

H B

280

# STATE OF ALASKA THE LEGISLATURE

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

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1986

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

Jeanie Henry

SENATE RESOURCES COMMITTEE		4/29/85, 1:35
"	"	5/1/85, 1:35
"	"	5/3/85, 1:35

# 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

April 27, 1985

TO: All Members  
Senate Resources Committee

FROM: Staff *A*  
Senate Resources Committee

RE: CSSS HB 280 (Finance) "An Act creating the Anchor River and Fritz Creek Critical Habitat Area."

CSSS HB 280 (Finance) would establish a 19,000 acre critical habitat area six miles north of Homer along the Anchor River and Fritz Creek drainages.

This area would be managed as a critical habitat area but would allow for construction of a dam and reservoir for a municipal water source if necessary in the future. Valid existing rights and interests in this area are protected and future conveyances may occur as long as they are compatible with the creation of the critical habitat area. At the present time, some of the lands in the eastern portion of the area are under review for possible conveyance to the Kenai Borough or the University of Alaska. The Department of Natural Resources will provide a review of this matter at the public hearing.

The bill also calls for a management plan to be completed by July 1, 1989 by the Department of Fish and Game in consultation with the Department of Natural Resources and the concurrence of the Kenai Peninsula Borough for any of its lands with critical habitat area.

The fiscal note is zero.

Enclosures:

1. Fiscal note
2. The Anchor River/Fritz Creek Critical Habitat Area Proposal
3. ADF&G memo reviewing permitted activities in critical habitat areas
4. Letters of support for the creation of the Anchor River/Fritz Creek Critical Habitat Area

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CS 55 HB 280 (FIN)  
 Title: Anchor River Critical  
Habitat

Sponsor: Navarre and Goll  
 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
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>		-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

Prepared By: Mike Vediner  
 Division: Land and Water Management

Phone: 465-2400  
 Date: March 28, 1985

Approved by Commissioner: Robert D. Arnold  
 Agency: Department of Natural Resources

Date: March 28, 1985

Distribution (by Agency preparing fiscal note):

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

7/1/84

082

FROM THE OFFICE OF  
REP. MIKE NAVARRE  
FOR YOUR INFORMATION

A PROPOSAL

THE ANCHOR RIVER/FRITZ CREEK CRITICAL HABITAT AREA

Submitted by:

Kenai Peninsula Critical Habitat Task Force

Dave Vanderbrink, Chairman  
P.O. Box 1236  
Homer, Alaska 99603

235-8784

Lynn Whitmore

235-7220

Bob Moss

235-8788

John H. McLay

235-8816

Allen S. Davis

235-8626

Derek Stonorov

235-8273

December 17, 1984

AREA NAME

Anchor River/Fritz Creek Critical Habitat Area

PURPOSE

The primary purpose of the proposed special area is to protect and maintain critical moose winter habitat along the upper Anchor River and Fritz Creek drainages. A secondary purpose is to protect the habitats of salmonid fishes and other wildlife which occur along these drainages. These lands would be managed by the Alaska Department of Fish and Game (ADF&G).

LEGAL DESCRIPTION

T4S, R13W, Seward Meridian

Sections: 25, 35 and 36.

T5S, R14W, Seward Meridian

Sections: 13, NE $\frac{1}{2}$ 20, 21, 22, 23, 24, N $\frac{1}{2}$ 26, N $\frac{1}{2}$ 27 and N $\frac{1}{2}$ 28.

T5S, R13W, Seward Meridian

Sections: 2, 3, E $\frac{1}{2}$ 4, S $\frac{1}{2}$ 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, W $\frac{1}{2}$ 21 and 24.

T5S, R12W, Seward Meridian

Sections: 17, 18, 19 and 20

AREA DESCRIPTION

The proposed special area is located approximately 6 miles due north of the City of Homer on the lower Kenai Peninsula, Alaska (see Appendix A). It is approximately 19,000 acres in size, and includes most of the upper Anchor River valley and the adjacent sloping uplands, the area known as "Beaver Flats", and the headwaters of Fritz Creek. The main

valley consists of a relatively narrow valley floor with a meandering stream, moderately steep hillsides which flank either side of the valley floor, and numerous small tributaries. Vegetation along the Anchor River is comprised of a mosaic of willow thickets, grass/forb meadows, scattered Sitka spruce, and clumps of cottonwood; mature Sitka spruce forests and stands of alder on the adjacent hillsides; dense willow thickets along small tributaries; and spruce forests and open meadows on gently sloping ground above 1,000 feet elevation. The extensive muskeg along Beaver Creek supports low heath shrubs and willows. The terrain in the headwaters of Fritz Creek is gently sloping; and the vegetation consists of an open spruce forest with a dense understory of willows in the bottomlands, and mixed spruce forests and open meadows at higher elevations.

#### WILDLIFE RESOURCE VALUES

The Anchor River valley and Fritz Creek drainages function as moose winter habitat. Aerial survey information collected by the ADF&G indicates between 300 and 500 moose concentrate in this area during average winters. A density of 23 moose per square mile were documented on Beaver Flats in 1983. The riparian habitats along these drainage systems provide moose with a concentrated food supply in the form of willow browse, adjacent resting and hiding cover in the form of spruce forests, and an environment where snow accumulations are normally small enough to not impede winter feeding activities. The existence of areas which provide these elements is absolutely essential to winter survival of moose on the lower Kenai Peninsula.

The Anchor River is spawning and rearing habitat for king salmon, coho salmon, steelhead/rainbow trout, and dolly varden char. These habitats are also essential with respect to the life cycle and perpetuation of these species.

Riparian habitats such as those found in the proposed special area are important to a variety of other wildlife. Spawning salmon along the Anchor River are important food sources for brown bear, black bear and bald eagles. Stands of mature cottonwoods at the western end of the proposed area have been used by bald eagles for nesting. The valley serves as a travel corridor for most species of big game, furbearers and small forms of wildlife.

#### RECREATIONAL USES

The Anchor River valley and Fritz Creek drainages are popular recreation areas. In recent years uses have included hunting, trapping, fishing, wildlife viewing and photography, general hiking, snowmachining, snowshoeing, and nordic skiing. ADF&G records show that in the 1983 moose season 25% of the bull harvest (n=61) was taken in the Anchor River drainage. Beaver, river otter, mink, coyote, and wolf are the furbearers most commonly taken in this area. Sport fishing for salmon is prohibited in the proposed special area, but trout and char fishing are allowed from July through December. Snowmachining, snowshoeing, and nordic skiing occur throughout the area during most winters. All of the above recreational activities would be encouraged in the proposed special area as long as they did not pose a serious threat to wildlife of habitat resources.

#### JUSTIFICATION

Moose are the dominant big game animal on the Kenai Peninsula. They occupy a vital position in the food chain of the boreal forest, and represent an important renewable resource. Moose are browsers which assimilate energy and nutrients from the plant material they eat. In turn, large predators such as the wolf and the brown bear and a host of smaller scavengers are dependent upon moose as a source of food. Moose are directly important to man through the viewing and hunting opportunities they provide and the revenue these activities funnel

into local economies. ADF&G records show that the moose resource on the Kenai Peninsula has generated a total of 92,018 hunter days of recreation and a total harvest of 3,162 moose worth an estimated 5.5 million dollars between 1978 and 1983. In a less tangible sense, most Alaskans feel that the mere presence of wildlife, of which the moose is symbolic, contributes highly to their quality of life. They want future generations of Alaskans to be able to enjoy the tradition of a rich wildlife heritage.

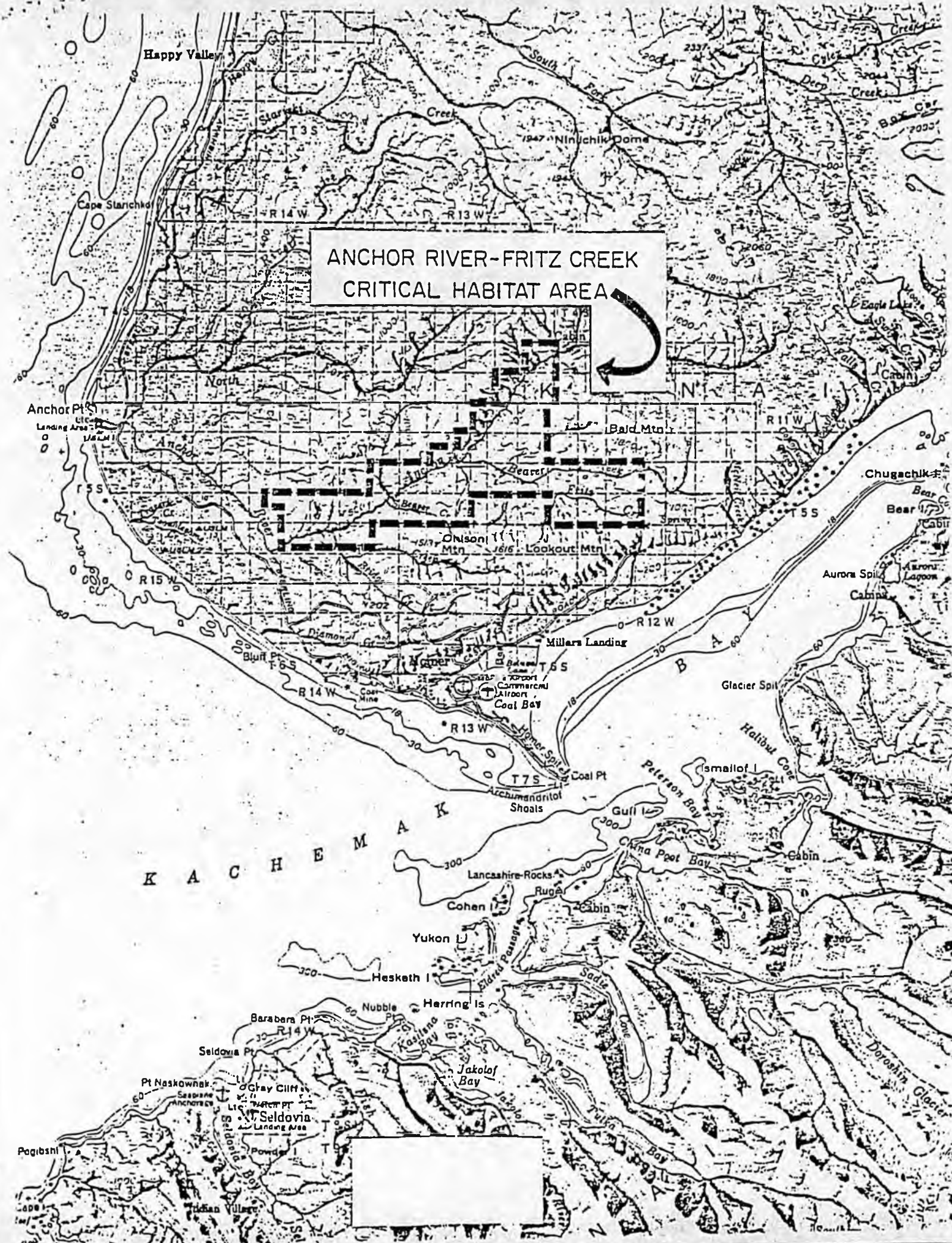
It is estimated that there are currently between 2,500 and 3,000 moose on the lower Kenai Peninsula (Game Management Subunit 15C). These moose range throughout most of the 760,000 acres of lowlands in Subunit 15C in summer and early fall, but are restricted to stream and river bottoms and south-facing benchlands below 800 feet elevation during winter. ADF&G tagging studies and aerial surveillance of moose show that the Homer Benchland, lower Fox River valley, lower Anchor River valley, lower Deep Creek/Ninilchik River valleys, Fritz Creek and the Coho Beach area are historic winter habitats. These areas provide the concentrated food, cover, and relatively small snow accumulation necessary for successful overwintering of moose. It is significant to note that the sum of these winter habitats comprise less than 10% of the surface area of all the utilized summer and early fall habitat in Subunit 15C. Virtually no overwintering of moose occurs in the Kenai National Wildlife Refuge south of Tustumena Lake.

Moose winter habitats on the lower Kenai Peninsula are mostly privately owned and have been seriously diminished in the quality and extent by human development in the last three decades. For instance, an estimated 4,500 people now compete with moose for space on the Homer Benchland, and considerable habitat alteration and loss have occurred. Consequently, this historically important winter habitat can now support only a fraction of the moose it once did. Substantial amounts of residential and commercial development have also occurred on the Coho Beach, lower Ninilchik, lower Deep Creek, lower Anchor River and Homer Benchland winter habitats.

The lower Fox River winter habitat has been intensively grazed by horses and cattle since the 1940's, and supports a growing human population of approximately 200 people. It is reasonable to assume that these developments have lowered the winter carrying capacity of that area for moose. Water development and intensive cattle grazing are potential threats which have recently been proposed for the Fritz Creek winter habitat.

These trends are expected to worsen as the human population on the Kenai Peninsula continues to grow. Lands along the upper Anchor River valley and headwaters of Fritz Creek are in State ownership, and present the best opportunity to protect and maintain moose winter range on the lower Kenai Peninsula. Legislative designation as a State critical habitat area would keep these lands in public trust, and ensure the future of their wildlife resource and habitat values.

APPENDIX A



ANCHOR RIVER-FRITZ CREEK  
CRITICAL HABITAT AREA



K A C H E M A K

Happy Valley

Starichki Creek

South Fork

1947 Ninilchik Dome

Cape Starichko

T 3 S

R 14 W

R 13 W

North

Bald Mtn

Anchor Pt  
Landing Area

T 5 S

R 15 W

Onison Mtn

1616 Lookout Mtn

Chugachik

Bear Cabin

Aurora Spill  
Camp

Millers Landing

R 12 W

R 14 W

R 13 W

Glacier Spill

Halibut Cove

Archimandrit  
Shoals

Peterson Bay

Small of I

Gull Is

China Pool Bay

Cabin

Yukon U

Hesketh I

Nubble

Herring Is

Barabara Pt

Seldovia Pt

Pt Naskownak

Seldovia  
Landing Area

Jakof Bay

Kastano Bay

Sadie

Bay

Dorooshin Glacier

Pogibshi

Richard Village

# SELDOVIA



# MEMORANDUM

## State of Alaska

TO: Roland Shanks  
Special Assistant  
Office of the Commissioner

DATE: April 9 1985  
COMMISSIONER'S OFFICE  
**RECEIVED**  
APR 9 1985

FROM: *Bruce*  
Bruce H. Baker  
Acting Director  
Habitat Division  
Department of Fish and Game

FILE NO:  
TELEPHONE NO: 465-4105  
SUBJECT: Permit <sup>Activities</sup> in Critical Habitat Areas  
DEPARTMENT OF FISH AND GAME

As you requested, we have reviewed the files on Critical Habitat Area permits for the past three years. There were a total of 30 applications received for activities in seven of the Critical Habitat Areas. Of these, 28 were approved and 2 were denied. Activities in Critical Habitat Areas which were permitted include: seismic exploration; placement of fill material; sewage outfall; dredging; heavy equipment transport; storage of marine drilling rig; small boat harbor expansion; log rafting and transfer; retaining walls/bulkheads; oil and gas leases; and geological exploratory work. Details are provided in the attached list.

Critical Habitat Areas are multiple use areas. Activities are allowed in Critical Habitat Areas in a manner consistent with the purpose for which each area is established. Activities which are permanent in nature or will have a significant effect on fish and game populations or their habitats (other than lawful hunting and fishing) require a permit from the Department of Fish and Game. All other activities do not require permits. Activities which do not require a critical habitat area permit include hunting, fishing, trapping, public access, recreational activities (hiking, skiing, horseback riding, dog team travel, camping, mountain climbing, etc.), boating, berrypicking, firewood gathering (dead and down timber) and many others.

Enclosure

FROM THE OFFICE OF  
REP. MIKE NAVARRE  
FOR YOUR INFORMATION

Permits Requested in  
Critical Habitat Areas Since 1982

Area	Activity	Decision
Kachemak Bay CHA	Seismic exploration	Approved
Kachemak Bay CHA	Geophysical exploration	Approved
Kachemak Bay CHA	Placement of fill material for construction of Campground Homer Spit	Approved
Kachemak Bay CHA	Sewage Outfall Line	Approved
Kachemak Bay CHA	Storage of Temporary Jack-Up Drilling Rig	Approved
Kachemak Bay CHA	Homer Small Boat Harbor Expansion	Approved
Kachemak Bay CHA	Bulkhead (Mud Bay)	Denied
Kachemak Bay CHA	Unauthorized Fill (Jackaloff Bay)	Denied
Kachemak Bay CHA	Pier construction and Maintenance Dredging Homer Small Boat Harbor	Approved
Kachemak Bay CHA	Mariculture (Blue Mussel Farm)	Approved
Kachemak Bay CHA	Dock construction (Tutka Bay)	Approved
Kachemak Bay CHA	Log Rafting and Transfer	Approved
Kachemak Bay CHA	Retaining Wall Construction	Approved
Kachemak Bay CHA	Bulkhead construction and Dredging Seldovia Small Boat Harbor	Approved
Clam Gulch CHA	Dredging Ninilchik Small Boat Harbor	Approved
Clam Gulch CHA	Beach and River Erosion Control	Approved
Clam Gulch CHA	Dredging Ninilchik Small Boat Harbor	Approved

Area	Activity	Decision
Clam Gulch CHA	Oil and gas lease	Approved
Fox River Flats CHA	Heavy Equipment/Track vehicle movement	Approved
Fox River Flats CHA	Track Vehicle Crossing	Approved
Fox River Flats CHA	Four wheel drive crossing	Approved
Fox River Flats CHA	Heavy Equipment Crossing	Approved
Port Moller CHA	Geological Field Reconnaissance	Approved
Port Moller CHA	Gravity Survey	Approved
Port Moller CHA	Seismic Exploration	Approved
Port Moller CHA	Geological Field Program	Approved
Port Moller CHA	Marine Seismic Exploration	Approved
Kalgin Island CHA	Oil and gas lease	Approved
Pilot Point CHA	Oil and gas lease	Approved
Cinder River CHA	Oil and gas lease	Approved

Box 1236  
Homer, Alaska 99603  
March 14, 1985

Representative Mike Navarre  
Pouch V  
Juneau, Ak. 99811

Re: HB 280

Dear Mike:

Enclosed find a packet of letters and resolutions in support of HB 280, an Act creating the Anchor River and Fritz Creek Critical Habitat Area. We are pursuing additional ones and will forward them as we receive them.

Our task force has found strong support for the proposal. In fact, we have encountered no opposition to it. You will note that some of the endorsements are conditional upon the accomodation of additional uses. We believe that there is no conflict in meeting such identified needs as water supply within the critical habitat area.

Please feel free to contact me or any member of our task force should you need any more information. We look forward to working with you towards passage of HB 280.

Sincerely,

*Dave Vanderbrink*

Dave Vanderbrink, Chair  
Kenai Peninsula Critical Habitat  
Task Force

Mike -

Thanks for introducing HB 280! Let us know when it's scheduled for Resources and we'll get someone down there.

These packets also went to Fischer, Marrou, Sheffield, DNR, and F&G.

*Henry Lord*

CITY OF KACHEMAK  
KACHEMAK, ALASKA

RESOLUTION NO. 85-4

A RESOLUTION SUPPORTING THE CRITICAL MOOSE WINTER HABITAT

WHEREAS, the Common Council of the City of Kachemak recognizes the need to protect and maintain critical moose winter habitat along the upper Anchor River and Fritz Creek Drainages; and,

WHEREAS, the Kenai Peninsula Critical Habitat Task Force, working with the Alaska Department of Fish and Game proposes such; and,

WHEREAS, the area in question is approximately 19,000 acres, as proposed by this Task Force; and,

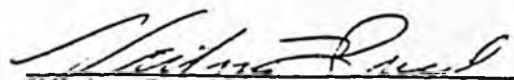
WHEREAS, the City of Kachemak recognizes that a watershed and critical habitat area are compatible; and,

WHEREAS, the City of Kachemak is appealing the Department of Natural Resources conveyance of 3,183.4 acres in the Fritz Creek drainage to the Kenai Peninsula Borough; and,

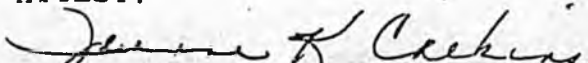
WHEREAS, the 3,183.4 acres in question is included in the proposal of the Kenai Peninsula Critical Habitat Task Force for the critical moose winter habitat;

NOW THEREFORE LET IT BE RESOLVED: that the Common Council of the City of Kachemak supports the Kenai Peninsula Critical Habitat Task Force, Dave Vanderbrink, Chairman, in its efforts to provide, protect and maintain critical winter moose habitat along the upper Anchor River and Fritz Creek Drainages AS LONG AS THE WATERSHED INTERESTS OF THE CITY OF KACHEMAK ARE NOT AFFECTED IN ANY NEGATIVE MANNER.

CITY OF KACHEMAK:

  
Vicke Pugil, Mayor

ATTEST:





Alaska Center for the Environment  
1069 W. 6th Avenue  
Anchorage, Alaska 99501 274-3621

Position Statement  
of the Alaska Center for the Environment  
In Support of the Proposed  
Anchor River/Fritz Creek Critical Habitat Area.

The lands proposed for designation on the Anchor River/Fritz Creek Critical Habitat Area, which are among the last state-owned lands in the region, are critical to the future of a healthy moose population on the southern Kenai Peninsula. The proposal would also protect the habitats of other wildlife such as brown and black bear and bald eagles, and of king and silver salmon, steelhead/rainbow trout, and dolly varden char.

The Anchor River Valley and Fritz Creek drainages support a wide variety of recreational uses including hunting, fishing, trapping, hiking and skiing. The critical habitat area proposal would encourage all recreational activities that do not jeopardize fish and wildlife habitat or populations. According to the Department of Fish and Game, 92,018 hunter days, with a total harvest worth \$5.5 million/dollars, were generated on the Kenai Peninsula between 1978 and 1983.

