage of "all" within the descriptions that seems to offer possibilities of improvement. For example, in T12N, R4W, Section 15, the language reads: "Gov't Lot 5 and the remainder of W1/2 SE1/4, all." As I understand what is requested there, it should be adequate simply to say "Section 15, W1/2 SE1/4." The fact that the "W1/2 SE1/4" of sec. 15 has been subdivided does not change the fact that what is requested is all of that subdivision of sec. 15.

I believe that in the following instances in addition to the one described, this problem is presented:

- (1) T12N, R4W, Section 23, SE1/4;

Senator Vic Fischer
November 21, 1984
Page 2

(2) T12N, R4W, Section 25, W1/2; and

(3) T12N, R4W, Section 25, SE1/4.

I note that the Division of Habitat expresses concern that "naming the refuge as a wildlife refuge as opposed to a game refuge will present problems to them." They seem particularly concerned that naming this refuge as a wildlife refuge creates problems since what they manage under AS 16.20 are game refuges.

I do not understand why the word "wildlife" is particularly preferred to "game". I note that the usual style within AS 16.20 is to describe the management concerns as those involving "game", although AS 16.20 addresses, perhaps accidentally, "Conservation and Protection of Alaskan Wildlife."

But the location of the assigned section to those sections of AS 16.20 concerned with State Game Refuges seems to indicate clearly that the Department of Fish and Game is assigned the management responsibility for the Refuge. And existing Sec. 16.20.031(c) seems to assign management responsibility to the Department of Fish and Game.

But assuming that you would prefer to retain the existing style, I have modified the language of sec. 31(b) slightly to follow the direct language more typically employed in the establishment of state parks.

Normally I would not address the question of the naming of a state park or refuge; this is the kind of thing that legislators are better at than are we lawyers. But since you asked, it seems that the only options that you have (apart from the game vs. wildlife question) lie with the words "Anchorage" and Coastal". One or the other might be deleted or have you considered simply the Turnagain Arm State Wildlife Refuge?

I will be in Anchorage November 19 and 20 taking bill requests; give me a call there if I may assist further.

RAB:ojb
J9/070

**Municipality
of
Anchorage**



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4111

TONY KNOWLES
MAYOR

November 27, 1984

Sen. Vic Fischer
1024 W. Sixth, #204-C
Anchorage, Alaska 99501

Dear Vic:

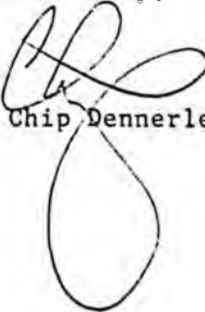
I very much appreciate receiving a copy of your November 26 letter and attachments on the Anchorage Coastal State Wildlife Refuge.

Mayor Knowles has established the post of Manager for Intergovernmental Affairs, and has asked me to assume that responsibility. In addition to helping coordinate efforts with the Legislature, I will be working to facilitate cooperation and coordination with various state and federal agencies concerning a variety of projects affecting Anchorage. Together with the continuing involvement of Bill Miles, this new effort should serve to increase Anchorage's effectiveness with the Legislature in general, and further enhance the working relationship between the Municipality and the Anchorage delegation in particular. Naturally, the upcoming session is foremost in all of our minds, but I will be available to work with you throughout the year.

Our office is at 804 Hill Building, although our mailing address is the same. Our telephone number is 264-4960.

I look forward to a continued working relationship to benefit all of Anchorage. Please don't hesitate to call me. I will certainly be calling on you.

Sincerely,


Chip Dennerlein

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SK/GB



Official Business

Alaska State Legislature

Pouch V
State Capitol
Juneau, Alaska 99811

November 26, 1984

Dear Friend:

Attached is background information on draft legislation that would extend the boundaries of Potter Marsh to Point Woronzof and rename the area as the Anchorage Coastal State Wildlife Refuge.

The attached information should speak for itself. The measure has been reviewed and tentatively approved by agencies charged with land, water, and fish and game management in the area. However, there has been no public review of this specific proposal and, therefore, no "official" action.

We intend to file this legislation in both Houses during the 1985 session. The enclosed draft is a working document to help generate public comment. It can and probably will be changed during the public review process prior to filing, depending on the comments we receive from you.

At this stage, we are asking that comments be submitted, either in writing or directly by phone, no later than January 1, 1985. Please call either Ginger Baim in Senator Fischer's office at 278-3654 or Roger Poppe in Rep. Szymanski's office at 276-6731 should you have any questions.

Thanks for your help on this issue. We are looking forward to hearing from you and hope we can count on your support in creating the Anchorage Coastal State Wildlife Refuge.

Best regards,

Handwritten signature of Senator Vic Fischer.

Senator Vic Fischer

Handwritten signature of Rep. Mike Szymanski.

Rep. Mike Szymanski

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14-001
Bradle
11/21/

1 IN THE SENATE

BY V. FISCH

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Anchorage Coastal State Wildlife
7 Refuge."

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. 16.20.031. ANCHORAGE COASTAL STATE WILDLIFE REFUGE. (

11 The following described state-owned land and water is established
12 the Anchorage Coastal State Wildlife Refuge and shall be managed for
13 the protection of waterfowl, shorebirds, and other fish and wildlife
14 species and for the use and enjoyment of the people of the state:

15 (1) Township 13 North, Range 4 West, Seward Meridian

16 Section 20: SE 1/4 seaward of the 20 foot elevation
17 contour

18 SE 1/4 NE 1/4 seaward of the 20 foot elevation con-
19 tour

20 Section 29: E 1/2 seaward of the 20 foot elevation
21 contour

22 SW 1/4 seaward of the 20 foot elevation contour

23 Section 30: SE 1/4 SE 1/4

24 Section 31: All seaward of the 20 foot elevation
25 contour except NW 1/4 NW 1/4

26 Section 32: All seaward of the 20 foot elevation
27 contour

28 (2) Township 13 North, Range 5 West, Seward Meridian

29 Section 36: S 1/2

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S 1/2 N 1/2

(3) Township 12 North, Range 4 West, Seward Meridian
Sections 6 - 9: Seaward of the 20 foot elevation
contour

Section 15: NW 1/4 seaward of the 20 foot elevation
contour

SW 1/4 NE 1/4 seaward of the 20 foot elevation
contour

Government Lot 5 and the remainder of the W 1/2 SE
1/4, all

SW 1/4

Section 16: Seaward of the 20 foot elevation contour
Sections 17 - 22

Section 23: Government Lot 1 and the remainder of th
SW 1/4, all seaward of the 20 foot elevation contou

Government Lot 2 and the remainder of the S 1/2
1/4, all seaward of the 20 foot elevation contour

Government Lots 3 and 4, and the remainder of the
1/4, all seaward of the 20 foot elevation contour

Section 24: Tract A, Shorecrest Subdivision (Plat No
81-68, Anchorage Recording District)

Section 25: Government Lots 1 and 2, and the remaind
of the W 1/2, all

Tract A, Johns Park Estates, and the remainder of th
NE 1/4, excluding Skyway Park Estates, Addition No.

all seaward of the 20 foot elevation contour Govern
ment Lots 3 and 4, and the remainder of the SE 1/4

all

Sections 26 - 36

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- (4) Township 12 North, Range 5 West, Seward Meridian
Sections 1 - 2
Sections 11 - 14
Sections 23 - 26
Sections 35 - 36
- (5) Township 12 North, Range 3 West, Seward Meridian
Section 29: That portion of the SW 1/4 southwesterly
of the Alaska Railroad right-of-way and southerly
Oceanview Subdivision, Addition No. 6
Section 30: That portion of Tract A, Johns Park
Estates, seaward of the 20 foot elevation contour
Government Lot 2 and that portion of the SE 1/4
1/4 southwesterly of Oceanview West Subdivision
Addition No. 1
Government Lots 3 and 4 and the remainder of the
1/4, all
That portion of the SW 1/4 NE 1/4 and the SE 1/4
southwesterly of Oceanview Subdivision, Addition No.
4 and Addition No. 6
Section 31
Section 32: All lands southwesterly of the Alaska
Railroad right-of-way
Section 33: All lands westerly of the Alaska Railroad
right-of-way
- (6) Township 11 North, Range 3 West, Seward Meridian
Section 3: Government Lot 5
Section 4: That portion southwesterly of the Old
Seward Highway right-of-way and The Landings
Subdivision which is northeasterly of the New Seward

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Highway right-of-way

That portion southwesterly of the Alaska Railroad right-of-way

Sections 5 - 8

Section 9: That portion southwesterly of the Alaska Railroad right-of-way

That portion northeasterly of the New Seward Highway right-of-way

Section 10: That portion westerly of the Old Seward Highway right-of-way which is northeasterly of the New Seward Highway right-of-way

That portion southwesterly of the Alaska Railroad right-of-way

(7) Township 11 North, Range 4 West, Seward Meridian

Sections 1 - 4

Sections 10 - 12

(b) The management of the Anchorage Coastal State Wildlife Refuge established under (a) of this section is assigned to the Department of Fish and Game and, except as provided in (c) of this section, shall be managed under a management plan prepared by the Department of Fish and Game.

(c) Land owned by the Municipality of Anchorage that lies within the boundary of the Anchorage Coastal State Wildlife Refuge described in (a) of this section may be included in the Anchorage Coastal State Wildlife Refuge. An agreement between the Department of Fish and Game and the Municipality of Anchorage for the management of the land within the Anchorage Coastal State Wildlife Refuge that is owned by the Municipality of Anchorage shall be approved by the Municipality of Anchorage and by the Board of Game.

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(d) If state law permits a use or activity on land within state game refuges that is not permitted on the land owned by the Municipality of Anchorage, the use or activity is not permitted on the land owned by the Municipality of Anchorage within the Anchorage Coastal State Wildlife Refuge.

(e) The state or the Municipality of Anchorage may not acquire privately owned land within the Anchorage Coastal State Wildlife Refuge described in (a) of this section by eminent domain for inclusion within the Anchorage Coastal State Wildlife Refuge. The Department of Fish and Game or the Municipality of Anchorage may acquire privately owned land within the Anchorage Coastal State Wildlife Refuge by purchase, exchange, or otherwise except by eminent domain.

(f) The land and water areas of the Anchorage Coastal State Wildlife Refuge are closed to mineral entry under AS 38.05.135 and 38.05.280.

* Sec. 2. AS 16.20.030(b) is repealed.

Senator Vic Fischer

Alaska State Legislature

Pouch V • Juneau, Alaska 99811 • (907) 465-4954



SECTIONAL ANALYSIS/ SPONSOR SUBSTITUTUE FOR SENATE BILL 19 ("An act creating the Anchorage Coastal State Wildlife Refuge")

Scope of legislation:

SSSB 19 would (1) add additional tidelands and near shore upland to the existing Potter Point State Game Refuge, extending its boundaries from Point Campbell to Point Woronzof, (2) rename the area the "Anchorage Coastal State Wildlife Refuge", (3) provide a more precise legal description for refuge lands, (4) permit management of Municipal land by the Alaska Department of Fish and Game subject to approval by the Municipality and (5) restrict property acquisitions by the state and municipality for inclusion within the Refuge to "purchase, exchange, or otherwise", prohibiting acquisition by eminent domain.

Section 1 - AS 16.20.031 (a):

Enacts new section, AS 16.20.031(a) ANCHORAGE COASTAL STATE WILDLIFE REFUGE. Establishes the Anchorage Coastal State Wildlife Refuge and designates certain state-owned land and water described in subsection (1) through (7) as part of that refuge to be managed for the protection of waterfowl, shorebirds, and other fish and wildlife species and for the use and enjoyment of the people of the state.

(Section 1, subsections (1) through (7) describe the legal boundaries of the state-owned land and water included in the refuge.)

(b): assigns management responsibilities for the Anchorage Coastal State Wildlife Refuge to the Alaska Department of Fish and Game and, except as provided by (c) requires the Refuge to be managed under a management plan prepared by the Department of Fish and Game under AS 16.20.040-16.20.060. (These statutes set general guidelines for ADF&G in managing game refuges and in permitting use, lease or disposal of real property in refuges created under AS 16.20.010-16.20.080).

(c) permits land owned by the Municipality of Anchorage that lies within the boundaries of the Anchorage Coastal State Wildlife Refuge to be included in the Refuge. Requires an agreement between the Department of Fish and Game and the Municipality of Anchorage for the management of municipal owned land within the Refuge to be approved by the Municipality and by the Department of Fish and Game.

(d) provides that a use or activity on land within state game refuges that is allowed by state law will not be permitted on land owned by the Municipality of Anchorage within the Anchorage Coastal

State Wildlife Refuge if such use or activity is not allowed on land owned by the Municipality of Anchorage.

(Example: The discharge of firearms is prohibited on Municipal land. The discharge of firearms within a state wildlife refuge may be permitted under state law but would not be permitted on that portion of land within the refuge that is owned by the Municipality of Anchorage.)

(e) prohibits the Municipality of Anchorage or the state from acquiring privately owned land within the Anchorage Coastal State Wildlife Refuge by eminent domain for inclusion within the Refuge. The Department of Fish and Game or the Municipality of Anchorage may acquire privately owned land within the Anchorage Coastal State Wildlife Refuge by purchase, exchange or otherwise, except by eminent domain.

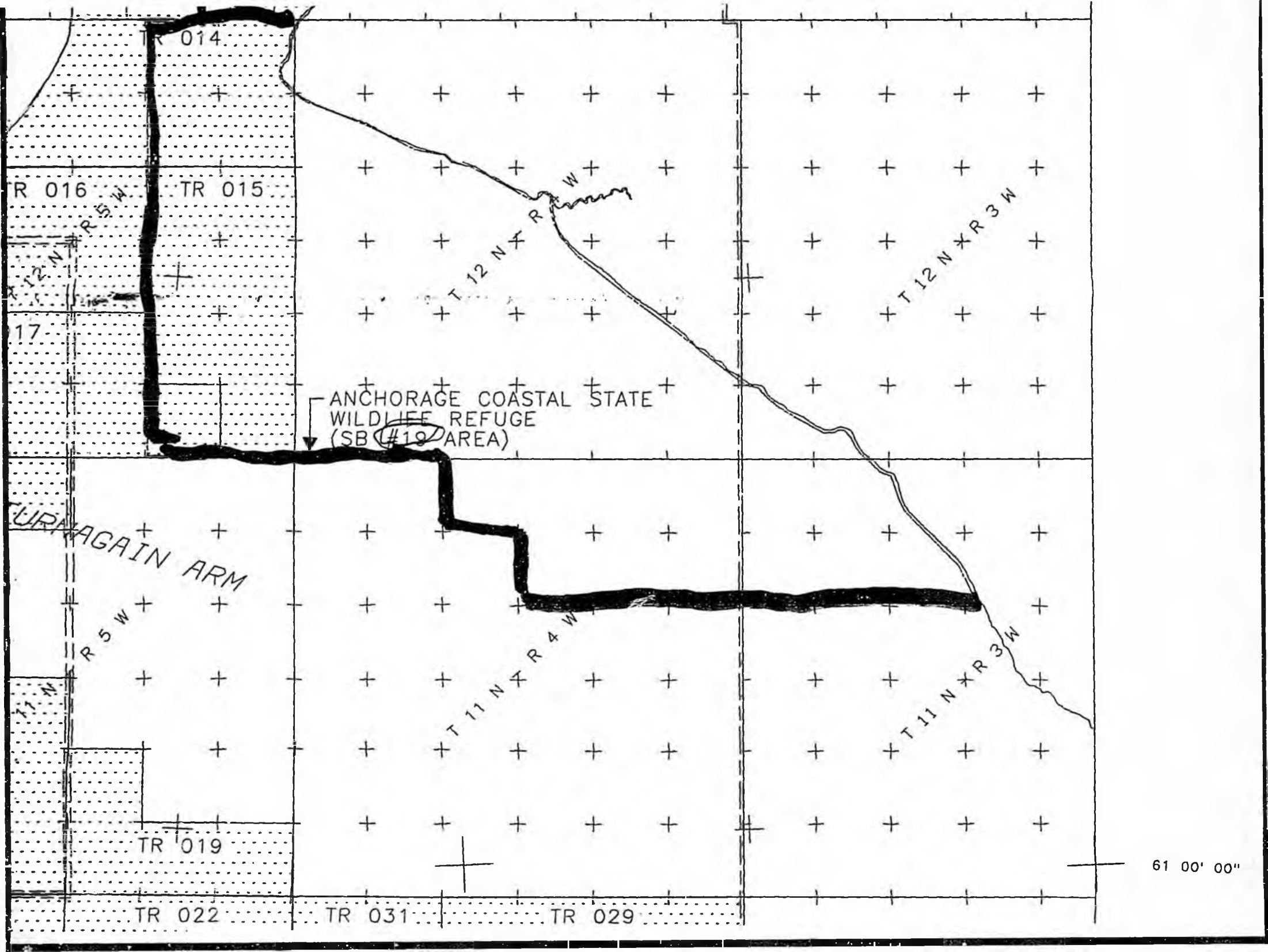
(f) closes the land and water areas of the Anchorage Coastal State Wildlife Refuge to mineral entry under AS 38.05.185-38.05.275. (This does not affect oil and gas leasing).

Section 2:

Repeals AS 16.20.030(b) (existing statute establishing the Potter Point State Game Refuge).

/gb

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE



TR 014

R 016 TR 015

17

ANCHORAGE COASTAL STATE
WILDLIFE REFUGE
(SB #19) AREA

UPR AGAIN ARM

TR 019

TR 022

TR 031

TR 029

61 00' 00"



Alaska State Legislature

Official Business

Community & Regional Affairs Committee

Pouch V
State Capitol
Juneau, Alaska 99811

February 23, 1985

Edna,

Follows is info for your Tuesday, 26 Feb Committee meeting....

Your meeting begins at 4:15 instead of 3:30p due to the Joint Session to hear "State of the Judiciary" and your agreement to give Senator Fahrenkamp some of your time for her HESS meeting.

At 4:15 there will be a teleconference hookup with Anchorage and Mat-Su for purposes of getting testimony on SB 26 - Senator Josephson's bill on notification to Community Councils of certain actions. There now is a Sponsor Substitute as per your memo to Josephson outlining the committee's comments on how the bill ought to be changed. Dave Finkelstein, Josephson's aide is suppose to have a position paper on the bill and at least one new fiscal note. He did not have either as of Saturday, Feb 23. -- I did talk to Joe Lentz' wife about the teleconference, Joe was not at home. I have also notified the Anchorage Federation of Community Councils in Anchorage and the two Anchorage Community Councils in your district.

The Committee is also to take up CSSSSB 19 -- Vic Fischer's bill for an Anchorage Coastal Wildlife Refuge. A committee substitute has been drafted as per the Committee's instructions and Fischer plans to offer an amendment as requested by Cook Inlet Region which will permit surface access to Fire Island. Aspen Corporation (Chuck Becker) was going to protest the bill, but since Becker was in your office, the corporation has been denied a permit by the Dept of Natural Resources, so I don't know if they will protest now.

Vic also has secured a resolution from the Anchorage Assembly in support of the Anchorage Coastal Wildlife Refuge.

On Feb 28....you are to hear in committee...

SB 69 - Regulating the sale of alcoholic beverages, and
SB 137 - Providing for an office of senior citizen housing and
an older Alaskans housing fund...

We were requested by the Older Alaskans Commission to hold a teleconference on SB 137-- and it has been set up for Anchorage, Mat-Su, Fairbanks, and Juneau.

I have had no word from any committee member concerning your memo asking for suggestions on holding hearings on SB 142-- Title 29 changes.

Hvonney

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL AND GAS

POUCH 7-034
ANCHORAGE, ALASKA 99510

January 11, 1985

Sale 46A
Information to Bidders

A. Acceptance and Rejection of Bids

The state hereby expressly reserves the right to reject any bid on any tract. No bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless the following conditions have been met:

1. The bidder has ~~complied with this notice~~ and applicable state regulations and statutes.
2. The bid is the ~~highest~~ valid cash bonus bid.
3. The amount of the ~~bid has been determined to be adequate~~ by the Commissioner of Natural Resources.
4. No bid containing or accompanied by any condition, qualification, or material alteration will be considered.

B. Pre-Qualification of Bidders

In order to submit bids for this sale, bidders must be qualified to bid prior to the sale date of February 26, 1985. Qualification procedures are as follows:

1. Individuals - An individual bidder must have a Statement of Qualifications on file at DO&G certifying that he or she is at least 18 years old and a citizen of the United States or is eligible for and has filed for citizenship, or is an alien person entitled to a similar lease by virtue of a treaty between the United States and the nation of which the alien person is a citizen. The statement must include the bidder's name, address, and telephone number and must be signed and dated. If an agent is signing the bid form on behalf of an individual, an original or certified copy of a notarized power-of-attorney document evidencing the authority of the agent to act on behalf of the individual must be on file at DO&G. If a guardian, trustee, or legal representative of an individual is signing on behalf of that individual, a certified copy of the court order authorizing him to act in that capacity and to fulfill the

individual's obligations arising under any lease issued to the individual must be on file at DO&G. A signed statement as to the citizenship and age of the guardian, trustee, or legal representative and the individual must also be submitted to DO&G.

