

HB

605



SENATOR FRED F. ZHAROFF  
ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99815 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 485-3473 • 465-3474 • 465-3844 (Labor and Commerce Committee)

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Senator Arliss Sturgulewski  
Chair - Senate Resources Committee

FROM: Senator Fred F. Zharoff *F. Zharoff*

DATE: May 5, 1986

RE: HB 605

I wish to request that a committee substitute be prepared for CS for House Bill No. 605 (Finance), "An Act establishing the Shuyak State Game Refuge". I wish the committee substitute to be modeled after the legislation passed in 1984 creating the Shuyak State Park, AS 41.21.170 through AS 41.21.178.

It should contain language to the following effect:

"The commissioner of natural resources shall identify and offer for sale to the public 500 acres of state-owned land within the Kodiak Island Borough under AS 38 within five years of July 1, 1986. The land offered for sale under this section shall be reasonably accessible to the residents of the City of Kodiak, shall be land of good quality, shall not include land scheduled for disposal as of February 1, 1986, and shall be in addition to the land selected for disposal under the terms of the legislation establishing Shuyak State Park. The disposal shall be held in the City of Kodiak."

The committee substitute should also include language that the establishment of the Shuyak State Game Refuge does not take effect until after the land disposal has been completed.

AMENDMENT TO SETTLEMENT AGREEMENT

The State of Alaska ("the State") and the Kodiak Island Borough ("KIB") enter this Agreement on January 3, 1984, to amend the Agreement of Settlement and Consent Decree entered into by the parties on June 19, 1981 in order to achieve a better land management pattern on Shuyak Island and to implement Section 2, Chapter 167, SLA 1984 ("the Act"), which is attached to this Agreement as Exhibit A.

The parties agree as follows:

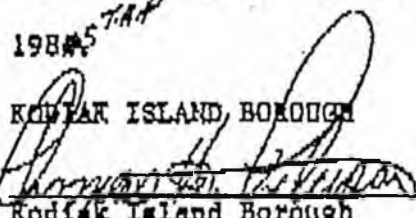
1. Within 120 days of the execution of this Agreement, the State will execute a final decision giving KIB tentative approval to the uplands listed in Section 2(a) of the Act, described in Exhibit B of this Agreement. The land will be conveyed to KIB under the Municipal Entitlement Act, AB 29.18.201-29.18.213, subject only to third party rights and interests. The final decision giving KIB tentative approval and the patent to KIB will contain a clause stating that before KIB may create any third party interests in the land, the State and KIB will identify public easements, which may not be vacated without the prior approval of the State. In the interim before creation of specific public easements, KIB will not deny the public access to and along public and navigable waterbodies located on or adjacent to the land.
2. Within 120 days of the execution of this Agreement, KIB will relinquish and convey to the State by quitclaim deed the land described in Exhibit C of this Agreement. The land will be included in the Shuyak Island State Park under Section 2(b) of the Act.
3. KIB and the State further agree to amend the 1981 Agreement of Settlement and Consent Decree to achieve a better land management pattern by the relinquishment of KIB land within Section 2 and Section 3 of Township 19 South, Range 20 West, Seward Meridian described in Exhibit D. The land will be relinquished and conveyed by KIB to the State by quitclaim deed within 120 days of the execution of this Agreement. The quitclaim deed will contain a clause restricting the use of the land for park purposes only for future inclusion in Shuyak Island State Park.
4. In the interim prior to conveyance to the State, the KIB and the State agree to manage the land described in Exhibits C and D for public park purposes as part of Shuyak Island State Park. Neither the State nor KIB will encumber or dispose of any interest in the land.
5. Land KIB relinquishes and conveys to the State, described in paragraphs 2 and 3 of this Agreement, will be credited to KIB's municipal entitlement.
6. Land retained by KIB under this Agreement in Sections 35 and 36 of Township 18 South, Range 20 West, Seward Meridian does not come under paragraphs 4 and 5 of the June 19, 1981 Settlement Agreement.

7. The KIB will support state legislation granting an appropriation for the survey of the boundary between the Shuyak Island State Park and land owned by KIB.
8. The KIB will support state legislation to the Act establishing the Shuyak Island State Park to include the land described in Exhibit D as part of the park.
9. The parties agree to execute such other documents as may be necessary to effectuate this Agreement.
10. This Agreement constitutes the entire Agreement between the parties, except for the Agreement of Settlement and Consent Decree of June 19, 1981 between the State and KIB, which is attached as Exhibit E. No party will be bound by any other terms, conditions, statements or representation, oral or written not contained in it.
11. This Agreement may be modified or amended only by written agreement of all the parties.