Moose on the lower Kenai Peninsula are restricted during the winter to less than 10% of the area they inhabit during the summer and fall periods. Furthermore, little moose overwintering occurs in the Kenai National Wildlife Refuge south of Trustumena Lake. On the other hand, as many as 300 to 500 moose generally winter in the Anchor River valley and Fritz Creek drainages.

Moose winter habitats on the lower Kenai Peninsula are mostly privately owned and have been notably reduced in both quality and quantity due to residential and commercial development in places such as Coho Beach, lower Deep Creek, lower Ninilchik River, lower Anchor River and Homer Benchland winter habitats. If we hope to insure a significant moose population in this region, it is essential to protect the remaining winter ranges on the state-owned lands along the upper Anchor River and Fritz Creek drainages

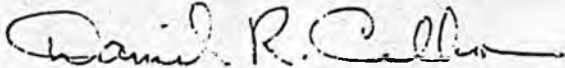
Finally, large portions of the proposed area are being threatened by a major cattle grazing and feedlot operation. Preventing this incompatible use by designating the critical habitat area would protect not only moose winter range but also water quality in both Fritz Creek, a source of water for Homer, and the Anchor River, one of Southcentral's top sportfishing streams.

*Mary Cone*  
Mary Cone  
Executive Director  
March 11, 1985

February 27, 1985

To Whom it May Concern:

In a meeting on 2/19/85 the Homer Fish and Game Advisory Committee unanimously voted to support the establishment of the Anchor River/Fritz Creek Critical Habitat Area as proposed by the Kenai Peninsula Critical Habitat Task Force.



Daniel R. Calhoun  
Chairman Homer Fish and Game Advisory Committee  
Box 566  
Homer, Alaska 99603.



# CITIZENS FOR RESPONSIBLE LAND USE

Co-Chairmen:  
Roberta Highland  
235-8214 (home)  
235-5223 (work)

Michael Sheppard  
235-7486 (home)  
235-5397 (work)

P.O. Box 15227 • Fritz Creek, Alaska 99603

March 5, 1985

To: Mr. Dave Vanderbrink, Chairman

From: Ed Schumann

Subject: Anchor River- Fritz Creek Critical Moose Habitat Area

Dear Dave;

Citizens for Responsible Land Use respectfully submit our endorsement of the Kenai Peninsula Critical Habitat Task Force proposal to create the 19,000 acre Anchor River- Fritz Creek Critical Moose Habitat Area.

We offer our continual support on this matter. We have to date; held public meetings, attended meetings, initiated letter writing campaigns to our legislators, circulated petitions and written appeals to the Department of Natural Resources. What can be done, will be done.

Sincerely,

Ed Schumann  
committee member  
Citizens For Responsible Land Use



**KPCS**

March 1, 1985

Dave Vanderbrink  
POB 1236  
Homer, Alaska 99603

Dear Mr. Vanderbrink:

This is to inform you that the Kachemak Bay Conservation Society Board of Directors voted unanimously to support the Kenai Peninsula Critical Habitat Task Force's proposed "Anchor River/Fritz Creek Habitat Area." We have conveyed our support to Governor Sheffield and will do what we can to see that this vital watershed remains viable for moose and other wildlife.

Sincerely,

Edgar Bailey

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United States Department of the Interior

KENAI NATIONAL WILDLIFE REFUGE  
P.O. BOX 2139  
SOLDOTNA, ALASKA 99669-2139  
(907) 262-7021

IN REPLY REFER TO:

January 31, 1985

Kenai Peninsula Critical Habitat Task Force  
ATTN. Mr. Allen Davis  
P. O. Box 598  
Homer, Alaska 99603

Dear Mr. Davis:

We have reviewed the proposal on "The Anchor River/Fritz Creek Critical Habitat Area" as submitted by the task force and offer these comments.

Designation of critical habitat areas in Game Management Unit (G.M.U.) 15C, other than lands contained within the Kenai National Wildlife Refuge, will be essential if viable populations of moose, brown bear, and wolves are to continue. Refuge lands in GMU15C do not contain all of the essential habitat components to support populations of these species year around.

Delineation of critical habitat areas off of the refuge is a logical and essential action, if the public desires to have moose and other wildlife species in GMU15C, coincidental with a variety of other uses on these lands.

This concept has our support. We feel it is the only practical alternative that will allow viable wildlife populations to coexist with increased human use and development within GMU15C.

Sincerely,

Robert L. Delaney  
Refuge Manager

MBH/pf  
0115p/7

Resolution No. 85-8

**FRITZ CREEK WATERSHED**

The cities of Homer and Kachemak City have a need for additional quantities of water for municipal use in the immediate future. The cities have identified Fritz Creek as the best source to meet their needs, evaluating water quantity, quality, and proximity of the stream. Because the use of Fritz Creek would be for a public water supply, a watershed protection plan would need to be established.

A possible solution would be to designate the watershed area as a wildlife reserve. This could serve two useful purposes: it would preserve some rapidly diminishing winter habitat for game animals on the lower Kenai Peninsula, and it would protect the watershed of the municipal water supply.

THE ALASKA WATER RESOURCES BOARD recommends that the Director of the Division of Land and Water Management put into motion the mechanism to designate the Fritz Creek Drainage as a wildlife refuge to preserve winter habitat for large game animals and to protect the watershed for the future municipal water supply for the cities of Homer and Kachemak City.

Adopted this 1st day of November, 1984

ALASKA WATER RESOURCES BOARD



David Vanderbrink, Chairman

RESOLUTION 85-2

A RESOLUTION OF NORTH PACIFIC FISHERIES ASSOCIATION  
SUPPORTING THE PROPOSED  
ANCHOR RIVER/FRITZ CREEK  
CRITICAL HABITAT AREA

WHEREAS: the Anchor River and Fritz Creek both support runs of anadromous fish, and;

WHEREAS: lower Cook Inlet's fisheries play a significant role in State economy by revenues created both through the commercial harvest of fish and the taking of fish by sport fishermen, and;

WHEREAS: there exist conflicting demands of the watershed areas of Fritz Creek and the Anchor River, and;

WHEREAS: watershed alteration can lead to significant changes in riverine habitat, and;

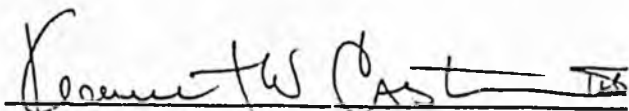
WHEREAS: the life cycles of anadromous fish depend on natural and unaltered conditions, and;

WHEREAS: it is sound public policy to protect the natural runs of anadromous fish;

NOW THEREFORE BE IT RESOLVED THAT: NORTH PACIFIC FISHERIES ASSOCIATION, INC., SUPPORTS THE CREATION OF THE ANCHOR RIVER/FRITZ CREEK CRITICAL HABITAT AREA.

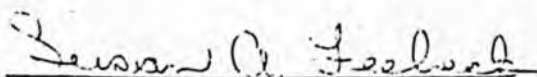
DATED AT HOMER, ALASKA this 14th day of March, 1985

NORTH PACIFIC FISHERIES ASSOCIATION



Ken Castner, President

ATTEST:



Land Acq. and  
Introduced by: Legislative  
Affairs Committees  
Date: April 2, 1985  
Vote: 14 Yes, 1 No  
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 85-50

SUPPORTING THE ENACTMENT OF HOUSE BILL 280 CREATING THE ANCHOR RIVER AND FRITZ CREEK CRITICAL HABITAT AREA.

WHEREAS, the Kenai Peninsula Critical Habitat Task Force was formed by a group of citizens; and

WHEREAS, after study, this task force has recommended the creation of a critical habitat area in the Anchor River/Fritz Creek drainage area; and

WHEREAS, Representatives Navarre and Goll have introduced HB 280 in the legislature proposing the creation of the Anchor River and Fritz Creek critical habitat area; and

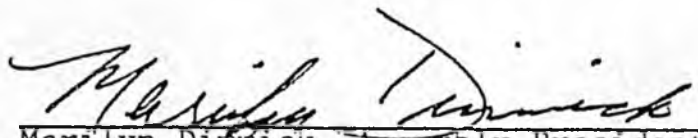
WHEREAS, the assembly supports creation of the Anchor River/Fritz Creek critical habitat area;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:


Section 1. That the assembly supports the passage of HB 280 which provides for creation of the Anchor River and Fritz Creek Critical Habitat Area.

Section 2. That the clerk is directed to forward copies of this resolution to Governor William Sheffield, to the House Resources Committee, the House Finance Committee, Senate President, Don Bennett, Speaker of the House, Ben Grussendorf, Senators Paul Fisher, Jalmar Kerttula, Edna DeVries and John Sackett, and to Representatives Mike Navarre, Andre Marrou, Bette Cato, Mike Szymanski, Kay Wallis and Peter Goll.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 2nd DAY OF April, 1985.

  
Marilyn Dinnick, Assembly President

ATTEST:

  
Borough Clerk

CITY OF HOMER  
HOMER, ALASKA

RESOLUTION 85-33

A RESOLUTION ENDORSING HOUSE BILL 280 "AN ACT  
CREATING THE ANCHOR RIVER AND FRITZ CREEK  
CRITICAL HABITAT AREA".

WHEREAS, the City of Homer has an interest in preserving  
the Fritz Creek Watershed for future use as a water supply for  
residents of the Southern Kenai Peninsula; and

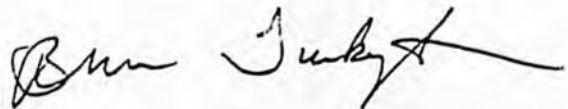
WHEREAS, the City has an interest in preserving areas for  
wildlife habitat; and

WHEREAS, the City has an interest in protecting and  
preserving certain lands for public access and public  
recreation purposes;

NOW THEREFORE, the City endorses House Bill 280 "An Act  
creating the Anchor River and Fritz Creek Critical Habitat  
Area";

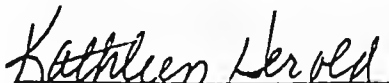
DATED, at Homer, Alaska this 25<sup>th</sup> day of March, 1985.

CITY OF HOMER



Wayne Kessler, Mayor

ATTEST:

  
Kathleen Herold, City Clerk

March 29, 1985

Dave Vanderbrink, Chairman  
Kenai peninsula Critical Habitat Task Force  
Box 1236  
Homer, Alaska 99603

Dear Mr. Vanderbrink:

In a meeting held March 22, 1985 the officers and board of directors voted unanimously to support HB #280.

The International Moose Federation feels that any use of this land other than preservation for the use of wild life on the Southern portion of the Kenai Peninsula would cause a permanent decline in opportunities for recreational use of our wildlife resources and water quality.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan O. Smith", with a long horizontal flourish extending to the right.

Stan O. Smith  
President  
International Moose Federation



Homer Soil Conservation Sub-District  
P.O. Box 415 - Homer, Alaska 99603 - Telephone: 235-8177

March 26, 1985

Dave Vanderbrink  
Kenai Peninsula Critical Habitat  
Task Force  
P.O. Box 1236  
Homer, Alaska 99603

RE: Critical Habitat - Anchor River & Fritz Creek Drainage


Dear Dave,

I am writing on behalf of the Board of Supervisors of the Homer Soil & Water Conservation District. As you well know, we have followed your committee's activities with regard to the formulation of the critical moose habitat legislation.

We wish to express our support and encouragement for the ultimate passage of this legislation. On 13 March 1985, we were given ample assurances by you and your committee that the critical habitat designation would allow continued management as a multiple resource, thus allowing open grazing of livestock and associated activities that would not conflict with or deplete the habitat. This assurance eliminated our primary concern.

We therefore wish to, once again, express our support for the critical habitat designation by legislation and hope that your activities will bring a successful conclusion to your efforts.

Sincerely,

  
Pat Marquis  
Chairman

bg

To Whom It May Concern:

Whereas the South Central Regional Council represents 17 Local Fish and Game Advisory Committees and;

Whereas those Advisory Committees are concerned with the moose population in South Central Alaska as well as Game Management Unit 15 C and;

Whereas the South Central Regional Council realizes the critical function of winter moose habitat and;

Whereas the South Central Regional Council understands that development in the Homer area has and will continue to spread and eliminate critical winter moose habitat and;

Whereas this critical habitat must be set aside before development begins in the area where this habitat exists;

Therefore be it Resolved by the South Central Regional Council, a meeting on March 21, 1985 by unanimous vote, to support the ANCHOR RIVER/FRITZ CREEK CRITICAL HABITAT AREA.

Submitted by:

*Daniel R. Calhoun*

Daniel R. Calhoun  
Vice-Chairman  
South Central Regional Council



# Alaska Environmental Lobby, Inc.

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

907-586-2345

March 25, 1985

Representative Mike Navarre  
Pouch V  
Juneau, Alaska 99811

Dear Representative Navarre:

Congratulations on your recent introduction of HB 280, "An Act creating the Anchor River and Fritz Creek Critical Habitat Area." This proposed legislative designation would maintain critical moose wintering grounds, protect important riparian and fur bearing habitat, protect popular recreational opportunities on the Kenai, and ensure a future water supply for lower peninsula residents.

Protection of relatively undisturbed stream and river bottoms in the lower Kenai is essential to the perpetuation of the area's moose population. Though wide ranging in the summer and fall months, the estimated 2500 moose of the area rely upon only five or six drainages during the winter for the food, cover and diminished snowfall necessary for survival. These streams and rivers, however, are changing quickly as the human population of the Kenai increases. The moose must contend with loss of habitat and associated human uses of the area such as grazing. Without being alarmist, it is safe to say that protection of some of these overwintering areas is necessary for the survival of moose populations in the lower Kenai.

Of course, moose are not the only users of the area. The riparian habitat that support the moose also support a variety of other important species including dolly varden, steelhead, cohos and king salmon. Bald eagles, black and brown bear, and fur bearing animals like mink, coyote, wolf, river otter and beaver utilize the area as well.

Alaskans would stand to benefit from the proposed designation also. Recreational uses of the area would be encouraged under critical habitat management. Skiing, hiking, hunting, fishing, trapping, wildlife viewing and photography would all be proper uses of the area, subject to ADF&G's protection of the wildlife habitat. (Salmon sportfishing, for instance, is already prohibited in the area) The area is currently widely used for these activities and these uses would be enhanced under critical habitat designation.

Finally, parts of the proposed critical habitat area are being considered for a cattle grazing and feedlot operation. This would threaten both moose habitat and a watershed identified as important by the cities of Homer and Katchemak. Creating the Anchor River and Fritz Creek Critical Habitat Area makes good sense: it means that future generations of Alaskans on the Kenai will be able to enjoy a healthy moose population; and the cities of Homer and Katchemak will be ensured a future source of drinking water. The Alaska Environmental Lobby--on behalf of 19 conservation groups statewide--is pleased to endorse HB 280.

Sincerely,

Scott Highleyman  
Executive Director

cc: Rep. Peter Goll

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

HELP ESTABLISH THE ANCHOR RIVER/FRITZ CREEK  
CRITICAL HABITAT AREA

SUPPORT HB 280

The future of a healthy moose population on the lower Kenai Peninsula is being threatened. Moose in this region concentrate during the lean winter months in the lower segments of major river valleys and south-facing benchlands. These areas are unique in providing moose with the essentials for overwinter survival-- an abundant food supply in the form of willow browse, resting and hiding cover, and relief from deep snows. Unfortunately, most moose winter habitat on the lower Kenai Peninsula is privately owned and has been seriously diminished in quality and extent by a rapidly growing human population during the past two decades.

House Bill 280, introduced in the Alaska Legislature on March 13, 1985 by Representative Mike Navarre (D-Kenai) at the request of many Homer-area residents, would provide for the creation of the Anchor River and Fritz Creek Critical Habitat Area. This legislation needs your support.

Important Facts:

1. The winter period is the bottleneck in the moose's annual cycle. Reproductive success and population growth depend on overwinter survival.
2. Moose on the lower Kenai Peninsula are restricted during the winter period to less than 10% of the area that they occupy in summer and fall.
3. Virtually no moose overwinter on the Kenai National Wildlife Refuge south of Tustumena Lake.
4. Substantial amounts of residential and commercial development have already occurred on moose winter habitat at Coho Beach, lower Deep Creek/Niniichik River, lower Anchor River, and the Homer Bench.
5. The Anchor River is important spawning and rearing habitat for king salmon, coho salmon, steelhead/rainbow trout, and dolly varden.
6. The Anchor River/Fritz Creek area has been identified since the early 1970's as critical moose winter habitat. The effort to have it legislatively designated began several years ago.

- 1 Izembek State Game Refuge
- 2 Port Moller State Critical Habitat Area
- 3 Paul Helden State Critical Habitat Area
- 4 Corder River State Critical Habitat Area
- 5 Point of Point State Critical Habitat Area
- 6 Egegik State Critical Habitat Area
- 7 Valdez Islands State Game Sanctuary
- 8 Cape Newenham State Game Refuge
- 9 McNeil River State Game Sanctuary
- 10 Kalgin Island State Critical Habitat Area
- 11 Trading Bay State Game Refuge
- 12 Susitna Flats State Game Refuge
- 13 Creamer's Field State Game Refuge
- 14 Palmer Hay Flats State Game Refuge
- 15 Goose Bay State Game Refuge
- 16 Potter Point State Game Refuge
- 17 Chan Gulch State Critical Habitat Area
- 18 Fox River Flats State Critical Habitat Area
- 19 Kachemak Bay State Critical Habitat Area
- 20 Copper River Delta State Critical Habitat Area
- 21 Chikil River State Critical Habitat Area
- 22 Mendenhall Wetlands State Game Refuge



State of Alaska  
Department of Fish and Game  
Habitat Division  
Box 32000, Juneau, Alaska 99802  
November 1983

Juneau headquarters — (907) 465-4107  
Southcentral regional office — (907) 344-0541  
Interior regional office — (907) 479-3104  
Southeastern regional office — (907) 465-4290

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## REFUGES

ALASKA STATE ALASKA STATE

## CRITICAL HABITATS

ALASKA STATE ALASKA STATE

## SANCTUARIES

ALASKA STATE ALASKA STATE



The Alaska Legislature has protected portions of Alaska's outstanding natural habitat and associated fish and wildlife resources by establishing State Game Refuges, State Game Sanctuaries, and State Critical Habitat Areas. The statutes which authorize these special areas give the Alaska Department of Fish and Game authority to preserve and protect the unique aspects for which they were established.

STATE GAME REFUGES are established to make sure wildlife continue to populate specific areas and to insure the public continues to have use of these wildlife resources. These areas have fairly sizable concentrations, or many different types, of waterfowl, big game, shorebirds, or other species. One or more elements of habitat — such as food, vegetation, water, etc. — needed by this wildlife is present.

The Alaska Department of Fish and Game manages state game refuges by focusing on a featured wildlife species or group of species. This may mean rehabilitating or improving the habitat on which the wildlife depends. Uses of refuge lands are controlled to prevent habitat changes which would be harmful to the wildlife. Activities are also controlled to prevent disturbance of the wildlife itself. Human uses — including recreational pursuits and harvest of wildlife resources — are permitted so long as they are in keeping with the primary reason for establishing the refuge.



STATE GAME SANCTUARIES are also established to protect fish and wildlife and their natural habitats. The primary reason for setting aside lands as state game sanctuaries is to give asylum to important wildlife populations. The wildlife in these cases normally uses the land in somewhat exclusive ways. A sanctuary may provide the only place where a certain population carries out some part of its annual life cycle such as feeding, nesting, hauling out, or migration. (Sanctuaries are special areas set aside to protect featured wildlife populations.)

In managing sanctuaries, other uses of the land are closely controlled, or are prohibited, in order to prevent changes in the habitat or disturbance of the protected species. Use of the wildlife itself is also closely controlled.

STATE CRITICAL HABITAT AREAS are places where protective emphasis is on the environment in which wildlife occurs. Critical habitat areas may be complete biotic systems — identifiable environmental units that operate as self-sustaining systems — or well-defined areas specifically needed by wildlife for certain functions such as nesting or spawning.

Management by the Alaska Department of Fish and Game is aimed primarily at providing protection for the habitat. All uses of the land which are not compatible with that aim are restricted. In most instances, harvest of wildlife is not precluded in a critical habitat area.

State critical habitat areas are set aside to protect the land and resources necessary for certain species of wildlife.



*Anch. Daily News* Thurs. March 28, 1985

## Plan for creation of habitat area wins support of Homer council

By **RONNIE CHAPPELL**  
Daily News reporter

A plan to create a 19,000-acre wildlife habitat area on the southern Kenai Peninsula has won the support of the Homer city council.

On a unanimous vote, the council Monday enacted a resolution urging the legislature to approve a bill placing the state-owned acreage under the management of the Alaska Department of Fish and Game.

Creation of the critical habitat area would halt development of a major cattle export project in the Homer area. It contains a 3,000-acre grazing lease in the Fritz Creek drainage that Han-A Samick America Corp. says is crucial to its plans for the production and exportation of 10,000 head of beef cattle a year.

According to state biologists, the grazing lease is part of the last big tract of undeveloped winter moose range in the Homer area.

They warn that unless it and other important winter feeding areas are preserved, the number of moose on the southern Peninsula will decline dramatically.

"We need to preserve places for moose to live and for people to enjoy them," said Councilman John Calhoun. "With the continued development of rural subdivisions around the city, it is important to set aside a parcel of land that people can enjoy in its natural state."

The bill now pending before the legislature guarantees the city's right to dam

Fritz Creek and use the resulting reservoir as a municipal water supply.

Similar assurances were offered under other plans for disposal of the Fritz Creek acreage. But city officials were skeptical, Calhoun said, that water quality in the watershed could be protected if the lease was used for intense livestock production.

By endorsing creation of the critical habitat area, Calhoun said, he and other council members were "trying to represent the views of a majority" of people in the Hom-

er area.

More than 600 local residents have signed petitions endorsing the idea. Another 50 have written letters to lawmakers.

The bill protects the rights of inholders and gives the Kenai Peninsula Borough a say in the management of lands it nominates for inclusion in the habitat area. Hunting, trapping, skiing, hiking, camping and snowmachining would be allowed in the area, but residential and agricultural development would not.