2. Corporations - Corporations must have the following ~~documents on file~~ at DO&G prior to the lease sale:
 - a. Copy of ~~1984 Certificate of Good Standing~~. Bidders do not need a copy of the 1985 Certificate of Good Standing.
 - b. The ~~current address and phone number~~ of the corporation.
 - c. A list of ~~current officers~~ of the corporation that are ~~authorized to sign bids~~ on behalf of the corporation.
 - d. An original or certified copy of a notarized power-of-attorney authorizing any agent who is not a current officer but who has been designated by the corporation to sign a bid on behalf of the corporation.

A Certificate of Good Standing can be obtained by sending 60 cents to State of Alaska, Department of Commerce and Economic Development, Corporation Section, Pouch D, Juneau, Alaska 99811 and requesting the certificate. The Certificate of Good Standing provides written proof that the corporation has paid all taxes, complied with all applicable laws, and is thus qualified to do business in the state. If information previously filed by corporations that have previously qualified to do business in Alaska is still current, this information may be incorporated together with a statement as to any material changes or amendments.

3. Corporations That Have Not Previously Qualified To Do Business in Alaska - A corporation that has not previously qualified to do business in Alaska must submit the following documents to DO&G:
 - a. If the corporation is a foreign corporation, it must submit a copy of its Certificate of Authority. If the corporation is a domestic corporation, it must submit a copy of its Certificate of Incorporation. A foreign corporation is one that has been incorporated outside the State of Alaska. A domestic corporation is one that has been incorporated within the State of Alaska.
 - b. The current address and phone number of the corporation.
 - c. A list of current officers of the corporation that are authorized to sign a bid on behalf of the corporation.

- d. An original or certified copy of a notarized power-of-attorney authorizing any agent who is not a current officer but who has been designated by the corporation to sign a bid on behalf of the corporation.

In order to receive a Certificate of Authority, foreign corporations must submit a packet of completed forms entitled "Instructions for qualifying a foreign corporation to do business in the State of Alaska" to the Department of Commerce and Economic Development, Corporation Section, Pouch D, Juneau, Alaska 99811. This form can be obtained by writing or telephoning DO&G, Pouch 7-034, Anchorage, Alaska, 99510 (907-276-2653). In order to receive a Certificate of Incorporation, domestic corporations must submit Articles of Incorporation to the Department of Commerce and Economic Development. Upon proper application, the Department of Commerce and Economic Development will issue a Certificate of Authority or Certificate of Incorporation. Please allow two to three weeks for the processing of these certificates.

4. Partnerships or Other Unincorporated Associations - A partnership or unincorporated association must submit the following documents to DO&G prior to the lease sale:
 - a. A statement describing the business relationships between members or partners.
 - b. A statement of qualifications for each member stating that each member is at least 18 years of age and a citizen of the United States, or is eligible for and has filed for citizenship, or is an alien person entitled to a similar lease by virtue of a treaty between the United States and the nation of which the alien person is a citizen.
 - c. If an agent is signing the bid form on behalf of the partnership or association, an original or certified copy of a notarized power-of-attorney defining the agent's authority to sign the bid on behalf of the partnership or association.

C. Bid Submission

Bids will be received by the Director of the Division of Oil and Gas or her authorized agent in Room 39 (3rd Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska, between the hours of 9 a.m. and 4 p.m. on February 25, 1985. Bids that are mailed to the Director, DO&G, Pouch 7-034, Anchorage, Alaska 99510 must be received no later than February 25, 1985. Bids will also be received at the Division's temporary office at the Anchorage Westward-Hilton Hotel, 500 W. 3rd Ave., in Anchorage between 8 a.m. and 9 a.m. on February 26, 1985. No bids will be received after 9 a.m., February 26, 1985.

Bids will be received and processed on February 26, 1985 in the following manner:

1. 8 a.m.-9 a.m. - bids will be received in the "Alaska Room."
2. 9 a.m. - closing of bid submission.
3. 9 a.m.-10:30 a.m. - opening of the bids by DO&G personnel. The opening of bids is for the sole purpose of publicly announcing and recording bids received. No bids will be accepted or rejected at this time.
4. 10:30 a.m. - public reading of the bids will begin in the "Main Ballroom."

D. Form for Submission of Bids

1. A separate bid must be submitted for each tract.
2. Each bid must be submitted separately in a single envelope. The envelope should be marked "State of Alaska Competitive Oil and Gas Lease Sale 46A; not to be opened until 9 a.m., February 26, 1985; Tract # _____." No other statements, information, or identification should appear on the outside of the envelope.

The following items must be contained in each envelope:

- a. An executed bid form DO&G 1-85 or an exact copy of that form. The bidder or the agent authorized to receive notices on behalf of all bidders should state his or her name, company (if applicable), address, and telephone number on the bid form. All lease-interest percentages must be represented by numbers with the fractional interest carried out to no more than five decimal places. No bids with the lease-interest represented by fractions will be accepted unless the fraction can be expressed in decimals of no more than five digits without rounding off. The sum of the lease-interest ownerships covered by this bid must be exactly 100.00000 percent.
- b. Bid Deposit: Check or money order made payable to the "Department of Revenue, State of Alaska." Bid deposits must be in U.S. dollars and must be tendered in cash or by money order, cashier's check, certified check, or treasurer's check in the total amount of 20% of the total cash bonus being offered for the tract. No bid for less than a full tract will be considered. Checks drawn on Alaska banks will be presented February 26, 1985, for payment in federal funds at the Alaska National Bank of the North.

3. Under 11 AAC 82.430, joint bids must disclose, and the bid form must be signed by or on behalf of, each person who has any working interest in the bid or who will receive any working interest in any lease issued in this sale by virtue of any agreement or understanding, oral or written. This requirement does not mean that persons who are interested in a bid only as stockholders in a corporation must sign the bid and lease form and does not mean that the designated information must be furnished as to those persons. Joint bids must state the percentage of interest of each bidder and must designate one person who is authorized to receive notices on behalf of all the bidders.

E. Method of Handling Bid Deposits and Lease Awards

1. Bid deposits will be safeguarded against theft, misappropriation and loss. Receipt of a bid deposit by the state does not constitute and shall not be construed as acceptance of any bid on behalf of the state.
2. A bidder submitting a bid which is not the apparent high bid may pick up the bid deposit from 2:30 to 4 p.m., February 26, 1985, in Room 39, (Third Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska. Bid deposits also will be returned from 9 a.m. to 3 p.m. on February 27, 1985, in Room 39, (Third Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska.
3. A bidder whose bid deposit for an apparent high bid is tendered by cashier's check, treasurer's check, or certified check drawn on a non-Alaska bank must wire transfer funds in the amount of such bid deposit on February 27, 1985, no later than noon E.D.T. (8 a.m. A.D.T.), to: First Pennsylvania Bank of Phil., ABA # 031000024, for credit to State of Alaska, Account # 07/089250/00, Attn: Catherine Hess. It is not necessary that separate wire transfers be made if more than one bid deposit is being transferred to the account. Each apparent high bidder making a wire transfer to this account must Telex the following information to the Alaska Department of Revenue, Treasury Division (Telex No. 099-45-333) and the Department of Natural Resources, DO&G (Telex No. 090-25-360): the amount of each bid deposit comprising the wire transfer, the tract number to which each bid deposit applies, the originating bank of the wire transfer, and the name(s) of the bidder's partner(s), if any, on whose behalf a bid deposit is being wire transferred. Upon notification of receipt of a wire transfer, the cashier's check(s), treasurer's check(s) and certified check(s) for the bid deposit(s) corresponding to that wire transfer will be returned from 10 a.m. to 3 p.m., February 27, 1985 in Room 33 (Third Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska.
4. If a bid deposit for an apparent high bid is tendered in cash, by money order, or is a certified, treasurer's, or cashier's check drawn on an Alaska bank, the bidder will not be required to wire transfer federal funds for that bid deposit. Such checks will be presented February 26, 1985, for payment in federal funds at the Alaska National Bank of the North.

5. Upon rejection by the State of Alaska of any apparent high bid, the amount of the bid deposit for that bid will be mailed to the bidder. A bidder who is unable to pick up a bid deposit in the manner described above may submit with the bid written instructions for return of the bid deposit.
6. Upon acceptance of a bid by the Commissioner of Natural Resources, the successful bidder will be notified by certified mail of the lease award and will be sent two copies of the lease for signature. Within 30 days of the date that the bidder receives notification of the lease award, the bidder must: 1) sign both copies of the lease; 2) return them to the Division of Oil and Gas for execution; 3) pay the balance of the cash bonus and accrued interest, and 4) pay for the first year annual rental. Interest of 7.78% per annum (which is the market interest rate for 90-day U.S. Treasury bills prevailing during the week of January 7 - 11, 1985) will be charged on the balance of the cash bonus accruing from the date following the successful bidder's receipt of the notification of the lease award up to and including the date of payment. Interest must be paid on the cash bonus only and not on the first year of rental. Payment of the balance of the cash bonus, accrued interest and rental must be accomplished in the following manner:

The successful bidder will wire transfer federal funds in the amount of the balance of the cash bonus and accrued interest, and annual rental for the first year to: First Pennsylvania Bank of Phil., ABA #031000024, for credit to State of Alaska, Account #07/089250/00, Attn: Catherine Hess. The wire transfer should specify on whose behalf and on what tracts the balance, interest, and rental is being paid. If possible, bidders should use only one wire transfer. Interest calculations should be based on a 360-day year times the actual number of days that interest is owed.

In addition, the successful bidder must simultaneously send the following information by telex to the State of Alaska, Department of Revenue, Treasury Division (Telex No. 099-45-333): the amount of rental, interest, and balance of cash bonus being paid per tract; the name(s) of the bidder(s) on whose behalf the funds are being wire transferred; and the originating bank of the wire transfer.

SALE MEASURES

AS 38.05.035(e) and the departmental delegation of authority provide the Director, Division of Oil and Gas, with the authority to impose conditions or limitations, in addition to those imposed by statute, to ensure that a resource disposal is in the state's best interests. Lease stipulations will be enforced throughout the term of the lease. Measures listed under Plans of Operations and Other Terms of Sale will be imposed through plans of operations and other permits to mitigate the adverse social and environmental effects of lease activities. These measures have been developed after considering A Social, Economic and Environmental Analysis of a State Oil and Gas Lease Sale in Upper Cook Inlet (Sale 33), A Social, Economic and Environmental Analysis of a State Oil and Gas Lease Sale in Lower Cook Inlet (Sale 35), agency revisions to these documents, public comments, and measures imposed in other oil and gas lease sales.

Lease Stipulations

1. Spill Prevention, Control, and Countermeasure (SPCC) Plan:

A Spill Prevention, Control, and Countermeasure Plan must be submitted to the Department of Environmental Conservation prior to onshore drilling operations and construction of onshore oil and gas storage facilities (with a capacity of greater than 660 gallons), transfer, and transportation facilities. In addition to addressing the prevention, detection, and clean up of oil, the SPCC plan for drilling operations should include, but not be limited to, methods for controlling blowouts, location of spill clean up equipment, identification and location of a suitable alternative drilling rig, and the time required to obtain equipment, mobilize, rig-up, and commence drilling of a relief well, if needed.

2. Discovery of historic or archeologic objects:

In the event any site, structure, or object of historic or archeologic significance is discovered during operations on the leased area, the lessee must report such findings immediately to the Director, Division of Oil and Gas, and make every reasonable effort to preserve and protect such site, structure, or object from damage until the Director, Division of Oil and Gas, after consultation with the State Historic Preservation Officer, has given directions as to its preservation.

Plans of Operations and Other Terms of Sale

Lessees must submit a detailed plan of operations to the Division of Oil and Gas for approval before conducting any exploratory or development operations. Plans of operations must identify the specific measures, design criteria and construction methods and standards that will be employed to meet the restrictions listed below. For exploration and development activities occurring within the Municipality of Anchorage or the Matanuska-Susitna Borough, the lessee shall concurrently submit an informational copy of its plan of operations to the municipality or borough. Review of plans of

operations and other required permits will be in accordance with consistency review procedures established under 6 AAC 50. Except as indicated, the restrictions listed below do not apply to geophysical exploration on state lands. Geophysical exploration activities are governed by 11 AAC 96. The following restrictions will be imposed on lands leased in this sale as a condition of the approval of plans of operation:

General:

1. Plans of operations for lease activities and specific permit applications which are subject to approval by the U.S. Corps of Engineers; which require a Certificate of Reasonable Assurance from the Department of Environmental Conservation; or which require other state agency authorizations must be submitted simultaneously for state agency review and approval at least 60 days prior to the conduct of such activities.
2. During the conduct of all activities related to this lease, the lessee will be subject to the standards of the ACMP, the Matanuska-Susitna Borough Coastal Management Plan, or the Municipality of Anchorage's Coastal Management Plan, as applicable. The Division of Oil and Gas will require, as a condition for consistency approval of lease operations, such modification or stipulations as may be necessary to ensure consistency with the Alaska Coastal Management Program, and with sound planning and management of coastal zone resources.
3. An Oil Discharge Contingency Plan will be required for offshore operations pursuant to AS 46.04.030.
4. Onshore exploration activities must be supported by vehicles which do not cause significant damage to vegetation or the ground surface, or by existing road systems and port facilities, or air service. Local roads in the vicinity of exploration sites may be allowed. Unrestricted surface travel may be permitted if an emergency condition exists. Construction of year-round roads will be prohibited during the exploration phase of oil and gas development unless it can be shown to be in the state's best interests to have a permanent road constructed. When allowed, permanent roads must be designed, constructed, and maintained to the satisfaction of the Director, Division of Oil and Gas.

Facilities and Structures:

5. The siting of onshore facilities, other than roads, docks or pipeline crossings, will be prohibited within 500 feet of all fishbearing streams and lakes unless it is shown to the satisfaction of the Director, DO&G, after consultation with the Department of Fish and Game, that alternative site locations outside this buffer zone are not feasible or prudent. Additionally, the siting of facilities within one-quarter mile of the banks of the Anchor and Kenai Rivers will be discouraged and may be prohibited. Road and pipeline crossings must be aligned perpendicular or near perpendicular to watercourses.
6. Measures will be required to minimize the impact of industrial development on key wetlands that are hydrologically important to fish, waterfowl, or shorebirds. Specific measures include the requirements that:

- a. Lessees must identify on a map or aerial photograph the largest surface area within which it is anticipated that a facility is to be sited, or an activity is to occur. The map or photograph must accompany the plan of operations submitted to the Division of Oil and Gas. The Division of Oil and Gas will consult with the Department of Fish and Game to identify the least environmentally sensitive area(s) within the industry-identified area of interest. The industry-identified surface area must be large enough to contain the proposed facility and to accommodate planned expansion.
 - b. Drill pads, roads, pipelines, and other facilities must be sited outside of productive wetlands that are hydrologically important to fish, waterfowl, or shorebirds, unless the Director, Division of Oil and Gas, after consultation with the Department of Fish and Game, determines that there are no feasible or prudent alternatives.
 - c. Where facilities must be sited within wetlands that are hydrologically important to fish, waterfowl, or shorebirds, such facilities will be sited, designed, and constructed in a manner that will maintain natural hydrological patterns and prevent oil contamination.
 - d. Draining or dewatering wetlands that are hydrologically important to fish, waterfowl, or shorebirds is prohibited, unless no feasible or prudent alternative exists.
 - e. Dredging or filling of key wetlands that are hydrologically important to waterfowl or shorebirds will not be allowed unless the activity will not cause adverse impacts to the wetlands and no feasible or prudent alternative exists.
7. Impermeable lining and diking will be required for sewage ponds and onshore oil storage facilities (with a storage capacity greater than 660 gallons). Buffer zones of not less than 100 feet and up to 1,500 feet will be required to separate onshore oil storage facilities (with a capacity greater than 660 gallons) and sewage ponds from marine areas and freshwater supplies, streams and lakes, and wetlands that are important to fish, waterfowl, or shorebirds unless the Director, Division of Oil and Gas, after consultation with the Department of Environmental Conservation, determines that such a requirement is not feasible or prudent. Sumps and reserve pits must be impermeable and otherwise fully contained through diking or other means.
 8. To the extent feasible and prudent, all lease activities and structures must be designed, sited, and constructed to maintain normal water flow and drainage patterns and to allow free movement and safe passage of fish and mammals.
 9. Facilities and surface transportation routes will, to the extent feasible and prudent, be sited and consolidated to avoid sensitive fish and wildlife habitat.
 10. Exploration facilities, with the exception of drill pads and airstrips, must be temporary and must not be constructed of gravel. However, use of existing abandoned gravel structures may be permitted on an individual

- a. Lessees must identify on a map or aerial photograph the largest surface area within which it is anticipated that a facility is to be sited, or an activity is to occur. The map or photograph must accompany the plan of operations submitted to the Division of Oil and Gas. The Division of Oil and Gas will consult with the Department of Fish and Game to identify the least environmentally sensitive area(s) within the industry-identified area of interest. The industry-identified surface area must be large enough to contain the proposed facility and to accommodate planned expansion.
 - b. Drill pads, roads, pipelines, and other facilities must be sited outside of productive wetlands that are hydrologically important to fish, waterfowl, or shorebirds, unless the Director, Division of Oil and Gas, after consultation with the Department of Fish and Game, determines that there are no feasible or prudent alternatives.
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 10. Exploration facilities, with the exception of drill pads and airstrips, must be temporary and must not be constructed of gravel. However, use of existing abandoned gravel structures may be permitted on an individual

must be formulated and implemented by qualified instructors experienced in each pertinent field of study and must employ effective methods to ensure that personnel understand and use techniques necessary to preserve archeological, geological, and biological resources. The program must also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating. The lessee must also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Access:

17. No restriction of public access to, or use of, the leased area will be permitted as a consequence of oil and gas activities except in the immediate vicinity of drill sites, buildings and other related structures. Such areas where access is to be restricted must be identified in the plan of operations. No lease facilities or operations may be located where they would block public access to or along navigable and public water as defined in AS 38.05.965(12) and (16). If lease facilities will be located in the vicinity of these public waters, an easement will be reserved under AS 38.05.127 and 11 AAC 53.330 to ensure the right of public access.
18. Surface use will be restricted, as necessary, to prevent unreasonable conflicts with local subsistence harvests.

Third Party Interests:

19. If only the subsurface estate is owned by the state, or if the surface is owned by the state but subject to third party interests, the lessee must not enter upon such land until the lessee makes a good faith effort to agree with the surface interest holder on settlement of damages that may be caused by lease activities. If an agreement cannot be reached, the Director, Division of Oil and Gas, has the authority to approve the activity, provided adequate provisions have been made with the state to pay for any damages the surface interest holder may suffer.
20. The proposed activities under a plan of operations must not unreasonably diminish the use and enjoyment of lands encompassed within a native allotment. Before entering a pending or approved native allotment, lessees must contact the Bureau of Indian Affairs and the Bureau of Land Management and obtain approval to enter, if required. Lessees must also comply with applicable federal law on native allotments.

Archeological and Historical Sites:

21. Prior to the construction or placement of any onshore structure, road, or facility resulting from exploration, development, or production activities, the lessee must conduct an inventory of archeological and historical sites within the area affected by a proposed activity. Such inventory must consider literature provided by the Municipality of Anchorage, Matanuska-Susitna Borough, Kenai Peninsula Borough, and local residents; documentation of oral history regarding historic and

prehistoric uses of such sites; evidence of consultation with the Alaska Heritage Resources Survey and the National Register of Historic Places; and site surveys. The inventory must also include a detailed analysis of the potential effects estimated to result from the proposed activity. The inventory must be submitted to the Director, Division of Oil and Gas, and the Director of the Division of Parks and Outdoor Recreation. In the event that an archeological or historical site or area may be adversely affected by an activity, the Director, Division of Oil and Gas, after consultation with the Director of the Division of Parks and Outdoor Recreation, will direct the lessee as to what course of action will be necessary to mitigate the adverse effect.

