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# Alaska State Legislature

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



P. O. BOX V  
JUNEAU, ALASKA 99811  
(907) 485-4907

## Senate Committee on Resources

M E M O R A N D U M

May 6, 1986

TO: All Members  
Senate Resources Committee

FROM: Staff, <sup>H</sup>Senate Resources Committee

RE: HB 312 Establishing the Dude Creek Critical  
Habitat Area

HB 312 establishes the Dude Creek Critical Habitat Area near Gustavus, Alaska. The primary purpose of this designation is for the protection of the sandhill cranes.

The habitat area shall be managed under a plan prepared by the Department of Fish and Game in consultation with the community.

There are no mental health lands contained in SCS HB 312 (C&RA). There are 640 acres of state land contained in the C&RA CS in two separate parcels (see map).

There is a zero fiscal note.

### Enclosures:

- Fiscal note
- House Letter of Intent
- Memo from Rep. Goll with map
- Letter from DNR with description
- Briefing paper from Rep. Goll
- Bill analysis from Fish and Game
- Letters of support for HB 312

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 5/6/86

**REQUEST**

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

**FISCAL DETAIL**

Agency Affected : Natural Resources  
 BRU : Land and Water Management

Sponsor : Goll, Duncan, MM Miller, Binkley  
 Requestor : Senate Resources  
 Date of Request : 2/11/86

Components : Public Use

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

<b>CAPITAL</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
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<b>REVENUE</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
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**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

All Mental Health lands have been deleted from the bill. As a result no funds are necessary for appraisals.

Prepared by : Michael E. Vediner  
 Division : Commissioner's Office

Phone : 465-2400  
 Date : 5/6/87

Approved by Commissioner : *Mms D Spry*  
 Agency : Natural Resources

Date : 5/6/87

**Distribution (by Agency preparing fiscal note):**

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

CR  
4/10

HB 312

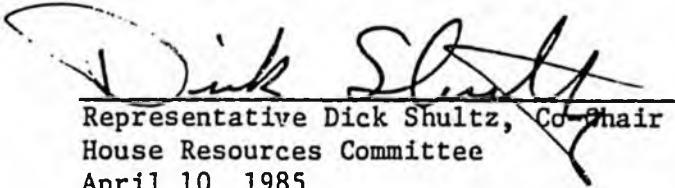
DUDE CREEK CRITICAL HABITAT AREA

Letter of Intent

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

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

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

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



Official Business

# Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V  
Juneau, Alaska 99811

Phone  
(907) 465-224

M E M O R A N D U M

April 7, 1986

TO: Senator Edna DeVries  
Chairman  
Community and Regional Affairs Committee

FROM: Representative Peter Goll *Peter Goll*

SUBJECT: Proposed Amendment to CSHB 312 (Fin)

Page 2, line 2:

Section 2: [W1/2] NW1/4

Page 2, lines 3-7:

Delete all language

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



# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

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

APR 22 1986

April 21, 1986

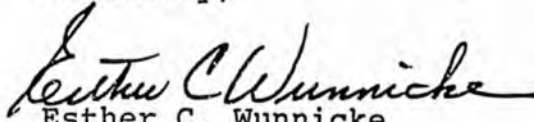
The Honorable Edna DeVries  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator DeVries:

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

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

Sincerely,

  
Esther C. Wunnicke  
Commissioner

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

Legal Descriptions for HB 312

## Mental Health Land:

## Township 40 South, Range 58 East, CRM

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

## Non Mental Health Land:

## Township 40 South, Range 58 East, CRM

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



STATE OF ALASKA  
HOUSE OF REPRESENTATIVES

MEMORANDUM

March 6, 1986

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

DUDE CREEK CRITICAL HABITAT AREA

Location

Gustavus, Alaska

Land Status

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

History

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

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

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

## Purpose

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

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

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

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

*Handwritten initials/signature*



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

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

SUMMARY

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

FISCAL IMPACT:     NONE                       FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

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

ANALYSIS OF BILL/PROGRAM EFFECTS

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

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

# Gustavus Community Association

P.O. Box 62  
Gustavus, Alaska 99826

February 28, 1986

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

Dear Senator Sturgulewski,

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

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

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

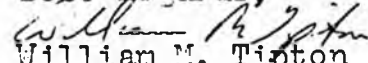
I strongly support the critical habitat designation for the following reasons:

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

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

Thank you for your consideration.