••• PRESENTING •••

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# Moose winter food supply threatened

## Biologist, citizens' group want to establish Peninsula habitat area

By RONNIE CHAPPELL  
Daily News reporter

The continued destruction of critical winter feeding areas could decimate the moose population on the southern Kenai Peninsula, state biologists warn.

One of the biologists and a citizens' group want to set aside an area of the Peninsula to assure the moose have a sufficient winter food source.

Residential subdivisions and agricultural development are fast gobbling up the lowland, willow forests on which moose depend for winter browse. Once these feeding areas are destroyed they can never be replaced, said Dave Holderman of the Alaska Department of Fish and Game.

None of the winter feeding areas south of Tustumena Lake lies within the boundaries of the Kenai National Wildlife Refuge, Holderman said. Almost all are on private land "that is being developed at a pretty rapid pace."

This shrinking winter range now represents less than 10 percent of the acreage foraged by the giant ungu-

lates in the spring, summer and fall, Holderman said.

It also is the factor that will determine the size of the area's moose population in the future. If moose don't survive the winter, they can't reproduce in the spring, he said.

To prevent the complete destruction of the winter range, Holderman and an ad hoc citizens' committee from the Homer area have proposed creating a 19,000-acre critical habitat area that includes parts of the Anchor River and Fritz Creek drainages.

Population densities as high as 23 moose per square mile have been recorded in the area. All of the land is owned by the state.

"This is the last opportunity to set aside a big portion of public land for the benefit of the wildlife populations on the southern Peninsula," Holderman said.

If approved by the legislature, the habitat area would be managed by the state Department of Fish and Game. People could still hunt, fish, trap, hike, camp, ski and

snowmachine in the area, Holderman said, but residential and agricultural development would not be allowed.

The plan is a controversial one.

Many of the people who support it see it as a way to block the development of a major cattle export project in the Homer area. A similar tactic was used in the late 1970s to prevent oil exploration in Kachemak Bay.

According to Holderman, the critical habitat area was not conceived as a reaction to the cattle export venture. Work on the plan began in 1981, he said. "We were hoping to get a proposal to the 1985 legislature, which we have done. This other issue came up in the meantime."

The "other" issue is a 3,000-acre grazing lease in the Fritz Creek drainage that almost everybody wants.

The University of Alaska wants title to the land so that it can lease the property to Han-A Samick America Corp., a Korean firm, that says the land is crucial to its plans to raise and export 10,000 head of cattle a year.

The cities of Homer and Kachemak want the drainage preserved as a possible municipal water source. The Kenai Peninsula Borough and the Seldovia Native Association have expressed an interest in owning the land.

Fish and Game, Holderman and the citizens' committee would like to see the tract included in the proposed critical habitat area.

Earlier this month, the state decided to transfer ownership to the borough. But now borough officials say they don't want the land if its use is going to be limited by restrictions placed in the title. University officials say there's a good chance they will appeal the decision.

"It's unfortunate the timing has occurred like this," said homesteader Bob Moss who serves on the ad hoc task force. "No one on the committee has taken a stand, one way or the other."

Instead, he said, task force members oppose the destruction of irreplaceable moose habitat for the sake of a grazing operation that could take place on other state land.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

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

Division of Land and Water Management

July 26, 1985

The Honorable Arliss Sturgulewski  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Sturgulewski:

Following our discussion of today, I'm writing to provide a brief update on the department's actions regarding the proposed land transfer to the Kenai Peninsula Borough in the Anchor River/Fritz Creek Critical Habitat Area. As you know, that legislation, HB 280, allows for municipal land conveyances within the critical habitat.

I've enclosed a copy of Director Hawkin's July 16, 1985 decision on the appeal of the regional manager's decision to convey the land to the borough, in partial fulfillment of the borough's municipal entitlement. In short, the director has upheld the earlier decision. However, with the passage of legislation creating the critical habitat area, the department now proposes to convey the land to the borough subject to the provisions of the critical habitat legislation. Page seven of the enclosed decision explains further.

Please let me know if you have other questions.

Sincerely,



Michael E. Vediner  
Natural Resource Manager

Enclosure

cc: Commissioner Wunnicke  
Tom Hawkins, Director, DLWM

*copy sent to Joanne  
Mannick  
8/2/85  
(initials)*



Offered: 5/8/85  
Referred: Rules

Original sponsors: Navarre and Goll

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 280 (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 creating the Anchor River and Fritz Creek  
7 Critical Habitat Area."

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

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

10 (12) Anchor River and Fritz Creek: All state land and water  
11 contained in the following description:

12 (A) Township 4 South, Range 13 West, Seward Meridian

13 Section 25

14 Section 35

15 Section 36

16 (B) Township 5 South, Range 12 West, Seward Meridian

17 Sections 17 - 20

18 (C) Township 5 South, Range 13 West, Seward Meridian

19 Section 2

20 Section 3

21 Section 4: E 1/2

22 Section 8: S 1/2

23 Sections 9 - 11

24 Sections 13 - 20

25 Section 21: W 1/2

26 Section 24

27 (D) Township 5 South, Range 14 West, Seward Meridian

28 Section 13

29 Section 20: NE 1/4

P.7 - Deals w/ Anchor River &  
Fritz Creek Critical Habitat  
Area

OK MV  
see has p/s add to file

DIVISION OF LAND AND WATER MANAGEMENT  
DIRECTOR'S DECISION  
ADL 53853, 206347, 206348

Requested Action: On January 21, 1985 the Southcentral Regional Manager issued a decision to convey three parcels of state land near Homer to the University of Alaska and Kenai Peninsula Borough (See Attachment A). The university would receive the two smaller parcels (the 80 acre "Ohlson Mountain Parcel" and the 789 acre "Red Meat Center" parcel), and the Kenai Peninsula Borough would receive the 3,784 acre "Fritz Creek" parcel. A total of 32 appeals of this decision were received by the director, Division of Land and Water Management, from individuals and groups (See Attachment B). Because these appeals center around similar issues, they have been consolidated for purposes of this decision.

Legal Authority: AS 38.05.035(a) and (e), AS 38.05.810(a), and AS 29.18.201-.213, constitute the legal authority for this decision.

Administrative Record: Department of Natural Resources (DNR) casefiles ADL 53853 (lease to the University of Alaska under AS 38.05.810), ADL 206347 and ADL 206348 (Kenai Peninsula Borough selections under AS 29.18) constitute the administrative record used by the director as the basis for this decision. Other related casefiles are: ADL 203928, an application by the Cities of Homer and Kachemak for a dam site adjacent to the Fritz Creek parcel; right-of-way letter permit, ADL 200045; oil & gas lease, ADL 333075; two coal prospecting permit applications, ADL 68069 and 68070; timber sale ADL 217239; oil & gas lease, ADL 304972; and ADL 74466, land lease application.

Background: On February 1, 1972, the department issued a "public and charitable use" lease under AS 38.05.315(a) (now AS 38.05.810(a)) to the University of Alaska for development of a Kenai Peninsula Beef Research Center. The lease was issued for 55 years (expiring January 31, 2027) and is comprised of 5,052± acres, divided into three parcels: Ohlson Mountain (360± acres), Fritz Creek (3,903± acres), and the Red Meat Center (789± acres).

All land in the original Ohlson Mountain parcel and a portion of the Fritz Creek parcel was selected by the Kenai Peninsula Borough on September 17, 1971 (ADL 55745) as part of the borough's 155,780 acre municipal land entitlement (the borough's remaining land entitlement exceeds 56,000 acres). All but 80 acres (the remaining Ohlson Mountain parcel, S2SW4 of Section 27, T5S, R13W, S.M.) were approved for selection by the department on January 28, 1982. Approximately half of the approved land was conveyed to the borough on March 21, 1983. The affected portion of the university lease was also transferred to the borough. The Kenai Peninsula Borough selected the remainder of the Fritz Creek parcel on July 7, 1980 (ADL 206347 and ADL 206348).

The university requested an exemption to the assignment restriction of public and charitable use lease ADL 53853 in a January 11, 1984 letter to DNR. The university desired to sublease to Han-A Samick America Corporation, a Korean (profit) corporation to establish a red meat industry and a joint research program with a Korean university (Kon Kuk).

The department responded on February 16, 1984, that no exception could be granted, but proposed that the leased land be included in the university replacement pool for selection, or be sold at public auction.

On May 2, 1984, the legal counsel for Han-A Samick asked for the commissioner's concurrence in a draft contract between the University of Alaska and Han-A Samick involving a sublease of the university's lease (ADL 53853).

The commissioner responded on May 25, 1984 that the university had been advised that a sublease to a profit corporation is not appropriate and that the university lease would therefore be terminated if a sublease were completed. However, four alternatives were offered by the commissioner: 1) the university could relinquish its lease and DNR could conduct a grazing lease auction; 2) the university could relinquish its lease and DNR could convey the land to the borough, which, in turn could negotiate with the university; 3) the university and state could exchange the land on an equal appraised value basis; or 4) the university could select the lands under terms of the 1983 University Settlement Agreement with the state.

An August 15, 1984 letter from the university advised the department that Option 4 (above) was the preferred alternative. The department responded on November 7, 1984 that the conveyance would be considered under Appendix "O" of the agreement, excluding the site proposed for a water reservoir for the Cities of Homer and Kachemak.<sup>1</sup>

On December 4, 1984, a preliminary decision was issued by the Southcentral Regional Manager which proposed reclassifying the parcels and conveying the majority of the land to the University of Alaska. A portion of the Fritz Creek parcel (600 acres) was to be conveyed to the Cities of Homer and Kachemak for use as an impoundment area for the proposed reservoir. That decision was amended on December 6, 1984 to include a mineral closing order.

A hearing on the preliminary decision was held by the Regional Office at the Homer High School on December 20, 1984. Of the persons who spoke at the hearing, 14 were opposed to the conveyance; 4 supported and 2

---

<sup>1</sup>The City of Homer (ADL 209305, July 13, 1982) and City of Kachemak (ADL 203928, March 24, 1980) separately applied for dam and reservoir sites within and adjacent to the Fritz Creek parcel. The City of Homer commissioned a water feasibility study from Olympic Associates Company of Seattle in 1983. In October, 1984 the two cases were combined under ADL 203928, and now include only the area adjacent to the Fritz Creek parcel.

recommended a restricted conveyance. In addition, a variety of written comments were received, most of which opposed the conveyance. Opposition to the land transfer was almost uniformly based upon the protection of watershed and wildlife habitat in the Fritz Creek area. Another common concern was the perceived unsuitability of the Red Meat parcel for a cattle feedlot, due to extensive wetlands and proximity to urban development.

On January 21, 1985, the Southcentral Regional Manager issued the Final Finding, which approved the conveyance of the Ohlson Mountain and Red Meat Center parcels to the University of Alaska, and the Fritz Creek parcel to the Kenai Peninsula Borough. The director subsequently received 32 appeals of that decision on or before February 25, 1985, the date the appeal period lapsed. Several written statements were also received by the director after the appeal period ended and have therefore not been considered appeals, but have been incorporated into the record.

On April 22, 1985, the director held a public hearing on the appeals at the Homer High School. A total of 17 people testified; many of them were appellants of record. A majority opposed the conveyance and supported the establishment of a critical habitat area to include the Fritz Creek parcel.

On May 8, 1985 the Alaska Legislature created the Anchor River - Fritz Creek Critical Habitat Area, which included most of the Fritz Creek parcel. The enabling legislation provides for the protection of valid existing rights, retains the option of dam construction, allows future conveyance of land, and requires the completion of a management plan by July 1, 1989.<sup>2</sup>

#### Pertinent Issues

There are several important public interest considerations associated with this decision, the most significant of which are:

1. Habitat retention: The Fritz Creek parcel includes part of a moose wintering range, while the Fritz Creek/Beaver Creek area is important to fisheries.

---

<sup>2</sup> Section 2 of the legislation states in part

"(b)...(1) the use of and appropriation of water rights from Fritz Creek for a municipal and community water source is protected within the ...Area;

(2) the possibility of the construction of a dam and reservoir on Fritz Creek is reserved within the... Area.

(c) The use and enjoyment of valid existing rights and interests within the...Area are protected. Future conveyances, including, but not limited to rights-of-way, timber sales, municipal entitlements, grazing leases, and oil and gas leases, may occur."

It further states that the management plan will be completed by the Department of Fish & Game in consultation with DNR, shall reflect KPB concurrence as it applies to borough land, and will be reviewed by the legislature.

2. Water supply and quality: Water is in short supply in the Homer area and Fritz Creek has been identified as an alternative source for municipal water supply purposes. Concerns have also been expressed over possible adverse water quality impacts associated with agricultural development of the subject lands.
3. Agriculture: The University of Alaska intends to obtain all three parcels in order to facilitate development of a red meat industry and agricultural research facility on the lower Kenai Peninsula.
4. Kenai Peninsula Borough (KPB) entitlement: Pursuant to the Municipal Entitlement Act, the KPB has an unfulfilled land entitlement of approximately 56,000 acres (as of March 29, 1985). The conveyance of the Fritz Creek parcel would further satisfy KPB's remaining land entitlement.

### Findings

The wide spectrum of state interest considerations and intense public attention focused upon this decision requires careful and deliberate analysis of the pertinent issues addressed in the appeals. I find that most of the 32 appeals can be generalized and grouped into three component categories: protection of wildlife habitat<sup>3</sup>, protection of watershed<sup>4</sup> and the suitability of the parcels for large scale agriculture<sup>5</sup>. Also questioned were the state's ability to convey the parcels either under the terms of the University Settlement Agreement or AS 38.05.810<sup>6</sup>, and the university's ability to allow third party access to the Red Meat Center parcel<sup>7</sup>.

As noted above, the majority of the appeals (typified by the Sierra Club, Alaska Center For the Environment and Citizens For Responsible Land Use) largely dealt with the need to protect the Fritz Creek parcel from development (including agricultural operations) which might adversely impact the area's ability to serve as habitat for moose (particularly winter range) and other wildlife. I find, however, that the habitat retention argument has effectively been removed from this decision by the

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<sup>3</sup>All appellants except Carlson, Cities of Homer and Kachemak, Manwiller, Seldovia and the University of Alaska.

<sup>4</sup>Appellants B. Ault, G. Ault, Josie Bills, James Bills, Bramel, Citizens for Responsible Land Use, Cities of Homer and Kachemak, Highland/Archibald, Rhode and Schumann.

<sup>5</sup>Appellants Bury, Carlson, Citizens for Responsible Land Use, Highland/Archibald, Kliemann, Manwiller, Schumann, University of Alaska and Susan Wagner (Many of these appellants requested that if land were conveyed to the university, it contain covenants restricting development).

<sup>6</sup>Appellants Alaska Center for the Environment, Alaska Chapter of the Sierra Club, Chris Goll.

<sup>7</sup>Appellants Carlson and Manwiller.

legislature's recent enactment of the Anchor River - Fritz Creek Critical Habitat Area bill. This legislation encompassed the majority of the 3,784 acre Fritz Creek parcel and established its purpose "to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose" (AS 16.20.220). Based upon this circumstance, I find that the appellants' habitat arguments have been adequately addressed and satisfied.

The Cities of Homer and Kachemak appealed the Regional Manager's decision due to their interest that a portion of the Fritz Creek drainage remain available for potential municipal water supply purposes. Although the Fritz Creek drainage has not yet been conclusively demonstrated as suitable for such use, I agree that the state should preserve this option at least until more definitive studies can be completed. My reading of the new Anchor River - Fritz Creek Critical Habitat Area bill also provides assurance that this special designation will not preclude the development of the area for a future dam site associated with municipal water supply needs. Although the cities have indicated that the borough does not have the obligation or authority to develop a municipal water supply (should KPB receive the land), there is nothing to preempt the borough from such action. In fact, Section 2 of the Anchor River - Fritz Creek Critical Habitat Area legislation clearly retains the future water supply option as well as possible municipal land conveyances. Therefore, the transfer of the Fritz Creek parcel to the City of Homer and Kachemak City (pursuant to AS 38.05.810) is unnecessary to preserve future water supply options at this location.

The issue of whether it is in the state's best interest to further facilitate development of a red meat industry on the Kenai Peninsula is more complex. The Fritz Creek parcel is currently encumbered by a 55 year lease to the university (42 years remaining). The university has also constructed improvements on the two smaller parcels to support its research and range use activities. However, the university's Homer Red Meat Research Center was deactivated in 1984, due to lack of funds.

The Red Meat and Ohlson Mountain parcels contain soils appropriate for agricultural use, while the Fritz Creek parcel soils are adequate for grazing purposes. The university would need to clear another 300 acres in the Fritz Creek parcel to help facilitate grazing. The university hopes to obtain these lands to develop a red meat industry and to further agricultural education and research in Alaska. The university announced last year that it would sublease this land to the Han-A Samick America Corporation, an Alaskan subsidiary for two larger Korean development firms. Han-A Samick would use the area as the flagship for a cooperative program, whereby other private landowners could commit grazing or forage cropland to the project. However, many of the other state-owned lands in the southern Kenai Peninsula area leased for grazing have seen little actual grazing activity occur.

Han-A Samick has expressed its intent to invest some 20 million dollars in the project over the next five years. It would export 10,000 animals per

year once it achieved full operation. The university appears comfortable with this commercial venture and is also willing to commit its resources to the effort. The university could receive about \$500,000 in annual rent from this project by year 10 of the operation. Much of this income would likely be deposited in the Land Grant Trust Fund with proceeds used in part to support university programs statewide. This proposal would also generally help research opportunities (breeding, feeding, hygiene, beef processing techniques, etc.) and create jobs and a market for local agricultural products. It is clear that a resultant commercial agricultural endeavor in the south Kenai would provide economic benefits to the local and state economy. Furthermore, the contention that an agricultural operation would adversely impact the well established tourism industry of the Homer area is unsupported.

The creation of the Anchor River-Fritz Creek Critical Habitat Area does not affect valid existing rights, including the university's lease. Therefore, the university could still operate a grazing venture on the Fritz Creek parcel for at least the remaining duration of its lease (42 years). However, the creation of the critical habitat area will likely make it more difficult for the university to maximize lease development options.

Based upon the above, I conclude that conveyance of the Red Meat and Ohlson Mountain parcels to the university would likely facilitate commercial agriculture and research opportunities on the lower Kenai Peninsula and is therefore in the state's best interest.

I consider the university to be a state agency for purposes of AS 38.05.810(a), whose profits from real estate transactions are returned to university programs operated in the public interest. The university is, therefore, qualified to receive land under this statute. The university has a fiduciary responsibility to manage its land in order to maximize revenue production. Land obtained by the university would be exempt from AS 38 requirements and would be managed for the exclusive use and benefit of the university. However, because of the nature of the services and function of the university and the value of those parcels, this conveyance should occur at full appraised fair market value.

The Southcentral Regional Manager decided that the conveyance of land to the university should be credited against the state's liability resulting from the University Settlement Agreement. However, I feel the use of that agreement as the basis for the conveyance is inappropriate. Whether the appraised value of the land is directly credited against the compensation due the university, or deposited in, and later paid from, the state's general fund, is not properly a consideration of this decision. The state will recoup the value of this property anyway through a AS 38.05.810(a) conveyance based upon appraised fair market value.

Although the university's appeal includes a statement that the proposed Red Meat project will not proceed unless the Fritz Creek parcel is conveyed, I

find the merits of this position largely unsubstantiated. While the university is certainly free to abandon the project at its discretion, I believe there is insufficient reason to conclude that omission of the Fritz Creek parcel from the conveyance will sink the proposal. After all, the university would retain its existing lease at Fritz Creek and stands to enhance its landholdings by an additional 800 acres (Ohlson Mountain and Red Meat parcels). When combined with the considerable university land holdings near Homer, as well as private land in the South Kenai area, it appears that sufficient grazing land will remain available in the area to support the project.

Several appellants noted that the potential for conveyance to the Kenai Peninsula Borough (KPB) was not mentioned in the Southcentral Regional Office's Preliminary Decision<sup>8</sup>. It is true that conveyance to the KPB was not originally recommended, but the pending KPB selections were noted in that decision. The change from the Preliminary Decision to the Final Finding was a outgrowth of the public input process, KPB's unfulfilled municipal entitlement and creation of the Anchor River-Fritz Creek Critical Habitat Area.

I also find that the Kenai Peninsula Borough's pending municipal selection applications on the Fritz Creek parcel precede and should preempt the university's conveyance request. The KPB is a local government entity with broad public purpose responsibilities capable of managing the parcel for purposes unrelated to profit making.<sup>9</sup> As noted previously, the KPB also has a significant outstanding land entitlement which the department must address in accordance with AS 29.18. As the new Anchor River - Fritz Creek Critical Habitat Area does not preclude the department from making a KPB land conveyance at Fritz Creek, I find that it is in the state's best interest to convey this land in furtherance of KPB's remaining land entitlement provided that it is included in and managed consistent with the provisions of the critical habitat area. This conveyance would, however, occur subject to all valid existing rights, including the university's lease and the provisions of the Anchor River - Fritz Creek Critical Habitat Area legislation. However, should the borough subsequently decide to relinquish its pending selection application, I believe the department is empowered by the legislature to retain this land, consistent with the purposes of the special area designation.

The Citizens for Responsible Land Use objected to the conveyance of the Red Meat parcel to the university because the land is mostly wetlands unsuited for intensive grazing or feedlot operations and the surrounding area is residential in character and therefore incompatible with the proposed use. While it is true that the Red Meat parcel includes "wetlands" as defined by the Corps of Engineers, this will not preclude agricultural operations.

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<sup>8</sup>Appellants Carlson, Citizens for Responsible Land Use, Highland/Archibald.

<sup>9</sup>Appellants Highland/Archibald.

