

*Language from Knapp
DOT/PF*

Amendment
4/9/85

Senate Bill 105

Section 2 (6)

Those portions of Section 22, 27 and 34, T. 17 N., R. 1 E, S. M. in the Palmer Recording District, Third Judicial District, State of Alaska, more particularly described as follows are omitted from the refuge for the purpose of providing transportation and utility corridors. Lands within the transportation and utility corridors which are determined not to be necessary for future transportation or utility development or expansion will become part of the Palmer Hay Flats State Game Refuge or revert to its intended use under this Act. The Department of Transportation and Public Facilities will, if feasible, develop access points to the refuge at Knik River Bridge and to Rabbit Slough during future project development.

The SE 1/4 of the NW 1/4, the NE 1/4, the NE 1/4 of SW 1/4, the W 1/2 of SE 1/4 in said Section 22 together with a corridor 300 feet either side of existing highway centerline through said Section 27 and through said Section 34.

*Adopted
4/24/85*

Original sponsor: Kerttula

1
2 IN THE SENATE

BY THE FINANCE COMMITTEE

3 CS FOR SENATE BILL NO. 105 (Finance)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to the Palmer Hay Flats State Game
8 Refuge; and providing for an effective date."

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

10 * Section 1. The legislature determines that wetlands important to the
11 protection of waterfowl and salmon in the Spring Creek area lie outside of
12 the boundaries of the Palmer Hay Flats State Game Refuge. The Spring Creek
13 area also provides one of the major public access points to the hay flats
14 although the land is privately owned. The legislature therefore determines
15 that it is in the public interest to protect the Spring Creek wetlands
16 through extension of the Palmer Hay Flats State Game Refuge under this Act.

17 * Sec. 2. AS 16.20.032(a) is amended to read:

18 (a) The following state-owned land and water is established as
19 the Palmer Hay Flats State Game Refuge:

20 (1) Township 16 North, Range 1 West, Seward Meridian

21 Sections 1 - 12 inclusive

22 Section 13: N1/2

23 Sections 14 - 18 inclusive

24 (2) Township 17 North, Range 1 West, Seward Meridian

25 Section 25: All

26 Section 26: S1/2, S1/2N1/2, N1/2NE1/4, NE1/4NW1/4

27 Section 27: S1/2, SE1/4NE1/4

28 Section 31: Lot 4, SE1/4, E1/2SW1/4, SE1/4NE1/4,

29 S1/2SW1/4NE1/4

Section 32: S1/2, S1/2NE1/4, NE1/4NE1/4,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

SE1/4NW1/4

Section 33: All

Section 34: All

Section 35: All

Section 36: All

(3) Township 17 North, Range 1 East, Seward Meridian

Section 22:

excluding NW1/4NW1/4

excluding NE1/4NE1/4NE1/4

excluding N1/2NE1/4NW1/4

Section 27:

excluding S1/2S1/2

Section 28: N1/2SE1/4

Section 31: Lots 5, 7, 8, 9, 10

Section 32: NE1/4

Section 33: SW1/4NW1/4, including all state tide
and submerged land

(4) Township 16 North, Range 1 East, Seward Meridian

Section 4, 5, 6, 7, 8, 9: All

Section 17: N1/2

Section 18: N1/2

All state tide and submerged land

(5) Township 16 North, Range 1 East, Seward Meridian

Section 2: Portion lying west of the Alaska
Railroad

Section 3: Lot 1, excluding portions lying east
of the Alaska Railroad centerline, Lots, 2, 3,
4, 5, 6, NW1/4, NW1/4, NE1/4

Section 10: Lots 1, 2, 3, 4, 6, and portions

1
2 lying west of the Alaska Railroad

3 Section 15: All state land lying north of the
4 south bank of the Knik River and west of the
5 Alaska Railroad

6 Section 16: All state land lying north of the
7 south bank of the Knik River

8 * Sec. 3. The commissioner of natural resources shall include land
9 acquired from the Matanuska-Susitna Borough in the Palmer Hay Flats State
10 Game Refuge established under AS 16.20.032.

11 * Sec. 4. (a) The commissioner of natural resources may dispose of
12 state land located within the Matanuska-Susitna borough in exchange for
13 privately owned land determined desirable for inclusion in the Palmer Hay
14 Flats State Game Refuge. The commissioner of natural resources may also
15 offer to purchase at fair market value from willing sellers privately owned
16 land determined desirable for inclusion in the Palmer Hay Flats State Game
17 Refuge.

18 (b) An offer made by the commissioner of natural resources under this
19 section for a purchase or exchange that remains unaccepted for two years
20 after tender is withdrawn.

21 (c) An exchange or purchase authorized under (a) of this section
22 shall be accomplished under AS 38.50.

23 (d) The commissioner of natural resources shall include land acquired
24 under this section in the Palmer Hay Flats State Game Refuge established
25 under AS 16.20.032.

26 * Sec. 5. The addition of land to the Palmer Hay Flats State Game
27 Refuge under secs. 2 - 4 of this Act may not be an occasion for the delay
28 in or prohibition of the expansion or improvement of the Glenn Highway, the
29 Parks Highway, or the Wasilla Bypass, or the construction of the inter-
change at the Parks and the Glenn Highways, nor may it restrict the present

1 or future use of land retained by an owner of land under sec. 4 of this
2 Act.

3 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: _____
Title: _____

FISCAL DETAIL

Agency Affected: _____
Program Category Affected: _____

Sponsor: _____
Requestor: _____
Date of Request: _____

BRU, Program or Subprogram(s) Affected: _____

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

Prepared By: Mike Vediner
Division: Commissioner's Office

Phone: 462-1581
Date: 2-27-85

Approved by Commissioner: Neil Faragher
Agency: Natural Resources

Date: 2-27-85

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

Original sponsor: Kerttula

See Sec 3

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 105 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Palmer Hay Flats State Game
7 Refuge; and providing for an effective date."

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

9 * Section 1. The legislature determines that wetlands important to the
10 protection of waterfowl and salmon in the Spring Creek area lie outside of
11 the boundaries of the Palmer Hay Flats State Game Refuge. The Spring Creek
12 area also provides one of the major public access points to the hay Flats
13 although the land is privately owned. The legislature therefore determines
14 that it is in the public interest to protect the Spring Creek wetlands
15 through extension of the Palmer Hay Flats State Game Refuge under this Act.

16 * Sec. 2. AS 16.20.032(a) is amended to read:

17 (a) The following state-owned land and water is established as
18 the Palmer Hay Flats State Game Refuge:

19 (1) Township 16 North, Range 1 West, Seward Meridian

20 Sections 1 - 12 inclusive

21 Section 13: N1/2

22 Sections 14 - 18 inclusive

23 (2) Township 17 North, Range 1 West, Seward Meridian

24 Section 25: All

25 Section 26: S1/2, S1/2N1/2, N1/2NE1/4, NE1/4NW1/4

26 Section 27: S1/2, SE1/4NE1/4

27 Section 31: Lot 4, SE1/4, E1/2SW1/4, SE1/4NE1/4,

28 S1/2SW1/4NE1/4

29 Section 32: S1/2, S1/2NE1/4, NE1/4NE1/4,

1 SE1/4NW1/4

2 Section 33: All

3 Section 34: All

4 Section 35: All

5 Section 36: All

6 (3) Township 17 North, Range 1 East, Seward Meridian

7 Section 22:

8 excluding NW1/4NW1/4

9 excluding NE1/4NE1/4NE1/4

10 excluding N1/2NE1/4NW1/4

11 Section 27:

12 excluding S1/2S1/2

13 Section 28: N1/2SE1/4

14 Section 31: Lots 5, 7, 8, 9, 10

15 Section 32: NE1/4

16 Section 33: SW1/4NW1/4, including all state tide
17 and submerged land

18 (4) Township 16 North, Range 1 East, Seward Meridian

19 Section 4, 5, 6, 7, 8, 9: All

20 Section 17: N1/2

21 Section 18: N1/2

22 All state tide and submerged land

23 (5) Township 16 North, Range 1 East, Seward Meridian

24 Section 2: Portion lying west of the Alaska
25 Railroad

26 Section 3: Lot 1, excluding portions lying east
27 of the Alaska Railroad centerline, Lots, 2, 3,
28 4, 5, 6, NW1/4, NW1/4, NE1/4

29 Section 10: Lots 1, 2, 3, 4, 6, and portions

1 lying west of the Alaska Railroad

2 Section 15: All state land lying north of the
3 south bank of the Knik River and west of the
4 Alaska Railroad

5 Section 16: All state land lying north of the
6 south bank of the Knik River

7 * Sec. 3. AS 16.20.032 is amended by adding a new subsection to read:

8 (e) Notwithstanding the provisions of (a) of this section, the
9 land described in this subsection is excluded from the Palmer Hay
10 Flats State Game Refuge established under (a) of this section for the
11 establishment of a transportation and utility corridor. Land within
12 the transportation and utility corridor that is determined by the
13 commissioner of transportation and public facilities to be unnecessary
14 for future transportation or utility corridors becomes a part of the
15 Palmer Hay Flats State Game Refuge. The commissioner of transporta-
16 tion and public facilities is directed to develop access points to the
17 Palmer Hay Flats State Game Refuge at the Knik River Bridge and to
18 Rabbit Slough during future development of state highways in the area.
19 The land that is excluded from the Palmer Hay Flats State Game Refuge
20 under this subsection is described as

21 Township 17 North, Range 1 East, Seward Meridian

22 Section 22: SE1/4NW1/4, NE1/4, NE1/4SW1/4, W1/2SE1/4

23 Section 27: a corridor 300 feet on either side of the
24 existing highway centerline

25 * Sec. 4. The commissioner of natural resources shall include land
26 acquired from the Matanuska-Susitna Borough in the Palmer Hay Flats State
27 Game Refuge established under AS 16.20.032.

