

CSSS B

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STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB362 (Res.)

PUBLISH DATE: Senate 3/16/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Dude Creek Critical Habitat
Area

Agency Affected: Department of Fish and G
BRU: Habitat

Sponsor: Eliason
Requestor: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0*				

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER		0				
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Preparation of the Dude Creek Critical Habitat Area
Management Plan

Prepared by: Bruce H. Baker
Division: Habitat Division

Phone: 465-4105
Date: 3/10/88

Approved by Commissioner: [Signature]
Agency: Department of Fish and Game

Date: 3/11/88

Distribution (by preparer): *If existing schedule of one plan per year is adhered to, and no "date certain" is set for preparation of the Dude Creek Management Plan, the operating budget would be adequate. However, if two plans are to be prepared concurrently, the cost for the second plan would be 50.5.

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

Dude Creek Critical Habitat Area

-Preparation of the Dude Creek Critical Habitat Area Management Plan will take one year to complete and require the following expenses (in thousands) if conducted concurrently with preparation of any other critical habitat area management plan:

Personnel

Habitat Biologist	(18c)	6 months	4.5/month	27.0
Game Biologist	(16c)	2 months	4.0/month	8.0
Drafting Tech.	(14d)	1 month	3.5/month	3.5
Clerk/Typist	(8a)	1 month	2.3/month	2.3
				<u>\$40.8</u>

Travel

Staff travel to Gustavus and Juneau	\$2.0
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Contractual

Telephone	0.75/month x 12 months	0.9
Photocopy	0.10/month x 12 months	0.1
Advertising /public notices		1.0
Aerial photography printing/ photographic/ blueprinting		0.7
		<u>4.0</u>
		\$ 6.7

Supplies

Office supplies	1.0
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TOTAL	\$ 50.5
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STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 362 (Res)
PUBLISH DATE: _____

4/7/88
14 (Res)
Heron

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Dude Creek Critical Habitat Area

Agency Affected: Natural Resources
BRU: Land and Water Management

Sponsor: Senator Eliason
Requestor: House Resources

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Legislative designation will not preclude this parcel from being appraised as part of the Mental Health Settlement. There may be some administrative savings because the public notice will be unnecessary; however, these savings will be less than \$100.

Prepared by: Janet Burleson Phone: 465-3400
Division: Land and Water Management Date: 3/16/88

Approved by Commissioner: JD
Agency: Department of Natural Resources

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

RECEIVED
APR. 7 1988

LEGISLATIVE FINANCE

Original sponsor: Eliason

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 362 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act establishing the Dude Creek Critical Habitat
7 Area; and providing for an effective date."

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. 16.20.610. 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 following described area is established as the Dude
17 Creek Critical Habitat Area:

18 Township 40 South, Range 58 East, Copper River Meridian

19 Section 2: W1/2

20 Section 3

21 Sections 9 - 10

22 Section 11: W1/2NE1/4, W1/2

23 Section 14: Lot 3, NW1/4, N1/2SW1/4, SW1/4SW1/4

24 Section 15

25 Section 16: N1/2, SE1/4

26 (c) The Dude Creek Critical Habitat Area described in (b) of
27 this section shall be managed under a management plan prepared and
28 implemented by the department in consultation with the community of
29 Gustavus and the Board of Game.

1 (d) The department shall allow public uses, including fishing,
2 hunting, trapping, mechanized and nonmechanized public access, graz-
3 ing, firewood harvesting, wildlife viewing, hiking, and berry picking
4 under the management plan adopted under (c) of this section to the
5 extent that the activities are compatible with (a) of this section.

6 (e) The legislature understands that a portion of the state land
7 described in (b) of this section is mental health trust land of the
8 state and the legislature intends that the land retain its status as
9 mental health trust land, notwithstanding its inclusion in the Dude
10 Creek Critical Habitat Area.

11 * Sec. 2. INTERIM MANAGEMENT. Until the Department of Fish and Game
12 has adopted a management plan under AS 16.20.610(c), the commissioner of
13 fish and game shall allow public use compatible with AS 16.20.610(a) as
14 enacted in sec. 1 of this Act.