However, the university will be required to operate within the confines of the Alaska Coastal Management Program, including any necessary U.S. Corps of Engineers (Corps) wetlands permits or Department of Environmental Conservation (DEC) water discharge permits. In addition, I also find the issue of incompatibility is difficult to quantify. Although the surrounding area is largely residential, its character is dispersed and rural. The development of an agricultural operation (including feedlot) on this parcel, if allowed by the Corps and DEC, would not necessarily be inconsistent with surrounding land uses. The permit process would also address adverse impacts associated with such development.

Joanna F. and Charles E. Manwiller appealed the conveyance of the Fritz Creek parcel because current access to the area is by limited easement across their property. They have pointed to the fact that the easement is non-transferable, was intended only for limited use by the university research facility personnel and adjacent landowners and is not compatible with a commercial cattle operation. However, it is not my intention to convey this parcel for purposes of a commercial cattle operation. Rather, the KPB would be the land recipient and would therefore become the entity dealing with this access question.

The Seldovia Native Association, Inc. (SNA) also filed an appeal, requesting that the department suspend any further action on the subject state lands until SNA has a chance to weigh its interest in them for inclusion in the ongoing state/SNA land exchange. Subsequent to this request, the state and SNA have assembled a pool of state lands which will receive further trade consideration. The land included in this appeal is not part of the current trade proposal. In addition, it is also clear that the requests of both KPB and the university for these lands would preempt those of SNA. Accordingly, I find that it is inappropriate to remove these lands from this decision for possible inclusion in the proposed land exchange.

Some appellants pointed to technical/typographical errors in the Final Finding and land classification report.<sup>10</sup> However, as these errors did not materially alter or confuse any significant facts in the decision, I hereby dismiss this argument.

In summary, I believe the Southcentral Regional Manager's decision to convey this land to the university and borough best represent the state's overall interests in this arena of competing uses and constituencies. The creation of the Anchor River - Fritz Creek Critical Habitat Area effectively preempted my decision to convey the Fritz Creek parcel to the university because it conclusively tipped the cards in this area towards habitat retention. It's associated provisions to protect municipal water supply and provide for a possible dam site, while specifically allowing for

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<sup>10</sup>Appellants Carlson and Perry.

municipal conveyances, have helped persuade me that the Fritz Creek parcel should be conveyed to the KPB. In this manner, part of KPB's outstanding land entitlement deficiency can be retired while the dam site/water supply alternative is preserved.

Alternatively, the Red Meat and Ohlson Mountain parcels are not intrinsic to either habitat or water supply needs and therefore represent an opportunity to advance agricultural endeavors through conveyance to the university.

Decision

Based on the foregoing, I have decided to offer the Fritz Creek parcel to the Kenai Peninsula Borough as part of its municipal entitlement under AS 29.18 and to convey the Red Meat Center and Ohlson Mountain parcels under AS 38.05.810(a), at appraised fair market value, to the University of Alaska. Conveyance of these parcels shall be subject to valid existing rights including the provisions of the Anchor River - Fritz Creek Critical Habitat Area legislation.

This decision may, within 30 days after the date the decision is received, be appealed in writing to Esther C. Wunnicke, Commissioner, Department of Natural Resources, Pouch M, Juneau, Alaska 99811. If no appeal is filed within this time period, the decision shall be final.

Tom Hawkins  
Tom Hawkins  
Director  
Division of Land and Water Management

7-16-85  
Date

Attachment A

LEGAL DESCRIPTION

Ohlson Mountain Parcel:

T5S, R13W, SM

Sec. 27: S1/2SW1/4

Total: ±80 Acres

Red Meat Center Parcel:

T5S, R12W, SM

Sec. 33: SW1/4NW1/4, E1/2NW1/4, W1/2NE1/4, N1/2SE1/4, E1/2SW1/4 (360 Acres)

Sec. 34: Lots 1 & 2, N1/2NE1/4, SW1/4NE1/4, NW1/4, N1/2SW1/4 (428.70 Acres)

Total: ±788.7 Acres

Fritz Creek Parcel:

T5S, R12W, SM

Sec. 17: N1/2, SW1/4, W1/2SE1/4 (560 Acres)

Sec. 18: Lots 1-4, E1/2, E1/2W1/2 (603.28 Acres)

Sec. 19: Lots 1-4, E1/2, E1/2W1/2 (604.92 Acres)

Sec. 20: All (640 Acres)

Sec. 30: Lots 1-3, E1/2NW1/4 (175.39 Acres)

T5S, R13W, SM

Sec. 13: All (640 Acres)

Sec. 24: N1/2, SE1/4, N1/2SW1/4 (560 Acres)

Total: ±3,783.59 Acres

Grand Total: ±4,652.29 Acres

Attachment B  
Appellants

Alaska Center for the Environment 1069 West 6th Anchorage, Alaska  
99501 Attn: Cliff Eames  
Alaska Chapter of the Sierra Club 241 E. 5th, Suite 205 Anchorage, Alaska  
99503 Attn: Jeff Parker/Sally Kabish  
Chris Goll 4127 Raspberry Road Anchorage, Alaska 99502

Susan Aramovich/Scott Burbank Box 2412 Homer, Alaska 99603

Barb Buzzelli Ault Box 15315 FCB Homer; Alaska 99603

Gary Ault Box 15315 FC Homer, Alaska 99603

James R. Bills Box 15068 Fritz Creek Homer, Alaska 99603

Josie S. Bills Box 15068 Fritz Creek Homer Alaska 99603

Terri Bramel HCR 38750 Clark Road Homer, Alaska 99603

Karen G. Bury Box 15115 Fritz Creek Homer, Alaska 99603

Paul A. Carlson Box 15001 FCB Homer, Alaska 99603

Citizens for Responsible Land Use P.O. Box 15227 Fritz Creek, Alaska  
99603 Attn: Robert Archibald, Brad Gamble and Roberta Highland

City of Homer 3670 Lake Street Homer, Alaska 99603-7647  
Attn: Phil Shealy, City Manager

City of Kachemak P.O. Box 958 Kachemak via Homer, Alaska 99603  
Attn: Victoria L. Pugil, Mayor

Barbara J. Gamble P.O. Box 15128 Homer, Alaska 99603

Roberta Highland/Robert Archibald Box 15312 FCB Homer, Alaska 99603

Mitch J. Kliemann P.O. Box 15074 FCB Homer, Alaska 99603

Tom Latimer Box 2110 Homer, Alaska 99603

Mary A. Light Box 369 Glennallen, Alaska 99588

John McKee 1547 Airport Heights Rd. Anchorage, Alaska 99508

Charles E. and Joanna F. Marviller 6611 Sherwood Circle Anchorage, Alaska  
99504 and Hal P. Gazaway, Attorney at Law 550 W. Seventh, Suite 1210  
Anchorage, Alaska 99501

Lulu W. Middleton 54190 East Road Homer, Alaska 99603

Tim Murnane HCR 54865 East Road Homer, Alaska 99603

Lorraine O'Keefe SRA Box 549 Homer, Alaska 99603

R. Olson SRA Box 589 Homer, Alaska 99603

Janice D. Perry P.O. Box 15097 Fritz Creek Branch Via Homer, Alaska  
99603

David P. Rhode Box 15217 F.C. Homer, Ala-ka 99603

Mr. Ed Schumann P.O. Box 15176 Homer, Alaska 99603

Seldovia Native Association Inc. P.O. Drawer L Seldovia, Alaska  
99663 Attn: Fred H. Elvsaaas, President

Pam Shafford Box 15031 FCB Homer, Alaska 99603

Helen Soares 7210 Sherwood Avenue Anchorage, Alaska 99504

University of Alaska 3354 College Road Fairbanks, Alaska 99701  
Attn: Scott Taylor, Acting Director, Statewide Office of Land Management

Sally and Daniel Wagner 5705 Sterling Way Anchorage, Alaska 99504

Susan Wagner 240 Melody Place Anchorage, Alaska 99504

HB 280

# 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

May 22, 1985

Dan and Viola Jerrel  
Box 938  
Homer, AK 99603

Dear Dan and Viola:

As you know by now, the legislature passed HB 280 creating the Anchor River and Fritz Creek Critical Habitat Area. Although all your concerns were not addressed, there was substantial support for the bill from local citizens. I have talked with the Department of Fish and Game and the Department of Natural Resources and they both assure me that existing valid leases will be protected.

You will also have additional opportunities to comment on the Anchor River Critical Habitat Area. The bill as passed calls for the Department of Fish and Game to complete a management plan for the area by July 1, 1989. This plan must be developed in conjunction with the Department of Natural Resources and with the concurrence of the Kenai Peninsula Borough. Prior to adoption, the management plan must be submitted to the legislature for approval. There will be public hearings during this process.

I have enclosed a copy of the bill for your information.

Thank you for your interest in this legislation.

Sincerely yours,

Senator Arliss Sturgulewski  
Chairman, Senate Resources Committee

Enclosure

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\*  
\* DELIVER TO: JPOM \*  
\*  
\* ORIGINAL \*  
\* SENT: 05/10/85 TIME: 10:17 \*  
\* FROM: MICKI HENSON \*  
\* SUBJECT: POM \*  
\* PRINT DATE: 05/10/85 TIME: 10:17 \*  
\*  
\*\*\*\*\*

TO: SENATE RESOURCES

SENATORS STURGULEWSKI, FAHRENKAMP, ELIASON, SACKETT, BENNET,  
RAY

FROM: VI JERREL  
BOX 938  
HOMER, AK. 99603 PH. 349-9695 ANC.

RE: HB 280 -ANCHOR RIVER/ FRITZ CREEK

DO NOT PASS HB 280 WHICH WOULD CREATE CRITICAL HABITAT HOMER.  
HUSBAND /I ASKED REGARDING LEASES WE'VE DEVELOPED...DELETE LEASED  
AREA FROM HABITAT DESIGNATION. FISH/GAME NOT QUALIFIED TO  
REGULATE/MANAGE AGRICULTURE. CRITICAL HABITAT RESTRICTS. NEED  
MULTI USE DESIGNATION MOOSE/RANGE. WE ASK BILL GO TO JUDICIARY-  
LOOK IF RIGHTS DEPRIVED, POSSIBLY PREVENTING LAWSUIT TO HAVE BILL  
OVERTURNED.

HB 280

# Alaska State Legislature

ARLISS STURGULEWSKI, Chairman  
BETTYE FAHRENKAMP, Vice Chairman  
JAC OGHILL  
DICK LIAISON  
VANCE  
LORD  
AROFF

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



## Senate Committee on Resources

June 12, 1985

Gordon Jones  
Box 2233  
Homer, AK 99603

Dear Gordon:

I am happy to report to you that HB 280 creating the Anchor River and Fritz Creek Critical Habitat Area has passed both houses of the legislature and has been signed by the Governor. The sunset amendment was removed. As chairman of the Senate Resources Committee, I held public hearings on April 29 and May 3, 1985 and was very impressed with the quality of testimony in favor of this bill and voted for its passage. I again supported HB 280 when it came up for debate on the floor of the Senate.

This 19,000 acre area will be managed as a critical habitat area but will allow for protection of existing valid rights and interests. Community water rights are protected and the bill provides for the possible construction of a dam and reservoir as determined by future community needs.

You will have the opportunity to remain involved in this matter as the legislation calls for a management plan to be completed by July 1, 1989 by the Department of Fish and Game in consultation with the Department of Natural Resources and the concurrence of the Kenai Peninsula Borough. The management plan must then be submitted to the legislature for approval.

I want to thank you for your support of this legislation. Citizen involvement is essential to the political process and your active interest was critical to the passage of this bill.

Please continue to keep me informed of future issues of concern.

Sincerely yours,

Senator Arliss Sturgulewski  
Chairman, Senate Resources Committee

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\* \* \* \* \*  
\* DELIVER TO: JPOM \*  
\* \* \* \* \*  
\* ORIGINAL \*  
\* SENT: 05/07/85 TIME: 13:01 \*  
\* FROM: TCHOM \*  
\* SUBJECT: POM \*  
\* PRINT DATE: 05/07/85 TIME: 13:02 \*  
\* \* \* \* \*

TO: ALL SENATORS

FROM: GORDON JONES, BOX 2233, HOMER, AK. 99603 235-8863

SUBJECT: HB 280

I STRONGLY DISAPPROVE OF ANY SUNSET AMENDMENTS IN THE FRITZ CREEK CRITICAL HABITAT BILL (HB 280). THIS AREA NEEDS PERMANENT PROTECTION. PLEASE FOLLOW THE HOUSE'S DIRECTION AND PASS HB 280 WITHOUT AMENDMENTS.

# Alaska State Legislature

20 sent  
hb280p

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



POUCH V  
JUNE U, ALASKA. 99811  
(907) 465-4907

## Senate Committee on Resources

May 22, 1985

Edgar Bailey  
Kachemak Bay Conservation Society  
Box 846  
Homer, AK 99603

Dear Edgar:

I am happy to report to you that HB 280 creating the Anchor River and Fritz Creek Critical Habitat Area has passed both houses of the legislature and is now awaiting the governor's signature. As chairman of the Senate Resources Committee, I held public hearings on April 29 and May 3, 1985 and was very impressed with the quality of testimony in favor of this bill and voted for its passage. I again supported HB 280 when it came up for debate on the floor of the Senate.

This 19,000 acre area will be managed as a critical habitat area but will allow for protection of existing valid rights and interests. Community water rights are protected and the bill provides for the possible construction of a dam and reservoir as determined by future community needs.

You will have the opportunity to remain involved in this matter as the legislation calls for a management plan to be completed by July 1, 1989 by the Department of Fish and Game in consultation with the Department of Natural Resources and the concurrence of the Kenai Peninsula Borough. The management plan must then be submitted to the legislature for approval.

I want to thank you for your support of this legislation. Citizen involvement is essential to the political process and your active interest was critical to the passage of this bill.

Please continue to keep me informed of future issues of concern.

Sincerely yours,

Handwritten signature of Arliss Sturgulewski.

Senator Arliss Sturgulewski  
Chairman, Senate Resources Committee

FROM  
MIKE O'MEARA  
BOX 1125  
HOMER, AK 99603  
235-7767

SUBJECT: HB 280---ANCHOR RVR/MOOSE CK CRITICAL HABITAT AREA

MESSAGE: I SUPPORT PASSAGE OF HB 280 AS WRITEN IN THE HOUSE. I  
OPPOSE MEASURES SUCH AS THE SUNSET CLOSURE DESIGNED TO WEAKEN IT.  
EQM

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\*  
\* DELIVER TO: JFOM \*  
\* \*  
\* \*  
\* ORIGINAL \*  
\* SENT: 05/07/85 TIME: 13:35 \*  
\* FROM: TCHOM \*  
\* SUBJECT: POM \*  
\* PRINT DATE: 05/07/85 TIME: 13:36 \*  
\* \*  
\*\*\*\*\*

TO: SEN. FAIKS AND STURGULEWSKI

FROM: BETSY FITZMAN, BOX 1188, HOMER, AK. 99603 235-7462

SUBJECT: HB 280

I WOULD LIKE TO VOICE MY STRONG SUPPORT FOR HB 280 ON THE CRITICAL HABITAT FOR THE KENAI PENINSULA. I WOULD ALSO LIKE TO INDICATE MY OPPOSITION OF THE SUNSET CLAUSE WHICH IS IN THAT BILL NOW.

EOM\*\*\*\*\*

\*\*\*\*\*  
\*  
\* DELIVER TO: JFOM \*  
\* \*  
\* ORIGINAL \*  
\* SENT: 05/07/85 TIME: 13:30 \*  
\* FROM: TCHOM \*  
\* SUBJECT: FOM \*  
\* PRINT DATE: 05/07/85 TIME: 13:31 \*  
\*  
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14

TO: SEN. FAIKS, SACKETT, KERTTULA, ELIASON, FERGUSON, PAUL  
FISCHER, HALFORD, STURGULEWSI, FAHRENKAMP, COGHILL, ELIASON,  
VIC FISCHER AND ZHAROFF

FROM: DEREK STONOROV, SRA BOX 44B, HOMER, AK. 99603 235-8273

SUBJECT: HB 280

URGE YOU TO SUPPORT HB 280 AS WRITTEN. I AM OPPOSED TO ANY  
SUNSET CLAUSE AS THIS IS THE ANTITHESIS OF SOUND LAND PLANNING  
AND MANAGEMENT.

EOM\*\*\*\*\*

the Business Forum

\*\*\*\*\*  
\*  
\* DELIVER TO: JPOM \*  
\* \*  
\* \*  
\* ORIGINAL \*  
\* SENT: 05/07/85 TIME: 13:38 \*  
\* FROM: TCHOM \*  
\* SUBJECT: FOM \*  
\* PRINT DATE: 05/07/85 TIME: 13.38 \*  
\* \*  
\*\*\*\*\*

TO: SEN. FAIKS AND STURGULEWSKI

FROM: PATTI CAREY, HCR 54355 WILDERNESS LN. , HOMER, AK. 99603  
235-6962

SUBJECT: HB 280

PLEASE SUPPORT HB 280 ON THE CRITICAL MOOSE HABITAT. I OPPOSE  
THE INCLUSION OF THE SUNSET CLAUSE. THANK YOU.

EOM\*\*\*\*\*

\*\*\*\*\*  
\*  
\* DELIVER TO: JFOM \*  
\*  
\* ORIGINAL \*  
\* SENT: 04/08/85 TIME: 16:05 \*  
\* FROM: MICKI HENSON \*  
\* SUBJECT: POM \*  
\* PRINT DATE: 04/08/85 TIME: 16:05 \*  
\*  
\*\*\*\*\*

TO: HOUSE FINANCE COMMITTEE

REPRESENTATIVES ADAMS, RINGSTAD, DUNCAN, LARSON, SZYMANSKI,  
COTTEN, FRANK, BINKLEY, POURCHOT, RIEGER, UEHLING

SENATORS STURGULEWSKI, FAIKS

REPRESENTATIVES PETTYJOHN

FROM: PERRY KNEEDLER  
11923 RAINBOW  
ANCHORAGE, AK. 99516 PHONE: 345-3767 HM

RE: HB 280 ANCHOR RIVER/ FRITZ CREEK CRITICAL HABITAT AREA

PLEASE APPROVE HB280. WE NEED MOOSE WINTERING GROUND.

APR 09 1985

April 4, 1985

The Hon. Arliss Sturgulowski  
Chairperson,  
Senate Resources Committee  
Pouch V  
Juneau, Alaska, 99811

*Anchor River  
& Fritz Cr. Habitat*

Dear Madam

We would appreciate your support when House Bill 280 clears the House.

At this time, we have no guarantee that our local Senator will introduce it.

The majority of people in this area do support it. We can only hope, that Sen. Fischer will reconsider before House Bill 280 clears the House.

Thanking you in advance for your support.

Paul A. & Barbara J. Carlsen  
*Paul A. & Barbara J. Carlsen*  
 Box 15001  
 Fritz Creek Branch  
 Hemer, Alaska, 99603  
 235-6489

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

HR 4-1-85 8:30 AM



# Alaska Environmental Lobby, Inc.

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

907-586-2345

March 25, 1985

Representative Mike Navarre  
Pouch V  
Juneau, Alaska 99311

Dear Representative Navarre:

Congratulations on your recent introduction of HB 280, "An Act creating the Anchor River and Fritz Creek Critical Habitat Area." This proposed legislative designation would maintain critical moose wintering grounds, protect important riparian and fur bearing habitat, protect popular recreational opportunities on the Kenai, and ensure a future water supply for lower peninsula residents.

Protection of relatively undisturbed stream and river bottoms in the lower Kenai is essential to the perpetuation of the area's moose population. Though wide ranging in the summer and fall months, the estimated 2500 moose of the area rely upon only five or six drainages during the winter for the food, cover and diminished snowfall necessary for survival. These streams and rivers, however, are changing quickly as the human population of the Kenai increases. The moose must contend with loss of habitat and associated human uses of the area such as grazing. Without being alarmist, it is safe to say that protection of some of these overwintering areas is necessary for the survival of moose populations in the lower Kenai.

Of course, moose are not the only users of the area. The riparian habitat that support the moose also support a variety of other important species including dolly varden, steelhead, cohos and king salmon. Bald eagles, black and brown bear, and fur bearing animals like mink, coyote, wolf, river otter and beaver utilize the area as well.

Alaskans would stand to benefit from the proposed designation also. Recreational uses of the area would be encouraged under critical habitat management. Skiing, hiking, hunting, fishing, trapping, wildlife viewing and photography would all be proper uses of the area, subject to ADF&G's protection of the wildlife habitat. (Salmon sportfishing, for instance, is already prohibited in the area). The area is currently widely used for these activities and these uses would be enhanced under critical habitat designation.

Finally, parts of the proposed critical habitat area are being considered for a cattle grazing and feedlot operation. This would threaten both moose habitat and a watershed identified as important by the cities of Homer and Katchemak. Creating the Anchor River and Fritz Creek Critical Habitat Area makes good sense: it means that future generations of Alaskans on the Kenai will be able to enjoy a healthy moose population; and the cities of Homer and Katchemak will be ensured a future source of drinking water. The Alaska Environmental Lobby--on behalf of 19 conservation groups statewide-- is pleased to endorse HB 280.

Sincerely,

Scott Highleyman  
Executive Director

cc: Rep. Peter Goll

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



Homer Soil Conservation Sub-District  
P.O. Box 415 · Homer, Alaska 99603 · Telephone: 235-8177

March 26, 1985

Dave Vanderbrink  
Kenai Peninsula Critical Habitat  
Task Force  
P.O. Box 1236  
Homer, Alaska 99603

RE: Critical Habitat - Anchor River & Fritz Creek Drainage

Dear Dave,

I am writing on behalf of the Board of Supervisors of the Homer Soil & Water Conservation District. As you well know, we have followed your committee's activities with regard to the formulation of the critical moose habitat legislation.

We wish to express our support and encouragement for the ultimate passage of this legislation. On 13 March 1985, we were given ample assurances by you and your committee that the critical habitat designation would allow continued management as a multiple resource, thus allowing open grazing of livestock and associated activities that would not conflict with or deplete the habitat. This assurance eliminated our primary concern.

