

C S S B

4 6 8

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Establishing Ernie Haugen
Public Use Area
Sponsor: Jones et al
Requestor: Senate Finance Committee

Agency Affected: Dept. of Natural Resources
BRU: Land and Water Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Since there is no specified timeframe for completion of the management plan, the division shall undertake the project as its workload permits.

Prepared by: *Rick Halford* Phone: 465-4958
Division: Senator Rick Halford, Co-chairman Date: 3/23/88
Senate Finance Committee

Approved by Commissioner: _____ Date: _____
Agency: _____

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

Original sponsors: Jones, Kelly,
Halford, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 468 (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 Ernie Haugen Public Use
7 Area; and providing for an effective date."

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

9 * Section 1. AS 41.23 is amended by adding new sections to read:

10 Sec. 41.23.150. PURPOSE. The purpose of AS 41.23.150 - 41.23.-
11 180 is to establish the area described in AS 41.23.180 as the Ernie
12 Haugen Public Use Area. The Ernie Haugen Public Use Area is estab-
13 lished to

14 (1) protect and maintain fish and wildlife habitat so that
15 traditional public uses may continue;

16 (2) perpetuate and enhance public enjoyment of fishing,
17 hunting, trapping, viewing, and photography;

18 (3) perpetuate and enhance general public recreation in a
19 quality environment; and

20 (4) allow additional public uses of the area, including
21 personal use wood cutting, when determined compatible with the pur-
22 poses specified in (1) - (3) of this section.

23 Sec. 41.23.160. MANAGEMENT. (a) Management of the surface and
24 subsurface estate of the Ernie Haugen Public Use Area is the respon-
25 sibility of the Department of Natural Resources. After adequate
26 public hearings the commissioner may designate incompatible uses and
27 shall adopt and may revise a management plan for the Ernie Haugen
28 Public Use Area. With regard to the management of land within the
29 public use area described in AS 41.23.180(a), the commissioner shall

1 consult with the Department of Fish and Game in the adoption and
2 revision of the management plan.

3 (b) The state may not acquire by eminent domain privately owned
4 land within or abutting state-owned land described in AS 41.23.180 but
5 may acquire privately owned land by purchase, exchange, donation, or
6 otherwise for inclusion in the Ernie Haugen Public Use Area.

7 (c) The commissioner may not manage the Ernie Haugen Public Use
8 Area as a unit of the state park system.

9 Sec. 41.23.170. COMPATIBILITY OF USES. (a) Except as provided
10 in this section, the commissioner may prohibit or restrict incom-
11 patible uses under the management plan adopted under AS 41.23.160
12 within the state-owned land described in AS 41.23.180.

13 (b) The commissioner shall allow traditional access to or
14 through the Ernie Haugen Public Use Area by motorized or nonmotorized
15 means of transportation to private land, interests in private land,
16 and for lawful sport and subsistence hunting, fishing, trapping, and
17 recreational purposes in a manner that is compatible with purposes
18 specified in AS 41.23.150(1) - (3).

19 (c) If the commissioner determines that a use is incompatible
20 with one or more other uses in a portion of the Ernie Haugen Public
21 Use Area, the commissioner shall state in the management plan adopted
22 or revised under AS 41.23.160

23 (1) each determination of incompatibility;

24 (2) the specific area where the incompatibility is de-
25 termined to exist;

26 (3) the time within which the incompatibility is determined
27 to exist; and

28 (4) the reasons for each determination of incompatibility.

29 Sec. 41.23.180. ERNIE HAUGEN PUBLIC USE AREA. (a) The state-

1 owned land above the mean low water line and land above the mean low
2 water line acquired by the state in the future lying within the par-
3 cels described in this subsection are designated as the Ernie Haugen
4 Public Use Area:

5 Township 61 South, Range 82 East, Copper River Meridian

6 Section 28: that portion in the W1/2W1/2,
7 SW1/4SE1/4NW1/4, W1/2E1/2SW1/4 that is south
8 of the right-of-way of the Mitkof Highway

9 Section 29: that portion south of the right-of-way
10 of the Mitkof Highway

11 Section 30: that portion south of the right-of-way
12 of the Mitkof Highway

13 Section 31: that portion south of the right-of-way
14 of the Mitkof Highway

15 Section 32: N1/2NW1/4

16 (b) Subject to valid existing rights, the land described in (a)
17 of this section is designated as a special purpose area under
18 art. VIII, sec. 7, Constitution of the State of Alaska.

19 (c) Subject to a finding of public need by the Department of
20 Natural Resources, the development of transportation facilities in-
21 cluding roads, expansion of the existing boat launching ramp and
22 related parking, highways, and ferry terminals by the Department of
23 Transportation and Public Facilities and electric power transmission
24 facilities and other public utilities within the land described in (a)
25 of this section is consistent with the purposes of AS 41.23.150 -
26 41.23.180.

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

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act establishing the Ernie Haugen Public Use Area.
Sponsor: Senators Jones, Kelly, et al
Requestor: House Resources Committee

Agency Affected: Natural Resources
BRU: Land and Water Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		30.0	15.0	5.0	5.0	5.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		30.0	15.0	5.0	5.0	5.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		30.0	15.0	5.0	5.0	5.0
FEDERAL FUNDS						
OTHER						
TOTAL		30.0	15.0	5.0	5.0	5.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Janet Burleson Phone: 465-3400
Division: Land and Water Management Date: 4/25/88

Approved by Commissioner: [Signature] Date: 4-26-88
Agency: Natural Resources

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

RECEIVED

APR 27 1988

Page 2 of 2

Analysis

SB 468

	<u>FY 89</u>	<u>FY 90</u>	<u>Beyond</u>
<u>300 Contractual</u>	30.0	15.0	5.0

FY 89 - Design and Implement

FY 90 - Implement

FY 91 and beyond - Operate and Maintain

ALASKA STATE LEGISLATURE

Home Address
3813 Denali Street
Ketchikan, AK 99901
907-225-9082

While in Juneau
P.O. Box V
Juneau, AK 99811
907-465-3743

Senator Lloyd Jones

MEMORANDUM

TO: Representative Al Adams, Chairman
Members - House Finance Committee

FROM: Senator Lloyd Jones 

DATE: April 29, 1988

SUBJECT: Senate Resources Committee Substitute for SB 468,
establishing the Ernie Haugen Public Use Area

This legislation has a two fold purpose; to honor a great public servant of Alaska and to ensure a traditional public recreation area continues to serve the residents of Petersburg and Wrangell as well as other Alaskans.