15 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 6, 1988

The Honorable Adelheid Herrmann, Co-Chair
The Honorable Sam Cotten, Co-Chair
House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representatives Herrmann and Cotten:

Subject: CSSB 362 (Resources), " An Act establishing the
Dude Creek Critical Habitat Area; and providing for an
effective date."

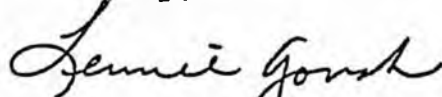
Position: The Department does not oppose this legislation.

Background: The majority of the land within this area is
mental health. The allocation to the Mental Health Trust
Income Account will not be affected irrespective of the
establishment of this critical habitat area.

Recommendation: Section 1, 16.20.610 (c) should state the
plan should be done in consultation with the Department of
Natural Resources as well as the community of Gustavus.

Please let me know if we may provide additional information.

Sincerely,

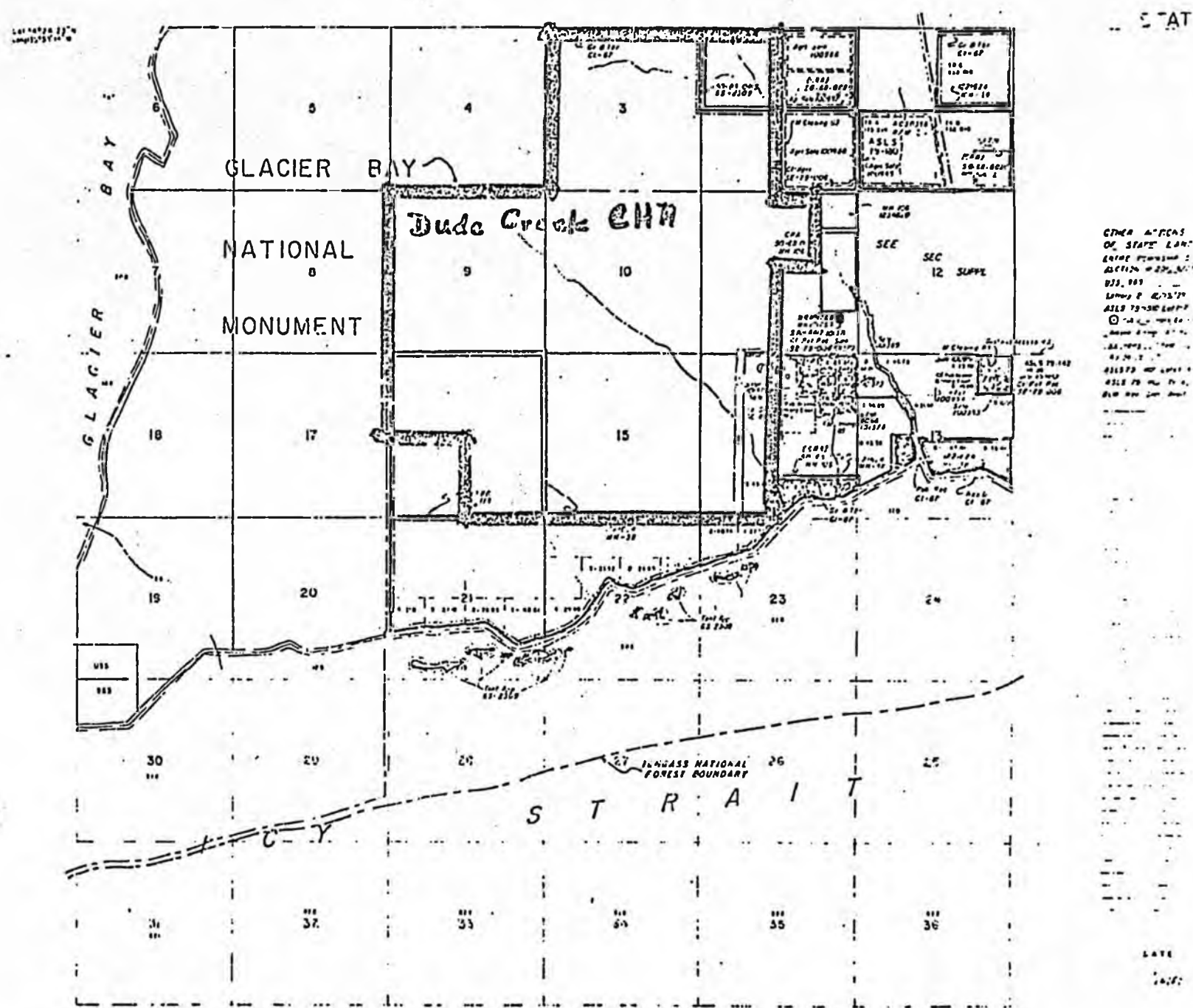


for Judith M. Brady
Commissioner

Enclosure

cc: Committee Members
Bill Sponsors
Rod Swope
Bob Evans

TOWNSHIP 40S RANGE 50E OF THE COPPER RIVER MERIDIAN, ALASKA



ALASKA STATE LEGISLATURE · SENATE

SENATOR RICHARD I. ELIASON



RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, VICE-CHAIRMAN
LEGISLATIVE COUNCIL
RESOURCES COMMITTEE
FISHERIES SUBCOMMITTEE, CHAIRMAN

P.O. BOX 143
SITKA, ALASKA 99835
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4916

MEMORANDUM

TO: Representative Al Adams, Chair
House Finance Committee

FROM: Senator Dick Eliason *Dick*

RE: SB 362 - An Act establishing the Dude Creek
Critical Habitat Area

DATE: April 14, 1988

I would appreciate your consideration in scheduling SB 362 for a hearing before the House Finance Committee at the earliest possible time.

Senate Bill 362 establishes the Dude Creek Critical Habitat area near Gustavus. This legislation is a direct response to a request from the residents of Gustavus. In January, 1984, the community of Gustavus overwhelming passed a referendum requesting the establishment of a critical habitat area for the protection and enhancement of a key roosting area for migrating Lesser Sandhill Cranes.