Fishbearing Streams:

22. The measures listed below will be imposed by the Department of Fish and Game under Title 16 of the Alaska Statutes to protect anadromous streams. Similar provisions will be imposed by the Department of Natural Resources to protect nonanadromous fishbearing streams. Exceptions to these requirements may be allowed on a case-by-case basis by the agency having jurisdiction.
 - a. Alteration of river banks will be prohibited.
 - b. Operation of equipment within riparian habitats will be prohibited.
 - c. The operation of equipment, excluding boats, in open water areas of rivers and streams will be prohibited.
 - d. Bridges must be used as watercourse crossings whenever feasible. Culverts may be used only when bridges are shown not to be feasible or prudent. The siting, design, and construction of both bridges and culverts must be approved prior to the placement of either of these structures.
 - e. Removal of water from fishbearing waterbodies shall be subject to prior approval by the Division of Land and Resource Management and the agency having jurisdiction. Compaction or removal of snow cover overlying fishbearing waterbodies will be prohibited except to accomplish perpendicular crossings. If ice thickness is not sufficient to facilitate a crossing, ice and/or snow bridges will be required.
 - f. Water intake pipes used to remove water from fishbearing streams and lakes must be surrounded by a screened enclosure to prevent fish entrainment and impingement. Pipes and screening must be designed and constructed so that the maximum water velocity at the surface of the screen enclosure is no greater than 0.1 foot per second. Screen mesh size must not exceed 0.04 inch unless the use of another size has been approved.
 - g. To protect fish and other aquatic fauna, geophysical surveys in freshwater will require the use of nonexplosive energy sources. Explosives must not be detonated within, beneath, or in close proximity to fishbearing waters unless the detonation of the explosive produces a pressure rise in the waterbody of no more than three psi or the

waterbody, including its substrate, is solidly frozen. The minimum acceptable offset from fishbearing streams and lakes for various size charges is:

1-2 pound charge	--	80 feet
5 pound charge	--	120 feet
10 pound charge	--	170 feet
25 pound charge	--	270 feet
100 pound charge	--	530 feet

Lessees are advised that there are numerous documented anadromous streams and lakes within the lease sale area, including the Kenai, Lewis, and Anchor Rivers. Specific information on the location of documented anadromous streams and lakes may be obtained by contacting the Department of Fish and Game.

Disposal of Wastes, Produced Waters, Drilling Muds, and Cuttings:

23. Solid waste disposal is subject to the approval of the Commissioner, Department of Environmental Conservation.
24. All garbage and refuse must be incinerated. Residue and non-burnables must be disposed of at an approved upland site. No new solid fill disposal sites, except possibly for the disposal of drilling muds and cuttings, will be approved during the exploratory phase.
25. Discharge of produced waters, drilling muds, and cuttings:
 - a. Disposal of produced waters to subtidal marine waters of Cook Inlet will be permitted, except as specified in Term 32a. Discharge of produced waters to freshwater bodies, intertidal habitat, and estuarine waters at river mouths is prohibited.
 - b. Disposal of produced waters in upland areas, including wetlands, will be by subsurface disposal techniques, except that the Commissioner of the Department of Environmental Conservation may permit alternate disposal methods if he determines that subsurface disposal techniques are not feasible or prudent.
 - c. Discharge of drilling muds and cuttings to lakes, streams, rivers, intertidal areas, and tidally influenced mouths of rivers is prohibited. Drilling muds and cuttings free of hydrocarbon contamination may be discharged to subtidal marine waters, except that in subtidal marine waters shallower than 3 fathoms, discharge will be restricted to the period occurring two hours before and two hours after each high tide event.
 - d. Disposal of drilling muds and cuttings during development and production will be subject to the conditions of NPDES permits issued by the Environmental Protection Agency and those State of Alaska Coastal Management Program consistency requirements incorporated in or accompanying the NPDES permit.

Gravel Mining:

26. All gravel mining operations must be consistent with applicable area plans developed by the Department of Natural Resources in coordination with other state and local agencies.
27. In meeting gravel needs for exploration, development, and production, gravel from nearby abandoned drill pads, roads, airstrips, and existing material sites must be used first unless it is demonstrated to the Director, Division of Land and Water Management, after consultation with the Division of Oil and Gas and the Department of Fish and Game that use of these sources is not feasible or prudent or in the state's best interests. The Alaska Oil and Gas Conservation Commission will be consulted when gravel is to be removed from a wellhead.
28. Gravel mining sites for exploration activities will not be allowed within the active floodplains of watercourses, as defines in "Gravel Removal Guidelines Manual for Arctic and Subarctic Floodplains: (U.S. Fish and Wildlife Service, Woodward Clyde Consultants, 1980), unless it is demonstrated to the Director, Division of Land and Water Management, after consultation with the Department of Fish and Game, that no other feasible or prudent alternative exists and that the mining operation(s) will not cause significant environmental impacts. Mining site development and rehabilitation within active floodplains must follow the appropriate procedures outlined in the above referenced report, as determined by the Division of Land and Water Management, after consultation with the Department of Fish and Game. Under AS 16, Department of Fish and Game approval is required if the mining site is located within an anadromous stream or could block fish passage.
29. During development and production, gravel mining within active floodplains will be prohibited. Upland mining sites will be restricted to the minimum number necessary to efficiently develop the field. Where sufficient ground water is not available to meet the anticipated needs of lessees, lessees may be required to design and construct upland gravel sites to function as water reservoirs for future use.

Seismic Activities:

30. State policy prohibits seismic activities that utilize high velocity explosives in or beneath marine waters.
31. Forest clearing by bulldozer or extensive forest clearing by other means solely for seismic exploration must be approved by the Director, Division of Oil and Gas, after consultation with the Division of Forestry and the Department of Fish and Game.

Special Areas:

32. The management of legislatively designated state critical habitat areas and game refuges is the responsibility of the Department of Fish and Game under AS 16.20. The Department of Fish and Game is responsible for approving any exceptions to terms of sale imposed on Sale 46A leases in these areas. For activities occurring within a legislatively designated

state critical habitat area or refuge, the lessee will be required to obtain a permit from the Department of Fish and Game which specifies the terms and conditions of lease operations. Permits will be issued upon receipt and approval of detailed plans of operations for all applicable phases of oil and gas development. The Department of Fish and Game will require that all industrial operations within the refuges and critical habitat area comply with all terms and conditions of Sale 46A as well as the requirements listed in this term.

Portions of Tracts 63 and 66 are within the Clam Gulch Critical Habitat. Portions of Tracts 14, 15, 16, and 17 are within the Potter Point State Game Refuge. Portions of Tract 1, 4, 7, 9, and 10 are within the Susitna Flats State Game Refuge. The Municipality of Anchorage has proposed that the boundaries of the Potter Point State Game Refuge be enlarged to include tide and submerged lands extending from Point Campbell to Point Woronzof (portions of Tracts 8, 11, and 14). If the refuge boundaries are extended, the terms of sale applicable to the Potter Refuge will apply to the new area. Until the legislature decides whether to extend the refuge boundaries, plans of operations must address how activities and facilities within the proposed addition will be brought into conformance with terms of sale applicable to acreage within the refuge.

- a. Surface discharge of produced waters will be prohibited. In addition, offshore disposal of produced waters from tracts adjacent to Clam Gulch Critical Habitat Area will be prohibited in subtidal marine waters between the mean lower low water tide line and the three fathom isobath (18 feet).
- b. Disposal of drilling muds and cuttings will be allowed only at approved upland sites. Disposals will not be permitted within Potter Point State Game Refuge and the Clam Gulch Critical Habitat Area.
- c. Surface entry will be prohibited within the Clam Gulch Critical Habitat Area and Potter Point State Game Refuge. Directional drilling will be allowed from adjacent sites.
- d. From April 1 to October 31, aircraft overflights over Potter Point State Game Refuge and the primary waterfowl habitat within the Susitna Flats State Game Refuge will maintain a minimum altitude of 1500 ft. or a horizontal distance of one mile.
- e. No drilling will be permitted until the lessee demonstrates the capability to expeditiously detect, contain, and clean up any hydrocarbon spill that may result from lease activities before the spill significantly impacts fish and wildlife populations or their habitats. This includes the capability to drill a relief well in the event of a loss of well control.
- f. All lease facilities must be designed and constructed to prevent the spread of hydrocarbons and facilitate clean up, both above and below ground.
- g. Lease facilities must include all available design features to minimize the possibility of accidental oil spills or fires resulting from vandalism or hunting accidents.

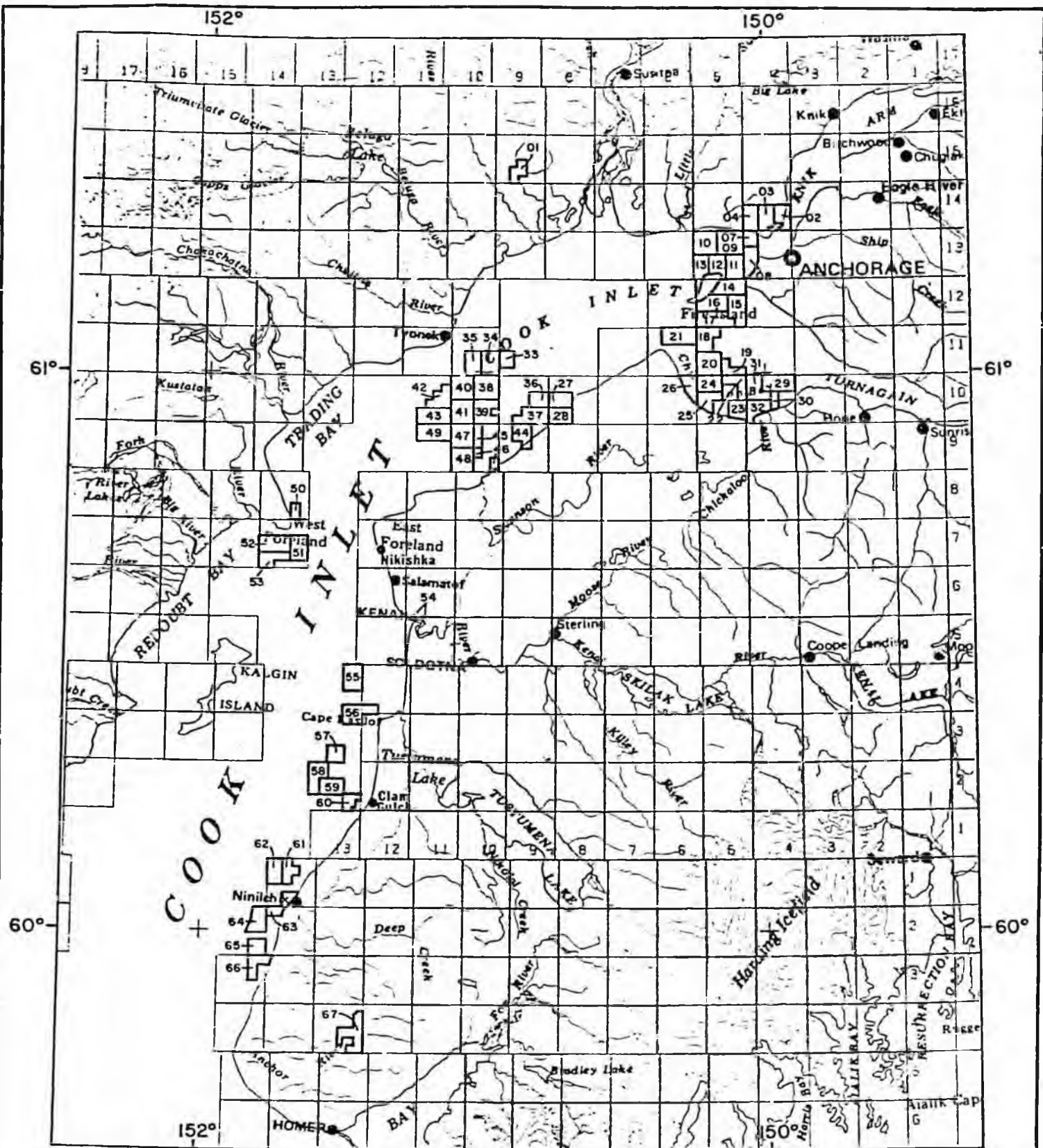
- h. Upon abandonment or expiration of a lease, all facilities must be removed and the sites rehabilitated to the satisfaction of the Department of Fish and Game, unless the department determines that it is in the best interests of the public to retain some or all of the facilities. Specific rehabilitation requirements will be identified in the Habitat Protection Permit issued under AS 16.20.060.
 - i. All surface exploration and development activities within the Susitna Flats primary waterfowl area will be allowed only between November 1 and March 31, unless an extension is approved by the Department of Fish and Game. Routine maintenance and emergency repairs will be permitted on a year-round basis during the production phase. A detailed plan describing routine maintenance activities to be conducted between April 1 and October 31 must be submitted to the department for review and approval.
 - j. Gravel pads and wellheads are the only permanent above ground structures that will be allowed within the Susitna Flats primary waterfowl area. The design and construction of gravel pads and wellheads must be approved by the Department of Fish and Game and utilize the best available technology to minimize the visual, biological and physical impacts of these structures.
33. Lease activities shall not create an obstruction on the main channel of the Kenai River or obstruct its use by fishing boats and cargo boats.
34. Peregrine falcon nesting sites are not known to occur within the lease sale area. However, lessees are advised that disturbing a peregrine falcon nest violates federal law. If the lessee discovers active peregrine falcon nest sites, the lessee must immediately report the nest locations to the Director, Division of Oil and Gas. To comply with state and federal endangered species acts, the following restrictions will apply in the vicinity of peregrine falcon nests sites, except as approved by the Department of Fish and Game, after consultation with the U.S. Fish and Wildlife Service. All known nest sites will be considered active between April 15 and June 1. Nest sites not having a peregrine falcon present by June 1 will be considered inactive, and oil and gas activities near inactive nests will not be subject to the restrictions listed under b, c, and d below. Activities at existing development sites within two miles of newly established nests will not be subject to these restrictions.
- a. Within one mile (1.6 km) of all nest sites -- Facilities, including but not limited to roads, pipelines, disposal sites, gravel mines, storage facilities and camps will be prohibited.
 - b. Within one mile (1.6 km) of active nest sites -- Between April 15 and August 31, surface entry will be prohibited and aircraft overflights must avoid nest sites by an altitude of 1500 feet (457 m) above nest level.
 - c. Within two miles (3.2 km) of active nest sites -- Noisy activities, including blasting and gravel washing, will be prohibited between April 15 and August 31. Airfields, construction camps, disposal sites,

compressor stations, and other permanent facilities that occupy large areas, are noisy or require sustained human occupancy will be prohibited.

- d. Within 15 miles (24 km) of active nest sites -- Except for limited non-aerial applications of approved non-persistent insecticides, pesticide use will be prohibited.
35. If the lessee discovers previously unreported active or inactive bald eagle nest sites, the lessee must immediately report the nest locations to the Director, Division of Oil and Gas. Lessees are advised that oil and gas activities likely to disturb nesting eagles will be subject to the provisions of the Bald Eagle Act of 1940, as amended. Permanent facilities may be prohibited within one-quarter mile (0.4 km) and will be prohibited within 500 feet of bald eagle nests, whether currently active or inactive. Surface entry, fixed wing aircraft flights below 500 vertical feet, and helicopter flights below 1,500 vertical feet will be prohibited within 500 feet of all active bald eagle nests between April 1 and August 31. Temporary activities within 500 feet of bald eagle nest sites may be allowed between September 1 and March 31 if they will not alter bald eagle habitat. The Department of Fish and Game will make maps identifying documented bald eagle nest site locations available to the Director, Division of Oil and Gas, and lessees within 60 days of the date a request for approval of a plan of operations is received.
36. Surface entry for lease operations, and aircraft overflights below 1,500 vertical feet, will be prohibited within one-quarter mile of trumpeter swan nesting sites during the period May 1 through August 31. The siting of permanent facilities including roads, storage areas, powerlines, and above ground pipelines will be prohibited in a one-quarter mile buffer area unless approved by the Director, Division of Oil and Gas, in consultation with the Department of Fish and Game. At the request of lessees, trumpeter swan nesting sites will be identified by the Department of Fish and Game prior to the submission of plans of operations.
37. Surface entry within tidelands in Tracts 8, 11, 14, and 15, which are identified as tidal flats in the Municipality of Anchorage's coastal management plan, will be prohibited.
38. a. From April 1 to October 31, aircraft overflights over Chickaloon Flats will maintain a minimum altitude of 1500 feet or a horizontal distance of one mile.
- b. Pursuant to the Chickaloon Flats management agreement, site specific mitigation measures may be imposed on lease-related activities on state tidelands during the plan of operations process to protect the area's resource values.

39. The siting of facilities within a 2000 yard-wide vessel trackline in Cook Inlet (Figure 1) and in the navigational access route to the Port of Anchorage may be prohibited. The U.S. Coast Guard will not allow oil and gas activities to obstruct navigation in Cook Inlet. Portions of Tracts 7, 8, 9, 11, 12, 13, 38, 39, 41, 47, and 49 are contained within the trackline identified by the Coast Guard; portions of Tract 2 are also contained within the navigational access for the Port of Anchorage.

0528b



STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL & GAS
 OIL AND GAS LEASE SALE 46A
 COOK INLET TRACT MAP

NOTE THIS MAP IS NOT TO BE CONSIDERED AN OFFICIAL TRACT MAP. A SET OF THE 1:62,500 SCALE TRACT MAPS IS AVAILABLE AT THE DEPT. OF NATURAL RESOURCES, DIVISION OF OIL AND GAS, 555 CONDOVA ST. POUCH T-034, ANCHORAGE, ALASKA. 907-263-2893

DATE APPROVED 12/28/84
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SCALE 1:1,000,000 1 inch = 16 Miles
 10 0 10 20 30 40 50 Miles



DIRECTOR, DIV OF OIL & GAS
 KAY BROWN *Kay Brown*

LEASING MANAGER,
 PAMELA ROGERS *Pamela Rogers*

DRAWN BY O.D.S.
 CHECKED BY *WJK*

Metro Saturday

SECTION
C

Anchorage Daily News Saturday, February 9, 1985

Officials refuse permit for mining in Cook Inlet

By PATTI EPLER
Daily News business reporter

State officials Friday denied a permit request from a mining company that wants to dredge gold from the floor of Cook Inlet.

The rejection is the latest episode in a hard-fought and expensive battle waged by Aspen Exploration Corp.,

which has been trying for about five years to convince the state that dredging for gold and other minerals will not harm marine life and sensitive fisheries in the Inlet.

"There are just too many unknowns about the possible effects to the marine resources and the environment," said Commissioner Esther Wunnicke of the state

Department of Natural Resources.

In turning down Aspen's permit applications, Wunnicke faulted the state's mining policies and said the present program does not require either the applicant or the government to obtain sufficient biological or geological data on the effects of offshore

mining before issuing exploration permits.

Once the permit to explore is issued, Wunnicke said, the state has no choice but to allow development if mineral deposits are discovered, even if environmental impacts are far-reaching.

The state will review the existing program, Wunnicke said, and try to come up with

policies that address the necessity of future research into the marine environment.

"I am shocked," said Aspen president R.V. Bailey. He said Aspen has done many things over the past five years to comply with state wishes to protect the environment.

Aspen has spent about \$900,000 on the project so far,

he said. The company initially applied for permits to explore one million acres of Cook Inlet, then reduced that to about a quarter-million acres after the state and fishing groups expressed concern.

"It appears to me that the state of Alaska is not playing fair in this matter," Bailey

See Page C-3, REQUEST

Proposed condos at Lake Lucille stir controversy

Developer requests exemption

By C.L. GILBERT
Daily News reporter

WASILLA — Only 80 people lived in Wasilla when Pat and Mr. Carter moved here from Montana in 1940.

The Carters bought a 159-acre homestead on the south shore of Lake Lucille the following year and added another 127 acres to their domain four years later. Loons, ducks, bears and beavers and a handful of humans were their neighbors.

"There was no transportation then," Pat Carter recalls. "We didn't think much about walking to Palmer for shopping."

Over the years, the Carters sold their land — without controversy, he says — to

Facing the changes may be what is at the heart of the opposition to the project. Once the end of the road, Wasilla is now at the core of the Matanuska-Susitna Borough's booming growth. Some people have said Wasilla will soon be the second-largest city in the state. Fast-food restaurants have replaced homesteader's cabins and the buzz from year-round three wheelers is nearly as pervasive as that from mosquitoes in summer.

"Lake Lucille is not wilderness anymore," said John Stein, city development coordinator. "It's downtown. You can stand at one end of the lake with your feet in the water and you can practically walk downtown."

But John Rodend, Colleen



Donors to get AIDS test

Some question exam's reliability

By K.C. MOON
Daily News reporter

A new test used to screen blood donors possibly infected with Acquired Immune Deficiency Syndrome (AIDS) will be introduced in Alaska blood banks within a month, blood bank officials say.

But the reliability of the test has been challenged in the Lower 48, and some Outside health officials say it could cause more harm than good.

Representatives for Abbott Laboratories in Chicago were in Anchorage last week to "study the market" for the blood test, said vice president David Jones.

He said almost every blood bank contacted by Abbott nationwide plans to begin using the test this month, as soon as

employees about long-distance phone calls from office supply salesmen. Hattie Dixon's business got four calls this week. "They were selling copy-machine products for a pretty good price," Dixon says. "Their first call was supposedly to confirm our order. We got suspicious because the salesmen didn't want to talk to a manager; he wanted to talk with the secretary," she says. It's a common scheme these salesmen use: trying to convince a lesser employee that the transaction has already been approved by higher-ups. As long as the common get someone in the office to give the go-ahead, the order will arrive by COD mail. Don't fall for it, even if the salesman tries to tempt you with expensive "prizes." The supplies you'll get will be terribly disappointing and could damage office machines. Be skeptical of clearance-sale offers from long-distance callers. Establish policies for purchasing office products and make sure all workers follow it.