We therefore wish to, once again, express our support for the critical habitat designation by legislation and hope that your activities will bring a successful conclusion to your efforts.

Sincerely,

*Pat Marquis*  
Pat Marquis  
Chairman

bg

CITY OF HOMER  
HOMER, ALASKA

RESOLUTION 85-33

A RESOLUTION ENDORSING HOUSE BILL 280 "AN ACT  
CREATING THE ANCHOR RIVER AND FRITZ CREEK  
CRITICAL HABITAT AREA".

WHEREAS, the City of Homer has an interest in preserving  
the Fritz Creek Watershed for future use as a water supply for  
residents of the Southern Kenai Peninsula; and


WHEREAS, the City has an interest in preserving areas for  
wildlife habitat; and

WHEREAS, the City has an interest in protecting and  
preserving certain lands for public access and public  
recreation purposes;

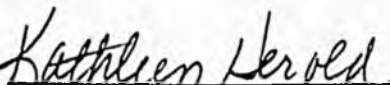
NOW THEREFORE, the City endorses House Bill 280 "An Act  
creating the Anchor River and Fritz Creek Critical Habitat  
Area";

DATED, at Homer, Alaska this 25<sup>th</sup> day of March, 1985.

CITY OF HOMER

  
Wayne Kessler, Mayor

ATTEST:

  
Kathleen Herold, City Clerk

Land Acq. and  
Introduced by: Legislative  
Affairs Committees  
Date: April 2, 1985  
Vote: 14 Yes, 1 No  
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 85-50

SUPPORTING THE ENACTMENT OF HOUSE BILL 280 CREATING THE ANCHOR RIVER AND FRITZ CREEK CRITICAL HABITAT AREA.

WHEREAS, the Kenai Peninsula Critical Habitat Task Force was formed by a group of citizens; and

WHEREAS, after study, this task force has recommended the creation of a critical habitat area in the Anchor River/Fritz Creek drainage area; and

WHEREAS, Representatives Navarre and Goll have introduced HB 280 in the legislature proposing the creation of the Anchor River and Fritz Creek critical habitat area; and


WHEREAS, the assembly supports creation of the Anchor River/Fritz Creek critical habitat area;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:


Section 1. That the assembly supports the passage of HB 280 which provides for creation of the Anchor River and Fritz Creek Critical Habitat Area.

Section 2. That the clerk is directed to forward copies of this resolution to Governor William Sheffield, to the House Resources Committee, the House Finance Committee, Senate President, Don Bennett, Speaker of the House, Ben Grussendorf, Senators Paul Fisher, Jalmar Kerttula, Edna DeVries and John Sackett, and to Representatives Mike Navarre, Andre Marrou, Bette Cato, Mike Szymanski, Kay Wallis and Peter Goll.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 2nd DAY OF April, 1985.

  
Marilyn Dinnick, Assembly President

ATTEST:

  
Borough Clerk



**KPCS**

March 1, 1985

Dave Vanderbrink  
POB 1236  
Homer, Alaska 99603

Dear Mr. Vanderbrink:

This is to inform you that the Kachemak Bay Conservation Society Board of Directors voted unanimously to support the Kenai Peninsula Critical Habitat Task Force's proposed "Anchor River/Fritz Creek Habitat Area." We have conveyed our support to Governor Sheffield and will do what we can to see that this vital watershed remains viable for moose and other wildlife.

Sincerely,

Edgar Bailey

KACHEMAK BAY CONSERVATION SOCIETY  
POB 1236  
HOMER ALASKA 99603



CITIZENS FOR  
RESPONSIBLE LAND USE

Co-Chairmen:  
Roberta Highland  
235-8214 (home)  
235-5223 (work)

Michael Sheppard  
235-7486 (home)  
235-5397 (work)

P.O. Box 15227 • Fritz Creek, Alaska 99603

March 5, 1985

To: Mr. Dave Vanderbrink, Chairman

From: Ed Schumann

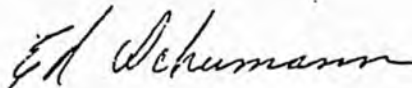
Subject: Anchor River- Fritz Creek: Critical Moose Habitat Area

Dear Dave;

Citizens for Responsible Land Use respectfully submit our endorsement of the Kenai Peninsula Critical Habitat Task Force proposal to create the 19,000 acre Anchor River- Fritz Creek Critical Moose Habitat Area.

We offer our continual support on this matter. We have to date; held public meetings, attended meetings, initiated letter writing campaigns to our legislators, circulated petitions and written appeals to the Department of Natural Resources. What can be done, will be done.

Sincerely,

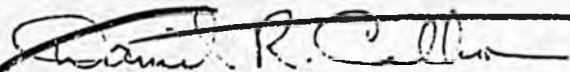


Ed Schumann  
committee member  
Citizens for Responsible Land Use

February 27, 1985

To Whom it May Concern:

In a meeting on 2/19/85 the Homer Fish and Game Advisory Committee unanimously voted to support the establishment of the Anchor River/Fritz Creek Critical Habitat Area as proposed by the Kenai Peninsula Critical Habitat Task Force.



Daniel R. Calhoun  
Chairman Homer Fish and Game Advisory Committee  
Box 566  
Homer, Alaska 99603.



Alaska Center for the Environment  
1069 W. 6th Avenue  
Anchorage, Alaska 99501 274-3621

MARY CORE  
EXECUTING  
DIRECTOR

Position Statement  
of the Alaska Center for the Environment  
In Support of the Proposed  
Anchor River/Fritz Creek Critical Habitat Area.

The lands proposed for designation on the Anchor River/Fritz Creek Critical Habitat Area, which are among the last state-owned lands in the region, are critical to the future of a healthy moose population on the southern Kenai Peninsula. The proposal would also protect the habitats of other wildlife such as brown and black bear and bald eagles, and of king and silver salmon, steelhead/rainbow trout, and dolly varden char.

The Anchor River Valley and Fritz Creek drainages support a wide variety of recreational uses including hunting, fishing, trapping, hiking and skiing. The critical habitat area proposal would encourage all recreational activities that do not jeopardize fish and wildlife habitat or populations. According to the Department of Fish and Game, 92,018 hunter days, with a total harvest worth \$5.5 million/dollars, were generated on the Kenai Peninsula between 1978 and 1983.

Moose on the lower Kenai Peninsula are restricted during the winter to less than 10% of the area they inhabit during the summer and fall periods. Furthermore, little moose overwintering occurs in the Kenai National Wildlife Refuge south of Trustumena Lake. On the other hand, as many as 300 to 500 moose generally winter in the Anchor River valley and Fritz Creek drainages.

CITY OF KACHEMAK  
KACHEMAK, ALASKA

RESOLUTION NO. 85-4

A RESOLUTION SUPPORTING THE CRITICAL MOOSE WINTER HABITAT

WHEREAS, the Common Council of the City of Kachemak recognizes the need to protect and maintain critical moose winter habitat along the upper Anchor River and Fritz Creek Drainages; and,

WHEREAS, the Kenai Peninsula Critical Habitat Task Force, working with the Alaska Department of Fish and Game proposes such; and,

WHEREAS, the area in question is approximately 19,000 acres, as proposed by this Task Force; and,

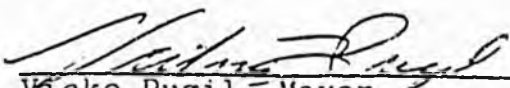
WHEREAS, the City of Kachemak recognizes that a watershed and critical habitat area are compatible; and,

WHEREAS, the City of Kachemak is appealing the Department of Natural Resources conveyance of 3,183.4 acres in the Fritz Creek drainage to the Kenai Peninsula Borough; and,

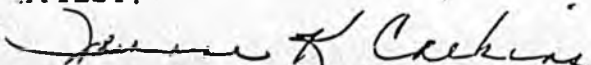
WHEREAS, the 3,183.4 acres in question is included in the proposal of the Kenai Peninsula Critical Habitat Task Force for the critical moose winter habitat;

NOW THEREFORE LET IT BE RESOLVED: that the Common Council of the City of Kachemak supports the Kenai Peninsula Critical Habitat Task Force, Dave Vanderbrink, Chairman, in its efforts to provide, protect and maintain critical winter moose habitat along the upper Anchor River and Fritz Creek Drainages AS LONG AS THE WATERSHED INTERESTS OF THE CITY OF KACHEMAK ARE NOT AFFECTED IN ANY NEGATIVE MANNER.

CITY OF KACHEMAK:

  
Vicke Pugil, Mayor

ATTEST:



FROM THE OFFICE OF  
REP. MIKE NAVARRE  
FOR YOUR INFORMATION

A PROPOSAL

THE ANCHOR RIVER/FRITZ CREEK CRITICAL HABITAT AREA

Submitted by:

Kenai Peninsula Critical Habitat Task Force

Dave Vanderbrink, Chairman  
P.O. Box 1236  
Homer, Alaska 99603

235-8784

Lynn Whitmore

235-7220

Bob Moss

235-8788

John H. McLay

235-8816

Allen S. Davis

235-8626

Derek Stonorov

235-8273

December 17, 1984

RESOLUTION 85-2

A RESOLUTION OF NORTH PACIFIC FISHERIES ASSOCIATION  
SUPPORTING THE PROPOSED  
ANCHOR RIVER/FRITZ CREEK  
CRITICAL HABITAT AREA

WHEREAS: the Anchor River and Fritz Creek both support runs of anadromous fish, and;

WHEREAS: lower Cook Inlet's fisheries play a significant role in State economy by revenues created both through the commercial harvest of fish and the taking of fish by sport fishermen, and;

WHEREAS: there exist conflicting demands of the watershed areas of Fritz Creek and the Anchor River, and;

WHEREAS: watershed alteration can lead to significant changes in riverine habitat, and;

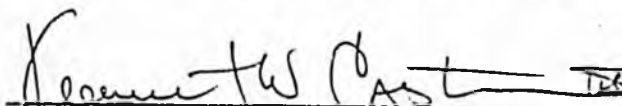
WHEREAS: the life cycles of anadromous fish depend on natural and unaltered conditions, and;

WHEREAS: it is sound public policy to protect the natural runs of anadromous fish;

NOW THEREFORE BE IT RESOLVED THAT: NORTH PACIFIC FISHERIES ASSOCIATION, INC., SUPPORTS THE CREATION OF THE ANCHOR RIVER/FRITZ CREEK CRITICAL HABITAT AREA.

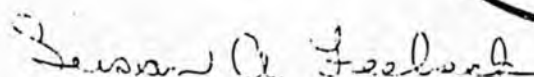
DATED AT HOMER, ALASKA this 14th day of March, 1985

NORTH PACIFIC FISHERIES ASSOCIATION



Ken Castner, President

ATTEST:



#1 CS 280  
The money you have in

submitted to leg for  
review and take effect  
after submission

OK  
Disagreements by act  
of legislation

OK  
#2 June 19.  
period after occur.

OK  
Act prepared  
June 30, 1995  
11114  
11  
2

The following political organizations and private organizations have taken a stand in favor of HB 280, an act creating the Anchor River and Fritz Creek Critical Habitat Area:

Kenai Peninsula Borough Assembly  
City of Homer Council  
Kachemak City  
Homer Fish and Game Advisory Committee  
South Central Regional Game Council  
Kenai National Wildlife Refuge  
Alaska Water Resources Board  
North Pacific Fisheries Association  
Alaska Sportsfishing Association  
Cook Inlet Aquaculture Association  
Kachemak Bay Conservation Society  
Alaska Center for the Environment  
Alaska Environmental Lobby  
Sierra Club, Alaska Chapter  
Wildlife Federation of Alaska  
Alaska Outdoor Council  
National Rifle Association of America  
International Moose Federation  
Homer Soil Conservation District  
Citizens for Responsible Land Use  
*Alaska Bowhunters*  
*Black Sheep Bowmen*  
*Northwest Archers*

ALASKA DEPT. OF  
FISH & GAME

APR 16 1985

REGION IV  
HABITAT DIVISION

Commissioner Esther Wunnicke  
Commissioner of Natural Resources  
5th Floor 400 Willoughby Center  
Pouch M  
Juneau, Alaska 99811

Dear Commissioner Wunnicka:

This is URGENT, please.

Regarding HB280, a bill now in the Alaska State Legislature, which would create a Critical Habitat Area in the Homer area, we ask for your assistance in deleting leased areas from Habitat designation. We ask that HB280 add and read: DELETE LEASED AREA FROM HABITAT DESIGNATION. We learned late about the bill, and we learned late that our grazing lease area that we have developed for years, is within the proposed Habitat designation, and we have not been heard, or had any decent hearings on HB280.

We want leased area deleted from Habitat designation. In my opinion, Fish and Game is not a friend to agriculture. We would be extremely adversely affected by having leased areas in Habitat designation, and under Fish and Game.

We respectfully and urgently ask that you please act immediately to see that HB280 is changed to: DELETE LEASED AREA FROM HABITAT DESIGNATION.

If HB280 will not add and read: Delete leased area from Habitat, we ask that entire bill be stopped immediately as we have not had any decent hearings on HB280. We ask to be heard if leased area will not be deleted now, and we ask that entire bill be stopped so that we have protection instead of the steamroller job of HB280.

The matter is URGENT. Thank you.

Sincerely,

*Viola Jerral*  
Viola Jerral  
Dan Jerral  
*Dan Jerral*

(Note: Phone to be reached  
in Anchorage currently 349-9695.)

DEPARTMENT OF  
NATURAL RESOURCES

MAY - 3 1985

COMMISSIONER'S OFFICE  
ANCHORAGE

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CS55 HB 280 (FIN)  
Title: Anchor River Critical  
Habitat

FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: NRMEC

Sponsor: Navarre and Goll  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

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						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Mike Vediner

Phone: 465-2400

Division: Land and Water Management

Date: March 28, 1985

Approved by Commissioner: Robert D. Arnold

Date: March 28, 1985

Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

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

7/1/84

282

A PROPOSAL

THE ANCHOR RIVER/FRITZ CREEK CRITICAL HABITAT AREA

Submitted by:

Kenai Peninsula Critical Habitat Task Force

- |  |          |
|--|----------|
| Dave Vanderbrink, Chairman<br>P.O. Box 1236<br>Homer, Alaska 99603 | 235-8784 |
| Lynn Whitmore  | 235-7220 |
| Bob Moss   | 235-8788 |
| John H. McLay  | 235-8816 |
| Allen S. Davis   | 235-8626 |
| Derek Stonorov   | 235-8273 |

December 17, 1984

*Marle Wolford*  
*Ed Bailey*  
*Joy Post*  
*Dave Holdermann*

AREA NAME

Anchor River/Fritz Creek Critical Habitat Area

PURPOSE

The primary purpose of the proposed special area is to protect and maintain critical moose winter habitat along the upper Anchor River and Fritz Creek drainages. A secondary purpose is to protect the habitats of salmonid fishes and other wildlife which occur along these drainages. These lands would be managed by the Alaska Department of Fish and Game (ADF&G).

LEGAL DESCRIPTION

T4S, R13W, Seward Meridian

Sections: 25, 35 and 36.

T5S, R14W, Seward Meridian

Sections: 13, NE $\frac{1}{4}$ 20, 21, 22, 23, 24, N $\frac{1}{2}$ 26, N $\frac{1}{2}$ 27 and N $\frac{1}{2}$ 28.

T5S, R13W, Seward Meridian

Sections: 2,3, E $\frac{1}{4}$ 4, S $\frac{1}{2}$ 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, W $\frac{1}{2}$ 21 and 24.

T5S, R12W, Seward Meridian

Sections: 17, 18, 19 and 20

AREA DESCRIPTION

The proposed special area is located approximately 6 miles due north of the City of Homer on the lower Kenai Peninsula, Alaska (see Appendix A). It is approximately 19,000 acres in size, and includes most of the upper Anchor River valley and the adjacent sloping uplands, the area known as "Beaver Flats", and the headwaters of Fritz Creek. The main

valley consists of a relatively narrow valley floor with a meandering stream, moderately steep hillsides which flank either side of the valley floor, and numerous small tributaries. Vegetation along the Anchor River is comprised of a mosaic of willow thickets, grass/forb meadows, scattered Sitka spruce, and clumps of cottonwood; mature Sitka spruce forests and stands of alder on the adjacent hillsides; dense willow thickets along small tributaries; and spruce forests and open meadows on gently sloping ground above 1,000 feet elevation. The extensive muskeg along Beaver Creek supports low heath shrubs and willows. The terrain in the headwaters of Fritz Creek is gently sloping; and the vegetation consists of an open spruce forest with a dense understory of willows in the bottomlands, and mixed spruce forests and open meadows at higher elevations.

#### WILDLIFE RESOURCE VALUES

The Anchor River valley and Fritz Creek drainages function as moose winter habitat. Aerial survey information collected by the ADF&G indicates between 300 and 500 moose concentrate in this area during average winters. A density of 23 moose per square mile were documented on Beaver Flats in 1983. The riparian habitats along these drainage systems provide moose with a concentrated food supply in the form of willow browse, adjacent resting and hiding cover in the form of spruce forests, and an environment where snow accumulations are normally small enough to not impede winter feeding activities. The existence of areas which provide these elements is absolutely essential to winter survival of moose on the lower Kenai Peninsula.

The Anchor River is spawning and rearing habitat for king salmon, coho salmon, steelhead/rainbow trout, and dolly varden char. These habitats are also essential with respect to the life cycle and perpetuation of these species.

Riparian habitats such as those found in the proposed special area are important to a variety of other wildlife. Spawning salmon along the Anchor River are important food sources for brown bear, black bear and bald eagles. Stands of mature cottonwoods at the western end of the proposed area have been used by bald eagles for nesting. The valley serves as a travel corridor for most species of big game, furbearers and small forms of wildlife.

#### RECREATIONAL USES

The Anchor River valley and Fritz Creek drainages are popular recreation areas. In recent years uses have included hunting, trapping, fishing, wildlife viewing and photography, general hiking, snowmachining, snowshoeing, and nordic skiing. ADF&G records show that in the 1983 moose season 25% of the bull harvest (n=61) was taken in the Anchor River drainage. Beaver, river otter, mink, coyote, and wolf are the furbearers most commonly taken in this area. Sport fishing for salmon is prohibited in the proposed special area, but trout and char fishing are allowed from July through December. Snowmachining, snowshoeing, and nordic skiing occur throughout the area during most winters. All of the above recreational activities would be encouraged in the proposed special area as long as they did not pose a serious threat to wildlife of habitat resources.

#### JUSTIFICATION

Moose are the dominant big game animal on the Kenai Peninsula. They occupy a vital position in the food chain of the boreal forest, and represent an important renewable resource. Moose are browsers which assimilate energy and nutrients from the plant material they eat. In turn, large predators such as the wolf and the brown bear and a host of smaller scavengers are dependent upon moose as a source of food. Moose are directly important to man through the viewing and hunting opportunities they provide and the revenue these activities funnel

into local economies. ADF&G records show that the moose resource on the Kenai Peninsula has generated a total of 92,018 hunter days of recreation and a total harvest of 3,162 moose worth an estimated 5.5 million dollars between 1978 and 1983. In a less tangible sense, most Alaskans feel that the mere presence of wildlife, of which the moose is symbolic, contributes highly to their quality of life. They want future generations of Alaskans to be able to enjoy the tradition of a rich wildlife heritage.

It is estimated that there are currently between 2,500 and 3,000 moose on the lower Kenai Peninsula (Game Management Subunit 15C). These moose range throughout most of the 760,000 acres of lowlands in Subunit 15C in summer and early fall, but are restricted to stream and river bottoms and south-facing benchlands below 800 feet elevation during winter. ADF&G tagging studies and aerial surveillance of moose show that the Homer Benchland, lower Fox River valley, lower Anchor River valley, lower Deep Creek/Ninilchik River valleys, Fritz Creek and the Coho Beach area are historic winter habitats. These areas provide the concentrated food, cover, and relatively small snow accumulation necessary for successful overwintering of moose. It is significant to note that the sum of these winter habitats comprise less than 10% of the surface area of all the utilized summer and early fall habitat in Subunit 15C. Virtually no overwintering of moose occurs in the Kenai National Wildlife Refuge south of Tustumena Lake.

Moose winter habitats on the lower Kenai Peninsula are mostly privately owned and have been seriously diminished in the quality and extent by human development in the last three decades. For instance, an estimated 4,500 people now compete with moose for space on the Homer Benchland, and considerable habitat alteration and loss have occurred. Consequently, this historically important winter habitat can now support only a fraction of the moose it once did. Substantial amounts of residential and commercial development have also occurred on the Coho Beach, lower Ninilchik, lower Deep Creek, lower Anchor River and Homer Benchland winter habitats.

The lower Fox River winter habitat has been intensively grazed by horses and cattle since the 1940's, and supports a growing human population of approximately 200 people. It is reasonable to assume that these developments have lowered the winter carrying capacity of that area for moose. Water development and intensive cattle grazing are potential threats which have recently been proposed for the Fritz Creek winter habitat.

