

HB

244

Feb. 8, 1988

MEMO:

TO: Ned

FROM: Pat

SUBJECT: HB244 amendments for new CS

Attached are amendments for the 2/9/88 Resources CS of HB244, cast in order of appearance.

The following language is to protect Aurora Lagoon management from Habitat Division's point of view, since we're putting the lagoon back into park status. It seemed to appease Roland when I read it to him over the phone...although he hasn't officially signed off on it yet. I ran the language by Jack Wiles, & it's O.K. by him. Here 't is:

"Aurora Lagoon shall be managed jointly by the Department of Natural Resources and the Department of Fish and Game, to preserve its value as scenic park as well as its value as part of the Kachemak Bay Critical Habitat Area."

I'm not sure where it should go in the bill.. I was thinking in the legislative findings... what do you think?

Technical changes:

Page 2:

Line 13, after NW1/4 SE1/4, add: " , SW1/4 SE1/4,"

Line 15, after W1/2 NW1/4, add: " , N1/2 NE1/4 SE1/4, SW1/4
NE1/4 SW1/4, excepting Lot 6,"

Line 19, after Section 18:, delete "Lot 1,", replace it with
"Lot 4,".

the above are corrections to the legal description to add lands that were inadvertantly omitted or in error on the original draft. These revised legals are all from DPOR.

Lines 26 - 27, delete "excluding tide and submerged land within the Kachemak Bay Critical Habitat Area".

This clarifies Aurora Lagoon's park status.

Page 3:

Line 23: delete "(general grant land only)".

According to Jack Wiles, language is unnecessary. This is the McDonald Spit land. I think we put the "(general grant land only)" in there because it was mental health land status at the time... did the settlement eliminate that problem? Wiles seemed to think so.

Feb. 8, 1988

TO: Ned
FROM: Pat

continued...

Language to protect the University's interest's on Nuka Island (from DNR): Should be at the end of the bill, I think.

"Nothing in this act prevents the department from conveying to the University of Alaska 50 acres more or less, on Nuka Island, as approved in the commissioner's final finding issued December 4, 1987, or its amendments. This act is inapplicable to any land conveyed to the University of Alaska, pursuant to the commissioner's December 4, 1987 decision."

This is Gus Gustafson language. I ran it by Nancy & she seemed to think it was O.K., so I guess we'll use it.

FISCAL NOTE

REQUEST:

Revision Date: 2/5/88
Title: Addition to Kachemak Bay State Park
Sponsor: Navarre/Swackhammer
Requestor: House Resource Committee

Agency Affected: DNR--Div. Parks & Outdoor Rec.
BRU: Park Management

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		16.5	16.5	16.5	16.5	16.5
TRAVEL		.5	.5	.5	.5	.5
CONTRACTUAL		1.0	1.0	1.0	1.0	1.0
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT		1.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		20.0	19.0	19.0	19.0	19.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		20.0	19.0	19.0	19.0	19.0
FEDERAL FUNDS						
OTHER						
TOTAL		20.0	19.0	19.0	19.0	19.0

POSITIONS:

FULL-TIME		19	19	19	19	19
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) (See Attachment)

HB244 provides for additions to Kachemak Bay State Park and Wilderness Park of important public access points, scenic and recreational values, marine and upland habitat and areas which will enhance the tourism potential of the area.

Prepared by: Neil C. Johannsen Phone: 762-2600
Division: Parks & Outdoor Recreation Date: 2/5/88

Approved by Commissioner: [Signature] Date: 2-9-88
Agency: Department of Natural Resources

Distribution (by preparer):

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

BILL ANALYSIS

HOUSE BILL 244

ADDITIONS TO KACHEMAK BAY STATE PARK

HB244 adds three parcels totaling 4,816 acres to Kachemak Bay State Park and one parcel of 42,000 acres to Kachemak Bay State Wilderness Park.

The Department of Natural Resources supports HB244 as amended. The completion of the University of Alaska land settlement and the Mental Health lands agreement remove any actively competing interests in these lands.

HB244 has enjoyed wide support from the community of Homer with resolutions of support expected from the City of Homer, the Kenai Peninsula Borough, Homer Businessmen's Association, Chamber of Commerce and Visitor's Association, and from Commercial Fishing Groups.

Lands included in HB244 include,

Aurora Lagoon : A 2,500 acre marine tidal estuary and rich habitat with associated uplands immediately adjacent to Kachemak Bay State Park. The lagoon is the site of several nesting eagles, and an important inter-tidal area. The area has a significant cultural history and is the location of the DeLaguna early man discovery. The lagoon is a major access point to the park and one of the very few safe boat anchorages along the parks' coastline.