Best Regards,

  
William M. Tipton  
President

*[Handwritten signature]*

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 \* DELIVER TO: JFOM. \*  
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 \* ORIGINAL \*  
 \* SENT: 02/28/86 TIME: 09:05 \*  
 \* FROM: LIOSIT \*  
 \* SUBJECT: FOM \*  
 \* PRINT DATE: 02/28/86 TIME: 09:05 \*  
 \* \*  
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7

TO: SENATE C&RA COMMITTEE MEMBERS  
DEVRIES, FERGUSON, COGHILL, V. FISCHER, AND ~~STROBLEWSKI~~

CC. SENATOR ELIASON AND REPRESENTATIVE GRUSSENDORF

FROM: GREG STREVELER, CHAIRMAN  
GUSTAVUS CRANE COMMITTEE  
P.O. BOX 94, GUSTAVUS, AK 99826 697-2287

RE: CSHB312(FIN); EST. DUDE CREEK CRITICAL HABITAT AREA

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

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

*[Handwritten signature]*

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\* DELIVER TO: JPOM \*  
\* \*  
\* ORIGINAL \*  
\* SENT: 03/06/86 TIME: 09:23 \*  
\* FROM: LIOSIT \*  
\* SUBJECT: POM \*  
\* PRINT DATE: 03/06/86 TIME: 09:33 \*  
\* \*  
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6

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

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

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

# Gustavus Community Association

P.O. Box 62  
Gustavus, Alaska 99826

MAR 4 1986

February 28, 1986

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

Dear Senator DeVries,

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

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

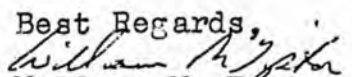
The community demonstrated majority support for this bill in January, 1984, in a referendum ballot polling every registered voter. The response was 66 in favor and 25 opposed. Last year the Gustavus Community Association endorsed the bill.

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

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

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

Thank you for your consideration.

Best Regards,  
  
William M. Tipton  
President

WT/am

# Point Adolphus Seafoods

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

March 2, 1986

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

Dear Senator DeVries:

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

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

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

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

Sincerely,

  
James R. Mackovjak

February 28, 1986

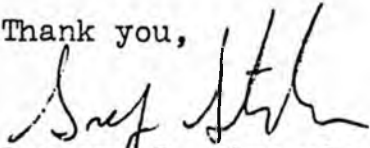
Edna DeVries  
Alaska State Senate  
Pouch V  
Juneau, Ak. 99811

Dear Senator DeVries:

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

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

Thank you,



Gregory P. Streveler  
Box 94  
Gustavus, Alaska 99826

Feb. 28, 1986

Dear Senator DeVries:

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

Thank you for your consideration.

Sincerely,  
Kate Boesser  
Box 47  
Gustavus, 99826

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

Dear Senator DeVries,

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

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

Sincerely,

George Jensen

Box 87

Gustavus, AK 99826

3/3/86

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

Dear Senator DeVries,

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

I would like to ask your support  
for their bill. The "come plot", as we

call the Bude Creek area, covering important  
to this community. As in the song "When the

Swordblow come back to Capriana", when  
the Sankhiff came visit our community

each Spring and fall on their annual  
migrations north & south, everyone

taken notice. Pie Murray has over painted  
a picture of the crane in flight over Gustavus

It is an awesome sight to see and to hear the  
hundreds of cranes fly in the sky circling

in their long wheels, or to stand looking up

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

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

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

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

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

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

Sincerely,

Lynne M. Jensen

Box 87

Galveston AK 99826

Feb. 27, 1986

Dear Senator, G.D. Uries,

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

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

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

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

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

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

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

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

Respectfully,

Morgan DeBoer

WHEN IN RESOURCE  
SETUP T.C.