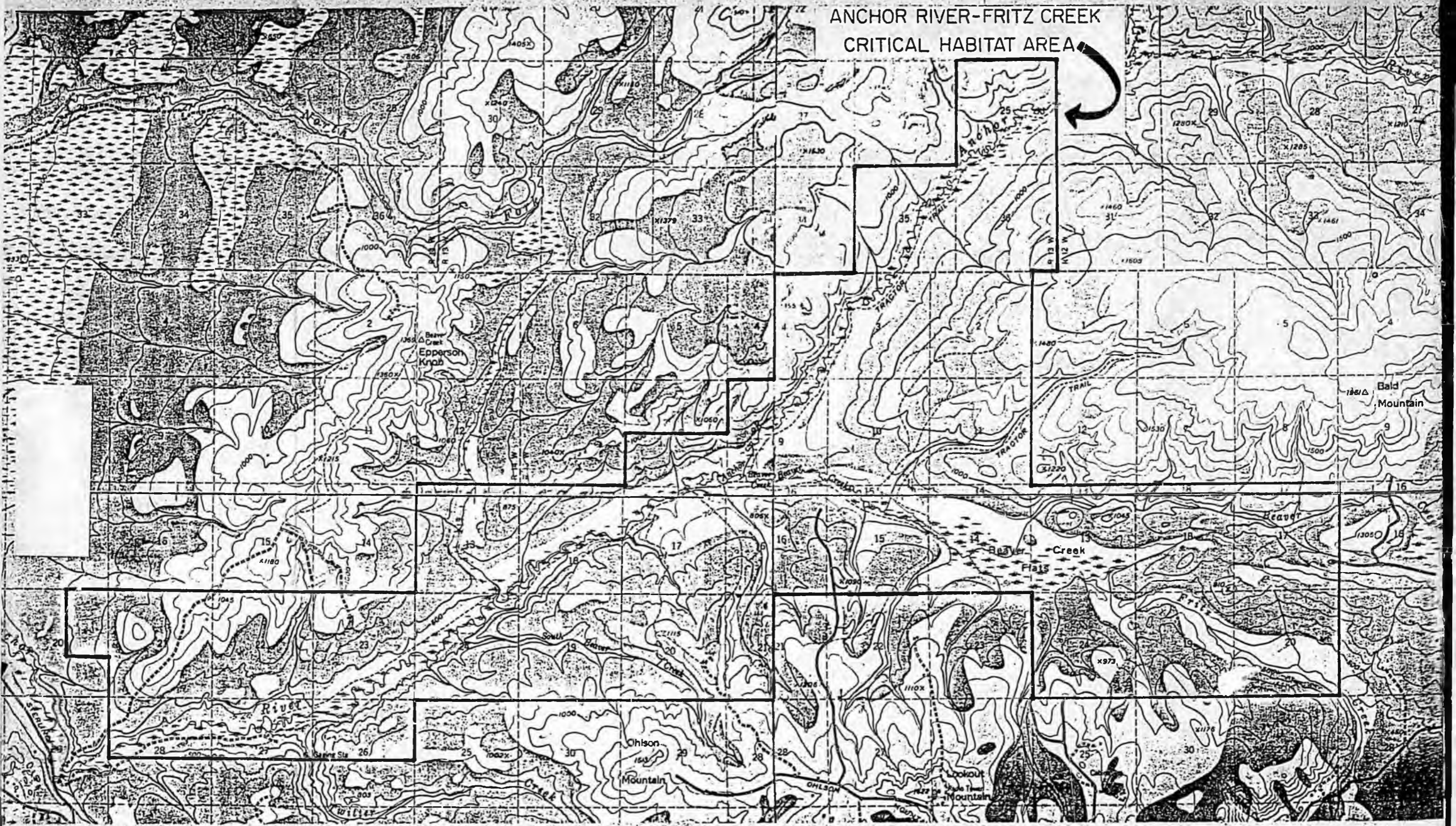
These trends are expected to worsen as the human population on the Kenai Peninsula continues to grow. Lands along the upper Anchor River valley and headwaters of Fritz Creek are in State ownership, and present the best opportunity to protect and maintain moose winter range on the lower Kenai Peninsula. Legislative designation as a State critical habitat area would keep these lands in public trust, and ensure the future of their wildlife resource and habitat values.

APPENDIX A

ANCHOR RIVER-FRITZ CREEK  
CRITICAL HABITAT AREA



ANCHOR RIVER-FRITZ CREEK  
CRITICAL HABITAT AREA





# CITIZENS FOR RESPONSIBLE LAND USE

P.O. Box 15227 • Fritz Creek, Alaska 99603

APR 25 1985

Co-Chairmen:  
Roberta Highland  
235-8214 (home)  
235-5223 (work)

Michael Sheppard  
235-7486 (home)  
235-5397 (work)

April 23, 1985

Arless Sturgulewski  
Box V  
Gumear, Alaska 99811

SB280  
Committee files

Dear Arless:

I wanted to follow my P.O. M. with a letter. Our group has been supporting the Ad Hoc Committee who are the forefathers of HB280.

There have actually been studies regarding the need for a Winter Critical Moose Habitat as early as 1973. The latest study began in 1982. There is much substantiated proof as to the need & feasibility of this particular Habitat. Last winters moose count in that area was between 300-400 moose. The Fritz Creek area has become one of the fastest growing population wise. We've got to start saving green belts in high population density & caring about responsible



# CITIZENS FOR RESPONSIBLE LAND USE

Co-Chairmen:  
Roberta Highland  
235-8214 (home)  
235-5223 (work)

Michael Sheppard  
235-7486 (home)  
235-5397 (work)

P.O. Box 15227 • Fritz Creek, Alaska 99603

development, or we're going to end up like  
so many mistakes outside.

We've got over 1000 signatures supporting  
HB 280 + would truly appreciate your  
support.

Thank you for your time.

Sincerely,

Roberta K. Highland

Co-Chairperson

P.S.

if you have any questions please  
Call.

APR 11 1985

6611 Sherwood Circle  
Anchorage, Alaska 99504  
April 6, 1985

Senator Arliss Sturgulewski  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Sturgulewski:

Thank you for the opportunity to talk with you over the teleconference on April 3. You requested that I send you information on HB 280. I am enclosing the following information:

1. A map showing the proposed Critical Habitat Area.
2. A topographical map of the same area, showing the streams and wetlands. The Corps of Engineers has designated the Fritz Creek area as wetlands.
3. The correspondence from the Corps of Engineers concerning the designation of wetland. (This is the area that the Koreans were interested in.)
4. The proposal for the Critical Habitat by the Kenai Peninsula Critical Habitat Force.
5. Fliers put out by the Task Force, including a history of this area. It shows that the desire for a habitat is not a new idea.
6. A map from the Dept. of Fish and Game showing where the moose in the southern Kenai Peninsula go in the fall and where they concentrate in the winter. Fish and Game put three different colored collars on the moose, depending on where they were in the falls. All three colors showed up in Fritz Creek, as observed by Fish & Game and the local residents. The depth of snow and the abundance of browse make the Fritz Creek Valleys and the Anchor River the best wintering area in the Southern Kenai Peninsula. The moose also calve in this area. If this area is developed, Fish and Game says that the moose herd will be weakened, and eventually lost. (The coloring on the map is my own to make it easier to see.)
7. A paper telling of the purpose of the group called the "Citizens for Responsible Land Use." It also gives the names of some of the people involved. This group also has petitions with about 1000 names of people who support this legislation.
8. A list of political and private organizations which are supporting HB 280. These include hunting and fishing groups, as well as conservation groups. Anchor River is an important fishing stream. Moose are important to the Kenai both for hunting and tourism.
9. Copies of related news articles.
10. A folder put out by the Department of Fish and Game telling about Critical Habitats. They are multiple use areas. They allow hunting

and fishing, snowmachining and skiing. There can be timber leases, grazing leases, and oil and gas leases. Anything is possible which will not destroy the habitat for moose and fish.

As you can see from the folder, both Clam Gulch beach and the entire Kachemak Bay are Critical Habitats. These enjoy tremendous public use.

One concern people have had about the Fritz Creek area is that the state of Alaska had desired to convey the 3700 acres in Fritz Creek Valley to the University of Alaska. The University of Alaska would in turn lease the land to Han-A Samick Corporation which would have had a feed lot operation for 5,000 to 10,000 head of cattle. They would have flown the calves in from Montana, purchased the Delta barley and trucked it to Homer. When the cows were full grown, they would have flown 60 cows at a time on jets out of the Homer airport to Korea. In the Final Finding, the state decided to convey the land to the Kenai Peninsula Borough, rather than the University of Alaska. The Kenai Borough Assemble on Tuesday, April 4, 1985 passed a resolution to support HB 280 for the creation of the Critical Habitat.

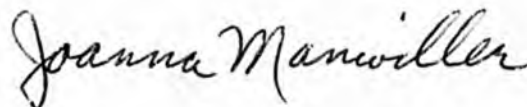
There is a new solution for the need for a market for the Delta Barley. A corporation called "Delta J K Farms" is moving ahead to put a feed lot in the Delta area. They plan on having 5,000 to 10,000 head of cattle. This will provide the needed market for the barley. The address for the corporation is:

Ray Hendershot  
Delta J K Farms  
130 Cordova Street  
Suite 310  
Anchorage, Alaska 99501

I appreciate your interest in this proposed habitat. If I can provide any more information, please let me know.

We trust you will support HB 280.

Sincerely yours,



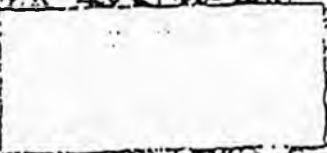
Joanna Manwiller



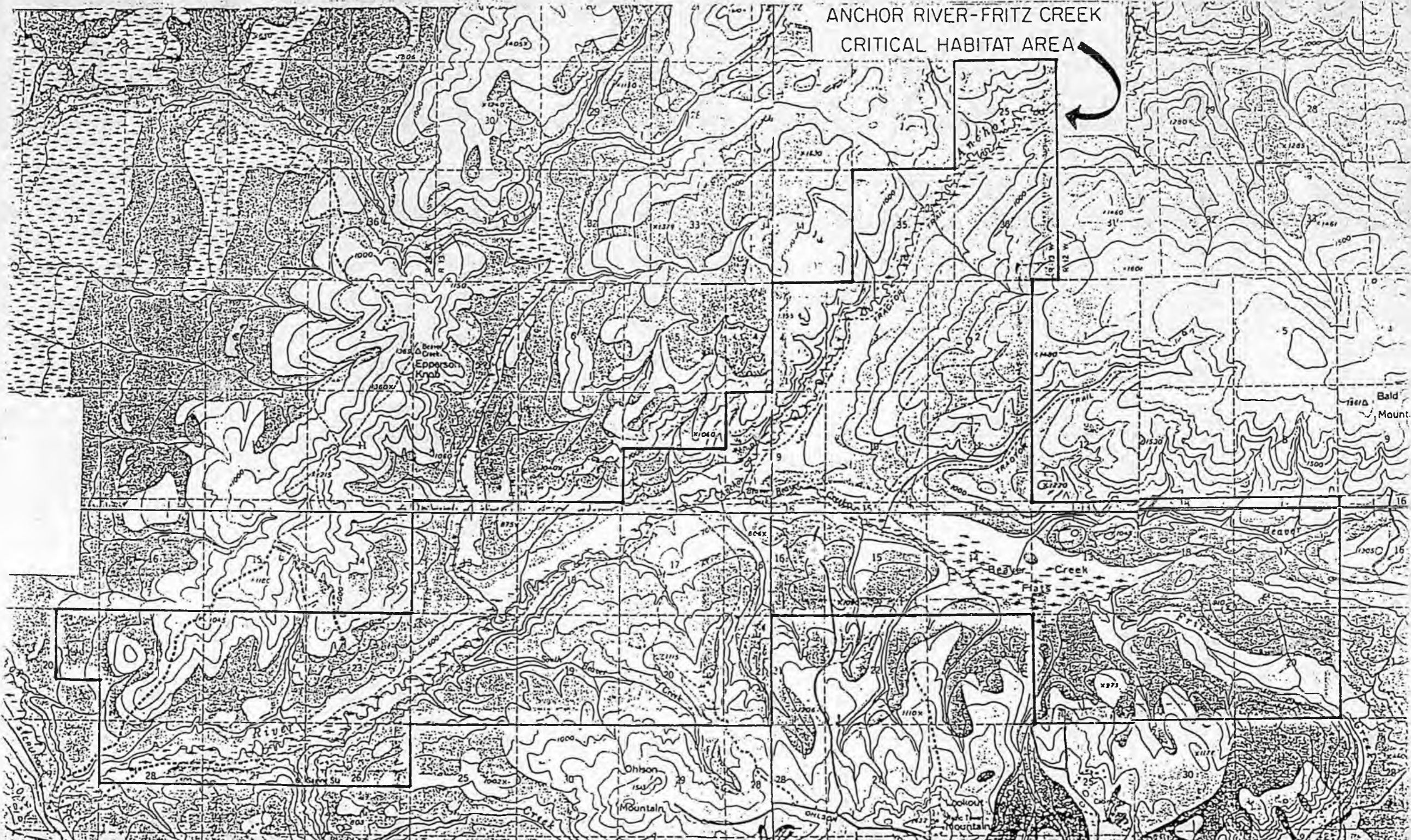
ANCHOR RIVER-FRITZ CREEK  
CRITICAL HABITAT AREA



K A C H E M A K



ANCHOR RIVER-FRITZ CREEK  
CRITICAL HABITAT AREA





U. S. Army  
Corps of Engineers  
Alaska District



ARTHUR J. LaPERRIERE  
Environmental Specialist

Compliance Section  
P. O. Box 898  
Anchorage, AK 99506-0898

(907) 753-2720

JAN 28 1982

Ms. An Peischel  
Homer Research Center  
SRA 34D  
Homer, Alaska 99603

Reference: Jurisdictional Determination  
Ditching Project  
Fritz Creek  
Homer, Alaska

Dear Ms. Peischel:

This is in response to your request for a wetland determination on two sites in the Fritz Creek area near Homer, Alaska. Site 1 is located in Sections 33 and 34, T. 5 S., R. 12 W., S.M. and Site 2 is located in Sections 17-20, T. 5 S., R. 12 W., and Section 13, 24, and 25, T. 5 S., R. 13 W., S.M.

A review of aerial photos, the Homer-Ninilchik soil survey maps, and the Seldovia quad sheet (-4) indicates that both project sites are located in wetlands. Therefore, authorization from the Department of the Army (DA) under Section 404 of the Clean Water Act will be required prior to any discharge of dredged or fill material into these wetlands. Discharges include material that falls onto the wetlands if the ditches are blasted. The wetland areas are denoted in red on the inclosed maps (Incl 1).

Inclosed are a DA application form and pamphlet (Incl 2) which contains instructions for completion of the application. Please note that the plans should be on 8 1/2" X 11" paper or mylar suitable for reproduction, in a format similar to the examples on pages 13 and 14.

The names and addresses of any adjacent property owners must be furnished in order that they may be notified of the proposed work.

In addition, since your activity is located in the Alaska coastal zone, you must provide a certification that your activity will comply with the Alaska Coastal Management Program (ACMP). In this regard, two copies of a Certification of Consistency with the ACMP (Incl 3) are inclosed and both copies must be signed and returned to this office.

ACG-RF-C

JAN 28 1982

Also, a Department of the Army permit can be issued for your work only after you have obtained a Certificate of Reasonable Assurance or waiver of certification as required by Section 401(a)(1) of the Clean Water Act. This certification or waiver thereof is issued by the Alaska Department of Environmental Conservation (ADEC). For your convenience, we will forward a copy of your application to ADEC which they accept as an application for a Certificate of Reasonable Assurance. There should be no delay in processing your application as the review processes of ADEC and the Corps of Engineers run concurrently. If you have questions about ADEC's certification process, please contact them at 437 E Street, Anchorage, Alaska, telephone (907) 274-2533.

Also inclosed is the packet of materials (Incl 4) which you lent us during the initial process of determining the wetland areas.

For assistance with the permit application or processing contact Mr Jim Wolfe at (907) 552-4942.

If we can be of further assistance, please contact Mr. Larry Reeder or Mrs. Helen Vellinga of our Regulatory Functions Branch, Compliance Section at (907) 552-3117.

Sincerely,

SIGNED

4 Incl  
As stated

JAMES E. CARUTH  
Chief, Regulatory Functions Branch

CF:  
w/Incl  
Sigmund Restad  
Edward Lopsley

REC-126  
26 Jan 82  
CONCUR  
NPACO  
Reeder  
1-26

*Reeder 26 Jan*

TELEPHONE OR VERBAL CONVERSATION RECORD

DATE

1030

of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

4 MAR 82

CONVERSATION

U of A - HOMER AG. PROJECT W/D REQUEST

INCOMING CALL

PERSON CALLING

ADDRESS

PHONE NUMBER AND EXTENSION

PERSON CALLED

OFFICE

PHONE NUMBER AND EXTENSION

OUTGOING CALL

PERSON CALLING

OFFICE

PHONE NUMBER AND EXTENSION

LARRY L. REEDER

NPACO-RF-C

PERSON CALLED

ADDRESS

PHONE NUMBER AND EXTENSION

ED LAPSLEY

ANCHORAGE, AK

279-2482

SUMMARY OF CONVERSATION

I RETURNED MR. LAPSLEY'S CALL. HE WANTED TO KNOW THE STATUS OF THEIR REQUEST AND PERMIT APPLICATION IN LIGHT OF THE RECENT SCS LETTER SENT TO US.

I TOLD HIM THAT AFTER A THOROUGH REVIEW AND RECONSIDERATION, WE ARE HOLDING TO OUR DETERMINATION THAT IT IS WETLANDS AND REQUIRES A PERMIT. THE INFORMATION AND DATA AVAILABLE <sup>PH</sup> ~~WED~~, INCLUDING THE SCS LETTER, INDICATES THE AREA HAS A PREDOMINANT FEATURE OF WETNESS AND THEREFORE THE PRESENCE OF HYDROLOGY NECESSARY TO BE A WETLAND.

I CLARIFIED THAT "HYDRIC SOIL" BY SCS DEFINITION IS ONLY PART OF THE CRITERIA WE CONSIDER IN DETERMINING SOIL HYDROLOGY. IF IT IS HYDRIC SOIL THEN WE WOULD BE CERTAIN THAT THE SOIL CONDITIONS MEET THE WETLAND CONDITION IN MOST CASES, HOWEVER, JUST BECAUSE IT DOES NOT MEET THE FULL HYDRIC CRITERIA DOES NOT MEAN THAT THE AREA IS NOT A WETLAND AREA.

THE SCS LETTER DID CAUSE US SOME CONCERN BUT AFTER A REEVALUATION WE CANNOT SAY THE AREA IS A NONWETLAND W/O AN ON SITE INSPECTION AND THAT WOULD NEED TO BE ACCOMPLISHED AFTER BREAK-UP IN THE SPRING. (HE STATED THEY COULD NOT DO THE WORK AFTER SPRING (DUE TO WET SOIL CONDITIONS)). I TOLD HIM WE WOULD PROCEED TO PROCESS HIS APPLICATION. AND WOULD RESPOND TO <sup>the</sup> SCS LETTER SOON.

Larry L. Reeder

A PROPOSAL

THE ANCHOR RIVER/FRITZ CREEK CRITICAL HABITAT AREA

Submitted by:

Kenai Peninsula Critical Habitat Task Force

Dave Vanderbrink, Chairman P.O. Box 1236 Homer, Alaska 99603	235-8784
Lynn Whitmore	235-7220
Bob Moss	235-8788
John H. McLay	235-8816
Allen S. Davis	235-8626
Derek Stonorov	235-8273

December 17, 1984

AREA NAME

Anchor River/Fritz Creek Critical Habitat Area

PURPOSE

The primary purpose of the proposed special area is to protect and maintain critical moose winter habitat along the upper Anchor River and Fritz Creek drainages. A secondary purpose is to protect the habitats of salmonid fishes and other wildlife which occur along these drainages. These lands would be managed by the Alaska Department of Fish and Game.

LEGAL DESCRIPTION

T4S, R13W, Seward Meridian  
Sections: 25, 35 and 36.

T5S, R14W, Seward Meridian  
Sections: 13, NE $\frac{1}{4}$ 20, 21, 22, 23, 24, N $\frac{1}{2}$ 26, 11 $\frac{1}{2}$ 27, and N $\frac{1}{2}$ 28.

T5S, R13W, Seward Meridian  
Sections: 2, 3, E $\frac{1}{2}$ 4, S $\frac{1}{2}$ 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, W $\frac{1}{2}$ 21 and 24.

T5S, R12W, Seward Meridian  
Sections: 17, 18, 19, and 20

AREA DESCRIPTION

The proposed special area is located approximately 6 miles due north of the City of Homer on the lower Kenai Peninsula, Alaska (see Appendix A). It is approximately 19,000 acres in size, and includes most of the upper Anchor River valley and the adjacent sloping uplands, the area known as "Beaver Flats", and the headwaters of Fritz Creek. The main valley consists of a relatively narrow valley floor with a meandering stream, moderately steep hillsides which flank either side of the valley floor, and numerous small tributaries. Vegetation along the Anchor River is comprised of a mosaic of willow thickets, grass/forb meadows, scattered Sitka spruce, and clumps of cottonwoods; mature Sitka Spruce forests and stands of alder on the adjacent hillsides; dense thickets along small tributaries; and spruce forests and open meadows on gently sloping ground above 1,000 feet elevation. The extensive muskeg along Beaver Creek supports low heath shrubs and

willows. The terrain in the headwaters of Fritz Creek is gently sloping; and the vegetation consists of an open spruce forest with a dense understory of willows in the bottomlands, and mixed spruce forests and open meadows at higher elevations.

#### WILDLIFE RESOURCE VALUES

The Anchor River valley and Fritz Creek drainages function as moose winter habitat. Aerial survey information collected by the Alaska Department of Fish and Game indicates between 300 and 500 moose concentrate in this area during average winters. Densities of 23 moose per square mile have been documented on Beaver Flats. The riparian habitats along these drainage systems provide moose with a concentrated food supply in the form of willow browse, adjacent resting and hiding cover in the form of spruce forests, and an environment where snow accumulations are normally small enough to not impede winter feeding activities. The existence of areas which provide these elements is absolutely essential to winter survival of moose on the lower Kenai Peninsula.

The Anchor River is spawning and rearing habitat for king salmon, coho salmon, steelhead/rainbow trout, and dolly varden char. These habitats are also essential with respect to the life cycle and perpetuation of these species.

Riparian habitats such as those found in the proposed special area are important to a variety of other wildlife. Spawning salmon along the Anchor River are important food sources for brown bear, black bear and bald eagles. Stands of mature cottonwoods at the western end of the proposed area have been used by bald eagles for nesting. The valley serves as a travel corridor for most species of big game, furbearers and small forms of wildlife.