Write the Troubleshooter, P.O. Box 8816, Anchorage, Alaska 99502.

should be explicitly protected in the statutes."

However, Rep. Jim Duncan, D-Juneau and a long-time

project if it were to go." Duncan said. "But I think

co-chair, said other capital projects are important.

Request for mining in Cook Inlet refused by state officials

Continued from Page C-1

said. "We think it is not fair for us to be working and trying to cooperate and carrying out programs to reduce the acreage. And then after doing all this work... they deny not only the sensitive areas but everything. Now, how can you justify that?"

Bailey said the company has not decided what its next step will be. "We'll see what happens," he said.

Aspen's mining plan has

drawn fire from fishermen, particularly on the Kenai Peninsula. The fertile marine ecosystem of Cook Inlet produces millions of salmon, halibut and clams each year.

The Kenai Peninsula Borough Assembly recently asked the state not to issue permits to Aspen until an environmental assessment was done. Similar objections were raised by the Cook Inlet Aquaculture Association and the Kenai River Special Man-

agement Area Advisory Board.

Paul Dale, a Kenai assemblyman and commercial fisherman, said he was pleased with the state's decision because of the "extreme concern" fishing groups had over the mining operation.

"You have at risk resources and businesses that rely on those resources, on the one hand," Dale said. "And the potential gain that might accrue to our community or the state is really relatively

small."

Wunnicke said the rejection of permits for Cook Inlet doesn't mean that other offshore mining projects will be curtailed. She said that each area has to be examined on an individual basis.

A Colorado firm has applied for permits to dredge gold off the coast of Nome. Wunnicke said the Nome area doesn't present the kind of problems with sensitive fisheries that Cook Inlet does.

AIDS test for screening blood donors to be available in state within month, officials say

Continued from Page C-1

want it yesterday," said Joe Posid, program analyst for the CDC's Anchorage field office.

Doubts about the test come more from its interpretation than its accuracy.

The test doesn't identify the AIDS virus itself; it moni-

tors an antibody for the virus, Jones said. The body produces antibodies to combat viruses.

It is possible for a person who has never suffered from AIDS to show signs of the HTLV-III antibody, Foster said. It also is possible for an AIDS victim to pass the test, he said.

"We're trying to tell the

public that this test could be dangerous to the blood supply," Foster said. "Infected people who pass the test may think it's all right to donate blood."

Also, he said, people who suspect they may have AIDS may try to donate blood just to have the test administered.

Another problem might

surface if healthy people fail the test. "The psychological stress could be so great we may see a rash of suicides," Foster said.

BBA's Rockstroh said that, while he knows the test is not perfect, "it's better than no test at all." Fears about inaccurate results can be calmed by careful interpretation of

the results, he said.

"We have a three-page pamphlet that tells the limitations of the test," Rockstroh said. "Testing positive doesn't necessarily mean you have AIDS, and testing negative doesn't always mean you're OK."

Federal, state and municipal health officials said the

HTLV-III test will soon be available to the public, if not through free clinics, through private physicians.

"We hope the test will be available to the public by the time blood banks start using it," said Tom Kelly, coordinator of the sexually transmitted disease program for the state.

Proposed condominiums stir controversy

Continued from Page C-1

the lake has pushed her slowly toward wanting regulations that will ban motorized vehicles on the lake.

"You can't stop progress, but there should be regulations," she said.

The Cottles say that in addition to noise, they are worried about pollution of the lake, traffic congestion on the roads and declining property values if the condominiums are built. Morris has a response for all those worries.

The condos will hook into the city's soon-to-be-built sewer system and thus will not pollute the lake, he says. He will maintain and upgrade the road into the project and the condos, because of their high quality, will increase property values, he insists.

But the biggest concern, according to part-time lake-side resident Pete Peterson, is that if the city allows this one exception to the ordinance, everyone on the lake will want an exception and soon the lake will be wall-to-wall condominiums.

"They can't say yes to one



other pieces of land on the lake that could be developed commercially.

Stein, who says he is not taking sides in the issue, said that argument just doesn't hold up.

"I've seen nothing that will stop development," he says. "As the value of land increases, it's an economic certainty that it will develop."

And condominiums are sure to become more prevalent, said borough land planner Rodney Schulling.

"Condominiums are a way of meeting rising land costs," he said. "You have to expect developers to want to do it."

And Morris wants to do it, just as developers did it to the walnut groves around his boyhood home in California.

land."

That someone is trying to tell them what they can do with their land is beginning to irritate the Carters.

"We gave them their lifestyle," said Pat Carter. "We built the roads and maintained the roads. If you buy one lot that doesn't mean you control the lake. They can't tell us we don't have a right to sell our property."

"What are we going to do if we can't develop it?" May Carter asked. "We can't go on paying taxes on it."

But Rod Cottle says there are plenty of other less harmful ways to develop the land than to build condominiums. Breaking it into lots and building single homes would be far superior than a planned development, he said. The condominiums are simply a way to make a lot of money fast, he said.

"It's lifestyle versus money," he said. "Anyone supporting those condos is for money."

The city council is expected to make a decision on Morris' request to change the ordinance at its Monday meeting



RAUTARUUKKI OY HAND HELD FIELD DATA COLLECTION COMPOSER

Product Announcement:

Rautaruukki, a major Finnish instrumentation manufacturer, has made available to the U.S. market the hand held computer: KTP-84.

The hand-held computer KTP-84 is a new model of the portable backpack computer KTP-18, that has been used since 1978 in geophysical ground measurements. The newest technology has made it possible to construct a substantially smaller and more effective device. Now the device weighs less than one

anywhere in all weathers.

Product orders scheduled for introduction to Alaska are being taken now. For more information on pricing and delivery of the KTP-84 please contact:



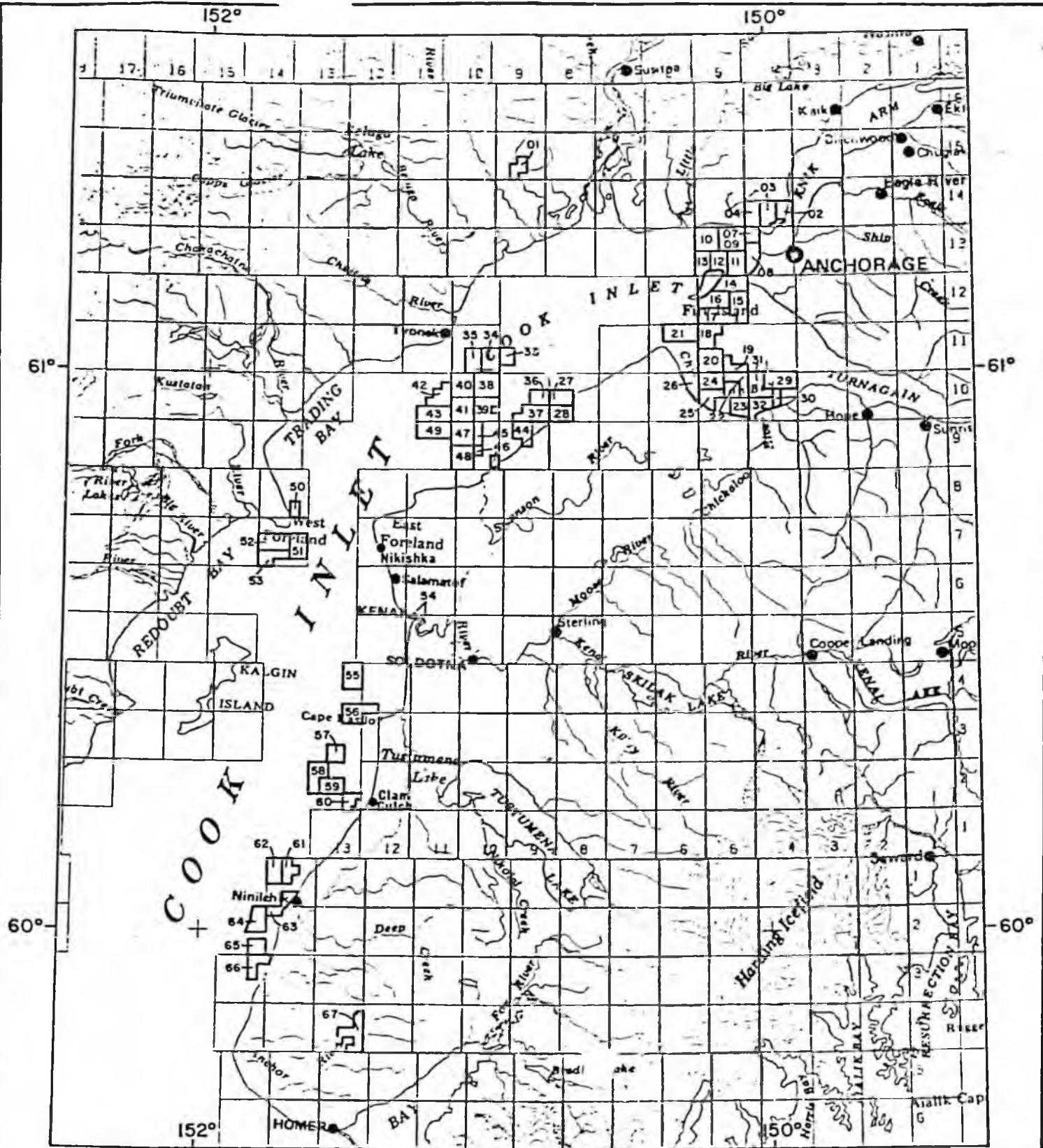
INTERNATIONAL ALASKA ENTERPRISES INC.
Geophysical Instrumentation

INTERNATIONAL ALASKA ENTERPRISES INC.

SUITE 200 BUSINESS PARK NORTH

2300 W. ALASKA

ANCHORAGE, ALASKA 99502



STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL & GAS
 OIL AND GAS LEASE SALE 46A
 COOK INLET TRACT MAP

NOTE: THIS MAP IS NOT TO BE CONSIDERED AS AN OFFICIAL TRACT MAP. A SET OF 100 TRACT MAPS AT SCALE 1:62,500 IS AVAILABLE AT THE DEPT. OF NATURAL RESOURCES, DIVISION OF OIL AND GAS, 555 COMBINE BY BOXCH 11-034, ANCHORAGE, ALASKA. PHONE 1907/241-2488

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SCALE 1:1,000,000 1 inch = 16 Miles
 10 0 10 20 30 40 50 Miles



DIRECTOR, DIV OF OIL & GAS
 KAY BROWN *Kay Brown*

LEASING MANAGER,
 PAMELA ROGERS *Pamela Rogers*

DRAWN BY O.D.S.
 CHECKED BY W.R.H.

COMMITTEE REPORT
SENATE

FURTHER:

RESOURCES
FINANCE

HR
1/24/85

Date _____

Mr. President

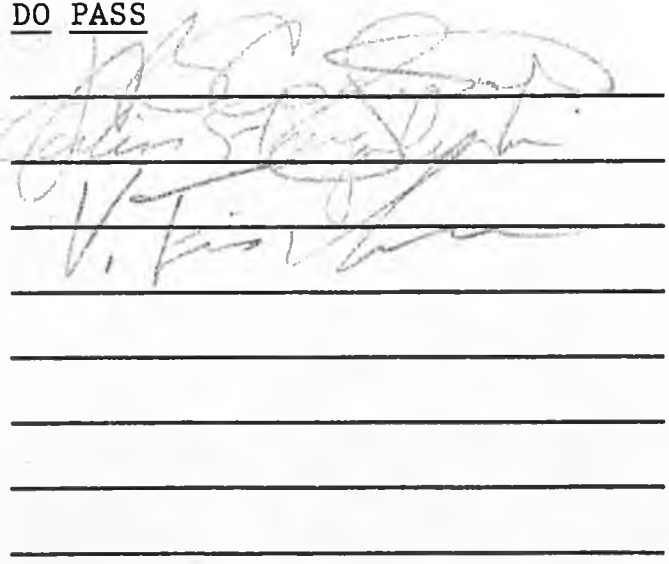
The Committee on C&RA considered CS SB 19
creating the Anchorage Coastal State Wildlife Refuge.

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 CS for _____
- 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

MEMBERS HAVING
OTHER RECOMMENDATIONS



Chairman

Chairman recommendation

Proposed amendment to CS SS SB 19 (C&RA)

Offered by: V. Fischer
2/26/85

Page 4, line 23. Insert a new subsection to read:

(c) "The managment plan prepared under AS 16.20.040-16.20.060 shall assure continued surface access to Fire Island and recommend corridors for constructed access and utilities between Fire Island and the Anchorage mainland."

Redesignate and renumber subsequent subsections.

/gb

Original sponsors: V.Fischer and
Kerttula

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Anchorage Coastal Wildlife
7 Refuge."

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. 16.20.031. ANCHORAGE COASTAL WILDLIFE REFUGE. (a) The
11 following described state-owned land and water is established as the
12 Anchorage Coastal Wildlife Refuge and shall be managed for the pro-
13 tection of waterfowl, shorebirds, salmon, and other fish and wildlife
14 species, and their habitat and for the use and enjoyment of the people
15 of the state:

- 16 (1) Township 13 North, Range 4 West, Seward Meridian
17 Section 20: SE 1/4 seaward of the 20 foot elevation
18 contour
19 SE 1/4 NE 1/4 seaward of the 20 foot elevation con-
20 tour
21 Section 29: E 1/2 seaward of the 20 foot elevation
22 contour
23 SW 1/4 seaward of the 20 foot elevation contour
24 Section 30: SE 1/4 SE 1/4
25 Section 31: All seaward of the 20 foot elevation
26 contour except NW 1/4 NW 1/4
27 Section 32: All seaward of the 20 foot elevation
28 contour

- 29 (2) Township 13 North, Range 5 West, Seward Meridian

1 Section 36: S 1/2

2 S 1/2 N 1/2

3 (3) Township 12 North, Range 4 West, Seward Meridian

4 Sections 6 - 9: Seaward of the 20 foot elevation
5 contour

6 Section 15: NW 1/4 seaward of the 20 foot elevation
7 contour

8 SW 1/4 NE 1/4 seaward of the 20 foot elevation
9 contour

10 Government Lot 5 and the remainder of the W 1/2 SE
11 1/4, all

12 SW 1/4

13 Section 16: Seaward of the 20 foot elevation contour
14 Sections 17 - 22

15 Section 23: Government Lot 1 and the remainder of the
16 SW 1/4, all seaward of the 20 foot elevation contour
17 Government Lot 2 and the remainder of the S 1/2 NW
18 1/4, all seaward of the 20 foot elevation contour
19 Government Lots 3 and 4, and the remainder of the SE
20 1/4, all seaward of the 20 foot elevation contour

21 Section 24: Tract A, Shorecrest Subdivision (Plat No.
22 81-68, Anchorage Recording District)

23 Section 25: Government Lots 1 and 2, and the remainder
24 of the W 1/2, all

25 Tract A, Johns Park Estates, and the remainder of the
26 NE 1/4, excluding Skyway Park Estates, Addition No. 1
27 all seaward of the 20 foot elevation contour Govern-
28 ment Lots 3 and 4, and the remainder of the SE 1/4,
29 all

1 Sections 26 - 36

2 (4) Township 12 North, Range 5 West, Seward Meridian

3 Sections 1 - 2

4 Sections 11 - 14

5 Sections 23 - 26

6 Sections 35 - 36

7 (5) Township 12 North, Range 3 West, Seward Meridian

8 Section 29: That portion of the SW 1/4 southwesterly
9 of the Alaska Railroad right-of-way and southerly of
10 Oceanview Subdivision, Addition No. 6

11 Section 30: That portion of Tract A, Johns Park

12 Estates, seaward of the 20 foot elevation contour

13 Government Lot 2 and that portion of the SE 1/4 NW
14 1/4 southwesterly of Oceanview West Subdivision,
15 Addition No. 1

16 Government Lots 3 and 4 and the remainder of the SW
17 1/4, all

18 That portion of the SW 1/4 NE 1/4 and the SE 1/4
19 southwesterly of Oceanview Subdivision, Addition No.
20 4 and Addition No. 6

21 Section 31

22 Section 32: All lands southwesterly of the Alaska
23 Railroad right-of-way

24 Section 33: All lands westerly of the Alaska Railroad
25 right-of-way

26 (6) Township 11 North, Range 3 West, Seward Meridian

27 Section 3: Government Lot 5

28 Section 4: That portion southwesterly of the Old
29 Seward Highway right-of-way and The Landings

1 Subdivision which is northeasterly of the New Seward
2 Highway right-of-way

3 That portion southwesterly of the Alaska Railroad
4 right-of-way

5 Sections 5 - 8

6 Section 9: That portion southwesterly of the Alaska
7 Railroad right-of-way

8 That portion northeasterly of the New Seward Highway
9 right-of-way

10 Section 10: That portion westerly of the Old Seward
11 Highway right-of-way which is northeasterly of
12 the New Seward Highway right-of-way

13 That portion southwesterly of the Alaska Railroad
14 right-of-way

15 (7) Township 11 North, Range 4 West, Seward Meridian

16 Sections 1 - 4

17 Sections 10 - 12

18 (b) Except as provided in (c) of this section, the Department of
19 Fish and Game and the Department of Natural Resources shall exercise
20 their respective authorities over the Anchorage Coastal Wildlife
21 Refuge consistent with a management plan prepared by the Department of
22 Fish and Game under AS 16.20.040 - 16.20.060.

23 (c) Land owned by the Municipality of Anchorage that lies within
24 the boundary of the Anchorage Coastal Wildlife Refuge described in (a)
25 of this section may be included in the Anchorage Coastal Wildlife
26 Refuge. An agreement between the Department of Fish and Game and the
27 Municipality of Anchorage for the management of the land within the
28 Anchorage Coastal Wildlife Refuge that is owned by the Municipality of
29 Anchorage shall be approved by the Municipality of Anchorage and by

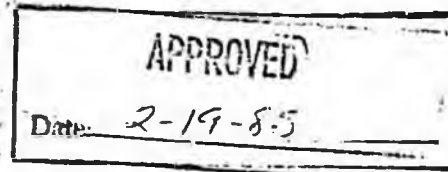
1 the Department of Fish and Game.

2 (d) If state law permits a use or activity on land within state
3 game refuges that is not permitted on the land owned by the Municipal-
4 ity of Anchorage, the use or activity is not permitted on the land
5 owned by the Municipality of Anchorage within the Anchorage Coastal
6 Wildlife Refuge.

7 (e) The state or the Municipality of Anchorage may not acquire
8 privately owned land within the Anchorage Coastal Wildlife Refuge
9 described in (a) of this section by eminent domain for inclusion
10 within the Anchorage Coastal Wildlife Refuge. The Department of Fish
11 and Game or the Municipality of Anchorage may acquire privately owned
12 land within the Anchorage Coastal Wildlife Refuge by purchase, ex-
13 change, or otherwise except by eminent domain.

14 (f) The land and water areas of the Anchorage Coastal Wildlife
15 Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275.

16 * Sec. 2. AS 16.20.030(b) is repealed.
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26
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28
29



Submitted by: Assemblywoman Angvik
Prepared by: Department of Property
and Facility Management
For reading: February 19, 1985

ANCHORAGE, ALASKA
AR NO. 85-42

A RESOLUTION RECOMMENDING ENACTMENT OF SENATE BILL NO. 19 CREATING THE ANCHORAGE COASTAL STATE WILDLIFE REFUGE

WHEREAS, the existing Potter Point State Game Refuge which extends from Potter Point to Point Campbell including Potter Marsh ensures the protection of habitat for waterfowl, shorebirds and other fish and wildlife species on tidelands and coastal wetlands along Turnagain Arm; and

WHEREAS, the Potter Point State Game Refuge provides an extraordinary opportunity for tourists and Anchorage residents to view and otherwise enjoy coastal wildlife in a natural setting; and

WHEREAS, the Municipality is building the Coastal Trail to enhance public access from built-up portions of Anchorage to its coastline and open spaces along Cook Inlet; and

WHEREAS, the Assembly in 1979 approved the Anchorage Coastal Management Plan which provides that the coastal wetlands between Point Woronzof and Point Campbell shall be classified as an "Area Meriting Special Attention" (AMSA); and

WHEREAS, the Pt. Woronzof-Pt. Campbell Wetlands Master Plan, a 1982 element of the Anchorage Coastal Management Plan, recommends that the lands within the AMSA should be made part of the Potter Point State Game Refuge; and

WHEREAS, the Administration has worked with the State Departments of Natural Resources and Fish and Game to prepare legislation effecting the inclusion of State lands below the bluff between Point Woronzof and Point Campbell in the renamed Anchorage Coastal State Wildlife Refuge; and

WHEREAS, a bill creating the Anchorage Coastal State Wildlife Refuge has been introduced in the Legislature this year as Senate Bill No. 19.