In 1985 similar legislation passed the House unanimously, but as the majority of the land in question was mental health trust land, the Senate decided to delay action on the legislation until an equitable solution to the trust land issue was found. Passage of Chapter 48, SLA 1987, provided the answer. Under the enactment of this law, the 3,443 acres of mental health trust land located within the proposed critical habitat area will remain in the the mental health trust corpus and the Department of Natural Resources will not need to find replacement lands for this acreage. George Rogers, chairman, Interim Mental Health Trust Commission, supports the passage of CSSB 362 (Res).

The designation of a critical habitat area would allow all traditional uses of the land while providing wildlife habitat protection.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

February 1, 1988


Senator Richard I. Eliason
P.O. Box V
Juneau, Alaska 99811

Dear Senator Eliason:

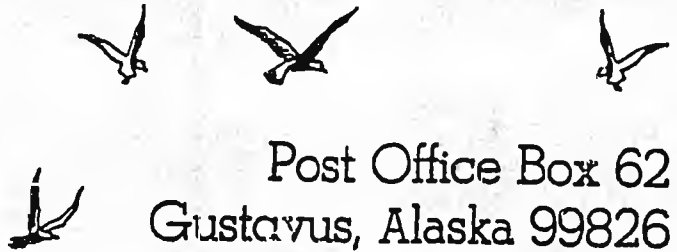
I am pleased to inform you that the Interim Mental Health Trust Commission (IMHTC) is able to support the passage of SB 362- establishing the Dude Creek Critical Habitat Area. This support was made possible through the enactment of ch. 48 SLA 1987. Should SB 362 become law prior to the reconstitution of the mental health trust corpus, the work of the DNR and the IMHTC will be reduced by leaving 3,443 acres more of the original trust land in the reconstituted trust corpus than would be if it is not passed.

If I can be of further assistance please feel free to contact me.

Sincerely,


George Rogers, Chairman
Interim Mental Health Trust Commission

Gustavus Community Association



Post Office Box 62
Gustavus, Alaska 99826

January 27, 1988

Senator Dick Eliason
Poueh V
Juneau, AK 99801

Dear Senator Eliason,

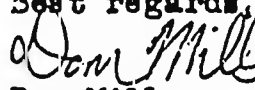
With the settling of the mental health land issue, the way again seems clear for CSHB 312, the bill for an act to establish the Dude Creek Critical Habitat Area.