#### RECREATIONAL USES

The Anchor River valley and Fritz Creek drainages are popular recreation areas. In recent years uses have included hunting, trapping, fishing, wildlife viewing and photography, general hiking, snowmachining, snowshoeing, and nordic skiing. Alaska Department of Fish and Game records show that in 1983 moose season, 25% of the bull harvests (n = 61) was taken in the Anchor River drainage. Beaver, river otter, mink, coyote and wolf are the furbearers most commonly taken in this area. Sports fishing are allowed in August and September. Snowmachining, snowshoeing and nordic skiing occur throughout the area during most winters. All of the above recreational activities would be encouraged in the proposed special area as long as they did not pose a threat to wildlife or habitat resources.

#### JUSTIFICATION

Moose are the dominant big game animal on the Kenai Peninsula. They occupy a vital position in the food chain of the boreal forest, and

represent an important renewable resource. Moose are browsers which assimilate energy and nutrients from the plant material they eat. In turn, large predators such as the wolf and the brown bear and a host of smaller scavengers are dependent upon moose as a source of food. Moose are directly important to man through the viewing and hunting opportunities they provide, and the revenue these activities funnel into local economies. Alaska Department of Fish and Game records show that the moose resource on the Kenai Peninsula has generated a total of 92,018 hunter days of recreation and a total harvest of 3,162 moose worth an estimated 5.5 million dollars between 1978 and 1983. In a less tangible sense, most Alaskans feel that the mere presence of wildlife, of which the moose is symbolic, contributes highly to their quality of life. They want future generations of Alaskans to be able to enjoy the tradition of a rich wildlife heritage.

It is estimated that there are currently between 2,500 and 3,000 moose on the lower Kenai Peninsula (i.e. Game Management Subunit 15C). These moose range throughout most of the 760,000 acres of lowlands in Subunit 15C in summer and early fall, but are restricted to stream and river bottoms and south-facing benchlands below 800 feet elevation during winter. Tagging studies and long-term aerial surveillance of moose show that the Homer Benchland, lower Fox River valley, lower Anchor River valley, lower Deep Creek and Ninilchik River valleys, Fritz Creek and the Coho Beach area are historic winter habitats. These areas provide the concentrated food and cover resources and relatively small snow accumulation necessary for successful overwintering of moose. It is significant to note that the sum of these winter habitats comprise less than 10% of the surface area of all the utilized summer and early fall habitat in Subunit 15C. Virtually no overwintering of moose occurs in the Kenai National Wildlife Refuge south of Tustumena Lake.

Moose winter habitats on the lower Kenai Peninsula are mostly privately owned and have been seriously diminished in quality and extent by human development in the last three decades. For instance, an estimated 4,500 people now compete with moose for space on the Homer Benchland, and considerable habitat alteration and loss have occurred. Consequently, this winter habitat can now support only a fraction of the moose it once did. Substantial amounts of residential and commercial development has also occurred on the Coho Beach, lower Ninilchik, lower Deep Creek, lower Anchor River and Homer Benchland winter habitats. The lower Fox River winter habitat has been intensively grazed since the 1940's and is believed to have lowered the winter carrying capacity of that area for moose. Water development and intensive cattle grazing are threats which have recently been proposed for the Fritz Creek winter habitat.

These trends are expected to worsen as the human population on the Kenai Peninsula continues to grow. Lands along the upper Anchor River valley and headwaters of Fritz Creek are in State ownership, and present the best opportunity to protect and maintain moose winter range on the lower Kenai Peninsula. Legislative designation as a State critical habitat would keep these lands in public trust, and ensure the future of their wildlife resource and habitat values.

## HELP ESTABLISH THE ANCHOR RIVER/FRITZ CREEK CRITICAL HABITAT AREA

The future of a healthy moose population on the lower Kenai Peninsula is being threatened. Moose in this region concentrate during the lean winter months in the lower segments of major river valleys and south-facing benchlands. These areas are unique in providing moose with the essentials for overwinter survival-- an abundant food supply in the form of willow browse, resting and hiding cover, and relief from deep snows.

Unfortunately, most moose winter habitat on the lower Kenai Peninsula is privately owned and has been seriously diminished in quality and extent by a rapidly growing human population during the past two decades.

### Important Facts:

1. The winter period is the bottleneck in the moose's annual cycle. Reproductive success and population growth depend on overwinter survival.
2. Moose on the lower Kenai Peninsula are restricted during the winter period to less than 10% of the area that they occupy in summer and fall.
3. Virtually no moose overwinter on the Kenai National Wildlife Refuge south of Tustumena Lake.
4. Substantial amounts of residential and commercial development have already occurred on moose winter habitat at Coho Beach, lower Deep Creek/Ninilchik River, lower Anchor River, and the Homer Bench.
5. The Anchor River is important spawning and rearing habitat for king salmon, coho salmon, steelhead/rainbow trout, and dolly varden.

### History:

1978 -- ADF&G moose studies identify the South Fork of the Anchor River and Fritz Creek as major moose winter habitats.

1982 -- ADF&G recommends that 19,000 acres of state-owned land along the Anchor River and Fritz Creek drainages be legislatively designated as a State Critical Habitat Area.

April 1984 -- The Kenai Peninsula Critical Habitat Task Force is formed to advance the establishment of the Anchor River/Fritz Creek Critical Habitat Area.

January 1985 -- Proposal and draft legislation are presented to Kenai Peninsula legislative delegation.

#### The Proposal:

The proposed legislation would set aside 19,000 acres as a Critical Habitat Area. The primary purpose is to protect and maintain critical moose winter habitat. A secondary purpose is to protect the habitats of salmonid fishes and other wildlife. The lands would be managed by the ADF&G. Traditional uses such as hunting, fishing, recreation, etc. would be allowed, but incompatible uses would be restricted.

All of the land proposed for designation is currently state-owned, although 3000 acres on the Fritz Creek end was recently conveyed to the Kenai Peninsula Borough. The conveyance decision is currently under appeal. Existing grazing leases would be unaffected by the designation.

#### How You Can Help:

The future of a healthy moose population on the southern Kenai Peninsula ultimately depends on the availability of large tracts of undeveloped winter habitat. These areas cannot be recreated by man-- because of their unique topographic and vegetative attributes-- once they have been destroyed. Lands along the upper Anchor River and Fritz Creek represent the last opportunity to preserve a major moose winter range on the lower Peninsula. **Urge your legislators to establish the Anchor River/Fritz Creek Critical Habitat Area.** Write them at Pouch V, Juneau, Ak. 99811 or send a free public opinion message by calling 235-7878 (Homer), 262-9364 (Soldotna), or 278-3668 (Anchorage).

prepared by:

Kenai Peninsula Critical Habitat Task Force  
Dave Vanderbrink, Chair  
Box 1236, Homer, Ak. 99603

2/19/85

**HELP ESTABLISH THE ANCHOR RIVER/FRITZ CREEK  
CRITICAL HABITAT AREA**

**SUPPORT HB 280**

The future of a healthy moose population on the lower Kenai Peninsula is being threatened. Moose in this region concentrate during the lean winter months in the lower segments of major river valleys and south-facing benchlands. These areas are unique in providing moose with the essentials for overwinter survival-- an abundant food supply in the form of willow browse, resting and hiding cover, and relief from deep snows.

Unfortunately, most moose winter habitat on the lower Kenai Peninsula is privately owned and has been seriously diminished in quality and extent by a rapidly growing human population during the past two decades.

House Bill 280, introduced in the Alaska Legislature on March 13, 1985 by Representative Mike Navarre (D-Kenai) at the request of many Homer-area residents, would provide for the creation of the Anchor River and Fritz Creek Critical Habitat Area. This legislation needs your support.

**Important Facts:**

1. The winter period is the bottleneck in the moose's annual cycle. Reproductive success and population growth depend on overwinter survival.
2. Moose on the lower Kenai Peninsula are restricted during the winter period to less than 10% of the area that they occupy in summer and fall.
3. Virtually no moose overwinter on the Kenai National Wildlife Refuge south of Tustumena Lake.
4. Substantial amounts of residential and commercial development have already occurred on moose winter habitat at Coho Beach, lower Deep Creek/Ninilchik River, lower Anchor River, and the Homer Bench.
5. The Anchor River is important spawning and rearing habitat for king salmon, coho salmon, steelhead/rainbow trout, and dolly varden.
6. The Anchor River/Fritz Creek area has been identified since the early 1970's as critical moose winter habitat. The effort to have it legislatively designated began several years ago.

### House Bill 280:

HB 280 would set aside 19,000 acres as the Anchor River and Fritz Creek Critical Habitat Area. The purpose is to protect and preserve the habitat of the area for wildlife and fish. Traditional uses such as hunting, fishing, recreation, etc. would be allowed, but incompatible uses would be restricted. Specific multiple uses for the area would be determined through the adoption of a management plan developed by ADF&G after public hearings. Existing grazing leases would be unaffected by the designation.

The bill includes these specific provisions:

- (1) The use of Fritz Creek as a water source is protected.
- (2) The possibility of a dam and reservoir on Fritz Creek is reserved.
- (3) The use of inholdings is guaranteed.
- (4) Borough land within the boundaries that is committed to the critical habitat area by the borough is subject to joint management by the state and borough. (All of the 19,000 acres proposed for the area is state-owned except for 3000 acres on the Fritz Creek end which was recently conveyed to the Kenai Peninsula Borough. The conveyance is currently under appeal.)

### How You Can Help:

HB 280 has been referred to the House Resources and Finance Committees for public hearings. The Resources Committee is expected to take it up very soon and may teleconference its meeting to Homer and other sites.

You can let legislators know of your support for the bill by writing them at Pouch V, Juneau, Ak. 99811 or by sending them a free public opinion message by calling 235-7878 (Homer), 262-9364 (Soldotna), or 278-3668 (Anchorage). People at those numbers can inform you of the bill's progress.

The future of a healthy moose population on the southern Kenai Peninsula depends on the availability of large tracts of undeveloped winter habitat. Lands along the upper Anchor River and Fritz Creek represent the last opportunity to preserve a major moose winter range on the lower Peninsula.

**Urge legislative passage of HB 280!**

prepared by:

Kenai Peninsula Critical Habitat Task Force  
Dave Vanderbrink, Chair  
Box 1236, Homer, Ak. 99603

3/14/85

Moose winter along the entire length of the Anchor River. However, during severe winters, they concentrate in the lower drainage.

LOWER DENSITY WINTER CONCENTRATION

around

seals the incoming and

*Yellow - Fall Concentration*  
*Red - High Density Winter Concentration*

MAJOR KACHEMAK BAY HAULING AREA-UP TO SEVERAL HUNDRED

HAULING AREA-UP TO 140  
 15 TO 20 ON BEAR COAST ENTRANCE ROCK

INTENSIVE SPRING USE





# CITIZENS FOR RESPONSIBLE LAND USE

Co-Chairmen:  
Roberta Highland  
235-821- (home)  
235-5223 (work)

Michael Sheppard  
235-7486 (home)  
235-5397 (work)

P.O. Box 15227 • Fritz Creek, Alaska 99603

Citizens For Responsible Land Use, a group distilled from a series of public meetings concerning the future of the Fritz Creek Valley, Anchor River Valley, and some surrounding lands has evolved into an effective force of the decisions being contemplated. A volunteer "action" committee met recently and chose the name of the group and elected co-chairpersons Roberta Highland and Michael Sheppard. A variety of people volunteered to pursue the various angles of the issue. Our goals were defined as follows:

1. We support the designation of the Anchor River-Fritz Creek area as a Critical Habitat Area, to protect the wildlife resources we have on the valuable Southern Peninsula, primarily the vital winter moose range contained in the area. The headwaters of the Anchor River, a rich salmon stream, are also contained in the proposed 19,000 acre proposal.

2. We recommend that the area commonly known as the Red Meat Farm be used only for possible Community College or educational research use, and contend the area and its majority of wetland area is not suitable for intensive grazing or large scale feedlot development.

3. We support the conveyance of the 80 acre Olson Mountain parcel to the University, along with a covenant that limits it to its Historic use as a research station.

4. We believe in the maintenance of the Fritz Creek - Anchor River watersheds in essentially undeveloped condition to protect the valuable wildlife, recreation and water resources.

Our primary objectives for the immediate future are to gather the necessary support via petitions and letters, to get the Critical Habitat Area proposal into a Bill form and have it introduced into the Legislature (this has all ready been done), and to file an appeal with the Dept. of Natural Resources regarding the land conveyance in order to more closely reach our above mentioned goals for the areas. Here is our progress so far:

**Petitions:** Available now at Fritz Creek General Store, Outdoor Store, Spenard Builders, Homer Rexall, Homer Natural Foods, and Peninsula Savings Bank, Quiet Sports among others. Personal petitioning by Swede Carlson, Lulu Middleton, and others is also continuing. Saturday, Feb. 19 Dave Rhode and Swede Carlson gathered signatures at the Lakeside Mall, also answering questions and displaying a topographical map of the proposed Critical Habitat Area along with the copy of the proposal itself. Also on Sat., Feb. 9 Gary and Barb Ault attended the International Moose Federation convention in Anchorage, informing the group about the Critical Habitat Proposal - they were met with enthusiastic support and gathered 141 signatures from the 150 people attending. Our Anchorage supporters, Joanna and Charles Manwiller, have been very actively helping.

**Letters:** Several people have written their legislators in support of the Critical Habitat Proposal, but many more have not. Please drop a quick note to let our Legislators know you support the "Anchor River - Fritz Creek Critical Habitat Area Proposal" and to urge their sponsorship for a Bill.



# CITIZENS FOR RESPONSIBLE LAND USE

Co-Chairmen:  
Roberta Highland  
235-8214 (home)  
235-5223 (work)

Michael Sheppard  
235-7486 (home)  
235-5397 (work)

---

P.O. Box 15227 • Fritz Creek, Alaska 99603

write to: Rep. Marrou, Rep. Navarre, Sen. Fischer at  
Pouch V

Juneau, Alaska 99811

or call a POM at 235-7878

Mapmaking: Gary Ault, Brad Gamble, Dave Rhode, and Rick Oldham have chartered the Habitat Area on several topographical maps for display to inform people about the Proposal.

Exploration of current land laws:

Rick Oldham and An Pieschel have written the Corps. of Engineers to get more information on the existing "wetlands" designation in the Fritz Creek and Red Meat Farm Areas.

Borough Input: Roberta Highland, Robert Archibald, and Swede Carlson attended the Planning Commission Meeting on Mon. Feb. 11. They informed the Borough of the growing movement of support to have the lands in the Fritz Creek - Anchor River Valleys designated as Critical Habitat.

On Monday, Feb. 11 several people including Karl Bair, Swede Carlson, Marie Walli, Rick Oldham, Robert Archibald, Roberta Highland, Brad Gamble, and David Bentley met with Senator Mike Navarre at the teleconference Center and discussed the issues. Mr. Navarre pledged his support for the Critical Habitat Area and agreed to possibly sponsoring the Bill. He discussed the proposal with members of the task force, including Dave VanderBrink and Lynn Whitmore. Mr. Navarre also assured us that no lands would be conveyed by the State until the Critical Habitat proposal could be acted upon. He also said the input from Homer area residents is how he's become informed of the issues and came to recognize the need for the Critical Habitat Area.

Many phone calls, letters and meetings later we are at the first door-step. The appeal at the Regional level. File yours to:

Tom Hawkins, Director  
Dept. of Natural Resources  
Division of Land & Water Management  
555 Cordova St.  
Pouch 7-005  
Anchorage, Alaska 99510

The following political organizations and private organizations have taken a stand in favor of AB 280, an act creating the Anchor River and Fritz Creek Critical Habitat Area:

Kenai Peninsula Borough Assembly  
City of Homer Council  
Kachemak City  
Homer Fish and Game Advisory Committee  
South Central Regional Game Council  
Kenai National Wildlife Refuge  
Alaska Water Resources Board  
North Pacific Fisheries Association  
Alaska Sportsfishing Association  
Cook Inlet Aquaculture Association  
Kachemak Bay Conservation Society  
Alaska Center for the Environment  
Alaska Environmental Lobby  
Sierra Club, Alaska Chapter  
Wildlife Federation of Alaska  
Alaska Outdoor Council  
National Rifle Association of America  
International Moose Federation  
Homer Soil Conservation District  
Citizens for Responsible Land Use

ALASKA CLIPPING  
SERVICE

Homer News  
Homer AK

APR 12 1984

# Critical habitat area sought to protect peninsula moose herds

by Joel Gay  
Staff Writer

A group of local residents is seeking designation of two state critical habitat areas around Homer to help ensure the survival of moose populations on the southern Kenai Peninsula.

Some 30 square miles of river bottom along the upper Anchor River and a small

parcel east of the Homer airport would be the first such areas in Alaska specifically created to protect winter browsing habitat for moose, according to Derek Stonorov, one of six originators of the plan.

The habitat areas — comprised of willow and other shrubs growing in low elevations — are essential for moose to survive every

winter, he noted. The willows that moose thrive on, however, are an anathema to home owners and road builders, and as the Homer area grows, more winter range disappears every year, he said.

Without official designation as a critical habitat area, Mr. Stonorov said, it is possible that the already scarce winter range could be

reduced even further, affecting the health of the moose population and, indirectly, all the other animals living in the area.

"Winter range is the bottleneck of the ecosystem," Mr. Stonorov said. "The size of a moose population is limited by how much food it gets during the winter, no matter how much they have in the summer."

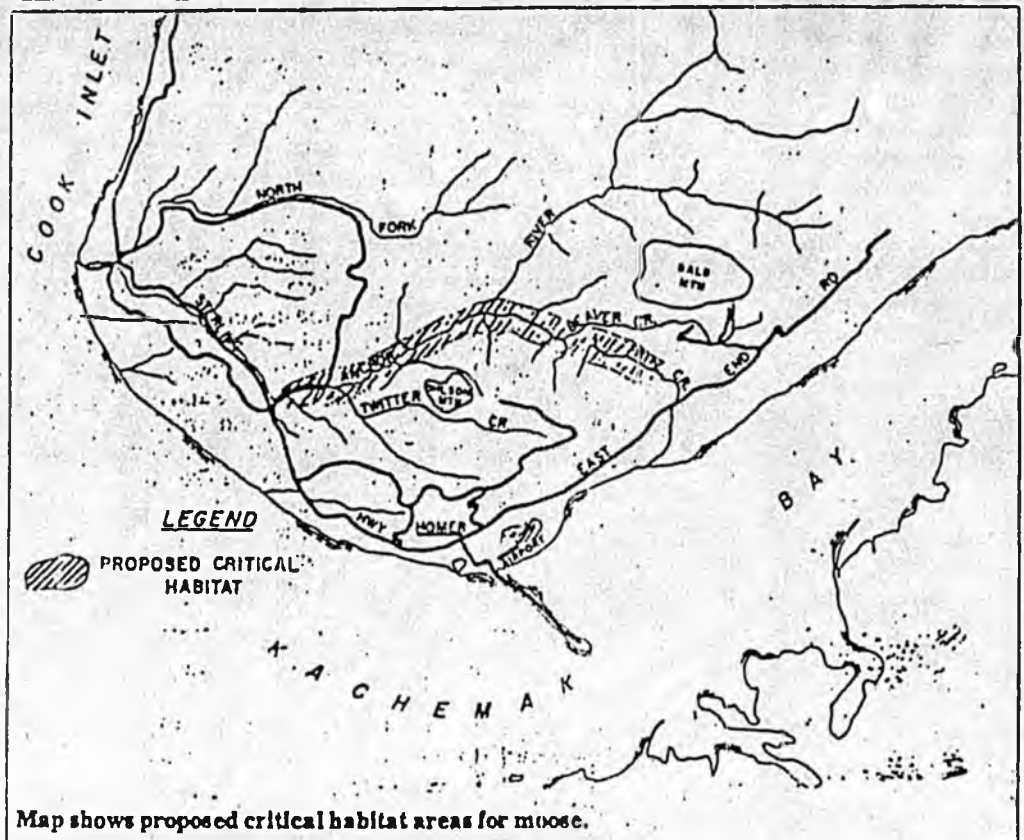
In addition, creation of the critical habitat areas would protect the headwaters of two salmon spawning streams as well as preserve local wetlands and the wide variety of wildlife living on them.

Under the proposal, present land use in the areas would not change, said Lynn Whitmore, another backer of the habitat area plan. "Peo-

ple could still sport hunt, ski, graze cattle, or do whatever they do now," he said. "But any future development could not impact that browsing area further."

The bigger proposal area encompasses some 30 square miles of river bottom along the South Fork of the Anchou

See "Critical." Back Page



Map shows proposed critical habitat areas for moose.

## ... Critical habitat area

Cont. from Page 1

River, running from near the Sterling Highway east, into the Beaver Creek drainage, and then spilling into the Fritz Creek drainage.

According to Fish and Game biologist Dave Holdermann, the area is winter range for nearly every moose south of the Tustumena. There is little winter browse in the Kenai National Moose Range, and the winter range along East Road and on the Homer bench is fast disappearing, he said.

Where Beaver Creek flows into the south fork of the Anchor River, the moose split up and head one of three directions, he said: some stay right there; some continue into the Fritz Creek drainage and then come down to the Homer bench and along East Road; and others follow the Anchor River toward Cook Inlet.

Mr. Holdermann estimates that the 300 to 350 moose wintering this year in the Anchor River lowlands were "the greatest popula-

tion density on the southern Kenai Peninsula.

He saw another 100 or so on the Homer bench, and several dozen more in the uninhabited "island" just off the airport, surrounded by Kachemak Drive and East Road, that is being proposed as a second critical habitat area.

If created by the Legislature, both areas would be managed by the Dept. of Fish and Game. The department's first priority, Mr. Holdermann said, would be protection and management of the habitat itself.

There would be little "active management," he said, because the vegetation in both areas appears to be changing very slowly. In some places, such as the Kenai National Wildlife Refuge, there is a need to burn or crush trees in order to get more willow to grow, he said.

Any proposed alterations of the habitat area would require public hearings, Mr. Holdermann said. Grazing leases in the area would ap-

pear to be valid uses of critical habitat land, he said, and would not be changed by creation of the proposed areas.