I can think of no greater honor to bestow upon Ernie Haugen. Ernie served Petersburg and Wrangell in the House of Representatives for a period of eighteen years. Most of that time he served on the House Finance Committee. He is an individual who has been unwaivering in his support for the development of Alaska's natural resources, and as such, it is appropriate that we honor his service.

The intent for the public use area is to ensure historic and traditional activities are not impeded, and to remove any discretionary authority from DNR to sell, transfer, or reclassify the land lying within its boundaries. It is also intended the area be managed under the existing funds within DNR's budget.

The lands included in the proposed public use area have been used by the people of Petersburg and Wrangell for the past two decades as a picnicking, camping, and woodcutting area. It has also served as a staging area for loading and unloading boats and barges for pleasure and commercial uses. The Ernie Haugen Public Use Area would encompass those areas which have been traditionally used for the pleasure of the two communities.

Page 2,
Ernie Haugen
April 29, 1988

The proposed Ernie Haugen public use area can be reached by driving south twenty-seven miles from Petersburg on the Mitkof Highway. (See attached maps.) The description of the area is as follows; from the west, the area known as Green's Camp along the south side of the Mitkof Highway, including Crescent Beach/Banana Point along the highway to Wilson Cove. The total acreage would be 420, with approximately 330 in uplands and 90 in tidelands more or less.

Also in the measure is language which provides for power and transportation easements should they become necessary. The purpose of this language is to allow for a potential ferry terminal and necessary roads as well as for compatible utility development should it become advisable.

I have included for your information letters that were addressed to the Department of Natural Resources by area residents expressing the desire for a protective classification for the area. The underlined portions of the letters express the residents concerns. Given past and existing use, I think the public use classification best fits the area being considered.

attachments

ALASKA STATE LEGISLATURE

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3813 Denali Street
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While in Juneau
P.O. Box V
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907-465-3743

Senator Lloyd Jones

MEMORANDUM

TO: Representative Sam Cotten Co-Chairman
Representative Adelheid Herrmann Co-chairman
Members, House Resources Committee

FROM: Senator Lloyd Jones 

DATE: April 5, 1988

SUBJECT: Resources Committee Substitute for SB 468,
establishing the Ernie Haugen Public Use Area

This legislation has a two fold purpose; to honor a great public servant of Alaska and to ensure a traditional public recreation area continues to serve the residents of Petersburg and Wrangell as well as other Alaskans. The proposed Ernie Haugen public use area can be reached by driving south twenty-seven miles from Petersburg on the Mitkof Highway. (See attached map.)

The resources committee substitute, with which I concur, substantially reduces the acreage from the original measure.

The intent for the public use area is to ensure historic and traditional activities are not impeded, and to remove any discretionary authority from DNR to sell, transfer, or reclassify the land lying within its boundaries. It is also intended the area be managed under the existing funds within DNR's budget.

I can think of no greater honor to bestow upon Ernie Haugen. Ernie served Petersburg and Wrangell in the legislature for a period of eighteen years. He is an individual who has been un-waivering in his support for the development of Alaska's natural resources, and as such, it is appropriate that we honor his service.

Page 2,
Ernie Haugen
April 5, 1988

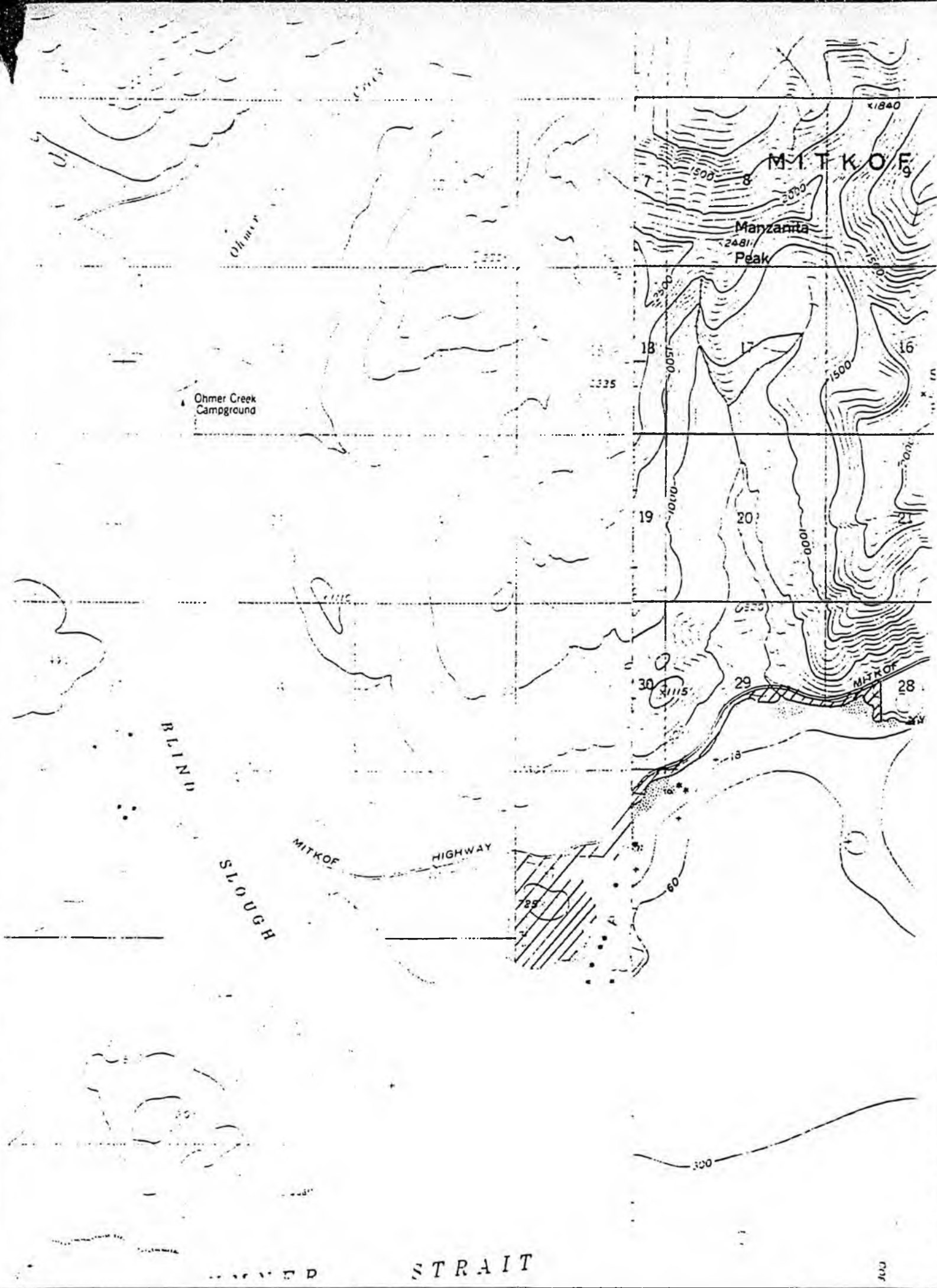
The lands included in the proposed public use area have been used by the people of Petersburg and Wrangell for the past two decades as a picnicking, camping, and woodcutting area. It has also served as a staging area for loading and unloading boats and barges for pleasure and commercial uses. The Ernie Haugen Public Use Area would encompass those areas which have been traditionally used for the pleasure of the two communities.