28 * Sec. 5. (a) The commissioner of natural resources may dispose of
29 state land located within the Matanuska-Susitna borough in exchange for

1 privately owned land determined desirable for inclusion in the Palmer Hay
2 Flats State Game Refuge. The commissioner of natural resources may also
3 offer to purchase at fair market value from willing sellers privately owned
4 land determined desirable for inclusion in the Palmer Hay Flats State Game
5 Refuge.

6 (b) An offer made by the commissioner of natural resources under this
7 section for a purchase or exchange that remains unaccepted for two years
8 after tender is withdrawn.

9 (c) An exchange or purchase authorized under (a) of this section
10 shall be accomplished under AS 38.50.

11 (d) The commissioner of natural resources shall include land acquired
12 under this section in the Palmer Hay Flats State Game Refuge established
13 under AS 16.20.032.

14 * Sec. 6. The addition of land to the Palmer Hay Flats State Game
15 Refuge under secs. 2 and 4 - 5 of this Act may not be an occasion for the
16 delay in or prohibition of the expansion or improvement of the Glenn High-
17 way, the Parks Highway, or the Wasilla Bypass, or the construction of the
18 interchange at the Parks and the Glenn Highways, nor may it restrict the
19 present or future use of land retained by an owner of land under sec. 5 of
20 this Act.

21 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).

SECTIONAL ANALYSIS FOR PROPOSED CS SENATE BILL 105 (Fin)

An Act relating to the Palmer Hay Flats State Game Refuge

Section 1

Legislative determination that the wetlands in the Spring Creek Area that currently lie outside the existing Palmer Hay Flats Game Refuge are important to the protection of waterfowl and salmon. This area, although privately owned, also provides public access to the hay flats. Therefore, they should be included into the Game Refuge.

Section 2

Specifies the boundaries of the existing Palmer Hay Flats Game Refuge as well as the additions. As originally introduced, this bill added 910 acres to the refuge of which 130+ acres are owned by the Mat-Su Borough (they have donated this land for inclusion in the refuge) and the remainder is in private hands. There was an amendment in Resources which was requested by the Department of Fish and Game which added an additional 1200 acres.

Section 3

Authorizes the Department of Natural Resources to acquire the 130+ acres from the Mat-Su Borough.

Section 4

Authorizes the Department of Natural Resources to exchange other state lands in the Mat-Su Borough for privately owned land which is determined to be desirable for inclusion in the Refuge. The Department may also offer to buy privately owned land at fair market value (no eminent domain). Such offers would be good for 2 years.

Section 5

This section is added in the Finance CS and states that the additional land that is added to the Refuge in this bill may not be used to delay expansion or improvement of either the Glenn or Parks Highways. It may also not be used to restrict present or future use of land that is retained in private ownership.

Section 6

Immediate effective date.

There is no fiscal impact because no funds are provided to purchase privately owned land only land exchanges.

Wed 5/10/85

Revision Date: May 8, 1985

REQUEST

Bill/Resolution No.: CSSB 105 (Fin)
Title: Palmer Hay Flats

Sponsor: Kerttula
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected: Land and Water Management

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						
500 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

See Attached

Note: Requested by Horse Resources for Horse Rules

Prepared By: Mike Vediner Phone: 465-2400
Division: Land and Water Management Date: May 8, 1985

Approved by Commissioner: *Ned Paragon* Date: May 8, 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

Revised Fiscal Note Analysis - CSSB 105 (Finance)

This legislation would provide several opportunities for the department to acquire lands from both the Mat-Su Borough and private landholders within the refuge for inclusion in the refuge. With the exception of direct purchase of private land from willing sellers, however, the department would be able to eventually acquire these lands within our existing land exchange project budget. Land exchanges (AS 38.50) are an ongoing statewide project within the Division of Land and Water Management. The Department of Fish and Game would be available to assist in the identification of suitable lands for acquisition. Both borough and private lands determined suitable for inclusion in the refuge would be placed on the exchange pending list and processed in due course.

The commissioner is also granted the discretionary authority to purchase private land from willing sellers for inclusion in the refuge. Generally, any such purchase would require direct legislative appropriation as a CIP line item. Since the department would intend to pursue negotiated land exchanges rather than direct purchase, it would be premature, and therefore, inappropriate to speculate on funding requirements for direct purchase.

FEB 27 1985



COOK INLET
AQUACULTURE ASSOCIATION

P.O. BOX 3819
SOLDOTNA, AK 99669-3819
(907) 262-9419

February 25, 1985

Senator Arliss Sturgulewski
Pouch V
Juneau, Alaska 99811

Dear Senator:

The Cook Inlet Aquaculture Association supports SB 105 which allows for the extension of the Palmer Hay Flats State Game Refuge. It is clear that the entire area is valuable for recreational fishing and hunting activities. The extension is essential to "leagalize" public access to much of the Refuge.

It is probably more important to realize that the sloughs and marshes throughout the area are excellent rearing or "nursery" areas for large numbers of coho salmon fry. Dredging, filling, diking and draining, the very expensive things which can be done to marshlands to make them usable for commercial or residential purposes, all destroy the fitness of the area to harbor and nourish young salmon. We encourage the State to preserve these wetland habitats.

Sincerely,

Thomas E. Mears,
Executive Director

cc: Suzanne Haines
Steve Braund

FEB 27 1985

February 22, 1985

Senator A. Sturgulewski
Senate Resources Committee
Pouch V
Juneau, AK 99811

RE: SB 105

I support this bill. I have used the Spring Creek area and Hay Flats for over thirty years for recreation and hope to continue. Up to this time there has been very little pressure to develop this ground, primarily due to the extreme cost of site preparation. With the current boom and subsequent escalation in commercial real estate prices, there is real economic pressure to develop the road frontage.

Currently, zoning/subdivision restrictions such as Army Corps of Engineers, EPA, and Mat-Su borough regulations restrict development. These regulations were implemented under the premise that the long term economic/social interest must be protected, and I feel they are generally well applied. Commercial development in the Spring Creek area would be disruptive not only to the environment of the entire downstream drainage, but would also disrupt the traffic flow. The area is in the flood plain of the Matanuska River. The town of Matanuska (near subject properties) was moved to Palmer because of the extreme cost of fighting high water. Any facilities placed in the area covered by SB 105 are likely to experience this problem, with the burden eventually resting with the State. This irregular flooding also makes it extremely difficult to comply with EPA regulations should any development occur.

Preservation interests must be weighed against vested property interests. Many of the owners have held the property for several years, often predating wetland regulations. Only one owner has a permit to fill in a portion of the wetlands.

Although the proposed enabling legislation has a two year expiration for selling or exchange, hopefully after the offer is specifically tendered, the intent should be perpetual. Perhaps certain provisions could be enacted to allow continuation of the exchange provision beyond this time frame. Finally, all offers to exchange or sell property should be strictly voluntary.

Sincerely,



Ralph Hulbert
P.O. Box 1846
Palmer, AK 99645

cc: Sen. Fahrenkamp
Eliason
Zharoff
Halford
Coghill
V. Fischer



FEB 27 1985

ALASKA FRONTIER TRAPPERS ASSN.
P.O. BOX 2856
PALMER, ALASKA 99645 □ (907)745-4660

February 18, 1985

Senator Arliss Sturgulewski
Resources Chairman
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

I am writing in regard to S.B. 105 introduced into the senate by Senator Kerttula. This bill is a very important piece of legislation to our organization and to outdoor-minded people of all pursuits. Senator Kerttula, in introducing this bill, is trying to preserve one of the most highly used and highly valued pieces of wildlife habitat in Alaska. Anyone who has crossed the flats on the Glenn Highway at any time of the year has surely seen the large numbers of ducks, geese, muskrat, beaver and other numerous species that inhabit this area.

The Mat-Su Borough has indicated its desire to see this area preserved by offering to let the Fish and Game Department include its 130 acres in the refuge to be managed as the rest of the area. With the population expanding as rapidly as it is in the Matanuska Valley, it is imperative that we preserve areas for our citizens to use and enjoy.

I would like to thank Senator Kerttula for introducing this legislation, as I believe it shows his desire to protect the outdoor lifestyle of many of his constituents.

Your support of S.B. 105 would be greatly appreciated.

Thank you,

James Reiss, President
ALASKA FRONTIER TRAPPERS ASSOC.

- cc: Fahrenkamp
- Eliason
- Zharoff
- Halford
- Coghill
- V. Fischer

FEB 27 1985

P.O. Box 3196
Palmer, Alaska 99645
February 21

Senator Sturgulewski
State Capital
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski,

An issue of interest to me will be coming before the Senate this session. That issue is the Palmer Hay Flats Bill. As you already know, this bill would acquire private land for inclusion into an existing special use area.

I strongly support passage of this bill in this session of the legislature. I believe this action is warranted in view of the long-range state interest to promote economic developments through economic diversification of the private sector. As a local boatbuilder, I feel the area should be protected for wildlife, sport fishing and scenic values. These ends support my personal business interests.

On a larger level, I feel the passage of the Hay Flats Bill will recognize the area as a national and international landmark. The area has already been selected by Ducks Unlimited, an international organization, as a special feeding and breeding ground along the Pacific Flyway for many species of wildfowl. In enacting this bill, the State of Alaska identifies itself among the few forward-looking nations and regions of the world seeking to keep land uses diverse and healthy.

Finally, as an educator, I strongly believe the state must take a leadership role in promoting the continuance of 'as is' landscape for the enjoyment and education of our state's youth. If regional planners are correct, the area surrounding the Hay Flats may soon approach the population density of the Anchorage bowl. By protecting the Hay Flats for young people to hunt, fish and recreate in, we teach good stewardship of Alaska's land resources.

Again, let me strongly state my support of this critical piece of state-wide legislation. It appears we have much more to gain than lose in this proposal.