IN CRA - 3/6/86

- ECONOMIC BENEFIT -  
FOR TOURISM

Offered: 4/30/85  
Referred: Rules

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

LLOYD PROUTY  
Box 32  
Gustavus, AK  
697-2242 99826  
BY THE FINANCE COMMITTEE

~~DOR -~~

~~TO SPEAK ON MENTAL HEALTH~~

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 312 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

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

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

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

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

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

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

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

GOLL

LTR FROM  
JIM GOTTSTEIN  
CALL RODGER

1 Township 40 South, Range 58 East, Copper River Meridian  
2 Section 2: W1/2  
3 Section 3  
4 Sections 9 - 10  
5 Section 11: W1/2NE1/4, W1/2  
6 Section 14: Lot 3, NW1/4, N1/2SW1/4, SW1/4SW1/4  
7 Section 15  
8 Section 16: N1/2, SE1/4

Page 2, add a new section to read:

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

DEVELOPED  
BY  
COMMUNITY

DUDE CREEK CRITICAL HABITAT AREA

Letter of Intent

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

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

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

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

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

March 4, 1986

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

Dear Senator DeVries:

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

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

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

Sincerely,

Robert D. Arnold  
Deputy Commissioner

cc: Representative Goll

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

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

APR 22 1986

April 21, 1986

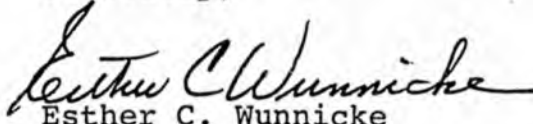
The Honorable Edna DeVries  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator DeVries:

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

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

Sincerely,

  
Esther C. Wunnicke  
Commissioner

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

Legal Descriptions for HB 312

## Mental Health Land:

## Township 40 South, Range 58 East, CRM

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

TOTAL 3443 acres

## Non Mental Health Land:

## Township 40 South, Range 58 East, CRM

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

TOTAL 640 acres



Official Business

# Alaska State Legislature

## Senate

### Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

M E M O R A N D U M

April 16, 1986

TO: Commissioner Wunnicke  
Department of Natural Resources

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

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

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

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

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

Your earliest response to this request would be most appreciated.

cc: Representative Goll



Official Business

# Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-4924

M E M O R A N D U M

April 7, 1986

TO: Senator Edna DeVries  
Chairman  
Community and Regional Affairs Committee

FROM: Representative Peter Coll *Peter Coll*

SUBJECT: Proposed Amendment to CSHB 312 (Fin)

Page 2, line 2:

Section 2: [W1/2] NW1/4

Page 2, lines 3-7:

Delete all language

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





Official Business

# Alaska State Legislature

## Senate

### Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 12, 1986

To: Representative Peter Goll

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

Subj: Dude Creek Critical Habitat Legislation

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

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

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

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

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



STATE OF ALASKA  
HOUSE OF REPRESENTATIVES

MEMORANDUM

March 6, 1986

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

DUDE CREEK CRITICAL HABITAT AREA

Location

Gustavus, Alaska

Land Status

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

History

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

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

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

### Purpose

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

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

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

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

# Point Adolphus Seafoods

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

March 2, 1986

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

Dear Senator DeVries:

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

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

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

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

Sincerely,

  
James R. Mackovjak

# Gustavus Community Association

P.O. Box 62  
Gustavus, Alaska 99826

MAR 4 1986

February 28, 1986

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

Dear Senator DeVries,

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

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

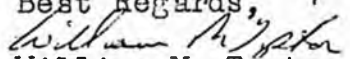
The community demonstrated majority support for this bill in January, 1984, in a referendum ballot polling every registered voter. The response was 66 in favor and 25 opposed. Last year the Gustavus Community Association endorsed the bill.

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

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

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

Thank you for your consideration.

Best Regards,  
  
William M. Tipton  
President

WT/am

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/12/86

**REQUEST**

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

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

**FISCAL DETAIL**

Agency Affected : Natural Resources  
 BRU : Land and Water Management

Components : Public Use

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	<b>15.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND	15.0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>15.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

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

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

**Distribution (by Agency preparing fiscal note) :**

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

HB 312

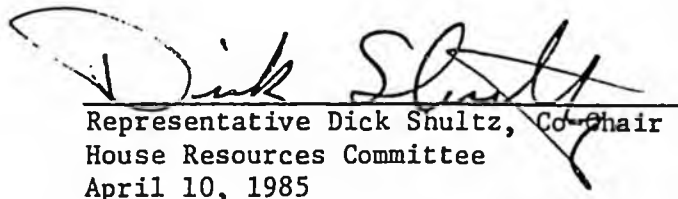
DUDE CREEK CRITICAL HABITAT AREA

Letter of Intent

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

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

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

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

4/10



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
BILL ANALYSIS

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

SUMMARY

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

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

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

ANALYSIS OF BILL/PROGRAM EFFECTS

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

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.