I would like to take this opportunity to encourage your support for this bill. Work was begun toward the possibility of the critical habitat designation in 1978 and through a lengthy process of negotiation and compromise a proposal was reached that does meet the needs and wishes of most people.

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. In 1985, the Gustavus Community Association endorsed the bill.

The critical habitat designation would allow all traditional uses of the land to continue, i.e., hunting, fishing, clamming, berry picking, collection of beach logs, kelping, grazing, hiking and use of recreational vehicles, while providing enduring wildlife habitat protection.

Thank you for your consideration.

Best regards,

Dan Mills
President

DM/am

Senator Dick Eliason
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Eliason,

In January, 1984, a referendum (enclosure 1) was sent to all registered Gustavus voters, asking whether they favored creation of a 4100-acre Critical Habitat Area to protect migrating sandhill cranes. This capped a two-year community effort to research the need for protection and the various protective options available. About 180 ballots were sent out; 91 people chose to vote; 66 favored the proposal and 25 opposed it.

A committee of Gustavus residents was then formed to act on this mandate. In consultation with Debra Clausen, ADF&G, Habitat Division, we developed a package of background information (enclosure 2), a proposed draft of enabling legislation (enclosure 3), and a boundary map (enclosure 4). This material has now been displayed at the post office for several weeks, and to date we have received no adverse comment on it. We hope that you and Representative Goll will now begin the process of enactment into law.

In the course of our work on the crane issue, three clearcut community opinions have emerged. First, there is strong sentiment in favor of crane protection. Second, people favor the idea of a Critical Habitat if the community is fully involved in preparing legislation and management plan. And third, many feel that human use should be regulated only to the extent necessary. In particular, the following public uses and activities should be allowed: wildlife viewing, firewood harvesting, mechanical and non-mechanical access, hiking, berry picking, and grazing, unless such activities are documented to be detrimental to the migrating sandhill cranes or their habitat.

There is general agreement that present use types and amounts are not threatening the cranes or their habitat in the area proposed for legislative action. The protective effort was begun because cranes have been substantially excluded from other parts of Gustavus and could be eliminated throughout if future use and development proceed in an unplanned fashion.

Lloyd Prouty, Debbie Woodruff, Morgan DeBoer and I will be glad to provide further information or assist in any way you wish.

Sincerely,

Greg Streveler, Chairman
"Crane Committee"

Box 94

Gustavus Community Association Referendum JANUARY, 1984

Established two years ago, the referendum was initiated to sample the opinions of the whole community, that is the registered voters of this election district. While not legally binding it is nonetheless recognized by the State of Alaska as a valid polling device.

Those responding are requested to return the completed referendum questions no later than Feb. 5th by mailing them to Box 62 Gustavus, AK 99826.

I. Road Maintenance-

Fact: In 1983 the Alaska State Legislature appropriated \$115,000 to upgrade Tong Road, Same Old Road, Salmon River Road and Rink River Road. An additional 27 thousand dollars was appropriated which was not used. The question arises on whether or not to spend this money for the maintenance of existing roads or upgrading other roads or returning the money to the state. Since receiving this request for this referendum, solicited legal opinion states that the GCA can be held liable for damages incurred as a result of this recent upgrade or any future maintenance or improvements to the roads or the Goode River Bridge.

Question:

1. The \$27,000 should be used for maintaining the four recently upgraded roads. Yes No
2. The \$27,000 should be used to upgrade other local access roads. Yes No
3. The \$27,000 should be used to hire a professional engineer to inspect the recently upgraded roads and to pay for any necessary corrections for safety, therefore minimizing liability to GCA. Yes No
4. The \$27,000 should be returned to the State. Yes NO

Pro Statement:

The \$27,000 could be used for several years to maintain local access roads, including snow removal. It has been estimated that it would cost somewhere between \$3,000 and \$6,000 a year to maintain these local access roads.

Winter snow removal would allow access year round and would allow the Fire Department and EMTs to respond to fire and medical emergencies. Pot holes could be filled in the spring and the roads could be graded throughout the spring.