Sincerely,

Rick Turner
Matanuska Boat Company
Palmer, Alaska

CC:Sens. Fahrenkamp
Eliason
Zharoff
Halford
Joghill
V. Fischer

League of Women Voters of Alaska

9151 Skywood Lane
Juneau, Alaska 99801
February 26, 1985

The Honorable Arliss Sturgulewski, Chairman
Senate Resources Committee
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Re: SB 105: Palmer Hay Flats State Game Refuge

Dear Senator Sturgulewski:

The League of Women Voters of Alaska supports, in principle, SB 105, which would expand the Palmer Hay Flats State Game Refuge to incorporate certain important wetlands. The League has always considered the protection of important wetland habitats as a high priority matter, and has supported the setting aside for future public use such areas as State forests and marine parks in Alaska. We also supported the bill which established the Kenai River Management Area.

We are in a quandary, however, because of the large fiscal note connected with the need to purchase private lands to implement SB 105. This is of special concern in a time of declining State revenues and competing health related demands such as asbestos removal from schools. If, because of budgetary constraints, we had to choose between the purchase of these wetlands and the removal of any existing asbestos hazards from schools, we would choose the asbestos removal. This is consistent with one of the amplification provisions of the League's new "capital budget process" position, which states that life, health, safety and educational needs should take priority over other less basic needs.

Perhaps another financing mechanism (such as inclusion of the project cost in a State bond issue) should be explored, possibly by your committee jointly with the Finance Committee.

If a way can be found to acquire the wetlands necessary to expand the Palmer Hay Flats State Game Refuge in accordance with SB 105, without adversely impacting high priority health and education related needs, we would like to see it happen.

The Honorable Arliss Sturgulewski, Chairman
February 26, 1985
Page Two

Thank you for considering our views.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Cuadra". The signature is written in dark ink and is positioned above the typed name.

Elizabeth Cuadra, Board Member
(Natural Resources Portfolio)

DEC:sd

cc: Committee Members (Fahrenkamp, Eliason, Zharoff, Halford,
Coghill and V. Fischer)
Sponsor (Kerttula)

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA, 99811
(907) 465-4907

Senate Committee on Resources

MEMORANDUM

February 26, 1985

TO: All Members
Senate Resources Committee

FROM: Staff *fl*
Senate Resources Committee

RE: SB 105 "An Act relating to the Palmer Hay Flats State Game Refuge; and providing for an effective date."

SB 105 provides for additional land to be added to the Palmer Hay Flats State Game Refuge established under AS 16.20.032.

The bill does not allow for taking private land by eminent domain but does allow for land exchange or purchase by the commissioner of the Department of Natural Resources for inclusion in the Palmer Hay Flats State Game Refuge. The bill does not restrict the use of private land pending an exchange or purchase.

The specific land which is addressed in this bill includes about 900 acres on either side of the Glenn Highway. Some of the land, approximately 130 acres, is owned by the Matanuska Susitna Borough and they have agreed to discuss an exchange for state land in other areas. The remainder is privately owned and presently has minimal development. The Draft Susitna Area Plan recommends that the land use designations in this area be for wildlife habitat, water resources and public recreation.

The Department of Fish and Game has suggested the bill be amended to include additional lands in the Palmer Hay Flats. The Department of Transportation and Public Facilities may wish to acquire some of this land for highway expansion at some future date. Both departments will present testimony at the hearing.

This bill has a zero fiscal note since it only allows for purchase at some future time. The total cost to the state is unknown at this time because the bill provides for land exchange as well as purchase. The number of acres that might require purchase would be determined by the Department of Natural Resources after discussion with the property owners.

fl:bh



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER 50105	REMARKS Retula
DEPARTMENT POSITION Support - with amendments.			
PREPARED BY Habitat Div. - Debra Clausen		DATE 2/4/85	COMMISSIONER'S SIGNATURE <i>[Signature]</i>
			DATE 2/13/85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL DNR Matanuska Susitna Borough	CONSTITUENT GROUP(S) AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL Matanuska Susitna Borough (see attached resolution 85-12)	ORGANIZATIONAL OPPOSITION TO BILL None known

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The purpose of this bill is to provide protection for highly productive wetlands habitat in the Spring Creek area by adding it to the Palmer Hay Flats State Game Refuge. The wetlands proposed for addition provide important habitat for waterfowl, salmon, and moose populations. Addition of these lands will result in acquisition of key refuge access points.

ANALYSIS OF BILL/PROGRAM EFFECTS

The bill will provide protection to highly productive wetlands habitat by:

1. Expanding the boundary description of Palmer Hay Flats State Game Refuge to include the Spring Creek area.
2. Allowing for the addition of municipal lands within the Spring Creek area to Palmer Hay Flats State Game Refuge.
3. Allowing the Department of Natural Resources to acquire, through purchase or trade, private land determined desirable for inclusion in Palmer Hay Flats State Game Refuge.

The bill will enhance public access to the Refuge by directing the acquisition of key access points now in private ownership.

AMENDMENTS PROPOSED

Change AS 16.20.032(a)(2) Section 36: All [STATE TIDE AND SUBMERGED LAND]
(see attached continuation sheet)

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

PALMER HAY FLATS
A PROPOSAL TO EXTEND THE GAME REFUGE

BY
MICHAEL BRONSON
FOR
SEN. J. KERTTULA

NOVEMBER 30, 1984

PALMER HAY FLATS

CONTENTS

	PAGE
ABSTRACT	1
PROPOSED LEGISLATION	2
BACKGROUND INFORMATION	6
* HISTORY OF PROTECTION	6
* VALUE OF PROPOSED EXTENSION TO PUBLIC	8
* PLANS TO FILL WETLANDS	10
FIGURES	
ADDENDA	

ABSTRACT

THE LEGISLATURE IS REQUESTED TO EXTEND THE PALMER HAY FLATS STATE GAME REFUGE TO TAKE IN 916 ACRES OF WETLANDS ALONG THE GLENN HIGHWAY BY PURCHASE FROM WILLING SELLERS.

PARTS OF THIS OPEN AREA NEAR THE JUNCTION OF THE PARKS AND GLENN HIGHWAY ARE SCHEDULED FOR PRIVATE COMMERCIAL DEVELOPMENT. CURRENTLY, SEVERAL LAND OWNERS ARE CONSIDERING FILLING THE MARSHES FOR A TRUCK CARGO TRANSFER YARD, A RETAIL STORE BUILDING, A GRAVEL AIRSTRIP AND A 30-ACRE CAMPER PARK. SUCH USES, HOWEVER, WOULD REDUCE FISH AND GAME POPULATIONS AND PUBLIC ACCESS IN AS PRODUCTIVE AN AREA AS PARTS OF THE ADJACENT STATE GAME REFUGE.

THE WETLANDS OF THE PROPOSED EXTENSION ARE MOST VALUABLE TO THE PEOPLE OF ANCHORAGE AND THE MAT-SU BOROUGH JUST AS THEY ARE. THE CREEKS THROUGHOUT THE AREA ARE MAJOR FRY REARING GROUNDS FOR SILVER SALMON. RABBIT SLOUGH NEAR WASILLA CREEK GETS UP TO 6,000 FISHERMAN-DAYS OF USE PER YEAR. HUNTERS GAIN ACCESS TO THE REFUGE ACROSS PRIVATE LAND THERE AT THE RATE OF ABOUT 2,000 USER-DAYS PER YEAR. SMALL GAME IS HARVESTED BY HUNTERS AND TRAPPERS. MOOSE WINTER AND CALVE IN THE AREA, AND LARGE BIRDS OF PREY ARE COMMON YEAR ROUND.

VARIOUS GROUPS HAVE EXPRESSED INTEREST IN KEEPING THE HAY FLATS OPEN FOR ESTABLISHED OUTDOOR USES. AMONG THEM ARE THE AD HOC COMMITTEE FOR THE PALMER HAY FLATS, MAT-SU CHAPTER OF DUCKS UNLIMITED, MAT-SU CHAPTER OF ALASKA FUR TRAPPERS ASSOCIATION, ANCHORAGE AUDUBON SOCIETY, AND THE ALASKA CENTER FOR THE ENVIRONMENT. THE MAT-SU BOROUGH, ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, AND DEPARTMENT OF FISH AND GAME HAVE ALSO SHOWN SUPPORT OF STATE ACQUISITION OF THE AREA FROM WILLING SELLERS.

THE MINIMUM COSTS OF THE EXTENSION WOULD EQUAL \$535,000 (I.E. 1984 ASSESSED VALUATION) PLUS APPRAISAL FEES AND STAFF TIME. PRIVATE OWNERS IN THE AREA HOLD 786 ACRES ASSESSED AT \$470,300. THE MAT-SU BOROUGH OWNS 130 ACRES VALUED AT \$65,000. MANY OF THE 13 PRIVATE OWNERS ARE INTERESTED IN SELLING OR TRADING THEIR LAND. CURRENTLY, NO HOMES OR BUSINESSES EXIST IN THE PROPOSED EXTENSION.

PROPOSED LEGISLATION

THIS LEGISLATION WOULD EXTEND THE PALMER HAY FLATS STATE GAME REFUGE ALONG THE GLENN HIGHWAY TO TAKE IN AN ADDITIONAL 916 ACRES OF WETLANDS.

THE LEGISLATION WOULD BE IMPLEMENTED BY THE FOLLOWING MEANS:

- DIRECT THE DEPARTMENT OF NATURAL RESOURCES TO OFFER FAIR MARKET VALUE TO WILLING SELLERS AMONG THIRTEEN OWNERS OF 786 ACRES. OFFERS UNACCEPTED TWO YEARS AFTER THEY ARE TENDERED WILL BE WITHDRAWN. (TABLES 1 AND 2)
- DIRECT THE DEPARTMENT OF NATURAL RESOURCES TO OFFER STATE LAND IN TRADE FOR 130 ACRES OWNED BY THE MAT-SU BOROUGH. TRADES WOULD BE ON A DOLLAR-FOR-DOLLAR BASIS AND INVOLVE STATE LAND WITHIN THE MAT-SU BOROUGH.
- APPROPRIATE AT LEAST \$500,000 TO DEPARTMENT OF NATURAL RESOURCES FOR PURCHASES, APPRAISALS, AND SURVEYS. PARCELS SHOWN IN FIG. 1.
- TO PROTECT RESIDENTS ON THE BLUFF OVERLOOKING THE AREA, DISCHARGE OF FIREARMS NORTH OF THE RAILROAD TRACK IN THE PROPOSED EXTENSION WOULD BE DISALLOWED.
- THE ACQUIRED LAND WOULD BE MANAGED BY THE DEPARTMENT OF FISH AND GAME AS PART OF THE PALMER HAY FLATS STATE GAME REFUGE. SEE FIG. 2.