Other members of the group pushing for creation of the areas are Dave Vanderbrink, Bob Moss, Al Davis, and Jake McLay. They will have to approach the Legislature for support, said Mr. Whitmore, but may not try until the next session. Until then, they hope to meet once a month to work project.

# State game biologists say dog packs killing moose on Kenai Peninsula

By CRAIG MEDRED  
Daily News reporter

Packs of free-roaming dogs are killing moose and other wildlife on the Kenai Peninsula, according to state game biologists.

There is a significant problem in the Homer area, and the situation will get progressively worse as the year progresses, said Dave Holdermann, area game biologist for the Alaska Department of Fish and Game.

Pets allowed to run pose a threat to moose all winter, he said, but the real problems begin about the third week of May and run through the middle of June.

"That's when the moose calves are small enough that domestic dogs can take them down pretty easy," he said.

Holdermann said he has been investigating the increasing numbers of moose, and particularly moose calves, killed by dogs over the past five years.

He blames pet owners for the problem, saying many people simply refuse to take

responsibility for their animals.

"I don't know whether they're not thinking or don't care," he said, "but they just let the dogs roam."

The state keeps no figures on the number of moose killed by dogs on the Peninsula, but Holdermann said he has investigated many such killings.

Homer resident Ed Bailey, a biologist with the U.S. Fish and Wildlife Service, goes even further, calling it "an awful problem."

"There are packs of dogs roaming all around," he said. "Outside the incorporated cities like Kenai, Soldotna and Homer, there is no animal control."

Bailey said he has appealed to Kenai Peninsula Borough Mayor Stan Thompson to push for a dog ordinance, but the mayor said the borough has no interest in such a law.

Bailey himself has live-trapped some of the animals and turned them over to the Homer pound.

"There are some that are virtually feral,"

he said. "I've caught a couple that were so mean they'd take your arm off."

Holdermann, however, doubts they are wild dogs.

"I don't think domestic dogs can hack it completely on the wild in this environment," he said. Holdermann suspects the dogs are simply pets allowed to stray away from home for several days to several weeks.

If they can kill enough game, they stay out, he said; if they get hungry, "they come home and look for the dog dish."

"Around the bigger towns, especially, there are enough of these dogs ranging around that they could be a serious problem," he added. "My guess is that they probably don't range more than several miles off the road system, but when you look at the distribution of our moose calving close to the city of Homer, that's significant. We've got roads that pretty much penetrate most of our local calving areas."

Some area residents are mad enough about

the problem to begin taking the law into their own hands, Bailey said.

"It's been sort of an unofficial thing," he said. "I know one guy that lost all his chickens one time," and now puts traps around his property to catch stray dogs.

"The other solution is that people are going to just go out and start blasting these things, and that starts a lot of personal problems," Bailey said.

State law permits people to kill dogs caught in the act of harassing wildlife, Holdermann said.

"There is statutory basis for killing an animal that is harassing wildlife," he said, but people who do so are also legally required to try to notify the animal's owner of what has happened. Shooting what could be someone's pet can also lead to a lot of hard feelings, he said.

The best solution, Holdermann added, would be for people to keep their pets on the leash.

# Moose winter food supply threatened

Biologist, citizens' group want to establish Peninsula habitat area

By RONNIE CHAPPELL  
Daily News reporter 2/3/85

The continued destruction of critical winter feeding areas could decimate the moose population on the southern Kenai Peninsula, state biologists warn.

One of the biologists and a citizens' group want to set aside an area of the Peninsula to assure the moose have a sufficient winter food source.

Residential subdivisions and agricultural development are fast gobbling up the lowland, willow forests on which moose depend for winter browse. Once these feeding areas are destroyed they can never be replaced, said Dave Holderman of the Alaska Department of Fish and Game.

None of the winter feeding areas south of Tustumena Lake lies within the boundaries of the Kenai National Wildlife Refuge, Holderman said. Almost all are on private land "that is being developed at a pretty rapid pace."

This shrinking winter range now represents less than 10 percent of the acreage foraged by the giant ungu-

lates in the spring, summer and fall, Holderman said.

It also is the factor that will determine the size of the area's moose population in the future. If moose don't survive the winter, they can't reproduce in the spring, he said.

To prevent the complete destruction of the winter range, Holderman and an ad hoc citizens' committee from the Homer area have proposed creating a 19,000-acre critical habitat area that includes parts of the Anchor River and Fritz Creek drainages.

Population densities as high as 23 moose per square mile have been recorded in the area. All of the land is owned by the state.

"This is the last opportunity to set aside a big portion of public land for the benefit of the wildlife populations on the southern Peninsula," Holderman said.

If approved by the legislature, the habitat area would be managed by the state Department of Fish and Game. People could still hunt, fish, trap, hike, camp, ski and

snowmachine in the area, Holderman said, but residential and agricultural development would not be allowed.

The plan is a controversial one.

Many of the people who support it see it as a way to block the development of a major cattle export project in the Homer area. A similar tactic was used in the late 1970s to prevent oil exploration in Kachemak Bay.

According to Holderman, the critical habitat area was not conceived as a reaction to the cattle export venture. Work on the plan began in 1981, he said. "We were hoping to get a proposal to the 1985 legislature, which we have done. This other issue came up in the meantime."

The "other" issue is a 3,000-acre grazing lease in the Fritz Creek drainage that almost everybody wants.

The University of Alaska wants title to the land so that it can lease the property to Han-A Samick America Corp., a Korean firm, that says the land is crucial to its plans to raise and export 10,000 head of cattle a year.

The cities of Homer and Kachemak want the drainage preserved as a possible municipal water source. The Kenai Peninsula Borough and the Seldovia Native Association have expressed an interest in owning the land.

Fish and Game, Holderman and the citizens' committee would like to see the tract included in the proposed critical habitat area.

Earlier this month, the state decided to transfer ownership to the borough. But now borough officials say they don't want the land if its use is going to be limited by restrictions placed in the title. University officials say there's a good chance they will appeal the decision.

"It's unfortunate the timing has occurred like this," said homesteader Bob Moss who serves on the ad hoc task force. "No one on the committee has taken a stand, one way or the other."

Instead, he said, task force members oppose the destruction of irreplaceable moose habitat for the sake of a grazing operation that could take place on other state land.

# Ranch would threaten wildlife, biologists say

Associated Press

Wolves and brown bears likely would be the losers if a Korean firm succeeds in carving out an 80,000-acre cattle ranch on the southern Kenai Peninsula, wildlife biologists say.

"This experiment has been tried all over the place," said Rolf Peterson, an internationally recognized wolf expert in Houghton, Mich. "It's going to devastate wildlife, and it's just going to set up predators."

Han-A Samick America Corp. wants to export 10,000 head of Alaska cattle annually, and state officials this week are expected to approve a land transfer clearing the way for the venture.

The state-owned, 5,000-acre tract would be turned over to the University of Alaska. The school in turn would lease the land to the corporation for 55 years.

The plan has drawn fire from Homer residents who fear their picturesque seaside hamlet will be turned into a manure-strewn cow town. Homer officials also have threatened court action if the state does not take steps to preserve the Fritz Creek drainage as a possible water supply for Kachemak City and the city of Homer.

The biologists say bears and wolves likely would disappear in the area, as they have in other areas of intensive ranching and farming.

"The destruction of wildlife habitat to create farms or ranches is what largely led to the demise of most of your large predators in the Lower 48," said Ed Bailey, a U.S. Fish and Wildlife Service biologist in Homer.

The last brown bear in Arizona, for instance,

was killed in the 1920s by a government trapper at the behest of the cattle industry, Bailey said.

"The same goes for the demise of the wolf in the Lower 48, and war continues with coyotes," he said. "We're gonna see it here. We're bound to get into predator control. Any bears or anything else that happens to bother any calves or cattle down there, you know what's going to happen to them. They're going to get shot."

The problems that led to the destruction of the wildlife in the rest of the nation now are coming to Alaska, Bailey said, and there already are increasing problems with bears and people as homesteads and developments increase. "You throw in the livestock, and there's just going to be more," he said.

The Alaska Department of Fish and Game classifies the area in question as one of the three best wintering grounds for moose on the southern Kenai Peninsula.

"Our backs are to the wall in the southern Kenai on winter moose range," said a state game biologist. "This couldn't have happened in a worse place."

The area supports healthy populations of moose, a pack of six to 10 wolves and a number of brown bears.

"We have reservations (about the ranching) from a couple of standpoints," said Ted Spraker, a state Department of Fish and Game biologist. "We're concerned about the wolves, but we have more concern about the brown bears."

Bear already are preying on the limited amount of livestock in the area, he said, and those problems will increase if more cattle are imported.

# Plan for creation of habitat area wins support of Homer council

By RONNIE CHAPPELL  
Daily News reporter

A plan to create a 19,000-acre wildlife habitat area on the southern Kenai Peninsula has won the support of the Homer city council.

On a unanimous vote, the council Monday enacted a resolution urging the legislature to approve a bill placing the state-owned acreage under the management of the Alaska Department of Fish and Game.

Creation of the critical habitat area would halt development of a major cattle export project in the Homer area. It contains a 3,000-acre grazing lease in the Fritz Creek drainage that Han-A Samick America Corp. says is crucial to its plans for the production and exportation of 10,000 head of beef cattle a year.

According to state biologists, the grazing lease is part of the last big tract of undeveloped winter range in the Homer area.

They warn that unless it and other important winter feeding areas are preserved, the number of moose on the southern Peninsula will decline dramatically.

"We need to preserve places for moose to live and for people to enjoy them," said Councilman John Calhoun. "With the continued development of rural subdivisions around the city, it is important to set aside a parcel of land that people can enjoy in its natural state."

The bill now pending before the legislature guarantees the city's right to dam-

Fritz Creek and use the resulting reservoir as a municipal water supply.

Similar assurances were offered under other plans for disposal of the Fritz Creek acreage. But city officials were skeptical, Calhoun said, that water quality in the watershed could be protected if the lease was used for intense livestock production.

By endorsing creation of the critical habitat area, Calhoun said, he and other council members were "trying to represent the views of a majority" of people in the Hom-

er area.

More than 600 local residents have signed petitions endorsing the idea. Another 50 have written letters to lawmakers.

The bill protects the rights of inholders and gives the Kenai Peninsula Borough a say in the management of lands it nominates for inclusion in the habitat area. Hunting, trapping, skiing, hiking, camping and snowmachining would be allowed in the area, but residential and agricultural development would not.

\*\*\*PRESENTING\*\*\*

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## Salmon classic legislation eyed

By BRUCE SCANDLING  
The Associated Press

JUNEAU — There may soon be a new twist to the Alaska tradition of guessing

# SAVE 25% FASHION

1. Izembek State Game Refuge
2. Port Moller State Critical Habitat Area
3. Port Heiden State Critical Habitat Area
4. Cinder River State Critical Habitat Area
5. Pilot Point State Critical Habitat Area
6. Egegik State Critical Habitat Area
7. Walrus Islands State Game Sanctuary
8. Cape Newenham State Game Refuge
9. McNeil River State Game Sanctuary
10. Kalgin Island State Critical Habitat Area
11. Trading Bay State Game Refuge
12. Susitna Flats State Game Refuge
13. Creamer's Field State Game Refuge
14. Palmer Hay Flats State Game Refuge
15. Goose Bay State Game Refuge
16. Potter Point State Game Refuge
17. Clam Gulch State Critical Habitat Area
18. Fox River Flats State Critical Habitat Area
19. Kachemak Bay State Critical Habitat Area
20. Copper River Delta State Critical Habitat Area
21. Chilkat River State Critical Habitat Area
22. Mendenhall Wetlands State Game Refuge



State of Alaska  
 Department of Fish and Game  
 Habitat Division  
 Box 3-2000, Juneau, Alaska 99802  
 November 1983

Juneau headquarters — (907) 465-4107  
 Southcentral regional office — (907) 344-0541  
 Interior regional office — (907) 479-3104  
 Southeastern regional office — (907) 465-4290

(brochure produced by ADF&G Public Communications Section)

ALASKA STATE ALASKA STATE

## REFUGES

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## CRITICAL HABITATS

ALASKA STATE ALASKA STATE

## SANCTUARIES

ALASKA STATE ALASKA STATE



The Alaska Legislature has protected portions of Alaska's outstanding natural habitat and associated fish and wildlife resources by establishing State Game Refuges, State Game Sanctuaries, and State Critical Habitat Areas. The statutes which authorize these special areas give the Alaska Department of Fish and Game authority to preserve and protect the unique aspects for which they were established.

STATE GAME REFUGES are established to make sure wildlife continue to populate specific areas and to insure the public continues to have use of these wildlife resources. These areas have fairly sizable concentrations, or many different types, of waterfowl, big game, shorebirds, or other species. One or more elements of habitat — such as food, vegetation, water, etc. — needed by this wildlife is present.

The Alaska Department of Fish and Game manages state game refuges by focusing on a featured wildlife species or group of species. This may mean rehabilitating or improving the habitat on which the wildlife depends. Uses of refuge lands are controlled to prevent habitat changes which would be harmful to the wildlife. Activities are also controlled to prevent disturbance of the wildlife itself. Human uses — including recreational pursuits and harvest of wildlife resources — are permitted so long as they are in keeping with the primary reason for establishing the refuge.



STATE GAME SANCTUARIES are also established to protect fish and wildlife and their natural habitats. The primary reason for setting aside lands as state game sanctuaries is to give asylum to important wildlife populations. The wildlife in these cases normally uses the land in somewhat exclusive ways. A sanctuary may provide the only place where a certain population carries out some part of its annual life cycle such as feeding, nesting, hauling out, or migration. (Sanctuaries are special areas set aside to protect featured wildlife populations.)

In managing sanctuaries, other uses of the land are closely controlled, or are prohibited, in order to prevent changes in the habitat or disturbance of the protected species. Use of the wildlife itself is also closely controlled.

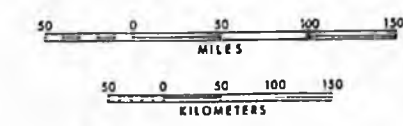
STATE CRITICAL HABITAT AREAS are places where protective emphasis is on the environment in which wildlife occurs. Critical habitat areas may be complete biotic systems — identifiable environmental units that operate as self-sustaining systems — or well-defined areas specifically needed by wildlife for certain functions such as nesting or spawning.

Management by the Alaska Department of Fish and Game is aimed primarily at providing protection for the habitat. All uses of the land which are not compatible with that aim are restricted. In most instances, harvest of wildlife is not precluded in a critical habitat area.

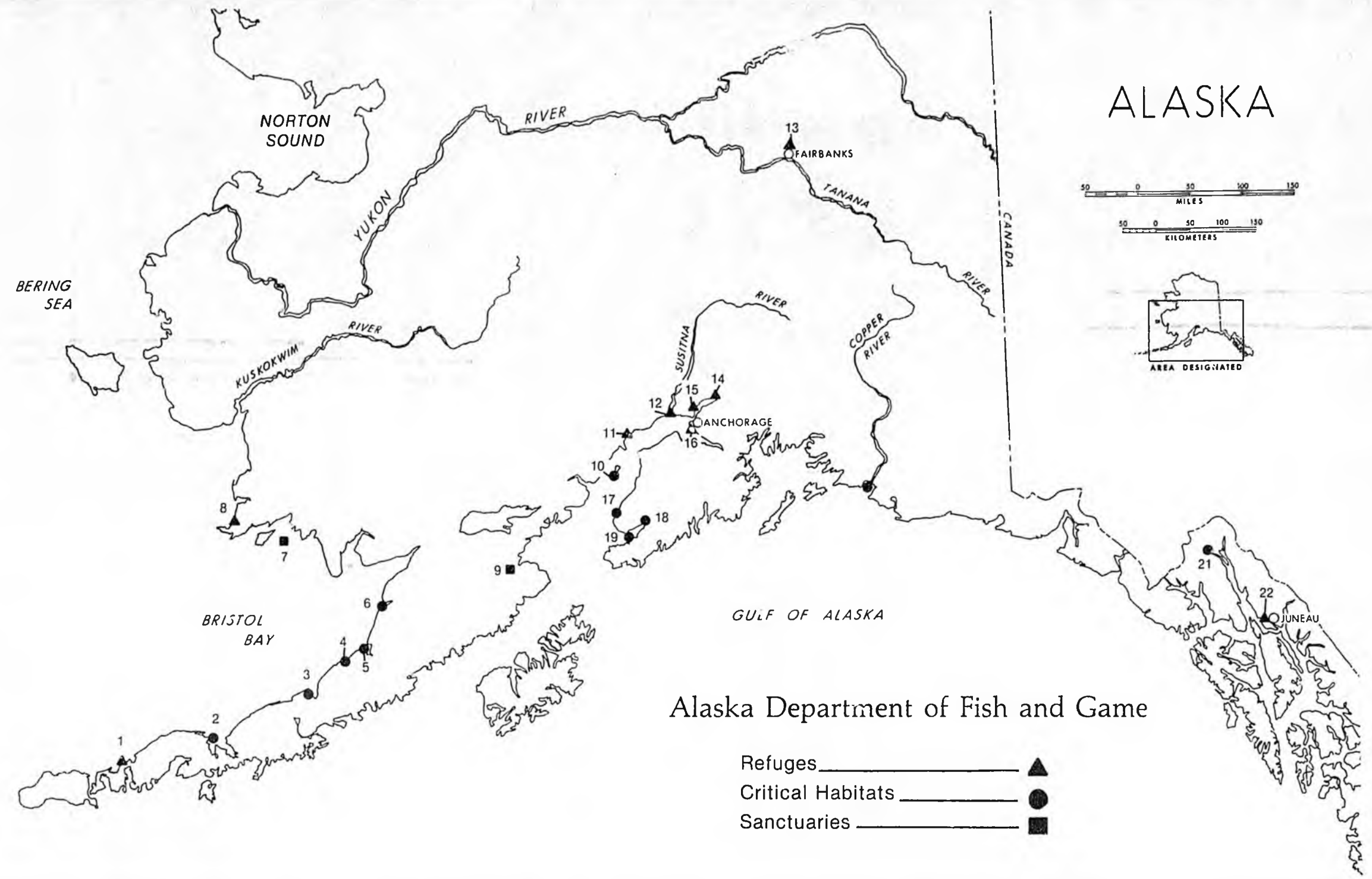
State critical habitat areas are set aside to protect the land and resources necessary for certain species of wildlife.



# ALASKA



1. Izembek
2. Port Moller
3. Port Heiden
4. Cinder River
5. Pilot Point
6. Egegik
7. Walrus Islands
8. Cape Newenham
9. McNeil River
10. Kalgin Island
11. Trading Bay
12. Susitna Flats
13. Creamer's Field
14. Palmer Hay Flats
15. Goose Bay
16. Potter Point
17. Clain Gulch
18. Fox River Flats
19. Kachemak Bay
20. Copper River Delta
21. Chilkat River
22. Mendenhall Wetlands



Alaska Department of Fish and Game

- Refuges \_\_\_\_\_ ▲
- Critical Habitats \_\_\_\_\_ ●
- Sanctuaries \_\_\_\_\_ ■

COMMITTEE REPORT

SENATE

FURTHER:

JUDICIARY waived  
Finance

4/23/85

Date 5/3/85

Mr. President

The Committee on RESOURCES considered CSSSHB 280(Fin) creating the Anchor River and Fritz Creek Critical Habitat Area.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for CSSSHB 280 (Res)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS

[Signature] No Rec  
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[Signature] No Rec  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Chairman  
[Signature]  
Chairman recommendation

Original sponsors: Navarre and Goll

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 280 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Anchor River and Fritz Creek  
7 Critical Habitat Area."

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

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

10 (12) Anchor River and Fritz Creek: All state land and water  
11 contained in the following description:

12 (A) Township 4 South, Range 13 West, Seward Meridian

13 Section 25

14 Section 35

15 Section 36

16 (B) Township 5 South, Range 12 West, Seward Meridian

17 Sections 17 - 20

18 (C) Township 5 South, Range 13 West, Seward Meridian

19 Section 2

20 Section 3

21 Section 4: E 1/2

22 Section 8: S 1/2

23 Sections 9 - 11

24 Sections 13 - 20

25 Section 21: W 1/2

26 Section 24

27 (D) Township 5 South, Range 14 West, Seward Meridian

28 Section 13

29 Section 20: NE 1/4



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Original sponsors: Navarre and Goll

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

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17 Sections 17 - 20

18 (C) Township 5 South, Range 13 West, Seward Meridian

19 Section 2

20 Section 3

21 Section 4: E 1/2

22 Section 8: S 1/2

23 Sections 9 - 11

24 Sections 13 - 20

25 Section 21: W 1/2

26 Section 24

27 (D) Township 5 South, Range 14 West, Seward Meridian

28 Section 13

29 Section 20: NE 1/4

1 Sections 21 - 24

2 Section 26: N 1/2

3 Section 27: N 1/2

4 Section 28: N 1/2

\* Sec. 2. AS 16.20.230 is amended by adding a new subsection to read:

6 (b) Notwithstanding AS 16.20.220 and the establishment of the  
7 Anchor River and Fritz Creek Critical Habitat Area under AS 16.20.-  
8 230(a)(12),

9 (1) the use of Fritz Creek as a municipal and community  
10 water source is protected within the Anchor River and Fritz Creek  
11 Critical Habitat Area;

12 (2) the possibility of the construction of a dam and reser-  
13 voir on Fritz Creek is reserved within the Anchor River and Fritz  
14 Creek Critical Habitat Area;

15 (3) the use and enjoyment of inholdings is guaranteed  
16 within the Anchor River and Fritz Creek Critical Habitat Area;

17 (4) the land owned by the Kenai Peninsula Borough that is  
18 located within the boundaries of the Anchor River and Fritz Creek  
19 Critical Habitat Area and that is committed to the Anchor River and  
20 Fritz Creek Critical Habitat Area by the borough is subject to joint  
21 management by the Department of Fish and Game and the Kenai Peninsula  
22 Borough.