The description of the area is as follows; from the west, the area known as Green's Camp along the south side of the Mitkof Highway, including Crescent Beach/Banana Point along the highway to Wilson Cove. The total acreage would be 420, with approximately 330 in uplands and 90 in tidelands more or less.

Also in the measure is language which provides for power and transportation easements should they become necessary. The purpose of this language is to allow for a potential ferry terminal and necessary roads as well as for compatible utility development should it become advisable.

I have included for your information letters that were addressed to the Department of Natural Resources by area residents expressing the desire for a protective classification for the area. The underlined portions of the letters express the residents concerns. Given past and existing use, I think the public use classification best fits the area being considered.

Attached are maps showing the location of the proposed public use area.



Ohmer Creek
Campground

Manzanita
Peak
2481'

MITKOF

BLIND
SLOUGH

MITKOF
HIGHWAY

STRAIT

700

May 5, 1987

Department of Natural Resources
400 Willoughby Avenue, #400
Juneau, Alaska 99801

Attn: Judith Brady

Dear Ms. Brady:

Today I was shown a petition which requests that the land you propose to sell to the University of Alaska, 2,649 acres on the south end of Mitkof Island, be withdrawn from the list of lands made available for selection by the University of Alaska.

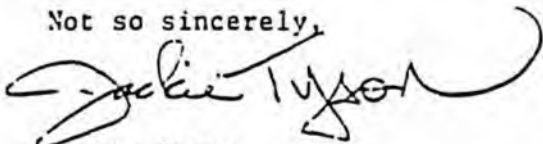
How can you so blatantly allow the sale of the best recreational area the citizens of this town have? In the summer, whenever we're fortunate enough to have a sunny day, those who have cars make the long drive to Banana Point, Crescent Beach or Green's Camp to roast hot dogs and marshmallows, to beachcomb, and to swim and waterski. You are giving away one of the few places for public sale an area which we all use and love.

Why in the world when you set out these land sales don't you take things into better consideration? If you want to sell land out there, at least you should reserve the land the public uses and save it for the good of all. If it's yours to dispose of... What is the sales price anyway? Why do you have to sell it all? If you must make a sale there, why not limit the land sold to only that on the upland side of the road?

You selected this for a recreational area around 4 years ago. What has happened???? I'm furious and so are a lot of people down here.

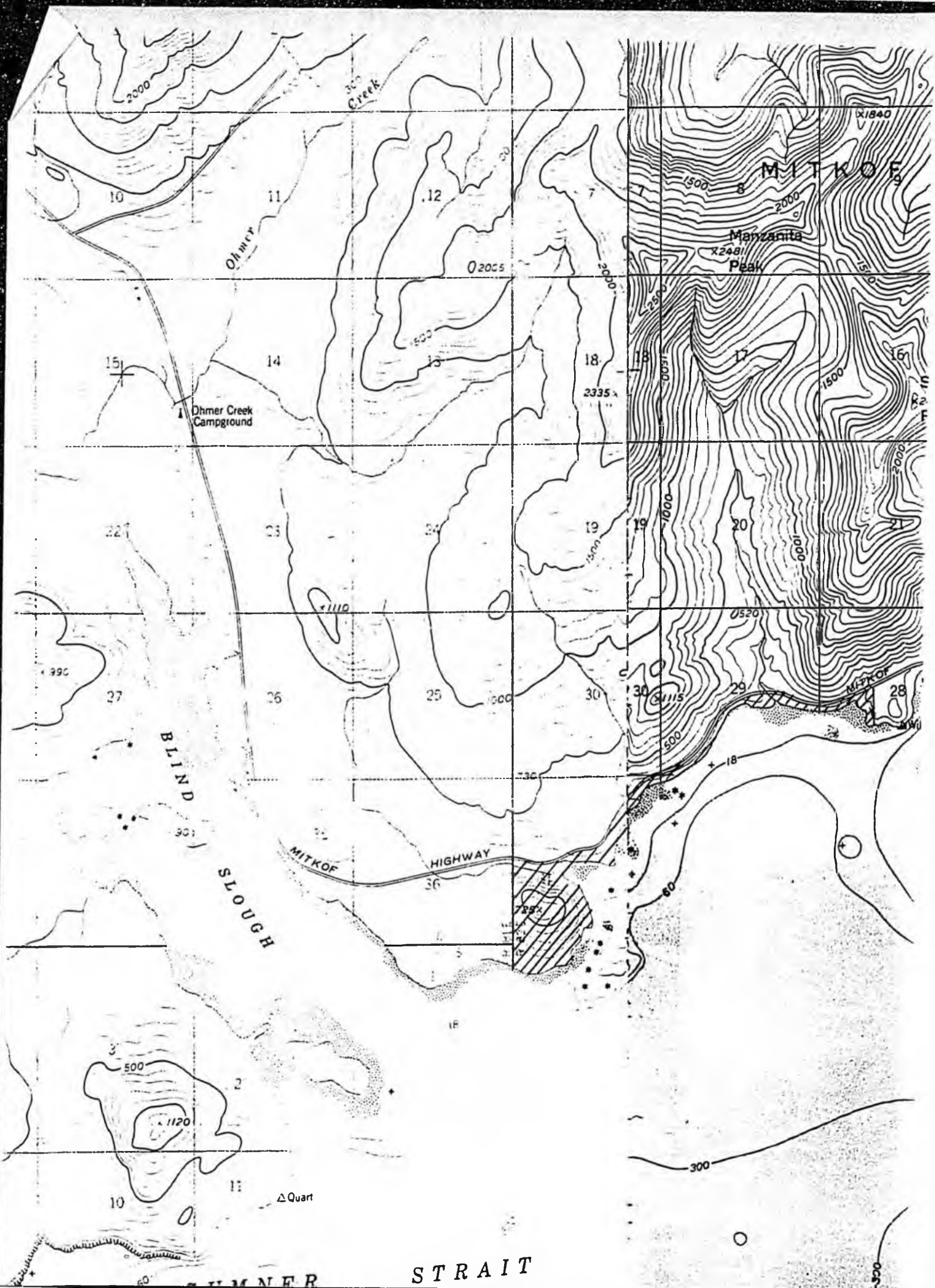
I would like you to respond to these questions and let me know just how it was determined to sell this prime piece of property. What are the trade-offs? This is absolute bull.