TABLE 1. LAND PARCELS IN PROPOSED GAME REFUGE EXTENSION

<u>R1ET17N PARCEL</u>	<u>OWNER</u>	<u>ACRES ON HAY FLATS</u>	<u>ON BLUFF</u>	<u>ASSESSED</u>
22 A2	Stanley Pleninger	16		\$ 8,100
22 A3	Lucille Martin	20	7	90,000
22 A4	c/o Bonnie McGee	38		19,000
22 B1	Jay Russell	100	8	54,000*
22 C1	Saxon Land Invest.	9		37,000
22 D1	Yvonne Cassity	151		75,500
27 A5	Painter's Local	34		17,000
27 A6	Ray Farrar	33.4		16,700
27 A9	Don Lyon	3		1,400
27 A10	KLH, Inc.	65		33,000
27 A11	Don Benson	86		42,000
27 B1	Glen Cope Estate	160		48,000
27 D2	Georgine Case	17.3		8,600
27 D3		0.3		100
27 D4	Tom Price	2		500
27 D5		51		18,400
	<u>Subtotal</u>	<u>786</u>		<u>\$470,300</u>
22 C2	Mat-Su Borough	82		
		<u>48</u>		
	<u>Subtotal</u>	<u>130</u>		<u>\$65,000</u>
	 TOTAL	 916 ACRES		 \$535,300

* Assessed value is land only; does not include SFD improvements on bluff portion of parcel

TABLE 2. PROPERTY OWNERS IN PROPOSED EXTENSION

<u>NAME AND ADDRESS</u>	<u>NOTES ON PROPERTY</u>
DONALD BENSON PO BOX 1330 PALMER AK 99645	HAS PERMIT FOR AIRSTRIP
GEORGINE CASE 2153 MANTZ STREET ASHLAND KENTUCKY 41101	UNDEVELOPED
YVONNE CASSITY 211 WEST COOK ANCHORAGE AK 99501	WAS INTERESTED IN DISCUSSING LAND TRADE WITH BOROUGH; TALKED TO MSB LAND MANAGER
GLEN COPE ESTATE C/O PO BOX 582 PALMER AK 99645	IN PROBATE; PUBLIC ACCESS FOR 8,000 ANNUAL USER-DAYS; ORAL EXPRESSION OF TRADE INTEREST BY HEIRS
RAY FARRAR 2508 STANLEY DRIVE ANCHORAGE AK 99502	ILLEGAL FILL FOR DEFUNCT SUBDIVISION
KLH, INC. PO BOX 858 PALMER AK 99645	UNDEVELOPED
DON LYON PO BOX 1525 EAGLE RIVER AK 99577	NEAR HIGHWAY PULL-OUT; ORAL EXPRESSION OF INTEREST IN BOROUGH TRADE
LUCILLE MARTIN C/O BONNIE MCGEE 4812 SUNDI DRIVE ANCHORAGE AK 99502	SWAMP AND CREEK AT JUNCTION OF PARKS AND GLENN HIGHWAY, PURCHASE WOULD REQUIRE LOT SPLIT
MATANUSKA-SUSITNA BOROUGH BOX B PALMER AK 99645	UNDEVELOPED; ROAD AND RAILROAD FRONTAGE
PAINTER'S LOCAL 1818 W, NORTHERN LIGHTS ANCHORAGE AK 99503	UNDEVELOPED
STANLEY PLENINGER 4159 HOOD STREET ANCHORAGE AK 99503	POSSIBLE TRUCK YARD ON SPRING CREEK AT HIGHWAY

NAME AND ADDRESS

NOTES ON PROPERTY

TOM PRICE
SRA 375-C
ANCHORAGE AK

APPLIED TO ARMY CORPS ENGINEERS
TO FILL FOR 30-ACRE CAMPER
PARK; CONTACTED BOROUGH ABOUT
INTEREST IN LAND TRADE

JAY RUSSELL
BOX 870792
WASILLA AK 99687

NORTHERN CORNER OF PARCEL ON
BLUFF CONTAINS RESIDENCE;
MOST OF PARCEL IS ON SPRING CR. ;
PURCHASE WOULD REQUIRE LOT SPLIT

SAXON LAND INVESTMENTS, LTD.
106 SOUTH MENTOR
PASADENA CALIF 91106

PLAN TO FILL SEVERAL "NON-WETLANDS"
ACRES NEAR HIGHWAY FOR RETAIL
BLDGS

BACKGROUND INFORMATION

HISTORY OF PROTECTION

- 1967 BOROUGH ZONES MOST OF PALMER HAY FLATS AS "RECREATIONAL."
- 1974 BOROUGH DENIES CHUGACH ELECTRIC ASSOCIATION TRANSMISSION LINE ACROSS FLATS FOLLOWING PUBLIC OBJECTIONS TO LINE.
- 1975 PALMER HAY FLATS STATE GAME REFUGE CREATED ON 26 SQUARE MILES OF STATE LAND (FIG. 2)
- 1983 PUBLICITY BEGINS OVER PLANS TO FILL IN PRIVATE WETLANDS.
- 1984
- JANUARY BOROUGH NOMINATES PALMER HAY FLATS AS "AREA MERITING SPECIAL ATTENTION" UNDER NEW COASTAL ZONE MANAGEMENT PLAN.
- MARCH PLANNING COMMISSION REFUSES TO ZONE MORE PRIVATE LAND ON PALMER HAY FLATS TO HALT COMMERCIAL USES.
- APRIL BOROUGH OFFERS TO TRADE FOR LAND ON HAY FLATS. MOST OWNERS EXPRESS INTEREST AT MEETING.
- APRIL EIGHT OWNERS OF LAND ON HAY FLATS INQUIRE TO WITH BOROUGH ABOUT TRADES (TABLE 3); SEPT. NO TRADES COMPLETED.
- JULY REX TURNER WITHDRAWS APPLICATION FOR FLOAT PLANE BASIN ON HAY FLATS IN FACE OF OPPOSITION IN BOROUGH.
- SEPT. 14 SENATOR KERTTULA SUGGESTS STATE ACQUIRE "PRIORITY" WETLANDS FROM WILLING SELLERS DURING MEETING WITH CITIZENS GROUP.
- SEPT. 17 DNR STAFF SUPPORTS PUBLIC ACQUISITION FROM WILLING SELLERS.
- SEPT. 18 BOROUGH ASSEMBLY WITHDRAWS OFFER TO TRADE.

TABLE 3. OWNERS INQUIRING WITH MAT-SU BOROUGH ABOUT
LAND EXCHANGES ON PALMER HAY FLATS

TERRY BEAL FOR F. BEAL

JERRY BROWN

YVONNE CASSITY

DON MCGEE FOR L. MARTIN

TOM PRICE

KAREN ROUSEY

CAROL STRAUN

JANET STOUT

VALUE OF PROPOSED EXTENSION TO PUBLIC

THE PRIVATE WETLANDS NEAR SPRING CREEK AND RABBIT SLOUGH ARE PRODUCTIVE IN FISH AND GAME, AND SUSTAIN HIGH LEVELS OF USES INCOMPATIBLE WITH COMMERCIAL DEVELOPMENT.

HUNTING AND FISHING

RABBIT SLOUGH GETS UP TO 6,000 FISHERMAN-DAYS PER YEAR (FIG. 3, TABLE 3). MOST OF THIS USE IS ANGLERS FROM ANCHORAGE AND VALLEY FISHING WITH PERMISSION ON PRIVATE LAND FOR SILVER SALMON AND DOLLY VARDEN TROUT (ADF&G ANNUAL REPORT, 1977-1983). IN ADDITION, RABBIT SLOUGH IS AN ACCESS ROUTE TO THE GAME REFUGE FOR DUCK HUNTERS AT THE RATE OF ABOUT 2,000 USER-DAYS PER YEAR (JACK DIDRICKSON, PALMER AREA GAME BIOLOGIST, ADF&G, PERSONAL COMMUNICATION).

THE PROPOSED EXTENSION AND ADJACENT PRIVATE LANDS ALSO CONTAIN PRODUCTIVE SMALL GAME HABITAT. SNOWSHOE HARES ARE ABUNDANT. AS IN 1983 AND 1984, THE AREA WAS EXTENSIVELY HUNTED (PERSONAL OBSERVATION). MOREOVER, SOME 50 PEOPLE TRAP FURBEARERS ON THE PALMER HAY FLATS (JIM RIESE, PRES., MAT-SU CHAPTER, ALASKA FUR TRAPPERS ASSOC.). AN UNKNOWN NUMBER OF THESE PERSONS TRAP PARTS OF THE PROPOSED GAME REFUGE EXTENSION. MOST OF THEM ARE TRESPASSING.

SALMON REARING

SPRING CREEK AND RABBIT SLOUGH ARE MAJOR REARING AREAS FOR SILVER SALMON FRY. TRAPPING DATA INDICATE LARGE NUMBERS OF YOUNG SALMON THROUGHOUT THE PROPOSED EXTENSION (TABLE 4 AND UNPUBLISHED DATA ADF&G, PALMER). SOME EGGS ARE SPAWNED THERE, BUT MOST FRY PROBABLY MIGRATE TO THE AREA FROM WASILLA CREEK AND THE MATANUSKA RIVER (LARRY ENGELS, PALMER AREA FISHERIES BIOLOGIST, PERSONAL COMMUNICATION). FRESHWATER SLOUGHS AND MARSHES ARE CRITICAL TO SILVER SALMON POPULATIONS BECAUSE THE FISH SPEND ABOUT HALF THEIR LIVES IN SUCH HABITAT.