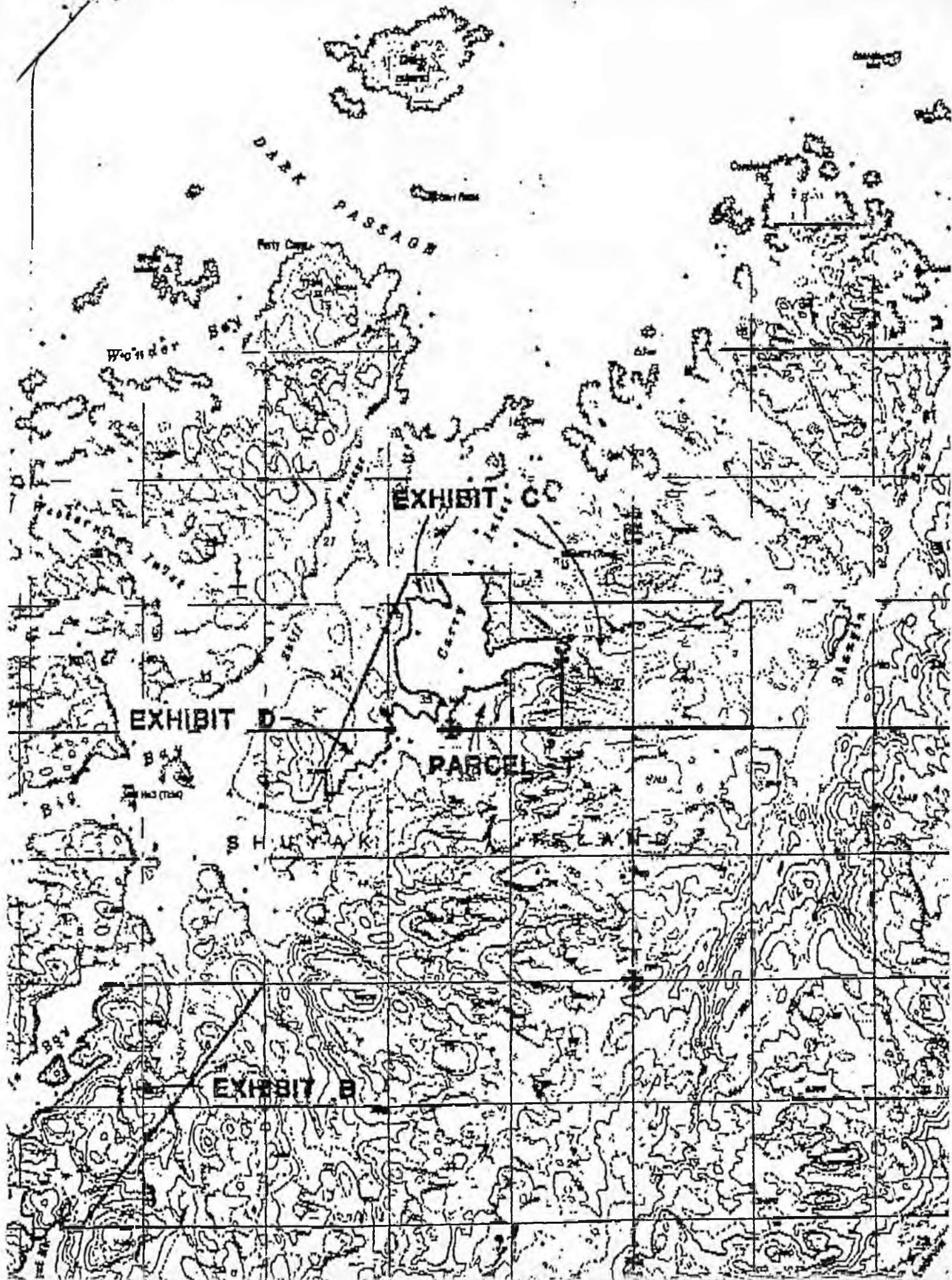
12. <sup>TWP.</sup>

The parties to this Agreement participated in its drafting; accordingly, it should be construed in order to effectuate the intent and purposes of the parties, without a preference for resolution of its terms in favor of one party or the other.

DATED this 3 day of January, 198~~4~~<sup>5</sup>  
 STATE OF ALASKA

<sup>TWP.</sup>  
 KODIAK ISLAND BOROUGH  
  
 Rodiak Island Borough

\_\_\_\_\_  
 Esther C. Wunnicks, Commissioner  
 Department of Natural Resources





## MEDIA RELEASE

~~SECTION: LAND AND WATER MANAGEMENT~~

~~CONTACT: Pat Beckley~~

~~EASDATE: Immediately~~

~~PHONE: 263-2312~~

~~SUBJECT: Final Decision on Kodiak Island Borough  
Land Selections Issued May 4, 1982.~~

~~DATE: May 7, 1982~~

### STATE ISSUES FINAL DECISION APPROVING CONVEYANCE OF LANDS TO KODIAK ISLAND BOROUGH

The State of Alaska Municipal Entitlement Program took a major step forward this week when the state issued a final decision approving selections that will eventually convey ownership of 56,500 acres to the Kodiak Island Borough.

The entitlement program, which is administered by the Department of Natural Resources (DNR), has conveyed about 317,031 acres of state land to boroughs, municipalities and cities since it went into effect in 1964.

The acreage approved for conveyance to the Kodiak Island Borough boosts the total amount approved for transfer to local governments to almost 720,000 acres or about 92 percent of all entitlements presently allowed under the program.

Much of the land that has been approved but not yet conveyed is un-surveyed. Only lands that are surveyed and patented to the state may be conveyed to local governments under the program.

Division of Parks

(MORE)

MAY 11 1982



~~After the Borough filed three judicial appeals of Administration~~  
decisions rejecting selections, including lands on Woody Island and Shuyak Island, the agreement was reached in order to settle the question without further costly litigation.

The state agreed to convey to the borough as soon as possible certain lands containing about 47,000 acres. The borough in turn agreed to relinquish its interest in about 3,200 acres that had earlier been approved.

The agreement also establishes a procedure whereby the borough may exchange selected lands on Shuyak Island for lands on Kodiak Island that the state may acquire from the federal government in the future. If certain state-selected lands are determined not to be subject to conveyance under the Alaska Native Claims Settlement Act for any reason, those lands, totaling about 17,500 acres, will be conveyed to the borough.

As part of the pact, the borough also will attempt to obtain introduction and passage of state legislation for the creation of a state game refuge and state park on Shuyak Island. If the proposed state park and state game refuge are not enacted by legislation, the state will classify and manage these lands for wildlife habitat and public recreation.