Con Statement:

The acceptance of the \$27,000 will put the community in the road maintenance business while the intent of the \$115,000 was to bring the roads up to standard. Acceptance establishes a precedent for other new roads that will be built, with the community expected to maintain them. This also represents another step in our inertia towards local government, and if and when Gustavus incorporated road maintenance and liability costs would be substantial.

II. Jetfoil Service-

Fact: In early December of 1983, representatives from Boeing Marine and the State Division of Marine Transportation met with the community, informing residents of their plan to bring jetfoil service to Gustavus. Plans called for a 240 passenger boat coming once a week with a 40 lb. baggage limit at a price of \$30 on a test basis for the summer of '84, with alterations planned for the existing float. In response to protest expressed at the meeting the state agreed to postpone service until the question was put to the community in the form of a referendum. (P.S. On 12/13/83, a phonecall was received from DOT stating they could not wait for results of this referendum to do their schedule and therefore

Question: were removing Gustavus from the 1984 summer route. The GCA would still like your opinion on this matter so please answer the question:

1. Should the State of Alaska bring jetfoil service to the community of Gustavus? Yes No

Pro Statement:

Jetfoil service would provide a cheaper means of transportation and would thus enable more people to visit who would spend tourist dollars in our community. Other communities would be more accessible and may lead to full-time ferry service, which would allow increased freight and vehicular services. This would be an alternative for those who do not like to fly.

Con Statement:

The community has repeatedly petitioned against regular ferry service in the past and jetfoil service represents the same. Alterations to the existing float could possibly imperil local usage and existing barge service. There are no existing facilities to handle a large influx of visitors and subsequent impact could be substantial and detrimental to the community.

III. Dude Creek Meadows Protection-

Fact: In May of 1983 a questionnaire was sent to the registered voters of Gustavus asking if the sandhill cranes which, during migration, feed and rest along Dude Creek be given some sort of protection. Eighty-one percent of those questioned replied "yes." A committee was established to research the options available for protecting sandhill cranes and recommended the Community Association request the state legislature through Fish and Game, establish some 4,000 acres along Dude Creek as sandhill crane critical habitat.

Question:


1. Should approximately 4,000 acres, ^{(Option 1) See Map} paralleling Dude Creek be designated as 'critical habitat' for the sandhill crane? 66 Yes No 25
2. If "no", would you support inclusion of only the area west of Dude Creek (Option 2), or some other type of protection other than "critical habitat"?
Yes No Specify _____


Pro Statement:

The setting aside of approximately 4,000 acres of Gustavus wetland for a critical habitat designation for the approximately 7,000 sandhill cranes who rest and feed annually in the Dude Creek meadows signifies the commitment to the well-being of a particular species of waterfowl. Boundaries protect only the areas most heavily used by the cranes. All traditional uses such as hunting, trapping, firewood harvest and all-terrain vehicle use will continue as long as they do not interfere with the species. The area would serve for perpetuity as a recreational area. Community input on the area's management can be very strong if we help write the legislation and management plan.