AESTHETICS

NON-CONSUMPTIVE PUBLIC USE IS ALSO SIGNIFICANT ON THESE PRIVATE WETLANDS NORTH OF THE REFUGE. SEVERAL DOZEN BIRD WATCHERS FREQUENT THE SPRING CREEK AREA ANNUALLY (THEDE TOBISH, PRES., ANCHORAGE AUDUBON SOCIETY, PERSONAL COMMUNICATION). LARGE HAWKS AND OWLS ARE COMMON THERE YEAR ROUND, AND WATERBIRDS ARE NUMEROUS DURING MIGRATION.

TRAVELERS APPRECIATE THE AREA'S OPEN SPACE AS WELL. ON AN AVERAGE DAY, 10,000 VEHICLES CROSS THE PALMER HAY FLATS ON THE GLENN HIGHWAY. NO HOMES OR BUSINESSES EXIST ON THE PRIVATE LANDS AND THE AREA IS INDISTINGUISHABLE FROM THE ADJOINING GAME REFUGE. AS TWO MEMBERS OF THE BOROUGH ASSEMBLY NOTED, THE HAY FLATS IS THE "GATEWAY TO THE MATANUSKA VALLEY" AND THE LAST REMAINING BUFFER ZONE BETWEEN THE VALLEY AND ANCHORAGE.

TABLE 4. FISHING ON RABBIT SLOUGH (ADF&G ANNUAL REPORTS)

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
FISHING-DAYS	2805	3446	4024	5726	4019	6261	3239
NO. SILVER SALMON	472	2112	1211	3555	814	1624	345
NO. DOLLY VARDEN	328	325	364	189	690	1289	1290

PLANS TO FILL WETLANDS

DURING THE PAST YEAR, FOUR LAND OWNERS EXPRESSED PLANS TO FILL IN AREAS ALONG THE GLENN HIGHWAY ON THE PALMER HAY FLATS. SEE FIG. 4.

THOMAS PRICE OF ANCHORAGE APPLIED TO THE U. S. ARMY CORPS OF ENGINEERS TO FILL IN 30 ACRES OF WETLANDS ALONG RABBIT SLOUGH FOR A CAMPER PARK.

DONALD BENSON OF PALMER HAS AN ARMY CORPS OF ENGINEERS PERMIT TO CONSTRUCT A HALF-MILE LONG GRAVEL AIRSTRIP EXTENDING WESTWARD FROM THE GLENN HIGHWAY. THE FILL WOULD SUPPORT SHOP BUILDINGS AND A PARKING LOT NEAR THE HIGHWAY.

SAXON LAND INVESTMENTS, LTD., A HOLDING COMPANY ASSOCIATED WITH TURNER CONSTRUCTION CO. OF EAGLE RIVER, HAS PUBLICIZED PLANS TO FILL PARTS OF A NINE-ACRE PARCEL ADJACENT TO THE HIGHWAY FOR RETAIL BUILDING. THE ARMY CORPS OF ENGINEERS EARLIER DENIED PERMISSION TO FILL IN THE WETLANDS PORTION OF THIS SITE.

THE MAT-SU BOROUGH PLANNING STAFF SAYS IT WAS APPROACHED REGARDING THE PROPERTY OF STANLEY PLENINGER ON SPRING CREEK. AN AGENT WAS INVESTIGATING THE FEASIBILITY OF A CARGO TRANSFER YARD THERE. NO APPLICATIONS FOR WETLANDS FILL HAVE BEEN SUBMITTED SO FAR, HOWEVER.

Proposed extension of Palmer Hay Flats State Game Refuge

Fig. 1 Land owners

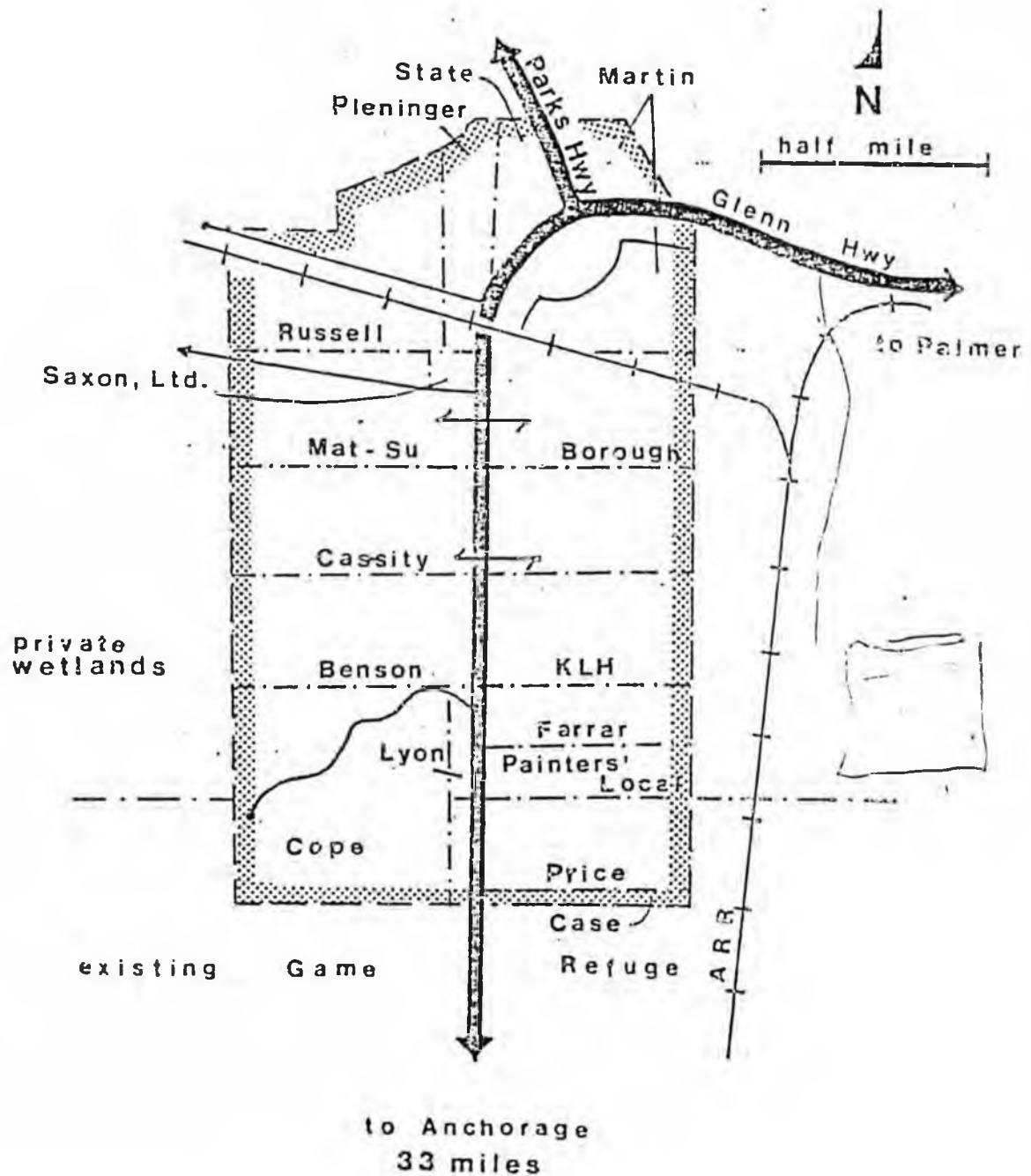
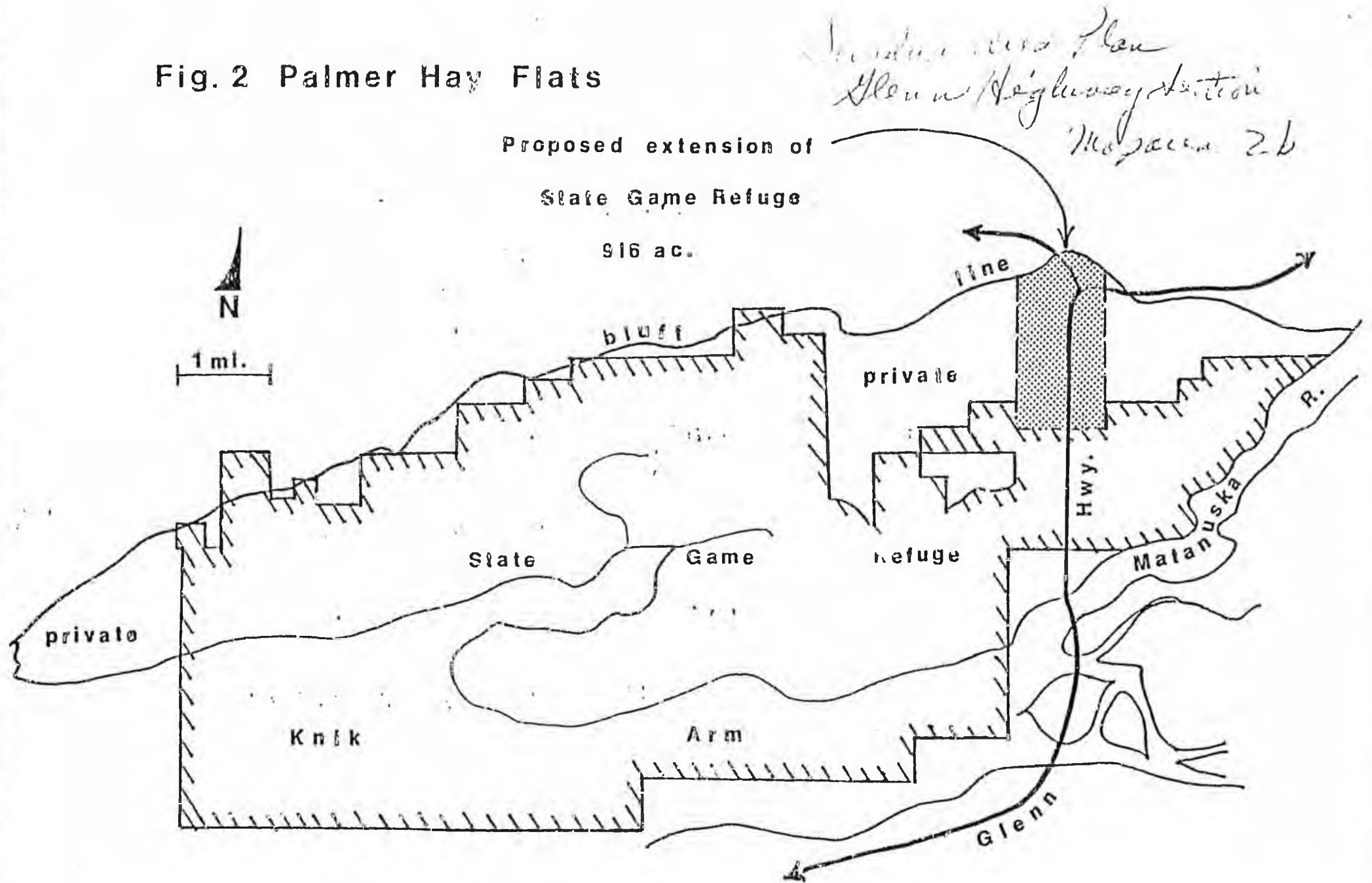