## Alaska Environmental Lobby, Inc.

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

907-586-2345

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### DUDE CREEK CRITICAL HABITAT AREA: HB312

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

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

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

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

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

JAMES B. GOTTSTEIN

ATTORNEY AT LAW

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

APR 25 1986

April 22, 1986

Senator Edna DeVries  
Pouch V  
Juneau, Alaska 99811

Re: CSHB 312 (Fin)

Dear Senator DeVries:

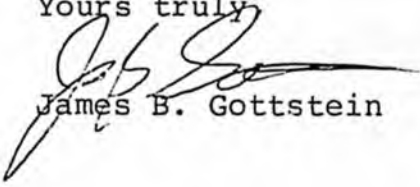
On April 21, 1986 I received your April 16, 1986 letter requesting I provide you with legal descriptions of Mental Health lands within the proposed Dude Creek Critical Habitat Area. You should properly address this request to the Department of Natural Resources. It is my understanding that some 3,443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

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

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

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

Yours truly,

  
James B. Gottstein

cc: Representative Goll  
Bob Arnold  
David Walker

JBG/tvd

1 Township 40 South, Range 58 East, Copper River Meridian  
2 Section 2: W1/2  
3 Section 3  
4 Sections 9 - 10  
5 Section 11: W1/2NE1/4, W1/2  
6 Section 14: Lot 3, NW1/4, N1/2SW1/4, SW1/4SW1/4  
7 Section 15  
8 Section 16: N1/2, SE1/4

Offered: 4/30/85  
Referred: Rules

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

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 312 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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

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

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

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

MEMORANDUM

April 4, 1986

TO: Representative Peter Goll  
FROM: Rodger Painter  
SUBJECT: Proposed Amendment to CSHB 312(Fin)

Page 2, after line 8, add a new bill section to read:

"\* Sec. 2. The general grant lands described in AS 16.20.231(d) shall be managed as a part of the Dude Creek Critical Habitat Area. The commissioner of natural resources shall identify and appraise the mental health trust land included in the parcels described in AS 16.20.231(d) as enacted in Sec. 1 of this Act. The commissioner also shall identify and appraise state general grant land of equal value to replace the appraised mental health trust land described in AS 16.20.231(d). The commissioner shall propose an exchange of the mental health trust land described in AS 16.20.231(d) for the replacement general grant land to the Fifteenth Alaska Legislature by January 31, 1987."

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

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

March 4, 1986

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

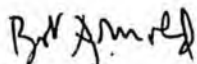
Dear Senator DeVries:

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

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

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

Sincerely,



Robert D. Arnold  
Deputy Commissioner

cc: Representative Goll

Proposed Amendments to CSHB 312

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

", except for any mental health trust lands,"

Page 2, add a new section to read:

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





## Alaska Environmental Lobby, Inc.

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

907-586-2345

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### DUDE CREEK CRITICAL HABITAT AREA: HB312

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

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

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

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

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



Official Business

# Alaska State Legislature

## Senate

### Committee on Community and Regional Affairs

*Senator Sturgulewski*

Senator Edna DeVries, Chairman

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

Pouch V  
Juneau, Alaska 99811

Committee Meeting -- Thursday, March 5, 1986

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

. . . Representative Goll, bill sponsor, will propose 2 amendments ✓  
to the bill

Proposed amendments; Ltr from Deputy Commissioner, Dept Natural Resources ✓

Packet contains:

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

Offered: 4/30/85  
Referred: Rules

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

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 312 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

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

1                    Township 40 South, Range 58 East, Copper River Meridian  
2                    Section 2: W1/2  
3                    Section 3  
4                    Sections 9 - 10  
5                    Section 11: W1/2NE1/4, W1/2  
6                    Section 14: Lot 3, 1/4W1/4, N1/2SW1/4, SW1/4SW1/4  
7                    Section 15  
8                    Section 16: N1/2, SE1/4



STATE OF ALASKA  
HOUSE OF REPRESENTATIVES

MEMORANDUM

April 1, 1985

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

DUDE CREEK CRITICAL HABITAT AREA

Location

Gustavus, Alaska

Land Status

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

History

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

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

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

## Purpose

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

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

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

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

ALASKA LEGISLATURE  
COMMITTEE REPORT

1907-1908

4327  
SRES  
HB 312 - HB 353

9081

JAMES B. GOTTSTEIN  
ATTORNEY AT LAW  
406 G STREET, SUITE 206  
ANCHORAGE, ALASKA 99501  
19071 274-7686

March 5, 1986

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

Re: Admendent to HB 312

Dear Senator DeVries:

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

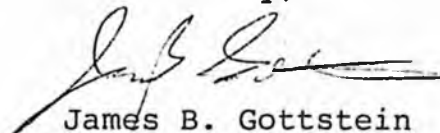
I must note that Mr. David T. Walker is also participating in the Mental Health Lands lawsuit as the attorney for the original Plaintiffs. Thus, you will probably want his reaction for the record as well. I have discussed this matter with him and I believe we are in complete accord.