Not so sincerely,



Jackie Tyson
Box 587
Petersburg, Ak 99833

P.S. Petitions are being circulated throughout the town.



STRAIT

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△Quar

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11

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500

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HIGHWAY

MITKOF

BLIND
SLOUGH

X1840

MITKOF

Manzanita
Peak

X2481

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May 11, 1987

Judith Brady, Commissioner
Department of Natural Resources
Pouch M
Juneau, AK 99811

Dear Commissioner:

The citizens of Petersburg are very concerned over the inclusion of 2,649 acres on the south end of Mitkof Island in the list of lands available for selection by the University. We would like to see this area withdrawn and preserved for public use. There are only five places available to this community, and tourists, for recreational purposes. Three of the five recreation areas we enjoy are included in that 2,649 acres. It seems rather ironic that these parcels which were originally selected from the Tongass National Forest for inclusion in the State park system would then be turned around and sold for private use. Somehow it just doesn't add up.

The south end of this island is highly used by sport fishermen, commercial fishermen, hunters, boy scouts, girl scouts, families, different organizations have picnics at the recreation areas, and some people collect logs for firewood that have drifted up on the beaches. The impacts would be tremendous on the people of this community as well as on the land itself and the beaches when landowners try to get their various fill and construction permits. Of course, we can't forget the deer population which is now coming alive again. There have been numerous deer spotted along the roadside out there. There was also a moose spotted, which unfortunately was hit by a car. I understand Fish and Game anticipates reopening deer hunting on this island after being closed for almost 20 years. Disposing of the upper portions of this area will mean permanent closure to hunting for Petersburg residents which would have been open for hunting purposes.

I think it is a real shame that people were so uninformed about all this. There was not enough publicity to make people aware of what is being proposed. The vague description of the areas selected was very poor. There were no maps sent to show people the impact of the selection. After the informal hearing that was held here in town (which was poorly publicized) we decided to start a petition to inform people about what is going on and to let you know we oppose the selection of South Mitkof Island for the land settlement. After getting the enclosed petition typed up, and starting to spread the word, I was amazed how many people had no idea what it was even about. They were outraged that with something this major, which would impact

the whole community, was not made more public, besides the idea of taking away our recreation areas. People were also upset at the idea of decisions being made by the University to sell our recreation area for private use to generate revenue which will in turn not benefit the majority of our community. We will be the ones deprived of recreational areas on a small island which does not have an over abundance of them. The land selected in the Anchorage area doesn't even amount to a drop in the bucket compared to the over 4,600 acres to be taken from the Petersburg area. We were not even involved in the original transfer of the land between the University and the Municipality valued at approximately \$25,000,000. It seems rather unfair that the Anchorage area has approximately 1 acre and the Wasilla area approximately 2 acres compared to the 4,670 acres the Petersburg area is supposed to give up. Somehow I think the deck was loaded when this hand was dealt out.

We live on a small island and there are only two beaches that you can drive to on our highway system. One is just about 2 miles or so from town called Sandy Beach. It's a small beach but pretty nice if you don't mind not having much sun and getting the cold wind off the glacier when you are there trying to picnic. The only other beach you can drive to is Crescent Beach which has the unfortunate location of being in the middle of the proposed land settlement pool. It is the nicest beach to picnic at as it is on the southern end of the island which gets more sunshine and which the temperatures are always warmer than in town. It is also small and farther away from town, but is well worth the drive.

The enclosed petition was started the afternoon of Thursday, May 7th and collected Monday morning, May 11th. In that short amount of time we collected 391 signatures. Petersburg has a population of about 3,000 people and at least 1,500 adults. In just 3 days we collected signatures from over one-fourth of the adults in our community. If given more time for the petition we could have easily gathered signatures from practically every adult in town. Of all the many many people I showed the petition to, not one of them said they would not sign. I am sending a copy of the petition to you to show you that we are very much against the inclusion of this land in the proposed land selection.

I am also enclosing copies of three public opinion messages and a letter from a 9 year old girl written in regards to this land selection. You should also have received a letter from a concerned citizen of our community. The boy scouts in our community were also going to send a telegram(s) to

Judith Brady, Commissioner

Page 3

voice their concern in this matter. Please take time to read these letters and messages as this is something we want you to know that we do not take lightly.

Sincerely yours,

Teresa Stolpe

Teresa Stolpe
Concerned Petersburg Citizen

cc: Governor Couper
Senator Jones
Representatives: Sund
Taylor
D. Daigger, DNR
C. Nash, University of Anchorage

ALASKA STATE LEGISLATURE

Home Address
3813 Denali Street
Ketchikan, AK 99901
907-225-9082



While in Juneau
P.O. Box V
Juneau, AK 99811
907-465-3743

Senator Lloyd Jones

June 24, 1987

Judy Brady, Commissioner
Department of Natural Resources
Box
Juneau, Alaska 99811

Dear Commissioner Brady:

I am writing regarding the proposed state land transfers to the the University of Alaska near Petersburg. I want to know the department's response to the legislative intent for Thomas Bay which I and Senator Duncan was placed into your budget. I am also concerned about the sale of parcels on south Mitkof Island near Petersburg. You are now probably aware of the strong public sentiment in Petersburg to the proposed land transfers.