Fig. 2 Palmer Hay Flats

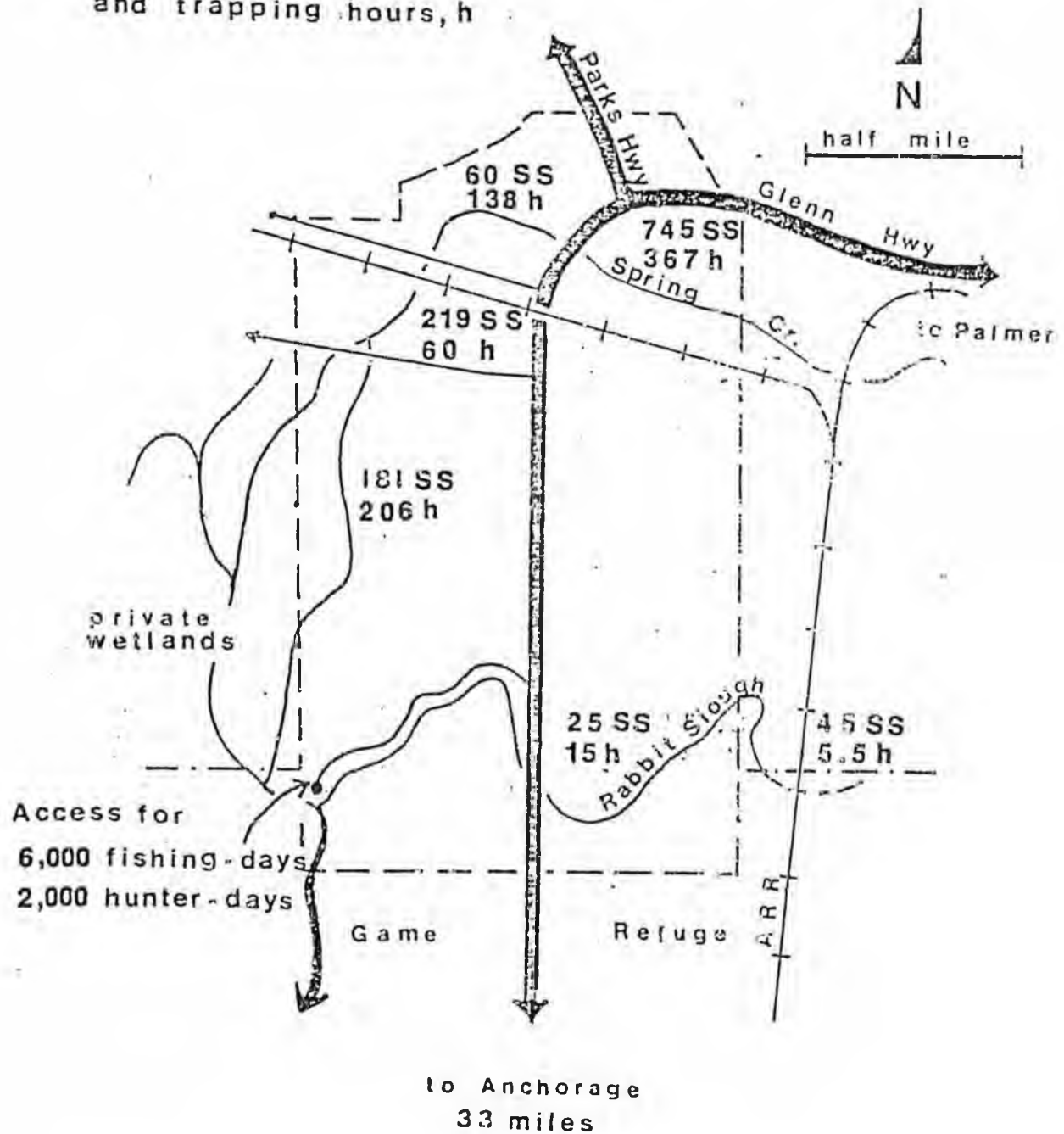


Proposed extension of Palmer

Hay Flats State Game Refuge

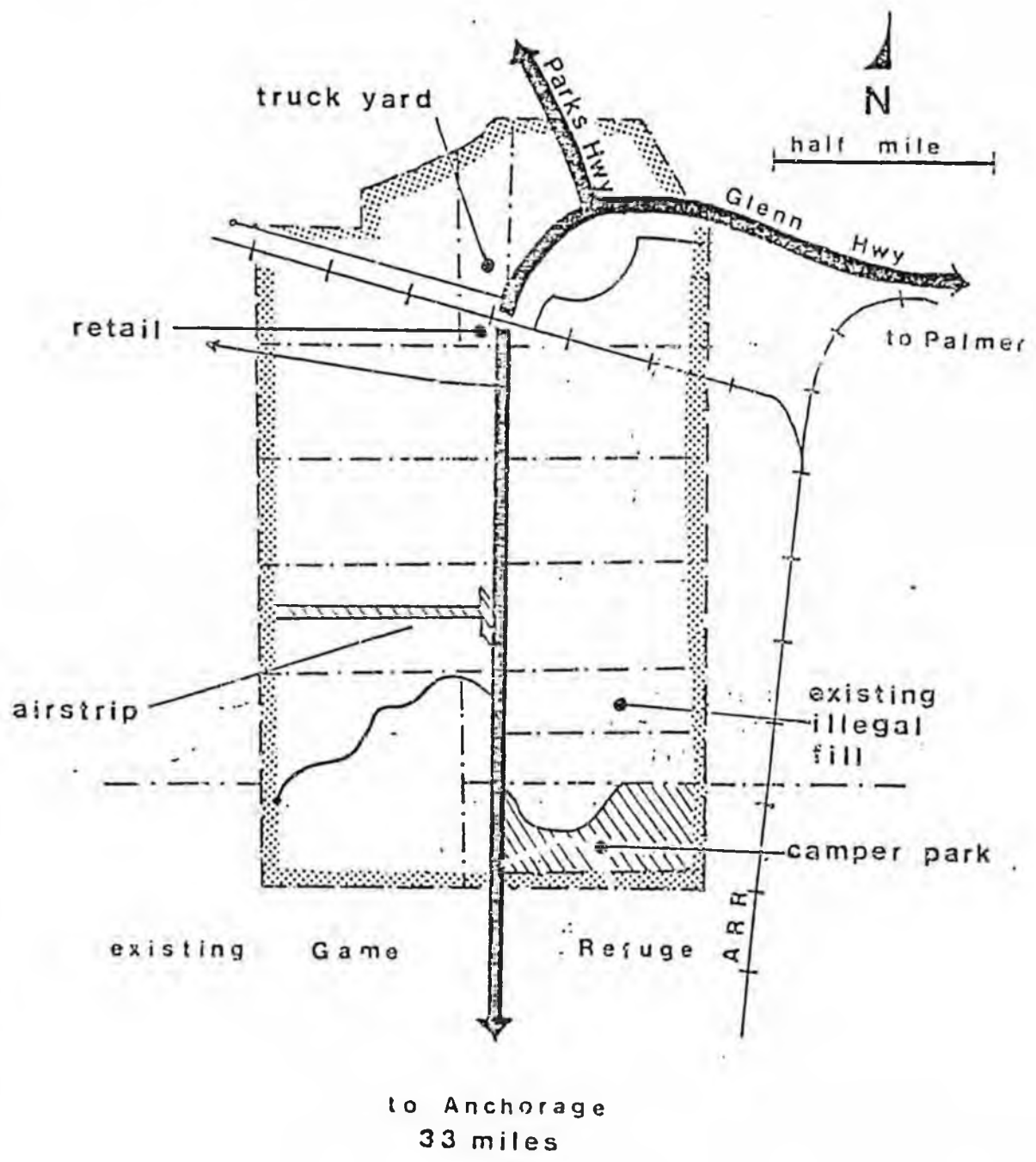
LIVE-TRAPPING DATA FROM STREAMS

Fig. 3 Silver salmon fry, SS,
and trapping hours, h



Proposed extension of Palmer Hay Flats State Game Refuge

Fig.4. Fill proposals



MATANUSKA-SUSITNA BOROUGH

RESOLUTION SERIAL NO. 85- 12

A RESOLUTION OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH SUPPORTING THE EXTENSION OF THE PALMER HAY FLATS STATE GAME REFUGE AND THE INCLUSION WITHIN THE EXTENSION OF APPROXIMATELY 130 ACRES OF BOROUGH LAND

WHEREAS, the Palmer Hay Flats is the gateway to the Matanuska-Susitna Borough; and

WHEREAS, the Hay Flats is currently the home of many species of wildlife and is important to the fishery resources; and

WHEREAS, most of the land proposed for the extension of the Palmer Hay Flats Game Refuge is wet and unsuitable for development; and

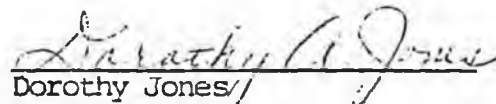
WHEREAS, this area receives intense recreational use throughout the year; and

WHEREAS, the State is in the process of trying to obtain funds to buy private property adjacent to the Flats in order to extend the refuge; and

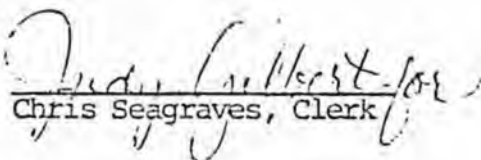
WHEREAS, the Assembly supports the extension of the refuge to ensure the open natural character of the land will remain as the gateway to the Borough.