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DISTRICT 27  
AKHIOK  
CHIGNIK  
CHIGNIK LAGOON  
CHIGNIK LAKE  
CHINIAK  
IVANOF BAY  
KARLUK  
KODIAK  
LARSEN BAY  
OLD HARBOR  
OUZINKIE  
PERRYVILLE  
PORT LIONS  
WOMENS BAY

# Alaska State Legislature



Representative  
**Dave Thompson**

P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2487  
(907) 465-2498

P.O. BOX 75  
KODIAK, ALASKA 99615  
(H) (907) 482-4899  
(LIO) (907) 486-8116

MAY 7  
1986

May 7, 1986

Senator Arliss Sturgulewski  
Chair, Senate Resources

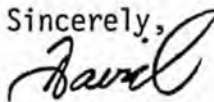
Dear Arliss,

First of all, thank you for scheduling HB 605 in your resources committee at this time. The House floor sessions have been lasting far into the afternoons, so I may not be able to testify. Helen Fisher will be attending to answer questions and to present a large map of the Shuyak Island area.

I would like to have HB 605 passed out of your committee in its original form. Since Senator Zharoff wants to make some major changes on the bill please suggest he make the changes in his committee of next referral.

In answer to the letter from the mining group, there are no mining interests in the proposed Shuyak Game Refuge, and the fiscal note from Fish and Game is zero.

Thank you again for scheduling HB 605.

Sincerely,  
  
Dave Thompson

# 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 5, 1986

TO: All Members  
Senate Resources Committee

FROM: Staff, <sup>7+</sup> Senate Resources Committee

RE: HB 605 Shuyak State Game Refuge

HB 605 would establish the Shuyak State Game Refuge on Shuyak Island north of Afognak Island near Kodiak.

The Refuge is established to protect and enhance habitat and provide opportunities for recreation and scenic values. Commercial fishing and trapping would continue.

The Kodiak Island Borough may relinquish state land for inclusion in the Refuge.

The Department of Fish and Game shall prepare and adopt a management plan for the Refuge after public hearings and in consultation with the Kodiak Island Borough. The Department of Natural Resources shall manage the surface and subsurface estate in conformity with the management plan.

The fiscal note is zero.

### Enclosures:

- Fiscal note - Dept. of Fish and Game
- Fiscal note - Dept. of Natural Resources
- Bill analysis from Fish and Game
- Maps of area with description
- Letter from Senator Fred Zharoff
- Letter from Commissioner Wunnicke
- Kodiak Island Borough Resolution
- Letter from Alaska Miners Association

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST** (211)

**FISCAL DETAIL**

Bill Resolution NoCS HB 605 (211) "n 2  
Title: An act establishing Shuyak  
State Game Refuge

Agency Affected: Dept. of Fish & Game  
BRU: Habitat and Game Divisions

Sponsor: Representative Thompson  
Requestor: Dept. of Fish and Game  
Date of Request: \_\_\_\_\_

Components: Operating and Capital  
Budgets

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

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

CAPITAL		-0-				
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REVENUE						
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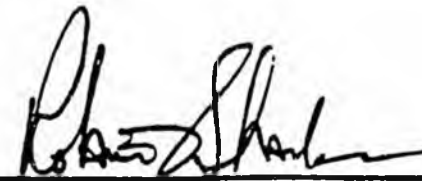
**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Roland Shanks   
Division: Commissioner's Office

Phone: 465-4100  
Date: February 28, 1986

Approved by Commissioner: Orville Peterson  
Agency: Department of Fish and Game

Date: 2-28-86

Distribution (by Agency preparing fiscal note):

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

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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

**REQUEST** (7in)  
 Bill/Resolution No. : CSHB 605 ( ) No. 1  
 Title : Shuyak State Game Refuge  
 \_\_\_\_\_  
 Sponsor : Rep. Thompson  
 Requestor : House Resources Committee  
 Date of Request : March 3, 1986

**FISCAL DETAIL**  
 Agency Affected : Natural Resources  
 BRU : Land Management  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**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-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
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

Prepared by : Carol Wilson  
 Division : Commissioner's Office

RW

Phone : 465-2400  
 Date : 3/4/86

Approved by Commissioner : Ann M. Arnsperger, Deputy  
 Agency : Natural Resources

Date : 3/4/86

Distribution (by Agency preparing fiscal note) :

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



*Helen Fishbe*

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
**BILL ANALYSIS**

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER HB 605	SPONSOR Representative Thompson
DEPARTMENT POSITION  Support			
PREPARED BY Habitat Division	DATE 2/25/86	COMMISSIONER'S SIGNATURE <i>Wall Callersworth</i>	DATE 2-28-86

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL  DNR	CONSTITUENT GROUPS AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL  Administration (see attached letters)	ORGANIZATIONAL OPPOSITION TO BILL  None Known

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The purpose of creating the Shuyak State Game Refuge is to provide (1) protection and enhancement to fish and wildlife habitat, (2) continued opportunity for fishing, hunting, and trapping, and (3) other recreational opportunities.

ANALYSIS OF BILL/PROGRAM EFFECTS

The bill will:

1. Establish the Shuyak State Game Refuge.
2. Provide for the addition of lands relinquished by the borough to the refuge.
3. Ensure access to private and borough holdings.
4. Direct the preparation of a refuge management plan.
5. Require surveying the refuge boundary to the extent that funds are available.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.