The areas on south Mitkof Island proposed for transfer to the University of Alaska have been historically used as recreation areas by the residents of Petersburg and to some degree the residents of Wrangell. In fact this is often a meeting area for the relatives and friends of the communities of Petersburg and Wrangell.

As a former Petersburg resident who has utilized that area with my friends and family I am concerned that the Department is making a bad public policy decision. I understand that the Department needs land to settle with the University of Alaska. However, I am concerned that the Department is proceeding without considering other options.

To my knowledge the Department did not determine if there was a possible legislative solution. It seems that this land trade is being rushed. It also appears that southeast Alaska is being asked to pay for some bad decisions made in southcentral Alaska. It appears that some hasty and uninformed decisions are being made which unfairly affect my constituents.

I encourage the Department to consider other options such as making future state land grants from the federal government in all parts of Alaska available to the University.

Page 2,
DNR-Petersburg

June 24, 1987

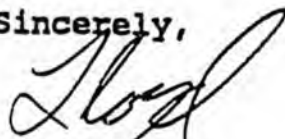
To take away state land which has been historically used as prime recreation land by generations of Alaskans seems unwise. Has DNR considered that these areas have had this historic recreational use? I wonder if DNR would take similar action against popular and prime state recreation near the major population areas of the state, or would some form of compromise be worked out?

The Senate and the House placed two separate intent language statements in the DNR budget which makes clear that the Thomas Bay lands were not to be considered in land exchange between the University and DNR. Had there been sufficient information and the opportunity there would be similar intent for south Mitkof Island.

I urge you to reconsider the Departments proposed actions on state land near Petersburg. I would also suggest that the Department consider other options such as future land selections that may be forthcoming from the federal government. I will be happy to assist DNR in finding a possible solution to this problem.

I look forward to hearing a response from the department regarding this letter.

Sincerely,



Lloyd Jones

July 7, 1987

Richard LeFebvre
Department of Natural Resources
Division of WLM
P.O. Box 107005
Anchorage, Alaska 99510-7005

Dear Mr. LeFebvre:

Enclosed you will find the copy of the petition that was circulated in Petersburg and sent to your Juneau office via DHL to Judy Brady, Commissioner and signed for by Lori Notestine, and also sent to your Anchorage office via Alaska Airlines Goldstreak to Denny Daigler on May 12. I'm really glad that I called to inquire about the statement made in your letter to me saying that you'd received a petition with 51 signatures as it seemed you hadn't received our petition which had 391 signatures. Now as it has turned out, no one in your offices has any record of this petition at all. It just makes me wonder that if you lost a document of this nature, what else has been misplaced.

In my letter when it was stated that the Commissioner would not accept our petition, we were told that sending it to Juneau wouldn't meet the deadline requirements and that it had to go to Anchorage. Since we'd only heard about South Mitkof Island the week before the deadline, we were operating under a lot of pressure to have this in before it was too late. We had already sent one DHL to Juneau. This means we had to send the packet to Ketchikan via Wrangell Air Service which cost \$10 and then it went from Ketchikan to Juneau via DHL which cost another \$14. Then we had to turn around and make another copy and goldstreak that one to Anchorage which cost \$15. It doesn't make things easy having the jet go through to the north once a day and to the south once a day. I never realized how far away Anchorage and Juneau were till we went through this operation. You can imagine how shocked we are to find that neither of your offices has a copy of this document.

As I mentioned in a phone conversation with you day before yesterday, a map of S.E. Alaska, and the rest of the State, with the areas affected in a highlighted color with instructions to contact a specific local office written somewhere on the map would be a simple way that people would know what areas of the State were being considered in this land transfer. This is the sort of thing that would stand out at the post office or at the city office window or a place of like nature. The maps sent to me are pathetic to say the least. A sample is enclosed. At least with a broader, more general map, a person would be able to target the areas of concern and investigate more deeply using your maps as a second step going on from there to something like a topographic map.

The 'emergency' hearing in Petersburg was called to address the concerns of the moose hunters. The Mitkof Island lands were barely mentioned. The subject of that meeting was Thomas Bay basically, and hardly anyone was aware of the proposed transfer at the end of Mitkof Island. The emergency meeting, being called on short order, was not well advertised, and wasn't

on your agenda at all until the moose hunters raised such a stink that someone had to come down.

I have been informed that written statements by individuals holds more weight than a petition, and that is quite understandable. I just want you to know that I personally pounded the streets of this town and got 100 signatures on my own, and I'd be more than happy to go through the list of names and give you their comments. I had considered taking a tape recorder around to get some of the comments. Of course there were some that weren't fit for many people to hear. I'm sure everyone would be glad to say it again. The kids' comments were quite special.

Andy Pekovich asked me whether there were any areas we'd be willing to give up out there. His suggestion that the State keep from Banana Pt. to Wilson Creek Recreation Area is such a ridiculously small concession. The Sumner Strait Recreation Area known as Green's Camp is used all the time and is on the other end of the proposed land transfer from Banana Point. I didn't have the map in front of me at the time, so I just want to let you know that from the Banana Point Boat Launching Ramp to the Sumner Strait Recreation Area is the land we all use and dearly enjoy. We are adamantly against any of it being sold into private ownership. If people are allowed to build there, the result would be the destruction of the natural beauty of the area. We already have enough poaching in this area, and we don't want to see the bears, deer, eagles, and other creatures killed or frightened away. It is one of the pleasures to drive there and see bears and marton and other critters running along the road. We don't want to see it littered with abandoned vehicles and tacky residences. We want it to stay like it is.

Sincerely,

Jackie Tyson

Jackie Tyson

cc: Governor Cowper
Rep. John Sund
Rep. Robin Taylor

July 7, 1987

Richard LeFebvre
Department of Natural Resources
Division of WLM
P.O. Box 107005
Anchorage, Alaska 99510-7005

Dear Mr. LeFebvre:

Enclosed you will find the copy of the petition that was circulated in Petersburg and sent to your Juneau office via DHL to Judy Brady, Commissioner and signed for by Lori Notestine, and also sent to your Anchorage office via Alaska Airlines Goldstreak to Denny Dalgger on May 12. I'm really glad that I called to inquire about the statement made in your letter to me saying that you'd received a petition with 51 signatures as it seemed you hadn't received our petition which had 391 signatures. Now as it has turned out, no one in your offices has any record of this petition at all. It just makes me wonder that if you lost a document of this nature, what else has been misplaced.