NOW, THEREFORE, BE IT RESOLVED that if the State can obtain funds to buy private properties to extend the Palmer Hay Flats Game Refuge, the Borough will include, under State management, the 130 acres that

have been selected and conveyed to the Borough lying adjacent to the
Palmer Hay Flats Game Refuge.


Dorothy Jones/
Deputy Mayor

ATTEST:


Chris Seagraves, Clerk

REVIEWED AND APPROVED:


Gary Thurlow, Manager

MATANUSKA-SUSITNA BOROUGH

FEB 8 1985

BILL ANALYSIS

Bill No. <u>SB 105</u>	Sponsor <u>Kerttula</u>
Borough Position <u>Support</u>	Borough Contact Person <u>Rob Stickles</u>

Similar Bills <u>None</u>	Conflicting Bills <u>None</u>
Organizational Support <u>ADF&G Local Groups</u>	Organizational Opposition <u>Unknown</u>

Fiscal Impact On Borough	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Operating _____	Capital _____	

Proposed Amendments:
NONE

Comments:

The Assembly passed a resolution that will allow for the donation of 135 acres of Borough land to the expanded Palmer Hay Flats State Game Refuge if this legislation passes. Copy of resolution attached.

February 6, 1985

FEB 12 1985

Senator Arliss Sturgulewski
Chairman Resources Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

It is with a deep sense of urgency that I request your full support for passage of Senate Bill No. 105, introduced by Senator Kerttula.

I have lived in the Matanuska Valley for seven years and have grown to deeply appreciate the many values associated with the Palmer Hay Flats area. As a daily commuter to Anchorage, the "flats" provides an oasis of aesthetic quality in what otherwise has become a 45 mile strip development. Coincidentally, it is the safest part of the trip due to the lack of development. Any development along this single lane stretch of the Glenn Highway would create a horrendous safety hazard.

As a consumptive user of the fish and wildlife resources of this great state, I have become intimately familiar with those resources in the "flats" area. I have also seen the number of other users increase tremendously the past few years. Not only hunters, fishermen and trappers, but general recreationists as well. A great number of these users are Anchorage residents and non-residents. As you are well aware, the degree of access is a key factor to recreational use in any area. The location of the "flats" is ideal for serving well over 50% of the recreational users in the state. I, as well as others, especially enjoy the area as a place to share these experiences with our children without making a major expedition. It is also an ideal educational area and is used as such by local educators. Concurrent, with the rapid development in the valley, I have seen fish and wildlife resource habitats dwindle, thereby enhancing the importance of remaining areas, such as the Palmer Hay Flats.

As a business owner in Palmer, I have enjoyed watching the valley grow and have shared in some of the associated benefits. I have also experienced a growing concern that we are destroying many of the qualities which make the valley so attractive. This is due to a large extent by our failure to recognize these qualities and place them in a proper perspective, equal to strictly economic interests.

in view of declining state revenues, the relatively small cost associated with protecting a natural resource of this importance and magnitude is a bargain that should not be ignored.

Your support for this bill will help assure preservation of this beautiful natural area for the enjoyment of untold numbers of future Alaskans.

Sincerely,



Gary Stackhouse

cc: all Resources Committee members

FEB 14 1985

P.O. Box 873496
Wasilla, AK 99687
Feb. 7, 1985

Senator Arliss Sturgulewski
State Capitol
Pouch V
Juneau, AK 99811

Dear Senator Sturgulewski:

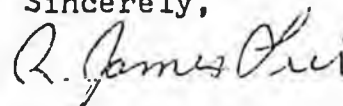
Senate Bill 105, an important first step in allowing for expansion of the Palmer Hay Flats State Game Refuge, will come before your committee for consideration. I urge you to support this bill.

As you may know, SB 105 would authorize land trades and buyouts of privately held land within a 910-acre strip running south along the Glenn Highway from the Parks Highway intersection. As an amateur ornithologist, I am a frequent visitor to the Hay Flats. It is what we call in the trade a "birding hot spot." Waterfowl and shorebirds by the thousands use this area as both a breeding and feeding grounds.

I feel that commercial development in the area covered by SB 105 would adversely affect the potential recreational birding opportunities both within the 910-acre site and in adjacent land. I, for one, would not look forward to viewing the backs of supermarkets and gas stations during my treks through the wetlands. Likewise, my friends who hunt and fish in this area assure me that shopping mall parking lots are most unproductive.

Considering the number of user days in the refuge last year (2,000 hunting days and 8,000 fishing days according to the Alaska Department of Fish and Game) there is demonstrated public interest in expanding the refuge. The Mat-Su Borough Assembly has recognized this and has passed a resolution in support of SB 105. I hope that you also can give it your support.

Sincerely,



R. James Frei

cc. Sen. Fahrenkamp
Sen. Eliason
Sen. Zharoff
Sen. Coghill
Sen. V. Fischer
Sen. DeVries
Rep. Hurley
Rep. Larson

FEB 19 1985

Feb. 13, 1985
PO Box 2176
Palmer, Alaska
99645

Senator Arliss Sturgulewski
Resources Committee
Pouch V
Juneau, Alaska 99811

Dear Senator,

I urge your support of SB105, the Palmer Hay Flats bill. This legislation is a fair solution to the problem of commercial development in a regionally popular hunting and fishing area. It would offer land or money to the land owners along part of the Glenn Highway in order to extend the boundary of the Palmer Hay Flats State Game Refuge. The extension would cover 910 acres of wetlands and salmon streams, if owners were willing to accept state offers at market value.

Parts of the Palmer Hay Flats near the junction of the Parks and Glenn Highway are scheduled for private commercial development and land fill. Currently, several owners are considering a truck cargo yard, a retail building, a gravel airstrip, and a 30-acre trailer park. Such uses, however, would reduce salmon and furbearer populations and public access in "the gateway to the Matanuska Valley."

The wetlands of the proposed game refuge extension are most valuable to the residents of southcentral Alaska just as they are now. The creeks are a major fry rearing area for the silver salmon of Knik Arm, according to data from ADF&G and USFWS. Rabbit Slough gets up to 6,000 fisherman-days of use per year, and yields a harvest of about 1,500 fish annually, mainly silvers and Dolly Varden. Rabbits and furbearers are numerous and are hunted and trapped to capacity.

About 12,000 people per day drive across these wetlands. Many are commuters homebound from Anchorage, and are happy to encounter real Alaskan wide-open spaces after their long drive. The proposed extension currently holds no homes or businesses. It is indistinguishable from the adjoining 26 square-mile game refuge, and is perhaps the most visible wetland area in the state.

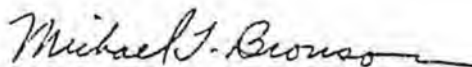
Support for SB105 comes from several sources. Among them is the ad hoc Committee for the Palmer Hay Flats, an informal citizens' group originally concerned with disappearing resources on the Hay Flats. Also in support is the Mat-Su chapter of Ducks Unlimited, a hunting group, the Alaska Frontier Trappers Association, the Northern District Setnetters Association of Upper Cook Inlet, Anchorage Audubon Society, and Alaska Center for the Environment with members in Anchorage and the Mat Valley.

Governmental groups also back the measure. The Matanuska-Susitna Borough Assembly resolved on January 22, 1985, to allow the state to manage its 136 acres in the area as part of the game refuge, providing the legislation passes. The Mat-Su Borough Planning Commission has more recently concurred. Commissioner Collingsworth has written a letter of support for ADF&G. Finally, Mr. Jim Barnett of DNR writes that the final Susitna Area Plan will have new language stating that public acquisition of private lands from willing sellers in this part of the Hay Flats is appropriate.

The attitude of the thirteen land owners has been cautious, but encouraging, in my opinion. I have written each of them a letter accompanied by a copy of SB105 to keep them abreast of the situation. Some are anxious to talk to the state about trades or purchases. One or two are suspicious of the move. Most, however, hold a "wait and see" position.

As Alaska's population grows, accessible recreational and scenic areas will become fewer and more valuable. Now is the best time for the state to acknowledge its responsibility to maintain traditional uses of such areas as the Palmer Hay Flats.

Sincerely,



Michael T. Bronson

cc: Senate Resources Committee

FEB 22 1985

February 20, 1985

Re: SB 105, Palmer Hay Flats

Dear Senator Sturgulewski:

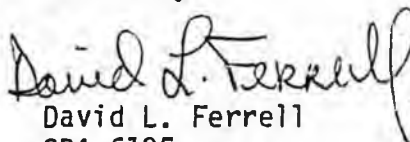
As a ~~resident of the~~ Mat-Su Valley, I would like to express my support for Senate Bill 105 to extend the Palmer Hayflats State Game Refuge. A number of ~~concerned citizens~~ are troubled about a series of proposed developments in the wetlands and salmon streams on the Hayflats along the Glenn Highway. There is a strong sentiment that it is the responsibility of the State of Alaska to protect these resources for all Alaskans. The most permanent form of protection is to place these lands in the public domain. Incorporation of these lands into the Palmer Hayflats Game Refuge is the most expedient and logical manner in which to accomplish this.