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

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

I hope this has been helpful to you.

Yours truly,



James B. Gottstein

JBG:ls  
cc: Representative Goll  
David Walker  
G. Thomas Koester

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 2/12/86

**REQUEST**

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

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 BRU: Land and Water Management

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

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

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

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

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

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

Approved by Commissioner: Wm D James, Deputy Date: 2/12/86  
 Agency: Natural Resources

**Distribution (by Agency preparing fiscal note):**

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

MIKE VEDINER  
~~Bob ARNOLD~~ FROM DNR  
WILL BE THERE.

Rep GOLL WILL MAKE  
PRESENTATION AND  
OFFER AMENDMENTS ON  
MENTAL HEALTH LANDS  
TRADE (~~page~~<sup>LAST PAGE</sup> OF PACKET)

BILL IS DESIGNED TO  
PROTECT SAND HILL CRANES  
THAT MIGRATE THROUGH  
AREA EACH Spring + Fall

BILL CAN AID TOURISM IN  
AREA.

GOTTSTEIN LTR SAYS  
NO OBJECTION IF  
THEY AGREE WITH  
APPRAISAL -



Official Business

# Alaska State Legislature

## Senate

### Committee on Community and Regional Affairs

#### MEMORANDUM

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 22, 1986

TO: Senator Frank Ferguson, Vice Chair  
Senator Arliss Sturgulewski  
Senator Jack Coghill  
Senator Vic Fischer

FROM: Committee Staff

SUBJECT: CS HB 312 (Fin) An Act establishing Dude Creek Critical  
Habitat Area  
CS SB 356 (SA) Election Campaign Financing & the APOC  
COMMITTEE MEETING HELD March 6, 1986

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Attached is a copy of the minutes of the subject committee meeting.

Senate Community & Regional Affairs  
Standing Committee  
March 6, 1986  
3:40 p.m.

Members Present:

Senator Edna DeVries, Chair  
Senator Frank Ferguson, Vice Chair  
Senator Jack Coghill  
Senator Vic Fischer  
Senator Arliss Sturgulewski

COMMITTEE CALENDAR

HB 312 An Act establishing Dude Creek Critical Habitat Area

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

WITNESS REGISTER

Rodger Painter  
Aide to Representative Goll  
Alaska Legislature  
Pouch V  
Juneau, Alaska 99811  
Statement: Explained the purposes of HB 312.

Bruce Baker, Deputy Director  
Habitat Division  
Dept. of Fish and Game  
PO Box 3-2000  
Juneau, Alaska 99801  
Phone: 465-4105  
Statement: Supported HB 312.

Scott Highleyman  
Alaska Environmental Lobby  
204 N. Franklin, Ste. 3  
Juneau, Alaska 99801  
Phone 586-2345  
Statement: Supported HB 312

Mike Vediner  
Dept. of Natural Resources  
PO Box M  
Juneau, Alaska 99811  
Phone: 465-2400  
Statement: Supported bill and amendments proposed by  
Representative Goll.

## PREVIOUS ACTION

This was the first Committee hearing on HB 312.

### TAPE ONE SIDE ONE Number 000

A meeting of the Community & Regional Affairs Committee was called to order at 3:40 p.m. with all member Senators present.

### Number 016

Rodger Painter, Legislative Aide to Representative Goll, explained the purposes of CS HB 312 (Fin). The bill represents a land use decision by the community of Gustavus which was worked on with the Alaska Dept. of Fish and Game. He said the bill would allow for economic development of the tourism industry and also allows for existing uses such as grazing, berry picking and firewood cutting within the habitat area. The bill also provides that replacement mental health trust lands shall be of equal appraised value to the State mental health land in the habitat area.

### Number 176

Bruce Baker, Habitat Division, Dept. of Fish and Game, supported of the bill. He said the bill would help a small community achieve goals it had identified.