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The Anchorage Municipal Assembly recommends prompt enactment of Senate Bill No. 19, which expands the Potter Point State Game Refuge to include tidelands and near shore upland between Point Woronzof and Point Campbell and renames the refuge as Anchorage Coastal State Wildlife Refuge.

Section 2. Copies of this resolution shall be distributed to the Governor and all members of the State Legislature.

43 21

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL AND GAS

POUCH 7-634
ANCHORAGE, ALASKA 99510

January 11, 1985

NOTICE
OF
SALE

STATE OF ALASKA

COMPETITIVE OIL AND GAS LEASE SALE 46A (Cook Inlet)

The Department of Natural Resources, Division of Oil and Gas (DO&G), gives formal notice under AS 38.05.945(a)(4) of its intention to offer lands for competitive oil and gas lease. Sale 46A includes 65 tracts with an area of approximately 248,485 acres. The proposed sale area consists of tracts situated offshore in Cook Inlet, and onshore tracts on the Kenai Peninsula, west of the Susitna River and near Pt. MacKenzie. All of the tracts are within the Matanuska-Susitna Borough, the Kenai Peninsula Borough, or the Municipality of Anchorage. Communities in the vicinity of the sale area include Kenai, Anchorage, Tyonek, Clam Gulch, and Ninilchik. Portions of the sale area are located within or near the Susitna Flats and Potter Point State Game Refuges, and the Clam Gulch Critical Habitat Area.

The Cook Inlet sale is being offered as "exempt" acreage under the terms of AS 38.05.180, which allows the Commissioner of the Department of Natural Resources to issue oil and gas leases in an area that has not been included in the five-year leasing program, if the land to be leased was previously subject to a valid state or federal oil and gas lease. All of the Sale 46A tracts were previously subject to a valid state or federal oil and gas lease. The state recently received title to 11 acres in tract 46A-54. This acreage is included in the sale.

Tract Deletions

Tracts 46A-5 and 46A-6 were deleted from the sale due to potential conflicts between oil and gas development and Cook Inlet navigation and in order to maintain access to the Port of Anchorage. The state reserves the right to delete proposed tracts at any time up to and including the day of the sale.

Bidding Method

The bidding method for all tracts will be cash bonus bidding with a minimum bid of \$1.00 per acre. All tracts except for tract 46A-54 will have a fixed royalty of 12-1/2%. Tract 46A-54 will have a fixed royalty of 16-2/3%.

Length of Lease

All leases will have an initial primary term of 7 years.

Rental

Annual rental will be \$1.00 per acre for the first year, \$1.50 per acre for the second year, \$2.00 per acre for the third year, \$2.50 per acre for the fourth year, and \$3.00 per acre for the fifth and following years.

Lease Form

Any lease issued as a result of Sale 46A will be executed on Form DO&G-24-84 (ROYALTY) which was revised in August 1984. A draft of this lease form is available at DO&G.

Other Terms of Sale

Any bidder who obtains a lease from the State of Alaska as a result of this sale will be responsible for the construction of access roads and capital improvements as may be required by the appropriate platting authority. All operations on leased lands will be subject to prior approval by the state as required by the lease and leasing regulations. Surface entry will be restricted only as necessary to protect the holders of surface interests as shown on the departmental status plats or as necessary to protect identified surface resource values.

The Department of Natural Resources has determined that all water bodies within the sale area are public or navigable. Easements, if necessary to ensure public access, will be reserved during the review of individual lease plans of operations.

Prior to the commencement of lease operations, an oil and gas lease bond for a minimum amount of \$10,000 per operation is required. In the alternative, a statewide oil and gas lease bond of \$500,000 for operations conducted on more than one lease may be filed. These bonding provisions do not affect the Commissioner's authority to require additional unusual-risk bonds as may be necessary. In addition, the Alaska Oil and Gas Conservation Commission (AOGCC) requires a bond of \$100,000 for a single well or a \$200,000 bond to cover wells statewide before drilling operations will be permitted by AOGCC.

Bidding Procedures

Sale 46A is scheduled for February 26, 1985 at the Anchorage Westward-Hilton, 500 W. 3rd Ave., in Anchorage. Bids will be received and processed on February 26, in the following manner:

1. 8 a.m. - 9 a.m. - bids will be received in the "Alaska Room."
2. 9 a.m. - closing of bid submission.
3. 9 a.m. - 10:30 a.m. - bids will be opened.
4. 10:30 a.m. - a public reading of the bids will begin in the "Main Ballroom."

Bids also will be accepted from 9 a.m. to 4 p.m. on February 25, 1985 in Room 39 (3rd floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska. Bids that are sent by mail must be sent to: Director, DO&G, Pouch 7-034, Anchorage, Alaska 99510, and must be received by February 25, 1985. Bids that are sent by Federal Express, DHL, or any other delivery service must be received by February 25, 1985 and should be addressed to: Director, DO&G, Room 31, 555 Cordova St., Anchorage, Alaska.

In order to bid at the sale, bidders must prequalify prior to the sale date. However, bidders who have qualified for a State of Alaska Competitive Oil and Gas Lease Sale in 1984 do not have to prequalify prior to Sale 46A. Potential bidders should consult DO&G for prequalification procedures.

Under 11 AAC 82.445, a bid will not be considered unless supported by the bid deposit and the information required, unless any omission is determined by the Commissioner to be immaterial or due to excusable inadvertence and the omission is corrected within one week after receipt of a notice of deficiency.

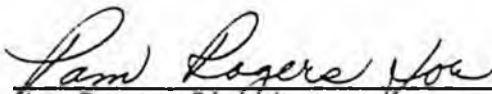
Stipulations and Mitigating Measures:

AS 38.05.035(e) and the departmental delegation of authority give the Director, Division of Oil and Gas, the authority to impose conditions or limitations, in addition to those imposed by law, to ensure that a disposal best serves the interests of the state. To meet this requirement, the Director has developed environmental and social terms and conditions for tracts leased in Sale 46A. Lease stipulations will be enforced throughout the term of the lease. Measures will also be imposed through approval of plans of operations and other permits as needed to mitigate undesirable social and environmental effects of lease-related activities.

The stipulations and terms describe standards that must be met by the operators with regard to water quality and appropriation, gravel extraction, oil spill prevention and cleanup, construction of roads, pipelines and other lease-related structures and facilities, public access, disposal of waste, drilling muds and cuttings and produced waters, timing and routing of exploration and development activities, rehabilitation of abandoned sites, and additional permits and approvals. These stipulations and terms are necessary to protect biological and archeological resources and to mitigate social impacts in the sale area.

Additional Information

In support of the lease sale, the Director of the Division of Oil and Gas has prepared a final written finding under AS 38.05.035(e) which sets forth the facts and applicable law upon which she has determined that the proposed action will best serve the interests of the state. The Director's written finding and decision is available at the Division of Oil and Gas, 555 Cordova Street, Room 39, in Anchorage or by writing DO&G at Pouch 7-034, Anchorage, Alaska 99510. A tract map and additional information on the proposed sale are available to bidders and the public at DO&G.



Kay Brown, Director
Division of Oil and Gas

0527b

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL AND GAS

POUCH 7-034
ANCHORAGE, ALASKA 99510

January 11, 1985

Sale 46A
Information to Bidders

A. Acceptance and Rejection of Bids

The state hereby expressly reserves the right to reject any bid on any tract. No bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless the following conditions have been met:

1. The bidder has complied with this notice and applicable state regulations and statutes.
2. The bid is the highest valid cash bonus bid.
3. The amount of the bid has been determined to be adequate by the Commissioner of Natural Resources.
4. No bid containing or accompanied by any condition, qualification, or material alteration will be considered.

B. Pre-Qualification of Bidders

In order to submit bids for this sale, bidders must be qualified to bid prior to the sale date of February 26, 1985. Qualification procedures are as follows:

1. Individuals - An individual bidder must have a Statement of Qualifications on file at DO&G certifying that he or she is at least 18 years old and a citizen of the United States or is eligible for and has filed for citizenship, or is an alien person entitled to a similar lease by virtue of a treaty between the United States and the nation of which the alien person is a citizen. The statement must include the bidder's name, address, and telephone number and must be signed and dated. If an agent is signing the bid form on behalf of an individual, an original or certified copy of a notarized power-of-attorney document evidencing the authority of the agent to act on behalf of the individual must be on file at DO&G. If a guardian, trustee, or legal representative of an individual is signing on behalf of that individual, a certified copy of the court order authorizing him to act in that capacity and to fulfill the

individual's obligations arising under any lease issued to the individual must be on file at DO&G. A signed statement as to the citizenship and age of the guardian, trustee, or legal representative and the individual must also be submitted to DO&G.

2. Corporations - Corporations must have the following documents on file at DO&G prior to the lease sale:
 - a. Copy of 1984 Certificate of Good Standing. Bidders do not need a copy of the 1985 Certificate of Good Standing.
 - b. The current address and phone number of the corporation.
 - c. A list of current officers of the corporation that are authorized to sign a bid on behalf of the corporation.
 - d. An original or certified copy of a notarized power-of-attorney authorizing any agent who is not a current officer but who has been designated by the corporation to sign a bid on behalf of the corporation.

A Certificate of Good Standing can be obtained by sending 60 cents to State of Alaska, Department of Commerce and Economic Development, Corporation Section, Pouch D, Juneau, Alaska 99811 and requesting the certificate. The Certificate of Good Standing provides written proof that the corporation has paid all taxes, complied with all applicable laws, and is thus qualified to do business in the state. If information previously filed by corporations that have previously qualified to do business in Alaska is still current, this information may be incorporated together with a statement as to any material changes or amendments.

3. Corporations That Have Not Previously Qualified To Do Business in Alaska - A corporation that has not previously qualified to do business in Alaska must submit the following documents to DO&G:
 - a. If the corporation is a foreign corporation, it must submit a copy of its Certificate of Authority. If the corporation is a domestic corporation, it must submit a copy of its Certificate of Incorporation. A foreign corporation is one that has been incorporated outside the State of Alaska. A domestic corporation is one that has been incorporated within the State of Alaska.
 - b. The current address and phone number of the corporation.
 - c. A list of current officers of the corporation that are authorized to sign a bid on behalf of the corporation.

- d. An original or certified copy of a notarized power-of-attorney authorizing any agent who is not a current officer but who has been designated by the corporation to sign a bid on behalf of the corporation.

In order to receive a Certificate of Authority, foreign corporations must submit a packet of completed forms entitled "Instructions for qualifying a foreign corporation to do business in the State of Alaska" to the Department of Commerce and Economic Development, Corporation Section, Pouch D, Juneau, Alaska 99811. This form can be obtained by writing or telephoning DO&G, Pouch 7-034, Anchorage, Alaska, 99510 (907-276-2653). In order to receive a Certificate of Incorporation, domestic corporations must submit Articles of Incorporation to the Department of Commerce and Economic Development. Upon proper application, the Department of Commerce and Economic Development will issue a Certificate of Authority or Certificate of Incorporation. Please allow two to three weeks for the processing of these certificates.

4. Partnerships or Other Unincorporated Associations - A partnership or unincorporated association must submit the following documents to DO&G prior to the lease sale:
 - a. A statement describing the business relationships between members or partners.
 - b. A statement of qualifications for each member stating that each member is at least 18 years of age and a citizen of the United States, or is eligible for and has filed for citizenship, or is an alien person entitled to a similar lease by virtue of a treaty between the United States and the nation of which the alien person is a citizen.
 - c. If an agent is signing the bid form on behalf of the partnership or association, an original or certified copy of a notarized power-of-attorney defining the agent's authority to sign the bid on behalf of the partnership or association.

C. Bid Submission

Bids will be received by the Director of the Division of Oil and Gas or her authorized agent in Room 39 (3rd Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska, between the hours of 9 a.m. and 4 p.m. on February 25, 1985. Bids that are mailed to the Director, DO&G, Pouch 7-034, Anchorage, Alaska 99510 must be received no later than February 25, 1985. Bids will also be received at the Division's temporary office at the Anchorage Westward-Hilton Hotel, 500 W. 3rd Ave., in Anchorage between 8 a.m. and 9 a.m. on February 26, 1985. No bids will be received after 9 a.m., February 26, 1985.

Bids will be received and processed on February 26, 1985 in the following manner:

1. 8 a.m.-9 a.m. - bids will be received in the "Alaska Room."
2. 9 a.m. - closing of bid submission.
3. 9 a.m.-10:30 a.m. - opening of the bids by DO&G personnel. The opening of bids is for the sole purpose of publicly announcing and recording bids received. No bids will be accepted or rejected at this time.
4. 10:30 a.m. - public reading of the bids will begin in the "Main Ballroom."

D. Form for Submission of Bids

1. A separate bid must be submitted for each tract.
2. Each bid must be submitted separately in a single envelope. The envelope should be marked "State of Alaska Competitive Oil and Gas Lease Sale 46A; not to be opened until 9 a.m., February 26, 1985; Tract # ____." No other statements, information, or identification should appear on the outside of the envelope.

The following items must be contained in each envelope:

- a. An executed bid form DO&G 1-85 or an exact copy of that form. The bidder or the agent authorized to receive notices on behalf of all bidders should state his or her name, company (if applicable), address, and telephone number on the bid form. All lease-interest percentages must be represented by numbers with the fractional interest carried out to no more than five decimal places. No bids with the lease-interest represented by fractions will be accepted unless the fraction can be expressed in decimals of no more than five digits without rounding off. The sum of the lease-interest ownerships covered by this bid must be exactly 100.00000 percent.
- b. Bid Deposit: Check or money order made payable to the "Department of Revenue, State of Alaska." Bid deposits must be in U.S. dollars and must be tendered in cash or by money order, cashier's check, certified check, or treasurer's check in the total amount of 20% of the total cash bonus being offered for the tract. No bid for less than a full tract will be considered. Checks drawn on Alaska banks will be presented February 26, 1985, for payment in federal funds at the Alaska National Bank of the North.

3. Under 11 AAC 82.430, joint bids must disclose, and the bid form must be signed by or on behalf of, each person who has any working interest in the bid or who will receive any working interest in any lease issued in this sale by virtue of any agreement or understanding, oral or written. This requirement does not mean that persons who are interested in a bid only as stockholders in a corporation must sign the bid and lease form and does not mean that the designated information must be furnished as to those persons. Joint bids must state the percentage of interest of each bidder and must designate one person who is authorized to receive notices on behalf of all the bidders.

E. Method of Handling Bid Deposits and Lease Awards

1. Bid deposits will be safeguarded against theft, misappropriation and loss. Receipt of a bid deposit by the state does not constitute and shall not be construed as acceptance of any bid on behalf of the state.
2. A bidder submitting a bid which is not the apparent high bid may pick up the bid deposit from 2:30 to 4 p.m., February 26, 1985, in Room 39, (Third Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska. Bid deposits also will be returned from 9 a.m. to 3 p.m. on February 27, 1985, in Room 39, (Third Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska.
3. A bidder whose bid deposit for an apparent high bid is tendered by cashier's check, treasurer's check, or certified check drawn on a non-Alaska bank must wire transfer funds in the amount of such bid deposit on February 27, 1985, no later than noon E.D.T. (8 a.m. A.D.T.), to: First Pennsylvania Bank of Phil., ABA # 03100024, for credit to State of Alaska, Account # 07/089250/00, Attn: Catherine Hess. It is not necessary that separate wire transfers be made if more than one bid deposit is being transferred to the account. Each apparent high bidder making a wire transfer to this account must Telex the following information to the Alaska Department of Revenue, Treasury Division (Telex No. 099-45-333) and the Department of Natural Resources, DO&G (Telex No. 090-25-360): the amount of each bid deposit comprising the wire transfer, the tract number to which each bid deposit applies, the originating bank of the wire transfer, and the name(s) of the bidder's partner(s), if any, on whose behalf a bid deposit is being wire transferred. Upon notification of receipt of a wire transfer, the cashier's check(s), treasurer's check(s) and certified check(s) for the bid deposit(s) corresponding to that wire transfer will be returned from 10 a.m. to 3 p.m., February 27, 1985 in Room 33 (Third Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska.
4. If a bid deposit for an apparent high bid is tendered in cash, by money order, or is a certified, treasurer's, or cashier's check drawn on an Alaska bank, the bidder will not be required to wire transfer federal funds for that bid deposit. Such checks will be presented February 26, 1985, for payment in federal funds at the Alaska National Bank of the North.

5. Upon rejection by the State of Alaska of any apparent high bid, the amount of the bid deposit for that bid will be mailed to the bidder. A bidder who is unable to pick up a bid deposit in the manner described above may submit with the bid written instructions for return of the bid deposit.
6. Upon acceptance of a bid by the Commissioner of Natural Resources, the successful bidder will be notified by certified mail of the lease award and will be sent two copies of the lease for signature. Within 30 days of the date that the bidder receives notification of the lease award, the bidder must: 1) sign both copies of the lease; 2) return them to the Division of Oil and Gas for execution; 3) pay the balance of the cash bonus and accrued interest, and 4) pay for the first year annual rental. Interest of 7.78% per annum (which is the market interest rate for 90-day U.S. Treasury bills prevailing during the week of January 7 - 11, 1985) will be charged on the balance of the cash bonus accruing from the date following the successful bidder's receipt of the notification of the lease award up to and including the date of payment. Interest must be paid on the cash bonus only and not on the first year of rental. Payment of the balance of the cash bonus, accrued interest and rental must be accomplished in the following manner:

The successful bidder will wire transfer federal funds in the amount of the balance of the cash bonus and accrued interest, and annual rental for the first year to: First Pennsylvania Bank of Phil., ABA #031000024, for credit to State of Alaska, Account #07/089250/00, Attn: Catherine Hess. The wire transfer should specify on whose behalf and on what tracts the balance, interest, and rental is being paid. If possible, bidders should use only one wire transfer. Interest calculations should be based on a 360-day year times the actual number of days that interest is owed.

In addition, the successful bidder must simultaneously send the following information by telex to the State of Alaska, Department of Revenue, Treasury Division (Telex No. 099-45-333): the amount of rental, interest, and balance of cash bonus being paid per tract; the name(s) of the bidder(s) on whose behalf the funds are being wire transferred; and the originating bank of the wire transfer.

SALE MEASURES

AS 38.05.035(e) and the departmental delegation of authority provide the Director, Division of Oil and Gas, with the authority to impose conditions or limitations, in addition to those imposed by statute, to ensure that a resource disposal is in the state's best interests. Lease stipulations will be enforced throughout the term of the lease. Measures listed under Plans of Operations and Other Terms of Sale will be imposed through plans of operations and other permits to mitigate the adverse social and environmental effects of lease activities. These measures have been developed after considering A Social, Economic and Environmental Analysis of a State Oil and Gas Lease Sale in Upper Cook Inlet (Sale 33), A Social, Economic and Environmental Analysis of a State Oil and Gas Lease Sale in Lower Cook Inlet (Sale 35), agency revisions to these documents, public comments, and measures imposed in other oil and gas lease sales.

Lease Stipulations

1. Spill Prevention, Control, and Countermeasure (SPCC) Plan:

A Spill Prevention, Control, and Countermeasure Plan must be submitted to the Department of Environmental Conservation prior to onshore drilling operations and construction of onshore oil and gas storage facilities (with a capacity of greater than 660 gallons), transfer, and transportation facilities. In addition to addressing the prevention, detection, and clean up of oil, the SPCC plan for drilling operations should include, but not be limited to, methods for controlling blowouts, location of spill clean up equipment, identification and location of a suitable alternative drilling rig, and the time required to obtain equipment, mobilize, rig-up, and commence drilling of a relief well, if needed.

2. Discovery of historic or archeologic objects:

In the event any site, structure, or object of historic or archeologic significance is discovered during operations on the leased area, the lessee must report such findings immediately to the Director, Division of Oil and Gas, and make every reasonable effort to preserve and protect such site, structure, or object from damage until the Director, Division of Oil and Gas, after consultation with the State Historic Preservation Officer, has given directions as to its preservation.