In my letter when it was stated that the Commissioner would not accept our petition, we were told that sending it to Juneau wouldn't meet the deadline requirements and that it had to go to Anchorage. Since we'd only heard about South Mitkof Island the week before the deadline, we were operating under a lot of pressure to have this in before it was too late. We had already sent one DHL to Juneau. This means we had to send the packet to Ketchikan via Wrangell Air Service which cost \$10 and then it went from Ketchikan to Juneau via DHL which cost another \$14. Then we had to turn around and make another copy and goldstreak that one to Anchorage which cost \$15. It doesn't make things easy having the jet go through to the north once a day and to the south once a day. I never realized how far away Anchorage and Juneau were till we went through this operation. You can imagine how shocked we are to find that neither of your offices has a copy of this document.

As I mentioned in a phone conversation with you day before yesterday, a map of S.E. Alaska, and the rest of the State, with the areas affected in a highlighted color with instructions to contact a specific local office written somewhere on the map would be a simple way that people would know what areas of the State were being considered in this land transfer. This is the sort of thing that would stand out at the post office or at the city office window or a place of like nature. The maps sent to me are pathetic to say the least. A sample is enclosed. At least with a broader, more general map, a person would be able to target the areas of concern and investigate more deeply using your maps as a second step going on from there to something like a topographic map.

The 'emergency' hearing in Petersburg was called to address the concerns of the moose hunters. The Mitkof Island lands were barely mentioned. The subject of that meeting was Thomas Bay basically, and hardly anyone was aware of the proposed transfer at the end of Mitkof Island. The emergency meeting, being called on short order, was not well advertised, and wasn't

on your agenda at all until the moose hunters raised such a stink that someone had to come down.

I have been informed that written statements by individuals holds more weight than a petition, and that is quite understandable. I just want you to know that I personally pounded the streets of this town and got 100 signatures on my own, and I'd be more than happy to go through the list of names and give you their comments. I had considered taking a tape recorder around to get some of the comments. Of course there were some that weren't fit for many people to hear. I'm sure everyone would be glad to say it again. The kids' comments were quite special.

Andy Pekovich asked me whether there were any areas we'd be willing to give up out there. His suggestion that the State keep from Banana Pt. to Wilson Creek Recreation Area is such a ridiculously small concession. The Sumner Strait Recreation Area known as Green's Camp is used all the time and is on the other end of the proposed land transfer from Banana Point. I didn't have the map in front of me at the time, so I just want to let you know that from the Banana Point Boat Launching Ramp to the Sumner Strait Recreation Area is the land we all use and dearly enjoy. We are adamantly against any of it being sold into private ownership. If people are allowed to build there, the result would be the destruction of the natural beauty of the area. We already have enough poaching in this area, and we don't want to see the bears, deer, eagles, and other creatures killed or frightened away. It is one of the pleasures to drive there and see bears and marton and other critters running along the road. We don't want to see it littered with abandoned vehicles and tacky residences. We want it to stay like it is.

Sincerely,

Jackie Tyson

Jackie Tyson

cc: Governor Cowper
Rep. John Sund
Rep. Robin Taylor

for the offense, and the clerk of the court shall provide the offender with a receipt stating that fact.

(c) If the person cited fails to pay the bail amount or appear in court as required, the citation shall be considered a summons for a misdemeanor charge and the offender shall be proceeded against in the manner prescribed by law.

(f) Notwithstanding other provisions of law, if a person cited for a misdemeanor for which a bail amount has been established under (b) of this section appears in court and is found guilty, the penalty that is imposed for the offense may not exceed the bail amount for that offense established under (h) of this section. (§ 3 ch 102 SLA 1984)

Chapter 23. Multiple Use Management of Public Resources.

Article

1. Nelchina Public Use Area (§§ 41.23.010 — 41.23.040)
2. Hatcher Pass Public Use Area (§§ 41.23.100 — 41.23.130)

Editor's notes. — Section 2, ch. 48, of this Act may be construed to restrict SLA 1985 provides: "Nothing in AS 41.23.010 — 41.23.040 as enacted in § 1 the development and establishment of the Susitna Hydroelectric Project."

Article 1. Nelchina Public Use Area.

Section	Section
10. Purpose	30. Compatibility of uses
20. Management	40. Nelchina Public Use Area

Sec. 41.23.010. Purpose. The purpose of AS 41.23.010 — 41.23.040 is to establish the area described in AS 41.23.040 as the Nelchina Public Use Area. The Nelchina Public Use Area is established to

(1) protect and maintain fish and wildlife habitat, particularly caribou calving areas, trumpeter swan nesting areas, and other important habitats for moose, Dall sheep, and brown bear so that traditional public uses of fish and wildlife populations may continue;

(2) perpetuate and enhance public enjoyment of fish and wildlife and their habitat including fishing, hunting, trapping, viewing, photography;

(3) perpetuate and enhance general public recreation in a quality environment;

(4) perpetuate and enhance additional public uses described in the Susitna Area Plan;

(5) allow additional public uses of the area in a manner compatible with the purposes specified in (1) — (4) of this section. (§ 1 ch 48 SLA 1985)

Sec. 41.23.020. Management. (a) Management of the surface and subsurface estate of the Nelchina Public Use Area is the responsibility of the Department of Natural Resources. After adequate public hearings the commissioner may designate incompatible uses and shall adopt and may revise a management plan for the Nelchina Public Use Area. With regard to the management of land within the central caribou calving area described in AS 41.23.040(b), the commissioner shall obtain the concurrence of the Department of Fish and Game in the adoption and revision of the management plan. With regard to the management of land within the public use area described in AS 41.23.040(c), the commissioner shall consult with the Department of Fish and Game in the adoption and revision of the management plan.

(b) The Department of Fish and Game is responsible for the management of fish and game resources and public use of fish and wildlife in the Nelchina Public Use Area consistent with the purposes of AS 41.23.010.