McDonald Spit : A 16 acre parcel of land at the tip of McDonald Spit which is the only public access to the 1.5 mile long spit. The area is a popular site for recreational boats to land and for clamming.

Cottonwood/Eastland Creek : This 2,500 acre coastal bluff uplands on the Homer side of Kachemak Bay is the only public land along the entire coastline from Homer to the head of the Bay. The area is accessible by East End Road and offers excellent potential for outstanding scenic vistas, trails, camping and natural history interpretation. There is no other comparable parcel of land near Homer which offers such recreational opportunities for the local community and visitors.

Nuka Island & Uplands : Nuka Island and uplands associated with Petrof glacier are truly wilderness in character and make a logical addition to adjacent Kachemak Bay State Wilderness Park. The island is located along the outer Gulf Coast which experiences a rugged landscape and high energy beaches exposed to wind and waves. The island is largely mountainous but the west side has a number of attractive bays which offer good opportunities for recreational boat anchorages. The University land settlement provides the University with two 25 acre parcels in two bays for development of a wilderness lodge and recreational facilities associated with glacier trips, sealife tours, flight seeing and excursions. The island is home to several nesting bald eagles and is

a haul out area for the Stellar sea lion. Large concentrations of harbor seals and otters are common to the area. The island is an important seabird rookery with concentrations of kittiwakes, tufted and horned puffins, comorants, murre, murrelets and petrels. A survey conducted by the USFWS found Nuka Island to be one of the most heavily used bald eagle nesting areas along the entire south Kenai coast.

Timber resources on the island are marginal due to the exposed coast, rugged terrain and a tree line ending at 500 feet elevation. The primary commercial tree stands are located on the mainland and are not included in this legislation.

Mineral potential on Nuka Island is considered poor for either minerals or sand, gravel, or construction materials. The geologic formation consists primarily of slates, greywacke and easily eroded thinly bedded phyllites which are not known for their mineral potential. The island is unusual in that it is not a granite rock island like others in the region which contain gold in lode deposits. There are no mining claims on the island.

Position Title Park Ranger I		No. of Positions 1	Range/Step 14A	Barg. Unit GGU
Time Status PPT	Staff Months 5	Location Homer		Election District D, 5-A
Type of Expenditure		Justification HB244		
		Funding for a five month seasonal Park Ranger I to be stationed in Homer. The ranger will be responsible for visitor services, resource protection, recruiting and supervising volunteers, park development and emergency services. Access to the park is primarily by water and visitors often encounter difficult tidal and weather conditions. The ranger provides essential public safety services and visitor information.		
Amount				
1	2	3		
Salary	12.6			
Benefits	4.3			
Premium Pay				
Other				
Total Personal Services		16.2		
Travel		.5		
Contractual		1.0		
Commodities		1.0		
Equipment		1.0		
Other				
Total Cost		20.9		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	20.9		
GF Program Receipts	1005			
Other				

**Request For
New Position**

Agency Natural Resources
 BRU Parks & Outdoor Recreation
 Component Parks Management

Page 1 of 1
 Revised Date 2/5/88

FY 89

HOUSE COMMITTEE REPORT

(9)

Date referred: 1/29/88

FURTHER REFERRALS:

(Returned from Rules)

DATE: 2-9-88

The Resources Committee has considered HB 244

"An Act relating to the addition of land to Kachemak Bay State Park and Kachenak Bay State Wilderness Park."

RECOMMENDS:

- replace with CS HB 244 (ad Res) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Jan GTE
Mike Thomas
[Signature]
George Pearce
Adelheid Herrman
Dick Stultz
Cliff Davidson

Jan GTE
 Chairman's signature

Original sponsors: Navarre and Swackhammer

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 244 (2d 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 relating to the addition of land to Kachemak
7 Bay State Park and Kachemak Bay State Wilderness
8 Park."

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

10 * Section 1. LEGISLATIVE FINDINGS. The legislature, in its designation
11 of additional land to the Kachemak Bay State Wilderness Park, intends that
12 the land within the park be managed for its primitive recreational values
13 without preventing reasonable access to inholdings in the Petrof View
14 subdivision. On Nuka Island, in recognition of planning conducted by the
15 commissioner of natural resources under AS 38.04.065, the legislature
16 intends that the island support

17 (1) a commercial lodge in a suitable place;

18 (2) renovation of existing facilities at Herring Pete's Cove;

19 (3) the construction and operation of one or two public use
20 cabins;

21 (4) docks, trails, and moorings necessary to provide for recre-
22 ational use; and

23 (5) maintenance of Berger Bay in an undeveloped state.