Plans of Operations and Other Terms of Sale

Lessees must submit a detailed plan of operations to the Division of Oil and Gas for approval before conducting any exploratory or development operations. Plans of operations must identify the specific measures, design criteria and construction methods and standards that will be employed to meet the restrictions listed below. For exploration and development activities occurring within the Municipality of Anchorage or the Matanuska-Susitna Borough, the lessee shall concurrently submit an informational copy of its plan of operations to the municipality or borough. Review of plans of

operations and other required permits will be in accordance with consistency review procedures established under 6 AAC 50. Except as indicated, the restrictions listed below do not apply to geophysical exploration on state lands. Geophysical exploration activities are governed by 11 AAC 96. The following restrictions will be imposed on lands leased in this sale as a condition of the approval of plans of operation:

General:

1. Plans of operations for lease activities and specific permit applications which are subject to approval by the U.S. Corps of Engineers; which require a Certificate of Reasonable Assurance from the Department of Environmental Conservation; or which require other state agency authorizations must be submitted simultaneously for state agency review and approval at least 60 days prior to the conduct of such activities.
2. During the conduct of all activities related to this lease, the lessee will be subject to the standards of the ACMP, the Matanuska-Susitna Borough Coastal Management Plan, or the Municipality of Anchorage's Coastal Management Plan, as applicable. The Division of Oil and Gas will require, as a condition for consistency approval of lease operations, such modification or stipulations as may be necessary to ensure consistency with the Alaska Coastal Management Program, and with sound planning and management of coastal zone resources.
3. An Oil Discharge Contingency Plan will be required for offshore operations pursuant to AS 46.04.030.
4. Onshore exploration activities must be supported by vehicles which do not cause significant damage to vegetation or the ground surface, or by existing road systems and port facilities, or air service. Local roads in the vicinity of exploration sites may be allowed. Unrestricted surface travel may be permitted if an emergency condition exists. Construction of year-round roads will be prohibited during the exploration phase of oil and gas development unless it can be shown to be in the state's best interests to have a permanent road constructed. When allowed, permanent roads must be designed, constructed, and maintained to the satisfaction of the Director, Division of Oil and Gas.

Facilities and Structures:

5. The siting of onshore facilities, other than roads, docks or pipeline crossings, will be prohibited within 500 feet of all fishbearing streams and lakes unless it is shown to the satisfaction of the Director, DO&G, after consultation with the Department of Fish and Game, that alternative site locations outside this buffer zone are not feasible or prudent. Additionally, the siting of facilities within one-quarter mile of the banks of the Anchor and Kenai Rivers will be discouraged and may be prohibited. Road and pipeline crossings must be aligned perpendicular or near perpendicular to watercourses.
6. Measures will be required to minimize the impact of industrial development on key wetlands that are hydrologically important to fish, waterfowl, or shorebirds. Specific measures include the requirements that:

- a. Lessees must identify on a map or aerial photograph the largest surface area within which it is anticipated that a facility is to be sited, or an activity is to occur. The map or photograph must accompany the plan of operations submitted to the Division of Oil and Gas. The Division of Oil and Gas will consult with the Department of Fish and Game to identify the least environmentally sensitive area(s) within the industry-identified area of interest. The industry-identified surface area must be large enough to contain the proposed facility and to accommodate planned expansion.
 - b. Drill pads, roads, pipelines, and other facilities must be sited outside of productive wetlands that are hydrologically important to fish, waterfowl, or shorebirds, unless the Director, Division of Oil and Gas, after consultation with the Department of Fish and Game, determines that there are no feasible or prudent alternatives.
 - c. Where facilities must be sited within wetlands that are hydrologically important to fish, waterfowl, or shorebirds, such facilities will be sited, designed, and constructed in a manner that will maintain natural hydrological patterns and prevent oil contamination.
 - d. Draining or dewatering wetlands that are hydrologically important to fish, waterfowl, or shorebirds is prohibited, unless no feasible or prudent alternative exists.
 - e. Dredging or filling of key wetlands that are hydrologically important to waterfowl or shorebirds will not be allowed unless the activity will not cause adverse impacts to the wetlands and no feasible or prudent alternative exists.
7. Impermeable lining and diking will be required for sewage ponds and onshore oil storage facilities (with a storage capacity greater than 660 gallons). Buffer zones of not less than 100 feet and up to 1,500 feet will be required to separate onshore oil storage facilities (with a capacity greater than 660 gallons) and sewage ponds from marine areas and freshwater supplies, streams and lakes, and wetlands that are important to fish, waterfowl, or shorebirds unless the Director, Division of Oil and Gas, after consultation with the Department of Environmental Conservation, determines that such a requirement is not feasible or prudent. Sumps and reserve pits must be impermeable and otherwise fully contained through diking or other means.
 8. To the extent feasible and prudent, all lease activities and structures must be designed, sited, and constructed to maintain normal water flow and drainage patterns and to allow free movement and safe passage of fish and mammals.
 9. Facilities and surface transportation routes will, to the extent feasible and prudent, be sited and consolidated to avoid sensitive fish and wildlife habitat.
 10. Exploration facilities, with the exception of drill pads and airstrips, must be temporary and must not be constructed of gravel. However, use of existing abandoned gravel structures may be permitted on an individual

basis by the Director, Division of Oil and Gas, after consultation with the Director of the Division of Land and Water Management and the Department of Fish and Game. Approval for use of abandoned structures will depend on the extent and method of restoration needed to return these structures to a usable condition.

11. a. Onshore pipelines will, to the extent feasible and prudent, be buried where soil and geophysical conditions allow. Pipelines must be located so as to facilitate the containment and clean up of spilled hydrocarbons. In onshore areas where pipelines must be placed above-ground, the pipeline must be designed and constructed to provide free movement of moose and caribou. Where feasible, above-ground pipelines must be located on the upslope side of roadways and construction pads unless the Director, Division of Land and Water Management, determines that an alternative site is an acceptable environmental alternative.
 - b. Offshore pipelines must be located to prevent obstruction to marine navigation and fishing operations.
12. Upon abandonment of material sites, drilling sites, roads, buildings, airstrips or other facilities, such facilities must be removed and the site rehabilitated, unless the Director, Division of Oil and Gas, after consultation with the Departments of Fish and Game and Environmental Conservation, determines that such removal and rehabilitation is not in the state's interests. In state game refuges, this decision will be made by the Commissioner of the Department of Fish and Game.
13. Pipelines, including flow and gathering lines, must be designed and constructed to provide adequate protection from climatic conditions and geologic hazards as determined on a case-by-case basis.
14. Except for storage on approved exploratory drill sites, stationary fuel storage facilities shall not be placed, nor vehicle refueling occur, within active floodplains. Exceptions may be allowed during the Title 16 permitting process for the refueling of slow-moving construction equipment, such as graders, tractor pulled scrapers and front end loaders, within floodplains.

Local Hire:

15. The lessee is encouraged to hire and employ local and Alaska residents and companies, to the extent they are available and qualified, for work performed on the leased area.

Environmental Training:

16. The lessee must include in any exploration and/or development plans a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the Director, Division of Oil and Gas. The program must be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program

must be formulated and implemented by qualified instructors experienced in each pertinent field of study and must employ effective methods to ensure that personnel understand and use techniques necessary to preserve archeological, geological, and biological resources. The program must also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating. The lessee must also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Access:

17. No restriction of public access to, or use of, the leased area will be permitted as a consequence of oil and gas activities except in the immediate vicinity of drill sites, buildings, and other related structures. Such areas where access is to be restricted must be identified in the plan of operations. No lease facilities or operations may be located where they would block public access to or along navigable and public water as defined in AS 38.05.965(12) and (16). If lease facilities will be located in the vicinity of these public waters, an easement will be reserved under AS 38.05.127 and 11 AAC 53.330 to ensure the right of public access.
18. Surface use will be restricted, as necessary, to prevent unreasonable conflicts with local subsistence harvests.

Third Party Interests:

19. If only the subsurface estate is owned by the state, or if the surface is owned by the state but subject to third party interests, the lessee must not enter upon such land until the lessee makes a good faith effort to agree with the surface interest holder on settlement of damages that may be caused by lease activities. If an agreement cannot be reached, the Director, Division of Oil and Gas, has the authority to approve the activity, provided adequate provisions have been made with the state to pay for any damages the surface interest holder may suffer.
20. The proposed activities under a plan of operations must not unreasonably diminish the use and enjoyment of lands encompassed within a native allotment. Before entering a pending or approved native allotment, lessees must contact the Bureau of Indian Affairs and the Bureau of Land Management and obtain approval to enter, if required. Lessees must also comply with applicable federal law on native allotments.

Archeological and Historical Sites:

21. Prior to the construction or placement of any onshore structure, road, or facility resulting from exploration, development, or production activities, the lessee must conduct an inventory of archeological and historical sites within the area affected by a proposed activity. Such inventory must consider literature provided by the Municipality of Anchorage, Matanuska-Susitna Borough, Kenai Peninsula Borough, and local residents; documentation of oral history regarding historic and

prehistoric uses of such sites; evidence of consultation with the Alaska Heritage Resources Survey and the National Register of Historic Places; and site surveys. The inventory must also include a detailed analysis of the potential effects estimated to result from the proposed activity. The inventory must be submitted to the Director, Division of Oil and Gas, and the Director of the Division of Parks and Outdoor Recreation. In the event that an archeological or historical site or area may be adversely affected by an activity, the Director, Division of Oil and Gas, after consultation with the Director of the Division of Parks and Outdoor Recreation, will direct the lessee as to what course of action will be necessary to mitigate the adverse effect.

Fishbearing Streams:

22. The measures listed below will be imposed by the Department of Fish and Game under Title 16 of the Alaska Statutes to protect anadromous streams. Similar provisions will be imposed by the Department of Natural Resources to protect nonanadromous fishbearing streams. Exceptions to these requirements may be allowed on a case-by-case basis by the agency having jurisdiction.
 - a. Alteration of river banks will be prohibited.
 - b. Operation of equipment within riparian habitats will be prohibited.
 - c. The operation of equipment, excluding boats, in open water areas of rivers and streams will be prohibited.
 - d. Bridges must be used as watercourse crossings whenever feasible. Culverts may be used only when bridges are shown not to be feasible or prudent. The siting, design, and construction of both bridges and culverts must be approved prior to the placement of either of these structures.
 - e. Removal of water from fishbearing streams shall be subject to prior approval by the Division of Land and Water Management and the agency having jurisdiction. Compaction or removal of snow cover overlying fishbearing waterbodies will be prohibited except to accomplish perpendicular crossings. If ice thickness is not sufficient to facilitate a crossing, ice and/or snow bridges will be required.
 - f. Water intake pipes used to remove water from fishbearing streams and lakes must be surrounded by a screened enclosure to prevent fish entrainment and impingement. Pipes and screening must be designed and constructed so that the maximum water velocity at the surface of the screen enclosure is no greater than 0.1 foot per second. Screen mesh size must not exceed 0.04 inch unless the use of another size has been approved.
 - g. To protect fish and other aquatic fauna, geophysical surveys in freshwater will require the use of nonexplosive energy sources. Explosives must not be detonated within, beneath, or in close proximity to fishbearing waters unless the detonation of the explosive produces a pressure rise in the waterbody of no more than three psi or the

waterbody, including its substrate, is solidly frozen. The minimum acceptable offset from fishbearing streams and lakes for various size charges is:

1-2 pound charge	--	80 feet
5 pound charge	--	120 feet
10 pound charge	--	170 feet
25 pound charge	--	270 feet
100 pound charge	--	530 feet

Lessees are advised that there are numerous documented anadromous streams and lakes within the lease sale area, including the Kenai, Lewis, and Anchor Rivers. Specific information on the location of documented anadromous streams and lakes may be obtained by contacting the Department of Fish and Game.

Disposal of Wastes, Produced Waters, Drilling Muds, and Cuttings:

23. Solid waste disposal is subject to the approval of the Commissioner, Department of Environmental Conservation.
24. All garbage and refuse must be incinerated. Residue and non-burnables must be disposed of at an approved upland site. No new solid fill disposal sites, except possibly for the disposal of drilling muds and cuttings, will be approved during the exploratory phase.
25. Discharge of produced waters, drilling muds, and cuttings:
 - a. Disposal of produced waters to subtidal marine waters of Cook Inlet will be permitted, except as specified in Term 52a. Discharge of produced waters to freshwater bodies, intertidal habitat, and estuarine waters at river mouths is prohibited.
 - b. Disposal of produced waters in upland areas, including wetlands, will be by subsurface disposal techniques, except that the Commissioner of the Department of Environmental Conservation may permit alternate disposal methods if he determines that subsurface disposal techniques are not feasible or prudent.
 - c. Discharge of drilling muds and cuttings to lakes, streams, rivers, intertidal areas, and tidally influenced mouths of rivers is prohibited. Drilling muds and cuttings free of hydrocarbon contamination may be discharged to subtidal marine waters, except that in subtidal marine waters shallower than 3 fathoms, discharge will be restricted to the period occurring two hours before and two hours after each high tide event.
 - d. Disposal of drilling muds and cuttings during development and production will be subject to the conditions of NPDES permits issued by the Environmental Protection Agency and those State of Alaska Coastal Management Program consistency requirements incorporated in or accompanying the NPDES permit.

Gravel Mining:

26. All gravel mining operations must be consistent with applicable area plans developed by the Department of Natural Resources in coordination with other state and local agencies.
27. In meeting gravel needs for exploration, development, and production, gravel from nearby abandoned drill pads, roads, airstrips, and existing material sites must be used first unless it is demonstrated to the Director, Division of Land and Water Management, after consultation with the Division of Oil and Gas and the Department of Fish and Game that use of these sources is not feasible or prudent or in the state's best interests. The Alaska Oil and Gas Conservation Commission will be consulted when gravel is to be removed from a wellhead.
28. Gravel mining sites for exploration activities will not be allowed within the active floodplains of watercourses, as defines in "Gravel Removal Guidelines Manual for Arctic and Subarctic Floodplains: (U.S. Fish and Wildlife Service, Woodward Clyde Consultants, 1980), unless it is demonstrated to the Director, Division of Land and Water Management, after consultation with the Department of Fish and Game, that no other feasible or prudent alternative exists and that the mining operation(s) will not cause significant environmental impacts. Mining site development and rehabilitation within active floodplains must follow the appropriate procedures outlined in the above referenced report, as determined by the Division of Land and Water Management, after consultation with the Department of Fish and Game. Under AS 16, Department of Fish and Game approval is required if the mining site is located within an anadromous stream or could block fish passage.
29. During development and production, gravel mining within active floodplains will be prohibited. Upland mining sites will be restricted to the minimum number necessary to efficiently develop the field. Where sufficient ground water is not available to meet the anticipated needs of lessees, lessees may be required to design and construct upland gravel sites to function as water reservoirs for future use.

Seismic Activities:

30. State policy prohibits seismic activities that utilize high velocity explosives in or beneath marine waters.
31. Forest clearing by bulldozer or extensive forest clearing by other means solely for seismic exploration must be approved by the Director, Division of Oil and Gas, after consultation with the Division of Forestry and the Department of Fish and Game.

Special Areas:

32. The management of legislatively designated state critical habitat areas and game refuges is the responsibility of the Department of Fish and Game under AS 16.20. The Department of Fish and Game is responsible for approving any exceptions to terms of sale imposed on Sale 46A leases in these areas. For activities occurring within a legislatively designated

state critical habitat area or refuge, the lessee will be required to obtain a permit from the Department of Fish and Game which specifies the terms and conditions of lease operations. Permits will be issued upon receipt and approval of detailed plans of operations for all applicable phases of oil and gas development. The Department of Fish and Game will require that all industrial operations within the refuges and critical habitat area comply with all terms and conditions of Sale 46A as well as the requirements listed in this term.

Portions of tracts 63 and 66 are within the Clam Gulch Critical Habitat. Portions of Tracts 14, 15, 16, and 17 are within the Potter Point State Game Refuge. Portions of Tract 1, 4, 7, 9, and 10 are within the Susitna Flats State Game Refuge. The Municipality of Anchorage has proposed that the boundaries of the Potter Point State Game Refuge be enlarged to include tide and submerged lands extending from Point Campbell to Point Woronzof (portions of Tracts 8, 11, and 14). If the refuge boundaries are extended, the terms of sale applicable to the Potter Refuge will apply to the new area. Until the legislature decides whether to extend the refuge boundaries, plans of operations must address how activities and facilities within the proposed addition will be brought into conformance with terms of sale applicable to acreage within the refuge.

- a. Surface discharge of produced waters will be prohibited. In addition, offshore disposal of produced waters from tracts adjacent to Clam Gulch Critical Habitat Area will be prohibited in subtidal marine waters between the mean lower low water tide line and the three fathom isobath (18 feet).
- b. Disposal of drilling muds and cuttings will be allowed only at approved upland sites. Disposals will not be permitted within Potter Point State Game Refuge and the Clam Gulch Critical Habitat Area.
- c. Surface entry will be prohibited within the Clam Gulch Critical Habitat Area and Potter Point State Game Refuge. Directional drilling will be allowed from adjacent sites.
- d. From April 1 to October 31, aircraft overflights over Potter Point State Game Refuge and the primary waterfowl habitat within the Susitna Flats State Game Refuge will maintain a minimum altitude of 1500 ft. or a horizontal distance of one mile.
- e. No drilling will be permitted until the lessee demonstrates the capability to expeditiously detect, contain, and clean up any hydrocarbon spill that may result from lease activities before the spill significantly impacts fish and wildlife populations or their habitats. This includes the capability to drill a relief well in the event of a loss of well control.
- f. All lease facilities must be designed and constructed to prevent the spread of hydrocarbons and facilitate clean up, both above and below ground.
- g. Lease facilities must include all available design features to minimize the possibility of accidental oil spills or fires resulting from vandalism or hunting accidents.

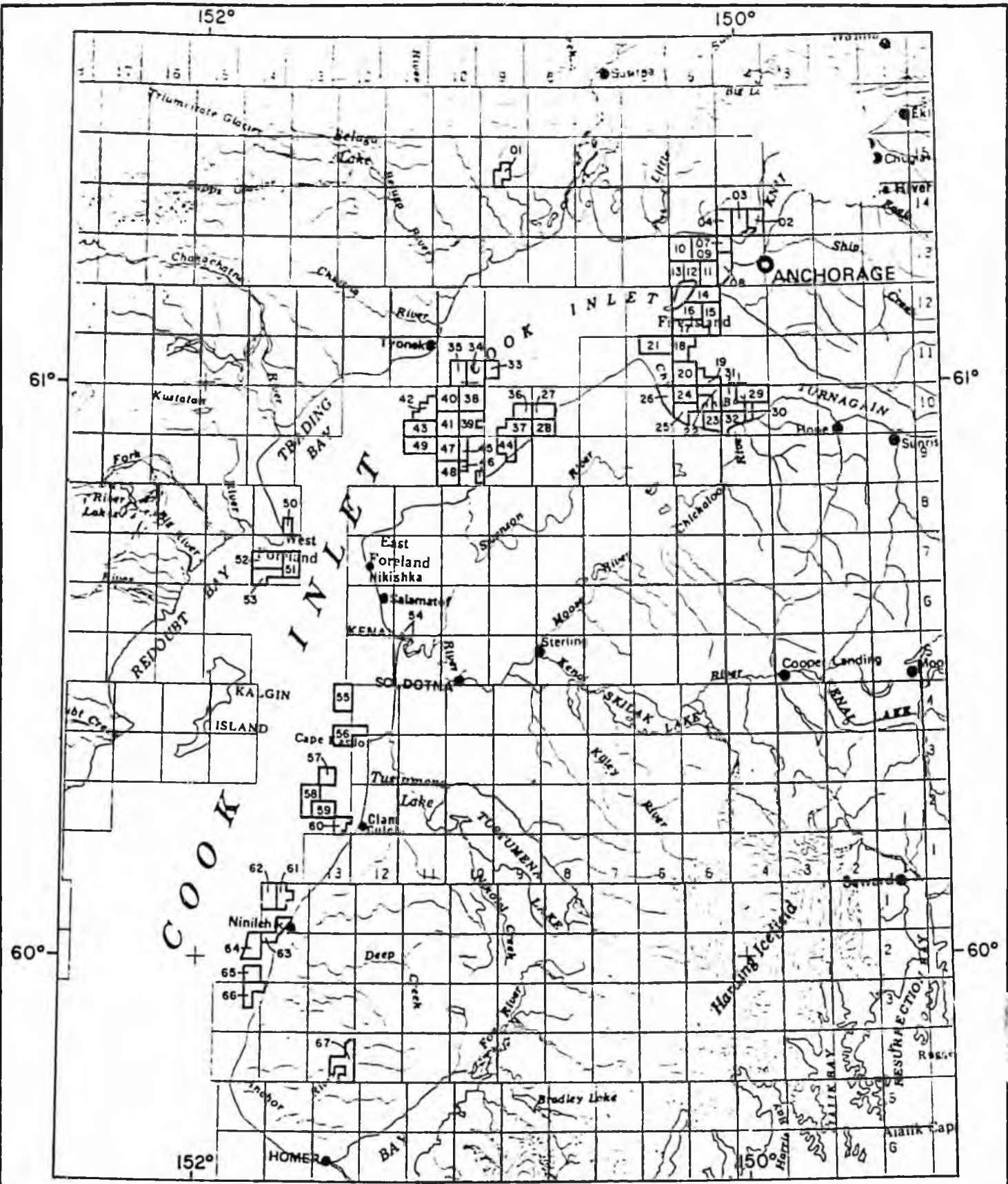
- h. Upon abandonment or expiration of a lease, all facilities must be removed and the sites rehabilitated to the satisfaction of the Department of Fish and Game, unless the department determines that it is in the best interests of the public to retain some or all of the facilities. Specific rehabilitation requirements will be identified in the Habitat Protection Permit issued under AS 16.20.060.
 - i. All surface exploration and development activities within the Susitna Flats primary waterfowl area will be allowed only between November 1 and March 31, unless an extension is approved by the Department of Fish and Game. Routine maintenance and emergency repairs will be permitted on a year-round basis during the production phase. A detailed plan describing routine maintenance activities to be conducted between April 1 and October 31 must be submitted to the department for review and approval.
 - j. Gravel pads and wellheads are the only permanent above ground structures that will be allowed within the Susitna Flats primary waterfowl area. The design and construction of gravel pads and wellheads must be approved by the Department of Fish and Game and utilize the best available technology to minimize the visual, biological and physical impacts of these structures.
33. Lease activities shall not create an obstruction on the main channel of the Kenai River or obstruct its use by fishing boats and cargo boats.
34. Peregrine falcon nesting sites are not known to occur within the lease sale area. However, lessees are advised that disturbing a peregrine falcon nest violates federal law. If the lessee discovers active peregrine falcon nest sites, the lessee must immediately report the nest locations to the Director, Division of Oil and Gas. To comply with state and federal endangered species acts, the following restrictions will apply in the vicinity of peregrine falcon nest sites, except as approved by the Department of Fish and Game, after consultation with the U.S. Fish and Wildlife Service. All known nest sites will be considered active between April 15 and June 1. Nest sites not having a peregrine falcon present by June 1 will be considered inactive, and oil and gas activities near inactive nests will not be subject to the restrictions listed under b, c, and d below. Activities at existing development sites within two miles of newly established nests will not be subject to these restrictions.
- a. Within one mile (1.6 km) of all nest sites -- Facilities, including but not limited to roads, pipelines, disposal sites, gravel mines, storage facilities and camps will be prohibited.
 - b. Within one mile (1.6 km) of active nest sites -- Between April 15 and August 31, surface entry will be prohibited and aircraft overflights must avoid nest sites by an altitude of 1500 feet (457 m) above nest level.
 - c. Within two miles (3.2 km) of active nest sites -- Noisy activities, including blasting and gravel washing, will be prohibited between April 15 and August 31. Airfields, construction camps, disposal sites,

compressor stations, and other permanent facilities that occupy large areas, are noisy or require sustained human occupancy will be prohibited.