(c) The Nelchina Public Use Area shall be open to mineral entry under AS 38.05.185 — 38.05.275, and the commissioner may adopt regulations to achieve the purposes specified in AS 41.23.010. Each valid existing right or permit shall remain valid and continue in full force and effect according to its terms. Exploration, development, and extraction of subsurface resources shall be allowed in a manner that is compatible with the purposes specified in AS 41.23.010(1) — (4).

(d) The state may not acquire by eminent domain privately owned land within or abutting state-owned land described in AS 41.23.040 but may acquire privately owned land by purchase, exchange, or otherwise for inclusion in the Nelchina Public Use Area.

(e) The commissioner may not manage the Nelchina Public Use Area as a unit of the state park system. (§ 1 ch 48 SLA 1985)

Sec. 41.23.030. Compatibility of uses. (a) Except as provided in this section, the commissioner may prohibit or restrict incompatible uses under the management plan adopted under AS 41.23.020 within the state-owned land and water described in AS 41.23.040.

(b) Nothing in AS 41.23.010 — 41.23.040 prohibits the Department of Fish and Game from engaging in rehabilitation, enhancement, and development of fish and wildlife habitat within an area described in AS 41.23.040.

(c) The commissioner may not restrict lawful sport and subsistence fishing, hunting, or trapping rights allowed under a regulation of the Board of Fisheries or the Board of Game within the Nelchina Public Use Area.

na River;
5 East, Seward Meridian;
6 East, Seward Meridian;
7 East, Seward Meridian, those
ctions 11 — 12 lying south of the

2 North, Range 4 East, Seward
na River;
2 North, Range 5 East, Seward
na River;
2 North, Range 6 East, Seward
na River;
2 North, Range 7 East, Seward
na River;
West, Copper River Meridian,

0 West, Copper River Meridian;
1 West, Copper River Meridian;
West, Copper River Meridian, all
ons 20 and 29 described as John

) West, Copper River Meridian;
t West, Copper River Meridian;
West, Copper River Meridian;
) West, Copper River Meridian,

West, Copper River Meridian;
West, Copper River Meridian,

West, Copper River Meridian;
West, Copper River Meridian,

West, Copper River Meridian;

(71) Township 8 North, Range 10 West, Copper River Meridian,
Sections 1 — 3
Sections 10 — 15
Sections 22 — 27
Sections 34 — 36;

(72) That portion of Township 9 North, Range 9 West, Copper River
Meridian, lying southwest of the Tyone River;

(73) Township 9 North, Range 10 West, Copper River Meridian,
Sections 1 — 4
Sections 9 — 16
Sections 23 — 26
Sections 35 — 36;

(74) That portion of Township 10 North, Range 9 West, Copper
River Meridian, lying southwest of the Tyone River;

(75) Township 10 North, Range 10 West, Copper River Meridian,
that portion of Sections 12 and 13 south of the Tyone River, and
Sections 21 — 28
Sections 33 — 36.

(§ 1 ch 48 SLA 1985)

Article 2. Hatcher Pass Public Use Area.

Section
100. Purpose
110. Management

Section
120. Compatibility of uses
130. Hatcher Pass public use area

Sec. 41.23.100. Purpose. (a) The purpose of AS 41.23.100 —
41.23.130 is to establish the area described in AS 41.23.130 as the
Hatcher Pass Public Use Area.

(b) The Hatcher Pass Public Use Area is established to

(1) provide for public recreation activities;

(2) protect and enhance the fishery, waterfowl, and wildlife re-
sources and habitat and provide for public use of the fishery and wild-
life resources, including fishing, grazing, hunting, and trapping;

(3) protect the water quality and scenic resources within the
Hatcher Pass Public Use Area. (§ 1 ch 66 SLA 1986)

Sec. 41.23.110. Management. (a) The commissioner of natural re-
sources is responsible for the management of the surface and subsur-
face estate within the Hatcher Pass Public Use Area consistent with
the purposes of AS 41.23.100.

(b) The commissioner of fish and game, the Board of Fisheries, and
the Board of Game are responsible for the management of fish and
game resources and public use of fish and wildlife in the Hatcher Pass
Public Use Area consistent with the purposes of AS 41.23.100.

(c) After adequate public hearings and in consultation with the
commissioner of fish and game, the commissioner shall adopt and may

Original sponsors: Jones, Kelly,
Halford, et al.

1 IN THE SENATE BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 468 (C&RA)

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 Ernie Haugen Public Use
7 Area; and providing for an effective date."

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

9 * Section 1. AS 41.23 is amended by adding new sections to read:

10 Sec. 41.23.150. PURPOSE. The purpose of AS 41.23.150 - 41.23.-
11 180 is to establish the area described in AS 41.23.180 as the Ernie
12 Haugen Public Use Area. The Ernie Haugen Public Use Area is estab-
13 lished to

14 (1) protect and maintain fish and wildlife habitat so that
15 traditional public uses may continue;

16 (2) perpetuate and enhance public enjoyment of fishing,
17 hunting, trapping, viewing, and photography;

18 (3) perpetuate and enhance general public recreation in a
19 quality environment; and

20 (4) allow additional public uses of the area, including
21 personal use wood cutting, when determined compatible with the pur-
22 poses specified in (1) - (3) of this section.

23 Sec. 41.23.160. MANAGEMENT. (a) Management of the surface and
24 subsurface estate of the Ernie Haugen Public Use Area is the respon-
25 sibility of the Department of Natural Resources. After adequate
26 public hearings the commissioner may designate incompatible uses and
27 shall adopt and may revise a management plan for the Ernie Haugen
28 Public Use Area. With regard to the management of land within the
29 public use area described in AS 41.23.180(a), the commissioner shall

1 consult with the Department of Fish and Game in the adoption and
2 revision of the management plan.

3 (b) The state may not acquire by eminent domain privately owned
4 land within or abutting state-owned land described in AS 41.23.180 but
5 may acquire privately owned land by purchase, exchange, donation, or
6 otherwise for inclusion in the Ernie Haugen Public Use Area.

7 (c) The commissioner may not manage the Ernie Haugen Public Use
8 Area as a unit of the state park system.

9 Sec. 41.23.170. COMPATIBILITY OF USES. (a) Except as provided
10 in this section, the commissioner may prohibit or restrict incom-
11 patible uses under the management plan adopted under AS 41.23.160
12 within the state-owned land and water described in AS 41.23.180.