24 * Sec. 2. AS 41.21.131(a) is amended to read:

25 (a) The presently state-owned land and water, and all that
26 acquired in the future by the state, lying within the parcels describ-
27 ed in this section are designated as the Kachemak Bay State Park. In
28 order to protect and preserve this land and water for its unique and
29 exceptional scenic value, the park is established and shall be managed

1 as a scenic park. The land and water lying within the following
2 described parcels is reserved from all uses incompatible with its
3 primary function as a scenic park and is assigned to the department
4 for control, development and maintenance:

5 (1) Township 5 South, Range 10 West, Seward Meridian

6 Chugachik Island

7 Sections 31 - 32

8 (2) Township 5 South, Range 11 West, Seward Meridian

9 Section 2: Lot 1, excluding Tract A

10 Section 3: Lots 1 - 8, SW1/4NE1/4, S1/2NW1/4,
11 N1/2SW1/4

12 Section 4: Lots 1 - 4, S1/2N1/2, SE1/4, E1/2SW1/4

13 Section 8: E1/2NE1/4, E1/2SE1/4, NW1/4SE1/4,
14 SW1/4SE1/4

15 Section 9: Lots 1 and 2, NW1/4NE1/4, NE1/4NW1/4,
16 W1/2NW1/4, N1/2NE1/4SE1/4, SW1/4NE1/4SW1/4,
17 excluding Lot 6

18 Section 10: Lot 1

19 Section 16: Lot 1

20 Section 17: Lots 1, 3, 4, NW1/4SW1/4, S1/2NW1/4

21 Section 18: Lot 4, SE1/4, E1/2NE1/4

22 Section 19: Lots 1-6, NW1/4NE1/4, NE1/4NW1/4

23 Section 20: Lot 1

24 Sections 24 - 25, excluding tide and submerged land
25 within the Kachemak Bay Critical Habitat Area

26 Section 26: SE1/4, excluding tide and submerged land
27 within the Kachemak Bay Critical Habitat Area

28 Sections 35 - 36

29 (3) [(2)] Township 6 South, Range 11 West, Seward Meridian

- 1 (4) [(3)] Township 7 South, Range 11 West, Seward Meridian
2 Sections 1 - 4
3 Section 5: N1/2
4 Sections 7 - 36
- 5 (5) [(4)] Township 7 South, Range 12 West, Seward Meridian
6 Section 12, except N1/2 NE1/4
7 Section 13
8 Sections 19 - 36
- 9 (6) [(5)] Township 7 South, Range 13 West, Seward Meridian
10 Sections 25 - 26
11 Sections 35 - 36 [25, 26, 35 AND 36]
- 12 (7) [(6)] Township 8 South, Range 11 West, Seward Meridian
13 Sections 1 - 8
14 Section 9: N1/2
15 Section 10: N1/2
16 Section 11: N1/2
17 Section 12: N1/2
18 Sections 17 - 18 [17 AND 18]
- 19 (8) [(7)] Township 8 South, Range 12 West, Seward Meridian
- 20 (9) [(8)] Township 8 South, Range 13 West, Seward Meridian
21 Sections 1 - 2 [1 AND 2]
22 Sections 10 - 14
23 Section 15: E1/2
24 Section 18: Lot 10
25 Section 23: N1/2 and SE1/4
26 Sections 24 - 25 [24 AND 25]
27 Section 26: E1/2
28 Section 35: E1/2
29 Section 36

1 (10) Township 9 South, Range 8 West, Seward Meridian

2 Sections 7 - 10

3 Sections 15 - 22

4 Sections 27 - 34

5 (11) Township 9 South, Range 9 West, Seward Meridian

6 Section 13

7 Sections 24 - 25

8 Sections 35 - 36

9 (12) [(9)] Township 9 South, Range 12 West, Seward Meridian

10 Sections 1 - 6

11 Section 8: NE1/4

12 Sections 9 - 12

13 Section 13: N1/2

14 Section 14: N1/2

15 (13) [(10)] Township 9 South, Range 13 West, Seward Meridian

16 Sections 1 - 2 [1 AND 2]

17 (14) Township 10 South, Range 8 West, Seward Meridian

18 Sections 4 - 8

19 Sections 17 - 19

20 (15) Township 10 South, Range 9 West, Seward Meridian

21 Sections 1 - 4

22 Sections 10 - 15

23 Sections 22 - 24

24 * Sec. 3. AS 41.21.140(a) is amended to read:

25 (a) The presently state-owned land and water, and all that
26 acquired in the future by the state, lying within the parcels describ-
27 ed in this section are designated as the Kachemak Bay State Wilderness
28 Park. In order to protect and preserve this land and water for its
29 unique and exceptional wilderness value, the park is established and

1 shall be managed as a wilderness park. The land and water lying
2 within the following described parcels is reserved from all uses
3 incompatible with its primary function as a wilderness park and is
4 assigned to the department for control and maintenance:

5 (1) Township 8 South, Range 11 West, Seward Meridian

6 Section 9: S 1/2

7 Section 10: S 1/2

8 Section 11: S 1/2

9 Section 12: S 1/2

10 Sections 13 - 16

11 Sections 19 - 36

12 (2) Township 9 South, Range 8 West, Seward Meridian

13 Section 2: W1/2

14 Sections 3 - 6

15 (3) Township 9 South, Range 9 West, Seward Meridian

16 Sections 1 - 12

17 Sections 14 - 23

18 Sections 26 - 34

19 (4) Township 9 South, Range 10 West, Seward Meridian

20 Sections 1 - 3

21 Sections 10 - 15

22 Sections 22 - 27

23 Sections 34 - 36

24 (5) [(2)] Township 9 South, Range 12 West, Seward Meridian

25 Section 7

26 Section 8: S 1/2 and NW 1/4

27 Section 13: S 1/2

28 Section 14: S 1/2

29 Sections 15 - 36

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- (6) [(3)] Township 9 South, Range 13 West, Seward Meridian
Section 11: NE 1/4
Sections 12 - 13
- (7) [(4)] Township 10 South, Range 9 West, Seward Meridian
Sections 5 - 7
- (8) [(5)] Township 10 South, Range 10 West, Seward Meridian
- (9) [(6)] Township 10 South, Range 11 West, Seward Meridian
- (10) [(7)] Township 10 South, Range 12 West, Seward Meridian
- (11) [(8)] Township 11 South, Range 10 West, Seward Meridian
- (12) [(9)] Township 11 South, Range 11 West, Seward Meridian
- (13) [(10)] Township 11 South, Range 12 West, Seward Merid-

ian

Sections 1 - 10

Section 11: W 1/2 and E 1/2

Sections 12 - 17

Sections 21 - 24.

* Sec. 4. AS 41.21.140 is amended by adding a new subsection to read:

(c) The tide and submerged land within the Aurora Lagoon is assigned to the Department of Natural Resources to preserve its value as a scenic park and to the Department of Fish and Game to preserve its value as critical habitat.

* Sec. 5. This Act does not prohibit the commissioner of natural resources from conveying 50 acres, more or less, on Nuka Island to the University of Alaska in accordance with the final finding of the commissioner of natural resources issued December 4, 1987, or its amendments. This Act does not apply to land conveyed to the University of Alaska under the commissioner's decision dated December 4, 1987.



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

MEMORANDUM

TO: Rep. Sam Cotten, Co-Chair
Rep. Adelheid Herrmann, Co-Chair
Resources Committee members

FROM: Ned Farquhar, staff *NA*

SUBJECT: Proposed 2nd CS HB 244 (Res)

DATE: February 9, 1988

The amended CS contains changes recommended by the sponsor's office after discussion with agencies.

The first change is that some language is removed from the findings. This language would have implemented some of the results of the Nuka Island plan adopted by DNR last year; with the conveyance of some acreage to the University last summer, most of the language became unnecessary, and is embodied in the plan anyway.

Second, the legal descriptions have been slightly revised. Apparently they were not perfect last year, and now they are.

Third, Sec. 4 of the proposed 2nd CS is new. It establishes that Aurora Lagoon will be part of both the critical habitat area (existing) and the state park (new), under the administrative jurisdiction of both DNR and ADF&G.

Last, Sec. 5 of the proposed 2nd CS is new, and allows the commissioner of DNR to make a conveyance to the University in accordance with the final agreement and decision last year. Sec. 5 also exempts the University land from inclusion in the state park or application of the park law.

5-0976X
Bradley
2/8/88

Original sponsors: Navarre and Swackhammer

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BY THE RESOURCES COMMITTEE

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14 subdivision.