- d. Within 15 miles (24 km) of active nest sites -- Except for limited non-aerial applications of approved non-persistent insecticides, pesticide use will be prohibited.
35. If the lessee discovers previously unreported active or inactive bald eagle nest sites, the lessee must immediately report the nest locations to the Director, Division of Oil and Gas. Lessees are advised that oil and gas activities likely to disturb nesting eagles will be subject to the provisions of the Bald Eagle Act of 1940, as amended. Permanent facilities may be prohibited within one-quarter mile (0.4 km) and will be prohibited within 500 feet of bald eagle nests, whether currently active or inactive. Surface entry, fixed wing aircraft flights below 500 vertical feet, and helicopter flights below 1,500 vertical feet will be prohibited within 500 feet of all active bald eagle nests between April 1 and August 31. Temporary activities within 500 feet of bald eagle nest sites may be allowed between September 1 and March 31 if they will not alter bald eagle habitat. The Department of Fish and Game will make maps identifying documented bald eagle nest site locations available to the Director, Division of Oil and Gas, and lessees within 60 days of the date a request for approval of a plan of operations is received.
36. Surface entry for lease operations, and aircraft overflights below 1,500 vertical feet, will be prohibited within one-quarter mile of trumpeter swan nesting sites during the period May 1 through August 31. The siting of permanent facilities including roads, storage areas, powerlines, and above ground pipelines will be prohibited in a one-quarter mile buffer area unless approved by the Director, Division of Oil and Gas, in consultation with the Department of Fish and Game. At the request of lessees, trumpeter swan nesting sites will be identified by the Department of Fish and Game prior to the submission of plans of operations.
37. Surface entry within tidelands in Tracts 8, 11, 14, and 15, which are identified as tidal flats in the Municipality of Anchorage's coastal management plan, will be prohibited.
38. a. From April 1 to October 31, aircraft overflights over Chickaloon Flats will maintain a minimum altitude of 1500 feet or a horizontal distance of one mile.
- b. Pursuant to the Chickaloon Flats management agreement, site specific mitigation measures may be imposed on lease-related activities on state tidelands during the plan of operations process to protect the area's resource values.

39. The siting of facilities within a 2000 yard-wide vessel trackline in Cook Inlet (Figure 1) and in the navigational access route to the Port of Anchorage may be prohibited. The U.S. Coast Guard will not allow oil and gas activities to obstruct navigation in Cook Inlet. Portions of Tracts 7, 8, 9, 11, 12, 13, 38, 39, 41, 47, and 49 are contained within the trackline identified by the Coast Guard; portions of Tract 2 are also contained within the navigational access for the Port of Anchorage.

0528b



STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL & GAS
 OIL AND GAS LEASE SALE 46A
 COOK INLET TRACT MAP

NOTE: THIS MAP IS NOT TO BE CONSIDERED AS AN OFFICIAL TRACT MAP A SET OF (1) 1:250,000 SCALE TRACT MAPS SHALL BE AVAILABLE AT THE DEPT. OF NATURAL RESOURCES, DIVISION OF OIL AND GAS, 555 CONCORD ST. FLOOR 7-034, ANCHORAGE, ALASKA 99504. PHONE (907) 268-1111

DATE APPROVED 12/28/84
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 WITHOUT PERMISSION IN WRITING
 NATIONAL TRANSVERSE MERCATOR
 PROJECTION ON 516 DEGREE BASS

SCALE 1:1,000,000 1 inch = 16 Miles
 10 0 10 20 30 40 50 Miles



DIRECTOR, DIV. OF OIL & GAS
 KAY BROWN *Kay Brown*

LEASING MANAGER,
 PAMELA ROGERS *Pamela Rogers*

DRAWN BY O.D.S.
 CHECKED BY *WIK*

Senator Vic Fischer

Alaska State Legislature

Pouch V • Juneau, Alaska 99811 • (907) 465-4954



SECTIONAL ANALYSIS/ SPONSOR SUBSTITUTUE FOR SENATE BILL 19 ("An act creating the Anchorage Coastal State Wildlife Refuge")

Scope of legislation:

SSSB 19 would (1) add additional tidelands and near shore upland to the existing Potter Point State Game Refuge, extending its boundaries from Point Campbell to Point Woronzof, (2) rename the area the "Anchorage Coastal State Wildlife Refuge", (3) provide a more precise legal description for refuge lands, (4) permit management of Municipal land by the Alaska Department of Fish and Game subject to approval by the Municipality and (5) restrict property acquisitions by the state and municipality for inclusion within the Refuge to "purchase, exchange, or otherwise", prohibiting acquisition by eminent domain.

Section 1 - AS 16.20.031 (a):

Enacts new section, AS 16.20.031(a) ANCHORAGE COASTAL STATE WILDLIFE REFUGE. Establishes the Anchorage Coastal State Wildlife Refuge and designates certain state-owned land and water described in subsection (1) through (7) as part of that refuge to be managed for the protection of waterfowl, shorebirds, and other fish and wildlife species and for the use and enjoyment of the people of the state.

(Section 1, subsections (1) through (7) describe the legal boundaries of the state-owned land and water included in the refuge.)

(b): assigns management responsibilities for the Anchorage Coastal State Wildlife Refuge to the Alaska Department of Fish and Game and, except as provided by (c) requires the Refuge to be managed under a management plan prepared by the Department of Fish and Game under AS 16.20.040-16.20.060. (These statutes set general guidelines for ADF&G in managing game refuges and in permitting use, lease or disposal of real property in refuges created under AS 16.20.010-16.20.080).

(c) permits land owned by the Municipality of Anchorage that lies within the boundaries of the Anchorage Coastal State Wildlife Refuge to be included in the Refuge. Requires an agreement between the Department of Fish and Game and the Municipality of Anchorage for the management of municipal owned land within the Refuge to be approved by the Municipality and by the Department of Fish and Game.

(d) provides that a use or activity on land within state game refuges that is allowed by state law will not be permitted on land owned by the Municipality of Anchorage within the Anchorage Coastal

State Wildlife Refuge if such use or activity is not allowed on land owned by the Municipality of Anchorage.

(Example: The discharge of firearms is prohibited on Municipal land. The discharge of firearms within a state wildlife refuge may be permitted under state law but would not be permitted on that portion of land within the refuge that is owned by the Municipality of Anchorage.)

(e) prohibits the Municipality of Anchorage or the state from acquiring privately owned land within the Anchorage Coastal State Wildlife Refuge by eminent domain for inclusion within the Refuge. The Department of Fish and Game or the Municipality of Anchorage may acquire privately owned land within the Anchorage Coastal State Wildlife Refuge by purchase, exchange or otherwise, except by eminent domain.

(f) closes the land and water areas of the Anchorage Coastal State Wildlife Refuge to mineral entry under AS 38.05.185-38.05.275. (This does not affect oil and gas leasing).

Section 2:

Repeals AS 16.20.030(b) (existing statute establishing the Potter Point State Game Refuge).

/gb



Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954

February 14, 1985

To: Senator DeVries, Chair
Senate C&RA Committee

From: Senator Vic Fischer

Re: Amendments to SS SB 19 - Anchorage Coastal Wildlife Refuge

CS SSB 19

I will offer the attached amendment, providing for access from the Anchorage coastal mainland to Fire Island, when SSSB 19 is heard in the Senate C&RA Committee on February 26.

The proposed amendment is offered at the urging of Cook Inlet Region, Inc. and has been reviewed by the Department of Natural Resources, the Alaska Department of Fish and Game and the Municipality of Anchorage.

/gb

Proposed amendment to CS SS SB 19 (C&RA)

Offered by: V. Fischer
2/26/85

Page 4, line 3. Insert a new subsection to read:

(c) "The managment plan prepared under AS 16.20.040-16.20.060 shall assure continued surface access to Fire Island and recommend corridors for constructed access and utilities between Fire Island and the Anchorage mainland."

Redesignate and renumber subsequent subsections.

/gb

*o.k.'d by Ginger
4:00 p.m. - 2/6/85
called Legal Services. 4:30 2-6*

Bradley
2/4/85

Original sponsors: V.Fischer and
Kerttula

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Anchorage Coastal Wildlife
7 Refuge."

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. 16.20.031. ANCHORAGE COASTAL WILDLIFE REFUGE. (a) The
11 following described state-owned land and water is established as the
12 Anchorage Coastal Wildlife Refuge and shall be managed for the pro-
13 tection of waterfowl, shorebirds, salmon, and other fish and wildlife
14 species, and their habitat and for the use and enjoyment of the people
15 of the state:

- 16 (1) Township 13 North, Range 4 West, Seward Meridian
17 Section 20: SE 1/4 seaward of the 20 foot elevation
18 contour
19 SE 1/4 NE 1/4 seaward of the 20 foot elevation con-
20 tour
21 Section 29: E 1/2 seaward of the 20 foot elevation
22 contour
23 SW 1/4 seaward of the 20 foot elevation contour
24 Section 30: SE 1/4 SE 1/4
25 Section 31: All seaward of the 20 foot elevation
26 contour except NW 1/4 NW 1/4
27 Section 32: All seaward of the 20 foot elevation
28 contour

- 29 (2) Township 13 North, Range 5 West, Seward Meridian

1 Section 36: S 1/2
2 S 1/2 N 1/2
3 (3) Township 12 North, Range 4 West, Seward Meridian
4 Sections 6 - 9: Seaward of the 20 foot elevation
5 contour
6 Section 15: NW 1/4 seaward of the 20 foot elevation
7 contour
8 SW 1/4 NE 1/4 seaward of the 20 foot elevation
9 contour
10 Government Lot 5 and the remainder of the W 1/2 SE
11 1/4, all
12 SW 1/4
13 Section 16: Seaward of the 20 foot elevation contour
14 Sections 17 - 22
15 Section 23: Government Lot 1 and the remainder of the
16 SW 1/4, all seaward of the 20 foot elevation contour
17 Government Lot 2 and the remainder of the S 1/2 NW
18 1/4, all seaward of the 20 foot elevation contour
19 Government Lots 3 and 4, and the remainder of the SE
20 1/4, all seaward of the 20 foot elevation contour
21 Section 24: Tract A, Shorecrest Subdivision (Plat No.
22 81-68, Anchorage Recording District)
23 Section 25: Government Lots 1 and 2, and the remainder
24 of the W 1/2, all
25 Tract A, Johns Park Estates, and the remainder of the
26 NE 1/4, excluding Skyway Park Estates, Addition No. 1
27 all seaward of the 20 foot elevation contour Govern-
28 ment Lots 3 and 4, and the remainder of the SE 1/4,
29 all

- 1 Sections 26 - 36
- 2 (4) Township 12 North, Range 5 West, Seward Meridian
- 3 Sections 1 - 2
- 4 Sections 11 - 14
- 5 Sections 23 - 26
- 6 Sections 35 - 36
- 7 (5) Township 12 North, Range 3 West, Seward Meridian
- 8 Section 29: That portion of the SW 1/4 southwesterly
- 9 of the Alaska Railroad right-of-way and southerly of
- 10 Oceanview Subdivision, Addition No. 6
- 11 Section 30: That portion of Tract A, Johns Park
- 12 Estates, seaward of the 20 foot elevation contour
- 13 Government Lot 2 and that portion of the SE 1/4 NW
- 14 1/4 southwesterly of Oceanview West Subdivision,
- 15 Addition No. 1
- 16 Government Lots 3 and 4 and the remainder of the SW
- 17 1/4, all
- 18 That portion of the SW 1/4 NE 1/4 and the SE 1/4
- 19 southwesterly of Oceanview Subdivision, Addition No.
- 20 4 and Addition No. 6
- 21 Section 31
- 22 Section 32: All lands southwesterly of the Alaska
- 23 Railroad right-of-way
- 24 Section 33: All lands westerly of the Alaska Railroad
- 25 right-of-way
- 26 (6) Township 11 North, Range 3 West, Seward Meridian
- 27 Section 3: Government Lot 5
- 28 Section 4: That portion southwesterly of the Old
- 29 Seward Highway right-of-way and The Landings

1 Subdivision which is northeasterly of the New Seward
2 Highway right-of-way

3 That portion southwesterly of the Alaska Railroad
4 right-of-way

5 Sections 5 - 8

6 Section 9: That portion southwesterly of the Alaska
7 Railroad right-of-way

8 That portion northeasterly of the New Seward Highway
9 right-of-way

10 Section 10: That portion westerly of the Old Seward
11 Highway right-of-way which is northeasterly of
12 the New Seward Highway right-of-way

13 That portion southwesterly of the Alaska Railroad
14 right-of-way

15 (7) Township 11 North, Range 4 West, Seward Meridian

16 Sections 1 - 4

17 Sections 10 - 12

18 (b) Except as provided in (c) of this section, the Department of
19 Fish and Game and the Department of Natural Resources shall exercise
20 their respective authorities over the Anchorage Coastal Wildlife
21 Refuge consistent with a management plan prepared by the Department of
22 Fish and Game under AS 16.20.040 - 16.20.060.

23 (c) Land owned by the Municipality of Anchorage that lies within
24 the boundary of the Anchorage Coastal Wildlife Refuge described in (a)
25 of this section may be included in the Anchorage Coastal Wildlife
26 Refuge. An agreement between the Department of Fish and Game and the
27 Municipality of Anchorage for the management of the land within the
28 Anchorage Coastal Wildlife Refuge that is owned by the Municipality of
29 Anchorage shall be approved by the Municipality of Anchorage and by

1 the Department of Fish and Game.

2 (d) If state law permits a use or activity on land within state
3 game refuges that is not permitted on the land owned by the Municipal-
4 ity of Anchorage, the use or activity is not permitted on the land
5 owned by the Municipality of Anchorage within the Anchorage Coastal
6 Wildlife Refuge.

7 (e) The state or the Municipality of Anchorage may not acquire
8 privately owned land within the Anchorage Coastal Wildlife Refuge
9 described in (a) of this section by eminent domain for inclusion
10 within the Anchorage Coastal Wildlife Refuge. The Department of Fish
11 and Game or the Municipality of Anchorage may acquire privately owned
12 land within the Anchorage Coastal Wildlife Refuge by purchase, ex-
13 change, or otherwise except by eminent domain.

14 (f) The land and water areas of the Anchorage Coastal Wildlife
15 Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275.

16 * Sec. 2. AS 16.20.030(b) is repealed.
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27
28



Alaska State Legislature

S E N A T E

Official Business

Community & Regional Affairs Committee

Pouch V
State Capitol
Juneau, Alaska 99811

To: Billy Berrier, Legal Services
From: Senator Edna DeVries, Chairman *Edna*
Community & Regional Affairs
Subj: SS SB 19

February 1, 1985

At our committee hearing on the above referenced bill a number of amendments were passed. Please incorporate the following into SSSB 19 and provide a committee substitute for our further consideration.

Page 1, line 13 -- after "shorebirds," insert salmon

Page 1, line 14 -- after "species" insert and habitat;

Page 4, line 17 through line 21 -- delete all material and substitute new material to read:

"(b) Except as provided in (c) of this section, the Department of Fish and Game and the Department of Natural Resources shall exercise their respective authorities over the Anchorage Coastal State Wildlife Refuge consistent with a management plan prepared by the Department of Fish and Game under AS 16.20.040 - 16.20.060."

The bill sponsor, Senator Vic Fischer, is dissatisfied with the Refuge name, basically because it is too long. If the refuge is named THE COOK INLET WILDLIFE REFUGE; is statute authority for management affected; i.e., does the word "State" need to be in the refuge name in order to properly identify the area as a State refuge? If the answer is "no", please rename the refuge ~~"Cook Inlet Wildlife Refuge"~~

cc: Committee members

Anch Coastal Wildlife Refuge

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

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

Mary Van Nimwegen

CRA 1-29-85 4:20 pm



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

February 6, 1985

Mr. Chip Dennerlein, Manager
Intergovernmental Affairs
Municipality of Anchorage
Pouch 6-650
Anchorage, AK 99502-0650

Dear Mr. Dennerlein:

I appreciate the testimony you presented at the recent Community and Regional Affairs Committee hearing on SB 19, which provides for the establishment of an Anchorage Coastal Wildlife Refuge.

As you will recall, there were questions as to what action had been taken by the Municipal Assembly on the proposed Refuge. I asked if the Assembly had passed a resolution in support of SB 19. There was also some discussion of the membership and the activity of the Potter Marsh Task Force.

Will you please provide for the Committee any information you may have about the Potter Marsh Task Force. I would appreciate knowing the names and the affiliation of the Task Force members. I would also appreciate receiving minutes from meetings of the Assembly and any other back-up material you may have that shows the involvement of Assembly Members in the proposal to establish the Anchorage Coastal Wildlife Refuge.

Yours truly,

Edna DeVries
Senator

cc: Assemblyman Dana Brockway
Assemblyman Don Smith

ya

SB 19

Fischer — protects ~~fish~~ wild birds
much involvement in drafting
bill

boundaries excludes certain mining
leases —

1st amendment moved by Fischer —
accepted unanimously

~~Line 7~~ page 1 line 13 insert salmon
after shorebirds —
amendment moved by Fischer — passed

Chip Dennerlein — Dir Intergov Affairs —
muni of Anchorage

Worked w/ State of Alaska —

Exemplary cooperative effort —

Have no objection to amendment,
defining F & G vs. DNR responsibility

Pg 2

Recreational activities fall within

Has Assembly been involved? De Vries

Have a Potter Marsh Task Force
Pres. of Rabbit Cr Comm Cnd
HFFHO representatives

Has been discussed w/ Assembly

Has there been official action by Assembly --
please get back to me

Dennerlein
will get
into to
Edna on input
from Assembly
Minutes -- and
membership of Task
Force --

Call Assembly men

COMM Substitute that would include
all amendments →

~~Proposed amendments of the bill~~

Environmental Lobby likes bill —
supports bill

Tech changes pg 7 line 14
Want time limit on development
of mgmt plan

Pg 4 - line 17 add one year
Do we want O&G leasing in a Refuge?

Bruce Baker - F&G Habitat Div

Dept supports
community activities pressed up against the
boundary -- realized that the boundary needed to
be better defined.

Fischer - words "and habitat"

Baker - yes appropriate

Fischer - what about a one-year time frame

Baker - 3 yrs has been used

Fischer - would rather leave it out than use 3 -
because if its there -- it will take 3 years

Staff Fischer -- review - for a different name --
must we use the word "state"
Name is too long --

Coghill - can necessary conveyance be made
for O & G pipelines --

Farguhar - yes --

Farguhar Farguhar -

DeVries - Would is effect on proposed
lease sale

Have already issued notice to potential
issues — have had no disturbance

Farguhar
got back
on when
notice
went out

Coghill — wants to hear Mayors
also —

DeVries asked Dennerlein to

Introduced: 1/24/85
Referred: Community & Regional Affairs,
Resources and Finance

1 IN THE SENATE BY V.FISCHER AND KETTTULA
2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act creating the Anchorage Coastal State Wildlife
7 Refuge."