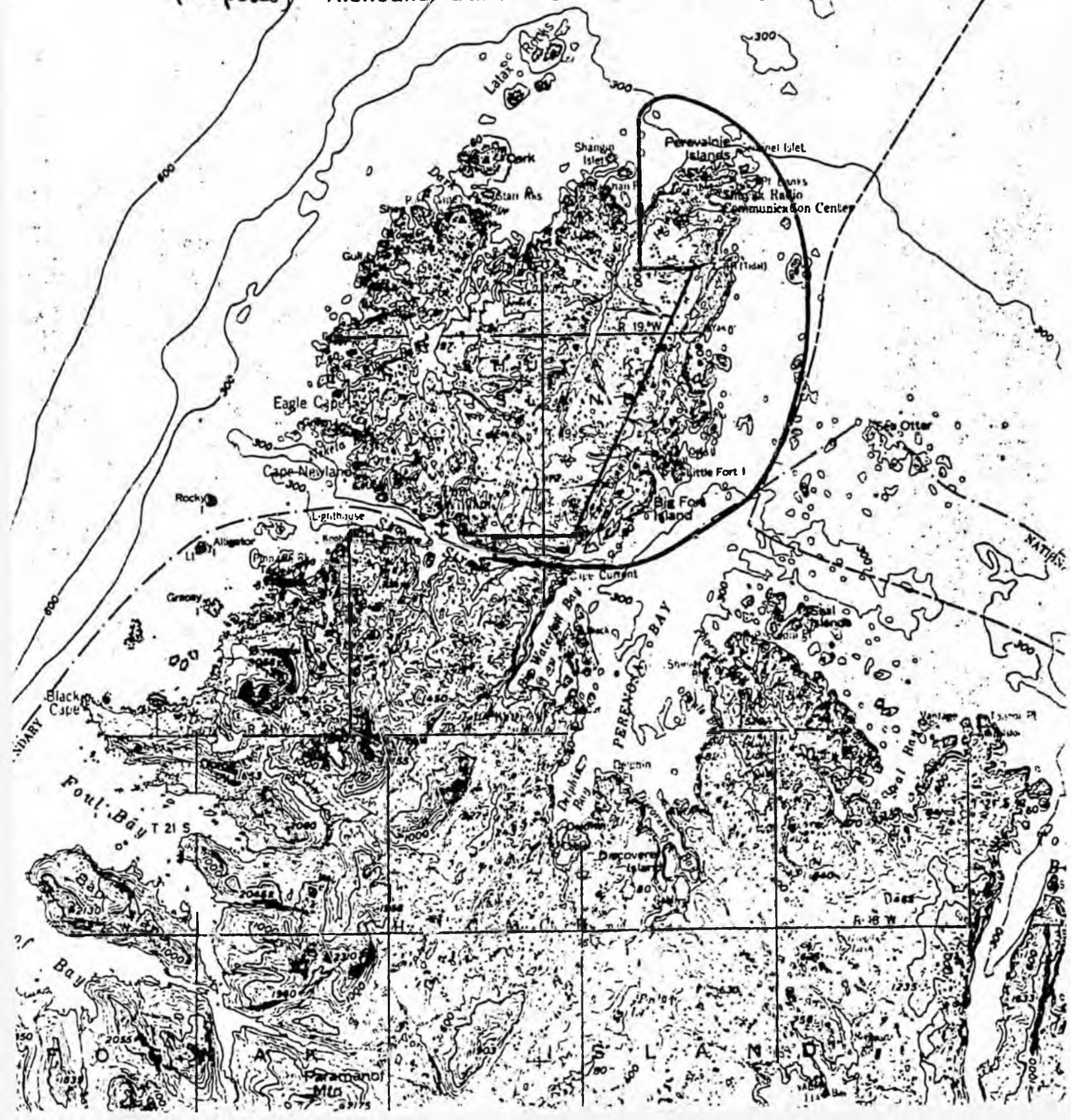
P

STEVENSON

ENTRANCE

(Proposed)

Aleksandr Baranov State Game Refuge



## SHUYAK ISLAND

### Physical Description

Shuyak Island is the northernmost and smallest of the major islands in the Kodiak Island Archipelago, which is formed by the Kodiak Mountains, a structural southwest continuation of the Kenai-Chugach Mountains. The area is characterized by an irregular coastline with many fiords and islands. Short, swift, clear streams, small lakes and numerous small ponds are widely scattered over the glacially sculptured topography. Unlike the larger islands of the group the topography of Shuyak Island is of rather low relief with elevations ranging from 0 to 660 feet above sea level with predominantly gently rolling slopes.

Shuyak Island is in a maritime climatic zone, however, climatic data for the area is sporadic. The only major recording station is on Kodiak Island, with supporting data from ship movement through the areas. The maritime climatic zone is strongly influenced by the marine environment and characterized by moderately heavy precipitation, cool temperatures, high cloud and fog frequency with little or no freezing weather. Temperature patterns are characterized by relatively cool summers and warm winters, as compared to interior land temperatures at similar latitudes. The mean high temperature for January is 32 to 36° F while the mean high temperature for July is only 56 to 62° F. Above freezing temperatures, which are common during all winter months, usually keep the snow depth from becoming excessive at low elevations. However, the warm temperatures at low elevations also result in wet heavy snow with high water content.

Severe storms with high winds are common in the area. Surface winds are more hazardous to human activities in the area than temperature or precipitation. Sustained extreme wind speeds during storms may range from 50 to 75 knots, with gusts as high as 100 knots. From June through September when the air contains the most moisture and is warmer than the water, fog is common and the principal cause of reduced visibility.