### Number 232

Scott Highleyman, Alaska Environmental Lobby, testified in support of the bill.

### Number 287

Mike Vediner, Dept. of Natural Resources, supported the bill and the amendments proposed by Representative Goll.

### Number 321

Senator Coghill asked if the bill set up a precedence to provide for a mental health trust land exchange everytime a wildlife refuge is established.

### Number 332

Mike Vediner responded that in every instance the Department would not be in a position to agree that the State could locate and exchange land of a higher revenue generating capability for mental health land. The

Department is comfortable that in this case it could be done.

Number 352

Senator Coghill commented that the mental health land issue throughout the State had not been resolved. He was concerned that resolution of the mental health trust lands problem was being addressed in a case by case fashion.

Number 382

Senator Sturgulewski was concerned that in the case of the subject bill it sets up future resolution of the mental health trust land and the value of replacement or exchanged land. She said an alternative was for nothing to happen until there's a resolution.

Number 400

Mike Vediner said the Department views the effect of the bill would be to contract with the money in the fiscal note for a fair market evaluation appraisal. "By the nature of the appraisal business, the Department will have to depend on that expert certifying that the numbers we receive for the replacement lands and the mental health lands are of equal value. Otherwise, we would have to come back before this body to finalize the replacement. In receiving that information from our appraiser we will be effectively..we will have effectively 2 pieces of ground with arguably equal revenue generating potential."

Number 425

Senator Sturgulewski said the bill does take some knowing.

Number 439

Chair DeVries asked Mr. Vediner if the Department had a position on Mr. Gottstein's (attorney for the Alaska Mental Health Association etal) proposed language change to Representative Goll's amendment to the bill set forth in Mr. Gottstein's letter to her dated March 5, 1986. She gave him an opportunity to read the letter.

Number 456

Senator Coghill said, "we're sticking into statute something that's still transitory and hasn't been completed yet. I'm a little bit worried about it."

Number 468

Mike Vediner said the specific language proposed by Mr. Gottstein would trouble the Department because it would effect an unequal value exchange and if that were the case the Department would have to bring the matter back before the Legislature.

Number 513

Chair DeVries asked and was told by Rodger Painter, Legislative Aide to Representative Goll, that Representative Goll did not support the language proposed in Mr. Gottstein's letter. She stated the Committee would have a committee substitute bill prepared on HB 312.

Number 529

Chair DeVries announced that the Committee would continue its work session on SB 356, the election campaign financing bill.

Number 564

Avrum Gross reviewed the amendments previously adopted by the Committee.

Number 570

There was general discussion as Amendment #2.

Number 599

Senator Vic Fischer moved an amendment to Amendment #2 to take out the 4 words, "solicits a contribution, and", on page 20, line 24, and explained what it would do.

Number 601

Discussion continued on Amendment #2.

Number 714

Chair DeVries said that without objection Amendment #2 was adopted and asked the Committee to consider Amendment #7.

Number 740

Senator Vic Fischer moved the adoption of Amendment #7.

Number 741

Chair DeVries said Amendment #7, without objection, had been adopted. She called the Committee's attention to Senator Fischer's Amendments 13, 14 and 15.

Number 756

Senator Vic Fischer explained that Amendment #13 would remove the \$25,000 contribution limitation on PACs. He moved Amendment #13 and asked unanimous consent.

Number 800

The Committee discussed Amendment #13.

Number 810

Chair DeVries stated that Amendment #13, without objection, had been adopted.

TAPE 1 SIDE 2

Number 000

Susan Burke explained the rationale for terminating final campaign reports on a specific date. She thought 30 days came closer to meeting the desired goal.

Number 004

Senator Ferguson felt 30 days wasn't enough time for a governor's race.

Number 012

There was general discussion on reporting requirements in the bill.

Number 160

Senator Sturgulewski moved Amendment #14 with wording from Senator Fischer's and her proposed amendments and asked unanimous consent.

Number 162

Chair DeVries noted that without objection, Amendment #14 was adopted.

Number 188

There was general discussion on Amendment #15.

Number 267

Senator Vic Fischer moved adoption of Amendment #15, page 23, line 26, subsection (b), and asked unanimous consent.

Number 270

The Committee discussed Amendment #16.

Number 416

Senator Coghill moved that the Committee rescind from its previous adoption of Amendment #11, which had changed the disclosure requirement from \$250 to \$100. He explained the reason for his motion.