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. 16.20.031. ANCHORAGE COASTAL STATE WILDLIFE REFUGE. (a)

11 The following described state-owned land and water is established as
12 the Anchorage Coastal State Wildlife Refuge and shall be managed for
13 the protection of waterfowl, shorebirds, ^{salmon} and other fish and wildlife
14 species ^{and habitat;} and for the use and enjoyment of the people of the state:

15 (1) Township 13 North, Range 4 West, Seward Meridian

16 Section 20: SE 1/4 seaward of the 20 foot elevation

17 contour

18 SE 1/4 NE 1/4 seaward of the 20 foot elevation con-

19 tour

20 Section 29: E 1/2 seaward of the 20 foot elevation

21 contour

22 SW 1/4 seaward of the 20 foot elevation contour

23 Section 30: SE 1/4 SE 1/4

24 Section 31: All seaward of the 20 foot elevation

25 contour except NW 1/4 NW 1/4

26 Section 32: All seaward of the 20 foot elevation

27 contour

28 (2) Township 13 North, Range 5 West, Seward Meridian

29 Section 36: S 1/2

1 S 1/2 N 1/2
2 (3) Township 12 North, Range 4 West, Seward Meridian
3 Sections 6 - 9: Seaward of the 20 foot elevation
4 contour
5 Section 15: NW 1/4 seaward of the 20 foot elevation
6 contour
7 SW 1/4 NE 1/4 seaward of the 20 foot elevation
8 contour
9 Government Lot 5 and the remainder of the W 1/2 SE
10 1/4, all
11 SW 1/4
12 Section 16: Seaward of the 20 foot elevation contour
13 Sections 17 - 22
14 Section 23: Government Lot 1 and the remainder of the
15 SW 1/4, all seaward of the 20 foot elevation contour
16 Government Lot 2 and the remainder of the S 1/2 NW
17 1/4, all seaward of the 20 foot elevation contour
18 Government Lots 3 and 4, and the remainder of the SE
19 1/4, all seaward of the 20 foot elevation contour
20 Section 24: Tract A, Shorecrest Subdivision (Plat No.
21 81-68, Anchorage Recording District)
22 Section 25: Government Lots 1 and 2, and the remainder
23 of the W 1/2, all
24 Tract A, Johns Park Estates, and the remainder of the
25 NE 1/4, excluding Skyway Park Estates, Addition No. 1
26 all seaward of the 20 foot elevation contour Govern-
27 ment Lots 3 and 4, and the remainder of the SE 1/4,
28 all
29 Sections 26 - 36

1 (4) Township 12 North, Range 5 West, Seward Meridian
2 Sections 1 - 2
3 Sections 11 - 14
4 Sections 23 - 26
5 Sections 35 - 36
6 (5) Township 12 North, Range 3 West, Seward Meridian
7 Section 29: That portion of the SW 1/4 southwesterly
8 of the Alaska Railroad right-of-way and southerly of
9 Oceanview Subdivision, Addition No. 6
10 Section 30: That portion of Tract A, Johns Park
11 Estates, seaward of the 20 foot elevation contour
12 Government Lot 2 and that portion of the SE 1/4 NW
13 1/4 southwesterly of Oceanview West Subdivision,
14 Addition No. 1
15 Government Lots 3 and 4 and the remainder of the SW
16 1/4, all
17 That portion of the SW 1/4 NE 1/4 and the SE 1/4
18 southwesterly of Oceanview Subdivision, Addition No.
19 4 and Addition No. 6
20 Section 31
21 Section 32: All lands southwesterly of the Alaska
22 Railroad right-of-way
23 Section 33: All lands westerly of the Alaska Railroad
24 right-of-way
25 (6) Township 11 North, Range 3 West, Seward Meridian
26 Section 3: Government Lot 5
27 Section 4: That portion southwesterly of the Old
28 Seward Highway right-of-way and The Landings
29 Subdivision which is northeasterly of the New Seward

1 Highway right-of-way

2 That portion southwesterly of the Alaska Railroad
3 right-of-way

4 Sections 5 - 8

5 Section 9: That portion southwesterly of the Alaska
6 Railroad right-of-way

7 That portion northeasterly of the New Seward Highway
8 right-of-way

9 Section 10: That portion westerly of the Old Seward
10 Highway right-of-way which is northeasterly of
11 the New Seward Highway right-of-way

12 That portion southwesterly of the Alaska Railroad
13 right-of-way

14 (7) Township 11 North, Range 4 West, Seward Meridian

15 Sections 1 - 4

16 Sections 10 - 12

17 (b) The management of the Anchorage Coastal State Wildlife
18 Refuge established under (a) of this section is assigned to the De-
19 partment of Fish and Game and, except as provided in (c) of this
20 section, shall be managed under a management plan prepared by the
21 Department of Fish and Game under AS 16.20.040 - 16.20.060, *within one year.*

22 (c) Land owned by the Municipality of Anchorage that lies within
23 the boundary of the Anchorage Coastal State Wildlife Refuge described
24 in (a) of this section may be included in the Anchorage Coastal State
25 Wildlife Refuge. An agreement between the Department of Fish and Game
26 and the Municipality of Anchorage for the management of the land
27 within the Anchorage Coastal State Wildlife Refuge that is owned by
28 the Municipality of Anchorage shall be approved by the Municipality of
29 Anchorage and by the Department of Fish and Game.

1 (d) If state law permits a use or activity on land within state
2 game refuges that is not permitted on the land owned by the Municipality
3 of Anchorage, the use or activity is not permitted on the land
4 owned by the Municipality of Anchorage within the Anchorage Coastal
5 State Wildlife Refuge.

6 (e) The state or the Municipality of Anchorage may not acquire
7 privately owned land within the Anchorage Coastal State Wildlife
8 Refuge described in (a) of this section by eminent domain for inclu-
9 sion within the Anchorage Coastal State Wildlife Refuge. The Depart-
10 ment of Fish and Game or the Municipality of Anchorage may acquire
11 privately owned land within the Anchorage Coastal State Wildlife
12 Refuge by purchase, exchange, or otherwise except by eminent domain.

13 (f) The land and water areas of the Anchorage Coastal State
14 Wildlife Refuge are closed to mineral entry under AS 38.05.185
15 38.05.275.

16 * Sec. 2. AS 16.20.030(b) is repealed.

A M E N D M E N T

TO: SSSB 19

Page 4, line 17 through line 21, delete all material and substitute new material to read:

"(b) Except as provided in (c) of this section, the Department of Fish and Game and the Department of Natural Resources shall exercise their respective authorities over the Anchorage Coastal State Wildlife Refuge consistent with a management plan prepared by the Department of Fish and Game under AS 16.20.040 - 16.20.060."

A M E N D M E N T

TO: SSSB 19

Page 4, line 17 through line 21, delete all material and substitute new material to read:

"(b) Except as provided in (c) of this section, the Department of Fish and Game and the Department of Natural Resources shall exercise their respective authorities over the Anchorage Coastal State Wildlife Refuge consistent with a management plan prepared by the Department of Fish and Game under AS 16.20.040 - 16.20.060."

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: 907 1 465-4100

December 27, 1984

Senator Vic Fischer
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Fischer:

Thank you for your letter of November 26, 1984, requesting comments on the draft Anchorage Coastal State Wildlife Refuge bill. Members of my Anchorage staff have been working with your staff, the Municipality of Anchorage, and the Alaska Department of Natural Resources on this draft legislation. The department supports this proposed extension of the existing Potter Point State Game Refuge as a way to help protect important waterfowl and shorebird habitat in the Anchorage area. However, we believe that two changes to the proposed legislation are necessary. First, the term "wildlife refuge" currently has no meaning in state statutes. We assume that you want the management and regulatory provisions of AS 16.20.040-.060 to apply to the Anchorage Coastal State Wildlife Refuge. If so, it is not clear that those provisions would be applicable, given your proposed designation of a wildlife refuge. If they are not applicable, we are left with no statutory protection for the area. Therefore, we recommend that you take one of the following actions: 1) call it the Anchorage Coastal State Game Refuge or 2) call it the Anchorage Coastal State Wildlife Refuge (A State Game Refuge). Reference to a State Game Refuge needs to appear in the proposal.

The other requested change is with regard to AS 16.20.031 (c). The last sentence of that paragraph should read, "An agreement between the Department of Fish and Game and the Municipality of Anchorage for the management of the land within the Anchorage Coastal State Wildlife Refuge that is owned by the Municipality of Anchorage shall be approved by the Municipality of Anchorage and by the Department of Fish and Game [Board of Game]." The Department of Fish and Game, not the Board of Game, has authority for managing state game refuges.

I might mention that we have found that a boundary survey of refuges is important to their proper management. If you

Senator Vic Fischer

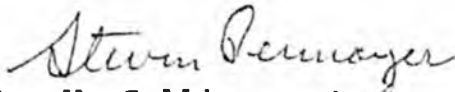
-2-

December 21, 1984

agree, you may want to consider a fiscal note which will provide for it.

Thank you for the opportunity to review the proposed bill. If I can be of assistance to you in the furtherance of this legislation, please contact me.

Sincerely,



Don W. Collinsworth
Commissioner

cc: Ginger Baim
Roger Poppe

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954

*Rec'd morning of
1/24/85*



January 23, 1985

EXPLANATION OF CHANGES IN SPONSOR SUBSTITUTE FOR SENATE BILL 19

Both the Department of Fish and Game and the Division of Mining have asked that technical changes be made to SB 19. Attached is a draft Sponsor Substitute with changes highlighted in yellow.

1. Page 4, line 21, after Department of Fish and Game add "under AS 16.20.040-16.20.060."

The Department of Fish and Game was concerned that since the bill creates a "wildlife" refuge as opposed to a "game" refuge, their management authority could be challenged unless it was specifically spoken to in statute. The drafter, Dick Bradley, did not feel this was a problem but in order to make it clear, added the highlighted language.

2. Page 4, line 29, delete "Board of Game" and insert "Department of Fish and Game".

The Department of Fish and Game, not the Board, has management authority and responsibility for preparing a management plan. This was a drafting error. Again, this change is at the request of the ADF&G. (See attached letter from Commissioner Collinsworth.

3. Page 5, line 14 & 15, delete "AS 38.05.135 - 38.05.280" and insert "AS 38.05.185 - 38.05.275."

This is a cite change requested by the Division of Mining to correct a technical error. AS 38.05.280 doesn't exist. It should have been written as AS 38.05.275. Further, the cite (which describes the kind of mineral entry prohibited within the refuge) should begin at AS 38.05.185 instead of AS 38.05.135.

Under SB 19 oil and gas leasing would be prohibited. Under the amended language in the sponsor substitute oil and gas leasing, exploration, and/or development would not be prohibited, nor would it necessarily be permitted.

The permitting process governing oil and gas leasing/development in or under refuges is already addressed in existing statutes. The amended language in the sponsor substitute makes SB 19 consistent with statutes establishing other game refuges in Alaska.

/gb

1 IN THE SENATE

BY V. FISCHER AND KETTULA

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Anchorage Coastal State Wildlife
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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12 the Anchorage Coastal State Wildlife Refuge and shall be managed for
13 the protection of waterfowl, shorebirds, and other fish and wildlife
14 species and for the use and enjoyment of the people of the state:

15 (1) Township 13 North, Range 4 West, Seward Meridian

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21 81-68, Anchorage Recording District)

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26 all seaward of the 20 foot elevation contour Govern-
27 ment Lots 3 and 4, and the remainder of the SE 1/4,

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17 (b) The management of the Anchorage Coastal State Wildlife
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20 section, shall be managed under a management plan prepared by the
21 Department of Fish and Game under AS 16.20.040 - 16.20.060.

22 (c) Land owned by the Municipality of Anchorage that lies within
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2 game refuges that is not permitted on the land owned by the Municipal-
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5 State Wildlife Refuge.

6 (e) The state or the Municipality of Anchorage may not acquire
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9 sion within the Anchorage Coastal State Wildlife Refuge. The Depart-
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14 Wildlife Refuge are closed to mineral entry under ³AS 38.05.135 -
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16 * Sec. 2. AS 16.20.030(b) is repealed.
17
18
19
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22
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27
28
29

Municipality of Anchorage



P.O. BOX 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4960

TONY KNOWLES,
MAYOR

INTERGOVERNMENTAL AFFAIRS

February 12, 1985

Sen. Edna De Vries
Pouch V
Juneau, Alaska 99811

Dear Sen. DeVries:

Your letter requesting information on the Potter Marsh Task Force arrived while Mr. Dennerlein was out of the office. Indeed, you may have seen him while he was in Juneau.

When he returns to the office on Thursday, February 14, Mr. Dennerlein may respond more completely to your letter. In the meantime, I am enclosing some material which may be helpful to you.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Hackett". The signature is written in dark ink and is positioned above the printed name.

Peggy Hackett

Enclosures

POTTER MARSH
TASK FORCE MEMBERS

Joe Cange
P.O. Box 4-647
Anchorage, Alaska 99509
344-5800

Debbie Clausen
Alaska Dept. of Fish & Game
Habitat Division
333 Raspberry Road
Anchorage, Alaska 99502
267-2346

Carl Yanagawa
Alaska Dept. of Fish & Game
Habitat Division
333 Raspberry Road
Anchorage, Alaska 99502
267-2283

Chip Dennerlein
Public Services Dept.
3500 Tudor Road
Anchorage, Alaska 99502
786-8401

Dave Harkness
Alaska Dept. of Fish & Game
Habitat Division
333 Raspberry Road
Anchorage, Alaska 99502
267-2196

Meg Hayes, *DNR*
Pouch 7-005
Anchorage, Alaska 99510
276-2653

Greg Jones, *Alaska Diversified Properties*
4795 Business Park Blvd.
Suite 3
Anchorage, Alaska 99503
563-2040

Julie Kelley, *Redubert*
7220 Clarks Road
Anchorage, Alaska 99516
345-2294

Bob Martin, *DEC*
437 'E' Street - Suite 200
Anchorage, Alaska 99501
274-2533

Jim Munter, *Alaska Biological Survey*
P.O. Box 772116
Eagle River, Alaska 99577
688-3555

Giles McDonald, *HALO*
P.O. Box 112022
Anchorage, Alaska 99511
345-1739

Val Rader, *Hydrologist*
1577 'C' Street - Suite 230
Anchorage, Alaska 99501
279-2243

Chet Zenone
USGSWRD
1515 E. 13th
Anchorage, Alaska 99501
271-4153

Al Carson,
2000th Creek Community Council
277-8571

Priscilla Wohl
Community Planning Dept.
Municipality of Anchorage
264-4982

Submitted by: Chairman of the Assembly
at the request of the Mayor
Prepared by: Planning Department
For Reading: July 24, 1979

MUNICIPALITY OF ANCHORAGE
ANCHORAGE MUNICIPAL ASSEMBLY
RESOLUTION NO. AR 79-153

A RESOLUTION RECOMMENDING CONCEPTUAL
APPROVAL OF THE ANCHORAGE COASTAL
MANAGEMENT PLAN — FINAL REPORT, HEAR-
ING DRAFT.

BE IT RESOLVED by the Anchorage
Municipal Assembly:

WHEREAS, AS 46.40.030 states that
coastal resource districts shall develop and
adopt district coastal management programs
in accordance with the provisions of the
Alaska Coastal Management Act and the
Alaska Coastal Management Program, Stan-
dards and Guidelines, and

WHEREAS, a comprehensive Coastal
Management Plan was developed for the
Municipality of Anchorage according to AS
46.40 6AAC Chapters 80 and 85, and

WHEREAS, a comprehensive Coastal
Management Plan was developed which re-
cognizes: 1) The coastal area of the Muni-
cipality of Anchorage as a distinct and valuable
natural resource of concern to the people of
Anchorage; 2) The demands upon the re-
sources of coastal area are significant and
will increase in the future; 3) The protection
of the natural, cultural and scenic resources
and the fostering of wise development of the
coastal area, and

WHEREAS, the Anchorage Coastal
Management Plan avoids the creation of new
regulatory structures wherever possible, rely-
ing instead upon existing federal, state and
local authorities to implement the provisions
of the Act, and

WHEREAS, the Anchorage Coastal
Management Plan sets forth twelve specific
recommendations to be carried out upon
approval and adoption of the plan. Such
recommendations for implementing the plan
range from monitoring the issuance of per-
mits, amending existing ordinances, prepar-
ing and adopting new ordinances where
necessary to meet the requirement of the Act,
developing management plans that address
the standards and guidelines set forth in
6AAC 85.010-.110 and AS 46.40.030, and
including nominations for areas meriting
special attention, and incorporating the
Anchorage Plan as an element of the com-
prehensive plan.

NOW, THEREFORE, BE IT RESOLVED
by the Anchorage Municipal Assembly that
the Anchorage Coastal Management Plan
and Resource Policy Maps, including the
amendments described in the addendum, be
conceptually approved and forwarded to the
Alaska Coastal Policy Council and Office of
the Coastal Management for adoption by the
State of Alaska. Upon acceptance by the
State of Alaska, the Municipality intends to
adopt the Anchorage Coastal Management
Plan by ordinance.

PASSED AND APPROVED by the
Anchorage Municipal Assembly this 28th day
of August, 1979.

Attested by:
Anchorage Municipal Clerk

Presiding Officer
Anchorage Municipal Assembly

April 14, 1980

The Honorable George M. Sullivan
Mayor
Municipality of Anchorage
Pouch 6-650
Anchorage, Alaska 99502

Dear Mayor Sullivan:

It is my privilege to officially notify you that the Municipality of Anchorage Coastal Management Program has been approved by both the Alaska Coastal Policy Council and the Alaska State Legislature. Senate Concurrent Resolution No. 51, "Approving the district coastal management program of the Municipality of Anchorage and the findings, conclusions, and stipulations of the Alaska Coastal Policy Council," was passed by a majority of the members of each house. For your reference, please find enclosed copies of the following:

1. Minutes of the January 16, 1980 Alaska Coastal Policy Council Meeting at which the Council adopted the Anchorage Program (see page 3).
2. Two letters dated January 23, 1980, both from Council Co-Chairmen Frances Ulmer and Donald Gilman to Senate President Clem Tillon and House Speaker Terry Gardner transmitting the "Council Approved" Anchorage Program to the Senate and the House and requesting early consideration and approval of the Anchorage Program.
3. Senate Concurrent Resolution (SCR) No. 51.
4. Pages 523 & 524, *Senate Journal*, March 17, 1980, describing Senate passage of SCR No. 51.
5. Pages 853 & 854, *House Journal*, April 3, 1980, describing House passage of SCR No. 51.

With the acceptance of the Anchorage Program by the State of Alaska, the Office of Coastal Management formally requests that the Municipality of Anchorage adopt the Municipality of Anchorage Coastal Management Program by ordinance as part of the Municipal Comprehensive Plan. Such an action would, in accordance with Recommendation #1, page 113 in the *Municipality of Anchorage Coastal Management Program* document and Anchorage Municipal Assembly Resolution No. AR 79-153.

Congratulations on the successful passage of this important program. If you require any additional information or have any questions, please do not hesitate to call.

Sincerely,

Murray R. Walsh
Coordinator
Office of Coastal Management

Attachments

cc: Tony Burns, MOA
Tom Lawson, OCM
Mark Stephens, DCRA

Introduced: 2/28/80
Referred: Community and
Regional Affairs

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE
IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 51
IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE — SECOND SESSION

Approving the district coastal management program of the Municipality of Anchorage and concluding the findings, conclusions, and stipulations of the Alaska Coastal Policy Council.

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

WHEREAS AS 44.19.891 establishes the Alaska Coastal Policy Council and AS 46.40.070 charges the council with the responsibility of reviewing district coastal management programs and approving them if they are substantially consistent with the guidelines and standards of the council and the Alaska coastal management program; and

WHEREAS the Municipality of Anchorage accordingly prepared a district coastal management program, gave conceptual approval to its district coastal management program on August 28, 1979, and submitted the program to the Alaska Coastal Policy Council on October 21, 1979; and

WHEREAS the Alaska Coastal Policy Council conducted its review of the district coastal management program of the Municipality of Anchorage, held a public hearing, gave public notice, provided ample opportunity for public comment, and on January 16, 1980, adopted the findings and conclusions of the office of coastal management which recommended approval of the Anchorage district program with certain stipulations; and

WHEREAS, in accordance with this law, the Alaska Coastal Policy Council has submitted this adopted portion of the Alaska coastal management program for legislative approval;

BE IT RESOLVED that in accordance with AS 46.40.080 the Alaska State Legislature approves the district coastal management program of the Municipality of Anchorage and the findings, conclusions, and stipulations of the Alaska Coastal Policy Council.