The vegetation on Shuyak Island is characterized by well developed extensive stands of large size, over-mature Sitka spruce, stands of pole size Sitka spruce, sedges and other water tolerant plants in the lowland areas, and alder and grasses in the non-timbered areas.





SENATOR FRED F. ZHAROFF  
ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99815 (907) 486-5259  
DURING SESSION:  
POUCH V, JUNEAU, ALASKA 99811 • (907) 485-3473 • 485-3474 • 485-3844 (Labor and Commerce Committee)

Gu  
cc: CW  
CW  
RF  
MV

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

March 4, 1986

Ms. Esther Wunnicke  
Commissioner  
Department of Natural Resources  
Pouch M  
Juneau, Alaska 99811

DEPARTMENT OF  
NATURAL RESOURCES

MAR 4 1986

COMMISSIONER'S OFFICE  
JUNEAU

Dear Commissioner Wunnicke:

I recently received a resolution from the Kodiak Island Borough Assembly requesting that a bill be introduced creating the Shuyak State Game Refuge. Enclosed with the resolution was a copy of a letter from the director of the Division of Parks, Mr. Neil Johannsen, in support of the borough assembly's resolution.

I also would be willing to support the creation of the game refuge if, as in the case of Shuyak State Park, we can find another 500 acres of "reasonably accessible" state land around Kodiak Island to make available for sale to private individuals. I do not believe we should be putting more land on Kodiak Island into "protected" status until we first take care of the needs of the residents of Kodiak Island who desire to own land. With the majority of acreage on Kodiak Island classified as a federal game refuge, I fear we would be foreclosing our future by adding even more land to a "restricted" category.

As you know, Representative David Thompson has introduced House Bill No. 605 to establish the game refuge. I cannot support this bill until more acreage is made available for private ownership. If this matter can be resolved, I would have no objection to the legislation. I look forward to working with the department on this issue.

Sincerely,

Fred F. Zharoff  
Alaska State Senate

cc: Representative David Thompson  
Representative Adelheid Herrmann  
Mayor Jerome Selby, Kodiak Island Borough  
Tom Hawkins, Division of Land  
Neil Johannsen, Division of Parks

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M  
JUNEAU, ALASKA 99811  
PHONE: 907-485-2400

March 19, 1986

The Honorable Fred F. Zharoff  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Zharoff:

I am in receipt of your March 4, 1986 letter dealing with the proposed Shuyak State Game Refuge. You offer support for the bill but condition it by requiring that the department identify and offer another 500 acres of reasonably accessible land around Kodiak Island for sale to private individuals.

I recognize and share your interest in additional land offerings in the Kodiak area. I am concerned, however, that the state simply does not have such accessible land which is currently available for sale. Land now held by the Borough and native corporations may be the most appropriate near term land offering candidate.

The department has expended a great deal of effort to identify the 500 acres of state land required for sale by 1989 under provisions of the legislation which created Shuyak State Park. This process amply demonstrated that the majority of suitable state land in the Kodiak Island area is already encumbered by third-party interests, primarily grazing leases. In addition, other suitable state land has been selected by the Kodiak Island Borough or reserved for public purposes. It seems certain that a legislative mandate requiring the department to offer additional accessible state land could not be met without amendment of existing grazing leases. Since the grazing industry and the Soil Conservation Service believe that reductions should only be contemplated over a seven year schedule the Department would be hard pressed to meet your conditions. Therefore, should this provision be added to the bill creating the Shuyak State Game Refuge, this department would have no alternative but to oppose the bill.

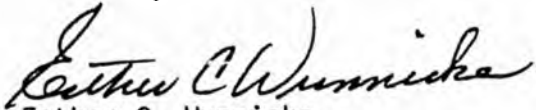
In the meantime, the department continues its best efforts to identify and offer the 500 acres required under the previous legislation. The department

The Honorable Fred F. Zharoff

page 2

has forwarded information on the areas identified for sale to your office. We are meeting with the Alaska Department of Fish & Game to further discuss Raspberry Island's potential as you requested. Your assistance in this effort is greatly appreciated.

Sincerely,



Esther C. Wunnicke  
Commissioner

cc: Representative David Thompson  
Representative Adelheid Herrman  
Mayor Jerome Selby, Kodiak Island Borough  
Norman Cohen, Department of Fish & Game  
Tom Hawkins, Division of Land & Water Management  
Meg Hayes, Southcentral Regional Office

KODIAK ISLAND BOROUGH  
RESOLUTION NO. 86-06-R

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY REQUESTING  
STATE LEGISLATION TO CREATE THE SHUYAK STATE GAME REFUGE

WHEREAS, on August 14, 1981, the Superior Court ordered the Agreement of Consent Decree to effectively dismiss the appeals the Kodiak Island Borough brought against the Alaska Department of Natural Resources with regards to its lands selections; and

WHEREAS, a condition in the Agreement of Settlement and Consent Decree is that the Kodiak Island Borough is to use its best efforts to have legislation introduced to create a state park and state game refuge on Shuyak Island for those portions not to be conveyed to the Kodiak Island Borough; and

WHEREAS, the Shuyak State Game Refuge is to be established to protect fish and wildlife habitats and population of all fish and wildlife species, particularly deer and brown bear, feeding, wintering and migration areas as well as to provide public uses of fish and wildlife in their habitat for hunting, viewing, photography, and general recreation in a high quality environment; and

WHEREAS, the Kodiak Island Borough had caused to be prepared a proposed bill entitled "An Act Creating the Aleksandr Baranov State Game Refuge" for the 1981-82 legislature; and

WHEREAS, Bill HCSSB 51, "An Act Establishing the Shuyak Island State Park; and Providing for an Effective Date" was signed by Governor Sheffield on July 11, 1984; and

WHEREAS, nothing further has been done to establish a State Game Refuge.