Number 438

Chair DeVries called for a vote. There was 1 yea and 3 nays and the motion failed.

Number 465

Senator Sturgulewski moved Amendment #16 which provided that wherever the bill said "\$100 or more", it would read "more than \$100".

Number 467

Amendment #16 was adopted without objection.

Number 503

Senator Sturgulewski moved the adoption of Amendment #17, regarding the filing of final election campaign reports, and asked unanimous consent.

Number 505

Amendment #17 was adopted without objection.

Number 507

There was general discussion on Amendment #18 concerning the certification of campaign reports.

Number 610

Senator Sturgulewski moved the adoption of Amendment #18 and asked unanimous consent.

Number 611

Amendment #18 was adopted without objection.

Number 619

There was general discussion on a possible amendment to place a deadline for closing campaigns.

Number 698

Senator Coghill asked that a committee substitute bill incorporating the amendments be prepared for consideration when the Committee next considers the bill.

Number 700

Chair DeVries said the Committee substitute would be prepared.

Number 720

Senator Sturgulewski requested Avrum Gross and Susan Burke to check the substitute bill for any possible inconsistencies resulting from the amendments.

Number 730

The meeting adjourned at 5:07 p.m.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION**      **FEB 13 RECD**  
**FISCAL NOTE**

Revision Date: 2/12/86

**REQUEST**

Bill/Resolution No. : HB 312  
 Title : Establish Dude Creek CHA  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Sponsor : Goll, Duncan, M.M. Miller, Binkley  
 Requestor : Senate, C&RA  
 Date of Request : 02/11/86

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 BRU: Land and Water Management  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Components : Public Use  
 \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	15.0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

**FUNDING : (Thousands of Dollars)**

GENERAL FUND	15.0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	15.0	0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

Prepared by: Michael E. Vediner      Phone: 465-2400  
 Division: Land and Water Management      Date: 2-12-86  
 Approved by Commissioner: Wm D James, Deputy      Date: 2/14/86  
 Agency: Natural Resources

**Distribution (by Agency preparing fiscal note):**

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

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

410



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
BILL ANALYSIS

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

SUMMARY

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

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

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

ANALYSIS OF BILL/PROGRAM EFFECTS

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

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

ae  
4/10

HB 312

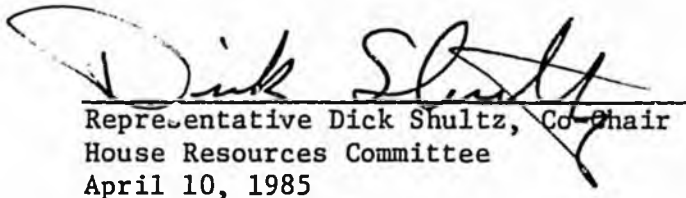
DUDE CREEK CRITICAL HABITAT AREA

Letter of Intent

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

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

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

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

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/12/86

**REQUEST**

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

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

**FISCAL DETAIL**

Agency Affected : Natural Resources  
BRU : Land and Water Management

Components : Public Use

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

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

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

**Distribution (by Agency preparing fiscal note) :**

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

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

**STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE**

*ce*  
*4/10*

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

**REQUEST** No. 1  
 Bill/Resolution No.: HB 312  
 Title: Dude Cr. CHA

**FISCAL DETAIL**  
 Agency Affected: Natural Resources  
 Program Category Affected: NRMEC

Sponsor: Goll, Duncan, MM Miller & Binkley  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

BRU, Program or Subprogram(s) Affected:  
Land & 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						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

No fiscal impact

Prepared By: Mike Vediner  
 Division: Land & Water Management

Phone: 465-2400  
 Date: April 9, 1985

Approved by Commissioner: Wm D Amundson  
 Agency: Department of Natural Resources

Date: April 9, 1985

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST No. 2  
Bill/Resolution No.: HB312  
Title: Dude Creek Critical

FISCAL DETAIL  
Agency Affected: Dept. of Fish and Game  
Program Category Affected: \_\_\_\_\_

Habitat Area  
Sponsor: Coll. Duncan, Miller, Rinkley  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<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				

<b>CAPITAL</b>		0				
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Bruce H. Bally Phone: \_\_\_\_\_  
Division: Habitat Division Date: 1/3/85

Approved by Commissioner: *Chick Belmont* Date: 4.5.85  
Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

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- Requestor
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