Recently the Mat-Su Assembly passed a unanimous Resolution to add 130 acres of Borough land if the State would purchase 786 acres of private land from willing sellers. I have followed events in the Hayflats over the past several years and have come to realize that Local, State and Federal agencies have consistently recommended that development in this area not be permitted. It appears that private property owners would be more than willing to sell their land to the State, as the land is unsuitable to build on and permits are difficult, if not impossible, to obtain.

I would like to inform you that Spring Creek, a salmon stream which flows through these lands, provides some of the best silver salmon habitat in the Valley. The stream provides "nursery grounds" for large numbers of juvenile silver salmon. The dollar value of this stream to sport and commercial fishermen may very likely exceed the dollar cost of purchasing these lands. The Mat-Su Borough is so intent on protecting this area that it has a program to swap uplands for wetlands. All of this leads me to conclude that the public wants this area maintained in its present natural condition. The passage of SB 105 is obviously in the Public Interest.

I would like to be kept advised of the progress of SB 105 and would like to receive copies of the minutes of the discussions that take place when this bill reaches the Resources Committee.

Sincerely



David L. Ferrell
SRA 6105
Palmer, AK 99645
(745-6575)

cc: Fahrenkamp
Eliason
Zharoff
Halford
Coghill
V. Fischer
Devries
Hurley
Bronson

COMMITTEE REPORT
SENATE

FURTHER FINANCE

1/28/85

Mr. President

The Committee on RESOURCES considered SB 105
relating to the Palmer Hay Flats State Game ~~Area~~; efd.

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 SB 105 (Resources)
- 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

Betty Haberkamp
Debra Larson
Rich Haggard
John [unclear]
John [unclear]

MEMBERING
OTHER RECOMMENDATIONS

Chris Stungulovich
 Chairman
 Pass
 Chair recommendation

Offered: 3/4/85
Referred: Finance

Original sponsor: Kerttula

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

CS FOR SENATE BILL NO. 105 (Resources)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the Palmer Hay Flats State Game
7 Refuge; and providing for an effective date."

7

8

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

9

* Section 1. The legislature determines that wetlands important to the
10 protection of waterfowl and salmon in the Spring Creek area lie outside of
11 the boundaries of the Palmer Hay Flats State Game Refuge. The Spring Creek
12 area also provides one of the major public access points to the hay flats
13 although the land is privately owned. The legislature therefore determines
14 that it is in the public interest to protect the Spring Creek wetlands
15 through extension of the Palmer Hay Flats State Game Refuge under this Act.

16

* Sec. 2. AS 16.20.032(a) is amended to read:

17

(a) The following state-owned land and water is established as
18 the Palmer Hay Flats State Game Refuge:

19

(1) Township 16 North, Range 1 West, Seward Meridian

20

Sections 1 - 12 inclusive

21

Section 13: N1/2

22

Sections 14 - 18 inclusive

23

(2) Township 17 North, Range 1 West, Seward Meridian

24

Section 25: All

25

Section 26: S1/2, S1/2N1/2, N1/2NE1/4, NE1/4NW1/4

26

Section 27: S1/2, SE1/4NE1/4

27

Section 31: Lot 4, SE1/4, E1/2SW1/4, SE1/4NE1/4,

28

S1/2SW1/4NE1/4

29

Section 32: S1/2, S1/2NE1/4, NE1/4NE1/4,

1 SE1/4NW1/4
2 Section 33: All
3 Section 34: All
4 Section 35: All
5 Section 36: All
6 (3) Township 17 North, Range 1 East, Seward Meridian
7 Section 22:
8 excluding NW1/4NW1/4
9 excluding NE1/4NE1/4NE1/4
10 excluding N1/2NE1/4NW1/4
11 Section 27:
12 excluding S1/2S1/2
13 Section 28: N1/2SE1/4
14 Section 31: Lots 5, 7, 8, 9, 10
15 Section 32: NE1/4
16 Section 33: SW1/4NW1/4, including all state tide
17 and submerged land
18 (4) Township 16 North, Range 1 East, Seward Meridian
19 Section 4, 5, 6, 7, 8, 9: All
20 Section 17: N1/2
21 Section 18: N1/2
22 All state tide and submerged land
23 (5) Township 16 North, Range 1 East, Seward Meridian
24 Section 2: Portion lying west of the Alaska
25 Railroad
26 Section 3: Lot 1, excluding portions lying east
27 of the Alaska Railroad centerline, Lots, 2, 3,
28 4, 5, 6, NW1/4, NW1/4, NE1/4
29 Section 10: Lots 1, 2, 3, 4, 6, and portions

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

lying west of the Alaska Railroad

Section 15: All state land lying north of the south bank of the Knik River and west of the Alaska Railroad

Section 16: All state land lying north of the south bank of the Knik River

* Sec. 3. The commissioner of natural resources shall include land acquired from the Matanuska-Susitna Borough in the Palmer Hay Flats State Game Refuge established under AS 16.20.032.

(a) The commissioner of natural resources may dispose of state land located within the Matanuska-Susitna borough in exchange for privately owned land determined desirable for inclusion in the Palmer Hay Flats State Game Refuge. The commissioner of natural resources may also offer to purchase at fair market value from willing sellers privately owned land determined desirable for inclusion in the Palmer Hay Flats State Game Refuge.

(b) An offer made by the commissioner of natural resources under this section for a purchase or exchange that remains unaccepted for two years after tender is withdrawn.

(c) An exchange or purchase authorized under (a) of this section shall be accomplished under AS 38.50.

(d) The commissioner of natural resources shall include land acquired under this section in the Palmer Hay Flats State Game Refuge established under AS 16.20.032.

* Sec. 5. This Act does not prohibit expansion or improvement to the Glenn Highway or the Parks Highway, the potential Wasilla Bypass, or the construction of the interchange at the Parks and Glenn Highways.

* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.070(c).

Introduced: 1/28/85
Referred: Resources and
Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 105

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Palmer Hay Flats State Game
7 Refuge; and providing for an effective date."

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

9 * Section 1. The legislature determines that wetlands important to the
10 protection of waterfowl and salmon in the Spring Creek area lie outside of
11 the boundaries of the Palmer Hay Flats State Game Refuge. The Spring Creek
12 area also provides one of the major public access points to the hay flats
13 although the land is privately owned. The legislature therefore determines
14 that it is in the public interest to protect the Spring Creek wetlands
15 through extension of the Palmer Hay Flats State Game Refuge under this Act.

16 * Sec. 2. AS 16.20.032(a) is amended to read:

17 (a) The following state-owned land and water is established as
18 the Palmer Hay Flats State Game Refuge:

19 (1) Township 16 North, Range 1 West, Seward Meridian

20 Sections 1 - 12 inclusive

21 Section 13: N1/2

22 Sections 14 - 18 inclusive

23 (2) Township 17 North, Range 1 West, Seward Meridian

24 Section 25: All

25 Section 26: S1/2, N1/2NE1/2, N1/2NE1/4, NE1/4NW1/4

26 Section 27: S1/2, E1/4NE1/4

27 Section 31: Lot 4, SE1/4, E1/2SW1/4, SE1/4NE1/4,

28 S1/2SW1/4NE1/4

29 Section 32: S1/2, S1/2NE1/4, NE1/4NE1/4,

1 SE1/4NW1/4
2 Section 33: All
3 Section 34: All
4 Section 35: All
5 Section 36: All state tide and submerged land
6 (3) Township 17 North, Range 1 East, Seward Meridian
7 Section 22:
8 excluding NW1/4NW1/4
9 excluding NE1/4NE1/4NE1/4
10 excluding N1/2NE1/4NW1/4
11 Section 27:
12 excluding S1/2S1/2
13 Section 28: N1/2SE1/4
14 Section 31: Lots 5, 7, 8, 9, 10
15 Section 32: NE1/4
16 Section 33: SW1/4NW1/4, including all state tide
17 and submerged land

18 (4) Township 16 North, Range 1 East, Seward Meridian
19 Section 4, 5, 6, 7, 8, 9: All
20 Section 17: N1/2
21 Section 18: N1/2
22 All state tide and submerged land

23 * Sec. 3. (a) The commissioner of natural resources may dispose of
24 state land located within the Matanuska-Susitna borough in exchange for
25 135.6 acres now owned by the Matanuska-Susitna Borough in the area of
26 Spring Creek near the Palmer Hay Flats State Game Refuge.

27 (b) The exchange permitted under this section shall be accomplished
28 under AS 38.50.

29 (c) The commissioner of natural resources shall include the land

1 acquired from the Matanuska-Susitna Borough under this section in the
2 Palmer Hay Flats State Game Refuge established under AS 16.20.032.

3 * Sec. 4. (a) The commissioner of natural resources may dispose of
4 state land located within the Matanuska-Susitna borough in exchange for
5 privately owned land determined desirable for inclusion in the Palmer Hay
6 Flats State Game Refuge. The commissioner of natural resources may also
7 offer to purchase at fair market value privately owned land determined
8 desirable for inclusion in the Palmer Hay Flats State Game Refuge.

9 (b) An exchange or purchase authorized under (a) of this section
10 shall be accomplished under AS 38.50.

11 (c) The commissioner of natural resources shall include land acquired
12 under this section in the Palmer Hay Flats State Game Refuge established
13 under AS 16.20.032.

14 * Sec. 5. An offer made by the commissioner of natural resources under
15 this Act for a purchase or exchange that remains unaccepted for two years
16 after tender is withdrawn.

17 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).