NOW, THEREFORE, BE IT RESOLVED by the Kodiak Island Borough Assembly that legislation entitled "An Act Creating the Shuyak State Game Refuge" be introduced and assigned a number providing for the creation of said state game refuge.

BE IT FURTHER RESOLVED by the Kodiak Island Borough Assembly that the Borough administration be directed to send this resolution to the Senator for District N, the Representative for House District 27, Governor Sheffield, the Alaska Department of Natural Resources, and the Alaska Department of Fish and Game and implore their assistance in the successful adoption of this legislation.

PASSED AND APPROVED THIS 2 DAY OF January, 1986.

KODIAK ISLAND BOROUGH

James M. Selby  
Borough Mayor

James E. Walsh  
Presiding Officer

ATTEST:

James E. Walsh CMC  
Borough Clerk



FH

86

# ALASKA MINERS ASSOCIATION, INC.

509 W. Third Ave., Suite 17, Anchorage, Alaska 99501 (907) 276-0347

April 10, 1986

Senate Resources Committee  
Senator Arlis Sturgelewski  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Senator Sturgelewski:

RE: CSHB 605 "An Act establishing the Shuyak State Game Refuge"

The Alaska Miners Association, while recognizing the need and desirability of some game refuges, wishes to make the following comments.

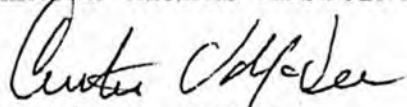
We support the provision of this proposed legislation to continue management of surface and subsurface estate by the Alaska Department of Natural Resources. The proposed legislation also states that the Shuyak Game Refuge will be managed under a management plan proposed by DNR and adopted by ADF&G. These plans average \$1,000,000 to prepare and the state cannot afford to spend money on non critical areas at this time.

We question why unique plans must be prepared for each small isolated game refuge and park in the state. Relatively few people can utilize many of these refuges and parks so existing regulations and refuge and park rules can adequately preserve and control these areas without major expenditures on planning.

Thank you for the opportunity to comment on this proposed legislation.

Sincerely,

ALASKA MINERS ASSOCIATION

  
Curtis V. McVee

Offered: 3/21/86  
Referred: Rules

Original sponsor: Thompson

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 605 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Shuyak State Game Refuge."

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

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

9 Sec. 16.20.035. SHUYAK STATE GAME REFUGE. (a) The following  
10 state-owned uplands and all uplands acquired by the state after the  
11 effective date of this Act lying within the area described in this  
12 subsection are established as the Shuyak State Game Refuge:

13 (1) Beginning at the E 1/16th corner common to Sections 23  
14 and 26, T18S, R19W, S.M.; then south-southwesterly approximately 8.86  
15 miles to the section corner common to Sections 31 and 32, T19S, R19W,  
16 S.M., and Sections 5 and 6, T20S, R19W, S.M.; then westerly along the  
17 township line between Townships 19 and 20S, Ranges 19 and 20W, S.M.,  
18 approximately 2.5 miles to the 1/4 corner common to Section 35, T19S,  
19 R20W, S.M., and Section 2, T20S, R20W, S.M.; then southerly along the  
20 north-south centerline of Section 2, T20S, R20W, S.M., approximately  
21 0.3 miles to the intersection of the mean high tide line of Shuyak  
22 Strait; then meandering in a counter-clockwise direction easterly,  
23 northerly, westerly, and southerly to the intersection of the mean  
24 high tide with the section line common to Sections 15 and 16, T18S;  
25 R19W, S.M.; then south approximately 1.25 miles to the section corner  
26 common to Sections 22, 27, 28 and 21, T18S, R19W, S.M.; then east 1.75  
27 miles between Sections 22 and 27, 23 and 26 to the E 1/16th corner  
28 common to Sections 23 and 26, T18S, R19W, S.M.; to the point of begin-  
29 ning; and

1           (2) Big Fort Island, Little Fort Island, the Perevalnie  
2 Islands and all other islands, islets, pinnacles and rocks lying  
3 easterly of and within one mile of the easterly shore of the lands  
4 described in (1) of this subsection.

5           (b) The Shuyak State Game Refuge is established to provide the  
6 following:

7           (1) protection and enhancement of habitat;

8           (2) continued opportunity for recreational uses, including  
9 fishing and hunting, and continued trapping and commercial fishing;

10          (3) opportunity to view, photograph, study, and enjoy the  
11 various species of plants and wildlife of the refuge.

12          (c) If the Kodiak Island Borough relinquishes to the state any  
13 state land selected by the borough within the following parcels, that  
14 land becomes part of the Shuyak State Game Refuge:

15          (1) Township 18 South, Range 19 West, Seward Meridian

16               Sections 26 - 28

17               Sections 33 - 35

18          (2) Township 19 South, Range 19 West, Seward Meridian

19               Section 3

20               Section 4

21               Section 6: S1/2

22               Sections 7 - 10

23               Sections 16 - 21

24               Sections 29 - 32

25          (3) Township 19 South, Range 20 West, Seward Meridian

26               Section 1: S1/2

27               Section 2: S1/2

28               Section 10: SE1/4

29               Sections 11 - 16

1 Sections 20 - 29

2 Sections 32 - 36

3 (4) Township 20 South, Range 20 West, Seward Meridian

4 Section 2

5 Section 3

6 (d) Egress and ingress to and from private and borough property  
7 within or adjacent to land described in (a) of this section shall be  
8 provided through the reservation by the Department of Natural Re-  
9 sources of a 200-foot easement traversing Section 26, T18S, R19W,  
10 S.M.; Sections 15, 16, 21, and 22 of T19S, R19W, S.M.; and Section 32,  
11 T19S, R19W, S.M. The specific locations of the easements shall be  
12 agreed to by the Department of Fish and Game, the Department of Natu-  
13 ral Resources, and the Kodiak Island Borough. If land is conveyed to  
14 the state as provided in (c) of this section, the easements shall be  
15 reserved so as to continue through that land.