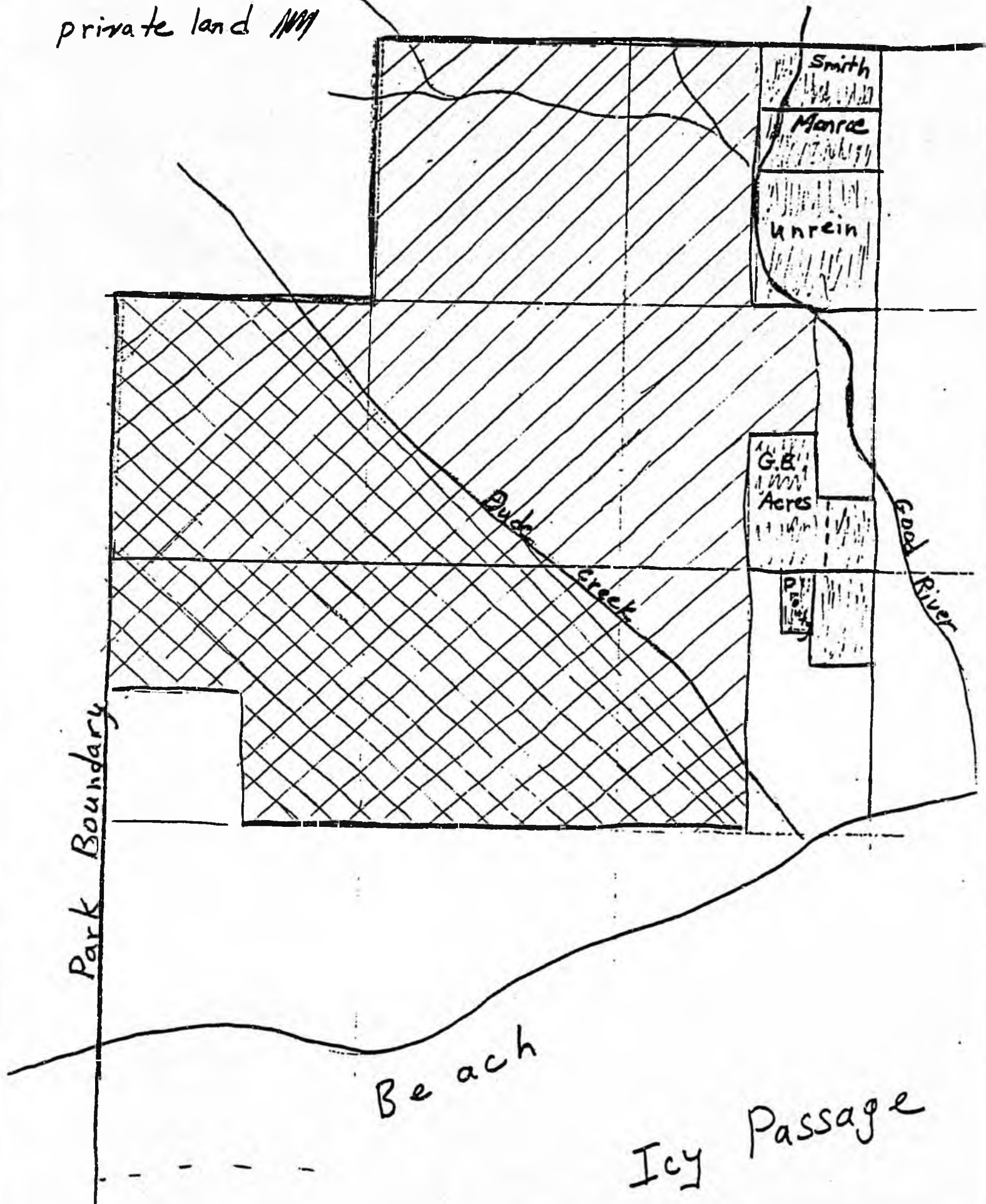
Con Statement:

Because Gustavus is already surrounded by 2 million acres of Park, any lands restricted for use within our community would only hinder further growth and is merely an attempt to lock up more of our state. Agricultural and recreational uses may be restricted by Fish & Game and/or "environmental concerns" and others who may not be truly in touch with our needs - this could be dangerous. To lock up lands used only a couple months a year by the cranes, and likely to change by natural succession is unwise.

option 1  about 4100 acres

option 2  about 1800 acres

private land 



Original sponsor: Eliason

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22 Section 11: W1/2NE1/4, W1/2
23 Section 14: Lot 3, NW1/4, N1/2SW1/4, SW1/4SW1/4
24 Section 15
25 Section 16: N1/2, SE1/4
26 (c) The Dude Creek Critical Habitat Area described in (b) of
27 this section shall be managed under a management plan prepared by the
28 department in consultation with the community of Gustavus and approved
29 by the Board of Game.

1 (d) The department shall permit public access, firewood
2 harvesting, wildlife viewing, hiking, and berry picking under the
3 management plan adopted under (c) of this section to the extent that
4 the activities are compatible with the purpose for which the Dude
5 Creek Critical Habitat Area was established.

6 (e) The legislature understands that a portion of the state land
7 described in (b) of this section is mental health trust land of the
8 state and the legislature intends that the land retain its status as
9 mental health trust land, notwithstanding its inclusion in the Dude
10 Creek Critical Habitat Area.

11 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).