13 (b) The commissioner shall allow traditional access to or
14 through the Ernie Haugen Public Use Area by motorized or nonmotorized
15 means of transportation to private land, interests in private land,
16 and for lawful sport and subsistence hunting, fishing, trapping, and
17 recreational purposes in a manner that is compatible with purposes
18 specified in AS 41.23.150(1) - (3).

19 (c) If the commissioner determines that a use is incompatible
20 with one or more other uses in a portion of the Ernie Haugen Public
21 Use Area, the commissioner shall state in the management plan adopted
22 or revised under AS 41.23.160

23 (1) each determination of incompatibility;

24 (2) the specific area where the incompatibility is de-
25 termined to exist;

26 (3) the time within which the incompatibility is determined
27 to exist; and

28 (4) the reasons for each determination of incompatibility.

29 Sec. 41.23.180. ERNIE HAUGEN PUBLIC USE AREA. (a) The state-

1 owned land and water and land and water acquired by the state in the
2 future, including shore, tide, and submerged land, lying within the
3 parcels described in this subsection are designated as the Ernie
4 Haugen Public Use Area:

5 Township 61 South, Range 82 East, Copper River Meridian

6 Section 28: that portion in the W1/2W1/2,
7 SW1/4SE1/4NW1/4, W1/2E1/2SW1/4 that is south
8 of the right-of-way of the Mitkof Highway

9 Section 29: that portion south of the right-of-way
10 of the Mitkof Highway

11 Section 30: that portion south of the right-of-way
12 of the Mitkof Highway

13 Section 31: that portion south of the right-of-way
14 of the Mitkof Highway

15 Section 32: N1/2NW1/4

16 (b) Subject to valid existing rights, the land and water de-
17 scribed in (a) of this section are designated as a special purpose
18 area under art. VIII, sec. 7, of the Alaska Constitution.

19 (c) Subject to a finding of public need by the Department of
20 Natural Resources, the development of transportation facilities in-
21 cluding roads, expansion of the existing boat launching ramp and
22 related parking, highways, and ferry terminals by the Department of
23 Transportation and Public Facilities and electric power transmission
24 facilities and other public utilities within the land and water de-
25 scribed in (a) of this section is consistent with the purposes of
26 AS 41.23.150 - 41.23.180.

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

1 IN THE SENATE

BY JONES, KELLY, HALFORD,
STURGULEWSKI, ABOOD AND ELIASON

2

SENATE BILL NO. 468

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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12 Haugen Public Use Area. The Ernie Haugen Public Use Area is estab-
13 lished to

14 (1) protect and maintain fish and wildlife habitat so that
15 traditional public uses may continue;

16 (2) perpetuate and enhance public enjoyment of fishing,
17 hunting, trapping, viewing, and photography;

18 (3) perpetuate and enhance general public recreation in a
19 quality environment; and

20 (4) allow additional public uses of the area, including
21 personal use wood cutting, when determined compatible with the pur-
22 poses specified in (1) - (3) of this section.

23 Sec. 41.23.160. MANAGEMENT. (a) Management of the surface and
24 subsurface estate of the Ernie Haugen Public Use Area is the respon-
25 sibility of the Department of Natural Resources. After adequate
26 public hearings the commissioner may designate incompatible uses and
27 shall adopt and may revise a management plan for the Ernie Haugen
28 Public Use Area. With regard to the management of land within the
29 public use area described in AS 41.23.180(a), the commissioner shall

1 consult with the Department of Fish and Game in the adoption and
2 revision of the management plan.

3 (b) The state may not acquire by eminent domain privately owned
4 land within or abutting state-owned land described in AS 41.23.180 but
5 may acquire privately owned land by purchase, exchange, or otherwise
6 for inclusion in the Ernie Haugen Public Use Area.

7 (c) The commissioner may not manage the Ernie Haugen Public Use
8 Area as a unit of the state park system.

9 Sec. 41.23.170. COMPATIBILITY OF USES. (a) Except as provided
10 in this section, the commissioner may prohibit or restrict incom-
11 patible uses under the management plan adopted under AS 41.23.160
12 within the state-owned land and water described in AS 41.23.180.

13 (b) The commissioner shall allow traditional access to the Ernie
14 Haugen Public Use Area by motorized or nonmotorized means of transpor-
15 tation to private land, interests in private land, and for lawful
16 sport and subsistence hunting, fishing, trapping, and recreational
17 purposes in a manner that is compatible with purposes specified in
18 AS 41.23.150(1) - (3).

19 (c) If the commissioner determines that a use is incompatible
20 with one or more other uses in a portion of the Ernie Haugen Public
21 Use Area, the commissioner shall state in the management plan adopted
22 or revised under AS 41.23.160

23 (1) each determination of incompatibility;

24 (2) the specific area where the incompatibility is de-
25 termined to exist;

26 (3) the time within which the incompatibility is determined
27 to exist; and

28 (4) the reasons for each determination of incompatibility.

29 Sec. 41.23.180. ERNIE HAUGEN PUBLIC USE AREA. (a) The state-

1 owned land and water and land and water acquired by the state in the
2 future, including shore, tide, and submerged land, lying within the
3 parcels described in this subsection are designated as the Ernie
4 Haugen Public Use Area:

5 Township 61 South, Range 82 East, Copper River Meridian

6 Section 28: that portion in the W1/2 that is south
7 of the right-of-way of the Mitkof Highway

8 Section 29: that portion south of the right-of-way
9 of the Mitkof Highway

10 Section 30: that portion south of the right-of-way
11 of the Mitkof Highway

12 Section 31: that portion south of the right-of-way
13 of the Mitkof Highway

14 Section 32: N1/2NW1/4

15 (b) Subject to valid existing rights, the land and water de-
16 scribed in (a) of this section are designated as a special purpose
17 area under art. VIII, sec. 7, of the Alaska Constitution.

18 (c) Subject to a finding of public need by the Department of
19 Natural Resources, the development of transportation facilities in-
20 cluding roads, highways, and ferry terminals by the Department of
21 Transportation and Public Facilities and electric power transmission
22 facilities within the land and water described in (a) of this section
23 is consistent with the purposes of AS 41.23.150 - 41.23.180.

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