16 (e) Management of the surface and subsurface estate is the  
17 responsibility of the Department of Natural Resources. Actions by the  
18 Department of Natural Resources that affect the habitat shall conform  
19 with a management plan proposed and adopted by the Department of Fish  
20 and Game in accordance with the Administrative Procedure Act (AS 4.-  
21 62), after public hearings and following consultation with the Kodiak  
22 Island Borough.

23 (f) The Board of Fisheries and the Board of Game shall adopt  
24 regulations governing the taking of fish and game within the Shuyak  
25 State Game Refuge to implement (b) of this section.

26 (g) To the extent that funds are available, the commissioner of  
27 natural resources shall identify the boundaries of the Shuyak State  
28 Game Refuge by surveying and posting each inland boundary described in  
29 (a)(1) of this section, or as added under (c) of this section, at its

*A. S. Johnson*  
*long*



1 beginning and its end.

2

Offered: [REDACTED]  
Referred: Rules

*Was established  
in 1984*

Original sponsors: Mulcahy and V.Fischer

1 IN THE SENATE BY THE FINANCE COMMITTEE  
2 HOUSE CS FOR SENATE BILL NO. 51 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Shuyak Island State Park;  
7 and providing for an effective date."

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

9 \* Section 1. AS 41.21 is amended by adding new sections to read:

10 Sec. 41.21.170. DECLARATION OF PURPOSE. (a) The purpose of  
11 AS 41.21.170 - 41.21.178 is to establish, subject to valid existing  
12 rights, the state-owned or acquired uplands and freshwater bodies  
13 described in AS 41.21.172 as the Shuyak Island State Park. The pri-  
14 mary purposes of establishing the Shuyak Island State Park are to  
15 protect the area's recreational and scenic resources, to protect the  
16 area's fish and wildlife habitat, and to preserve and enhance the  
17 continued use of the area for sport and subsistence hunting and fish-  
18 ing, trapping, and recreational activities.

19 (b) Under the provisions of AS 38.05.300, state land, water, or  
20 land and water containing more than 640 acres may be closed to multi-  
21 ple purpose use only by act of the legislature. Because the area  
22 described in AS 41.21.172 exceeds 640 acres, AS 41.21.170 - 41.21.178  
23 are intended to close the described land and water to multiple purpose  
24 use in conformity with AS 38.05.300 and to dedicate them as a special  
25 purpose site in accordance with art. VIII, sec. 7, Constitution of the  
26 State of Alaska.

27 Sec. 41.21.172. DESIGNATED STATE LAND AND WATER. The uplands  
28 and freshwater bodies owned or acquired by the state within the  
29 following described parcel are designated as the Shuyak Island State

1 from the effective date of this Act if the Agreement of Settlement and  
2 Consent Decree of June 19, 1981, is not amended as proposed in (a) and (b)  
3 of this section.

4 (d) If the Agreement of Settlement and Consent Decree of June 19,  
5 1981, is amended as proposed in (b) and (c) of this section, the uplands  
6 within the following described lands are added to the Shuyak Island State  
7 Park:

8 T19S, R20W, S.M.

9 Sec. 8, SE1/4, SE1/4, SE1/4

10 Sec. 9

11 \* Sec. 3. Subject to the availability of funds, the Department of  
12 Natural Resources shall construct public use cabins within the Shuyak  
13 Island State Park.

14 \* Sec. 4. The commissioner of natural resources shall identify the  
15 boundaries of the Shuyak Island State Park by posting each inland boundary  
16 described in AS 41.21.172 as enacted in sec. 1 of this Act or as added  
17 under sec. 2 of this Act at its beginning and its end and not less often  
18 than each one-eighth of a mile.

19 \* Sec. 5. ~~The commissioner of natural resources shall identify and~~  
20 ~~offer for sale to the public 500 acres of state-owned land within the~~  
21 ~~Kodiak Island Borough under AS 38 within five years of the effective date~~

22 ~~of this Act.~~ The land offered for sale under this section shall be  
23 reasonably accessible to residents of the City of Kodiak, shall be land of  
24 good quality, and may not include land proposed as of February 1, 1984 by  
25 the Department of Natural Resources for sale by the department during  
26 fiscal years 1984, 1985, or 1986. The disposals of the land shall be held  
27 in the City of Kodiak. The commissioner of natural resources shall submit  
28 to the legislature not later than the 10th day of the Second Regular  
29 Session of the Sixteenth Alaska State Legislature a report on the

1 compliance by the Department of Natural Resources with this section.

2 \* Sec. 6 AS 41.21.170 - 41.21.178 enacted by sec. 1 of this Act is  
3 repealed July 1, 1990. The commissioner of natural resources does not  
4 report to the legislature under sec. 5 of this Act that the Department of  
5 Natural Resources has identified and offered for sale 500 acres of state-  
6 owned land within the Kodiak Island Borough under AS 38 within five years  
7 after the effective date of this Act.

8 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.-  
9 10.070(c).

*long  
with*

Bradley  
5/5/86 ✓

Original sponsor: Thompson

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 605 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Shuyak State Game Refuge."

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

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

9 Sec. 16.20.035. SHUYAK STATE GAME REFUGE. (a) The following  
10 state-owned uplands and all uplands acquired by the state after the  
11 effective date of this Act lying within the area described in this  
12 subsection are established as the Shuyak State Game Refuge:

13 (1) Beginning at the E 1/16th corner common to Sections 23  
14 and 26, T18S, R19W, S.M.; then south-southwesterly approximately 8.86  
15 miles to the section corner common to Sections 31 and 32, T19S, R19W,  
16 S.M., and Sections 5 and 6, T20S, R19W, S.M.; then westerly along the  
17 township line between Townships 19 and 20S, Ranges 19 and 20W, S.M.,  
18 approximately 2.5 miles to the 1/4 corner common to Section 35, T19S,  
19 R20W, S.M., and Section 2, T20S, R20W, S.M.; then southerly along the  
20 north-south centerline of Section 2, T20S, R20W, S.M., approximately  
21 0.3 miles to the intersection of the mean high tide line of Shuyak  
22 Strait; then meandering in a counter-clockwise direction easterly,  
23 northerly, westerly, and southerly to the intersection of the mean  
24 high tide with the section line common to Sections 15 and 16, T18S;  
25 R19W, S.M.; then south approximately 1.25 miles to the section corner  
26 common to Sections 22, 27, 28 and 21, T18S, R19W, S.M.; then east 1.75  
27 miles between Sections 22 and 27, 23 and 26 to the E 1/16th corner  
28 common to Sections 23 and 26, T18S, R19W, S.M.; to the point of begin-  
29 ning; and

1           (2) Big Fort Island, Little Fort Island, the Perevalnie  
2 Islands and all other islands, islets, pinnacles and rocks lying  
3 easterly of and within one mile of the easterly shore of the lands  
4 described in (1) of this subsection.

5           (b) The Shuyak State Game Refuge is established to provide the  
6 following:

7                 (1) protection and enhancement of habitat;

8                 (2) continued opportunity for recreational uses, including  
9 fishing and hunting, and continued trapping and commercial fishing;

10                (3) opportunity to view, photograph, study, and enjoy the  
11 various species of plants and wildlife of the refuge.

12           (c) If the Kodiak Island Borough relinquishes to the state any  
13 state land selected by the borough within the following parcels, that  
14 land becomes part of the Shuyak State Game Refuge:

15                 (1) Township 18 South, Range 19 West, Seward Meridian  
16                         Sections 26 - 28

17                         Sections 33 - 35

18                 (2) Township 19 South, Range 19 West, Seward Meridian

19                         Section 3

20                         Section 4

21                         Section 6: S1/2

22                         Sections 7 - 10

23                         Sections 16 - 21

24                         Sections 29 - 32

25                 (3) Township 19 South, Range 20 West, Seward Meridian

26                         Section 1: S1/2

27                         Section 2: S1/2

28                         Section 10: SE1/4

29                         Sections 11 - 16

1                   Sections 20 - 29

2                   Sections 32 - 36

3                   (4) Township 20 South, Range 20 West, Seward Meridian

4                   Section 2

5                   Section 3

6                   (d) Egress and ingress to and from private and borough property  
7 within or adjacent to land described in (a) of this section shall be  
8 provided through the reservation by the Department of Natural Re-  
9 sources of a 200-foot easement traversing Section 26, T18S, R19W,  
10 S.M.; Sections 15, 16, 21, and 22 of T19S, R19W, S.M.; and Section 32,  
11 T19S, R19W, S.M. The specific locations of the easements shall be  
12 agreed to by the Department of Fish and Game, the Department of Natu-  
13 ral Resources, and the Kodiak Island Borough. If land is conveyed to  
14 the state as provided in (c) of this section, the easements shall be  
15 reserved so as to continue through that land.

16                   (e) Management of the surface and subsurface estate is the  
17 responsibility of the Department of Natural Resources. Actions by the  
18 Department of Natural Resources that affect the habitat shall conform  
19 with a management plan proposed and adopted by the Department of Fish  
20 and Game in accordance with the Administrative Procedure Act (AS 44.-  
21 62), after public hearings and following consultation with the Kodiak  
22 Island Borough.

23                   (f) The Board of Fisheries and the Board of Game shall adopt  
24 regulations governing the taking of fish and game within the Shuyak  
25 State Game Refuge to implement (b) of this section.

26                   (g) To the extent that funds are available, the commissioner of  
27 natural resources shall identify the boundaries of the Shuyak State  
28 Game Refuge by surveying and posting each inland boundary described in  
29 (a)(1) of this section, or as added under (c) of this section, at its

1 beginning and its end.

2 \* Sec. 2. The commissioner of natural resources shall identify and  
3 offer for sale to the public under AS 38, 500 acres of state-owned land  
4 within the Kodiak Island Borough before July 1, 1991. The land offered for  
5 sale under this section must be reasonably accessible to the residents of  
6 the City of Kodiak, must be land of good quality, may not be land scheduled  
7 for disposal as of February 1, 1986, and is in addition to land selected  
8 for disposal under ch. 167, SLA 1984, legislation establishing the Shuyak  
9 State Park. The disposal shall be held in the City of Kodiak.

10 \* Sec. 3. Notwithstanding AS 16.20.035, added by sec. 1 of this Act,  
11 the establishment of the Shuyak State Game Refuge does not take effect  
12 until the commissioner of natural resources has completed the land disposal  
13 required under sec. 2 of this Act.