15 * Sec. 2. AS 41.21.131(a) is amended to read:

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17 acquired in the future by the state, lying within the parcels describ-
18 ed in this section are designated as the Kachemak Bay State Park. In
19 order to protect and preserve this land and water for its unique and
20 exceptional scenic value, the park is established and shall be managed
21 as a scenic park. The land and water lying within the following
22 described parcels is reserved from all uses incompatible with its
23 primary function as a scenic park and is assigned to the department
24 for control, development and maintenance:

25 (1) Township 5 South, Range 10 West, Seward Meridian
26 Chugachik Island

27 Sections 31 - 32

28 (2) Township 5 South, Range 11 West, Seward Meridian

29 Section 2: Lot 1, excluding Tract A

Section 3: Lots 1 - 8, SW1/4NE1/4, S1/2NW1/4,
N1/2SW1/4

Section 4: Lots 1 - 4, S1/2N1/2, SE1/4, E1/2SW1/4

Section 8: E1/2NE1/4, E1/2SE1/4, NW1/4SE1/4,
SW1/4SE1/4

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W1/2NW1/4, N1/2NE1/4SE1/4, SW1/4NE1/4SW1/4,
excluding Lot 6

Section 10: Lot 1

Section 16: Lot 1

Section 17: Lots 1, 3, 4, NW1/4SW1/4, S1/2NW1/4

Section 18: Lot 4, SE1/4, E1/2NE1/4

Section 19: Lots 1-6, NW1/4NE1/4, NE1/4NW1/4

Section 20: Lot 1

Sections 24 - 25, excluding tide and submerged land
within the Kachemak Bay Critical Habitat Area

Section 26: SE1/4, excluding tide and submerged land
within the Kachemak Bay Critical Habitat Area

Sections 35 - 36

(3) [(2)] Township 6 South, Range 11 West, Seward Meridian

(4) [(3)] Township 7 South, Range 11 West, Seward Meridian

Sections 1 - 4

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Sections 7 - 36

(5) [(4)] Township 7 South, Range 12 West, Seward Meridian

Section 12, except N1/2 NE1/4

Section 13

Sections 19 - 36

(6) [(5)] Township 7 South, Range 13 West, Seward Meridian

1 Sections 25 - 26

2 Sections 35 - 36 [25, 26, 35 AND 36]

3 (7) [(6)] Township 8 South, Range 11 West, Seward Meridian

4 Sections 1 - 8

5 Section 9: N1/2

6 Section 10: N1/2

7 Section 11: N1/2

8 Section 12: N1/2

9 Sections 17 - 18 [17 AND 18]

10 (8) [(7)] Township 8 South, Range 12 West, Seward Meridian

11 (9) [(8)] Township 8 South, Range 13 West, Seward Meridian

12 Sections 1 - 2 [1 AND 2]

13 Sections 10 - 14

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15 Section 18: Lot 10

16 Section 23: N1/2 and SE1/4

17 Sections 24 - 25 [24 AND 25]

18 Section 26: E1/2

19 Section 35: E1/2

20 Section 36

21 (10) Township 9 South, Range 8 West, Seward Meridian

22 Sections 7 - 10

23 Sections 15 - 22

24 Sections 27 - 34

25 (11) Township 9 South, Range 9 West, Seward Meridian

26 Section 13

27 Sections 24 - 25

28 Sections 35 - 36

29 (12) [(9)] Township 9 South, Range 12 West, Seward Meridian

1 Sections 1 - 6

2 Section 8: NE1/4

3 Sections 9 - 12

4 Section 13: N1/2

5 Section 14: N1/2

6 (13) [(10)] Township 9 South, Range 13 West, Seward Meridian
7 Sections 1 - 2 [1 AND 2]

8 (14) Township 10 South, Range 8 West, Seward Meridian

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10 Sections 17 - 19

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2 Sections 19 - 36

3 (2) Township 9 South, Range 8 West, Seward Meridian

4 Section 2: W1/2

5 Sections 3 - 6

6 (3) Township 9 South, Range 9 West, Seward Meridian

7 Sections 1 - 12

8 Sections 14 - 23

9 Sections 26 - 34

10 (4) Township 9 South, Range 10 West, Seward Meridian

11 Sections 1 - 3

12 Sections 10 - 15

13 Sections 22 - 27

14 Sections 34 - 36

15 (5) [(2)] Township 9 South, Range 12 West, Seward Meridian

16 Section 7

17 Section 8: S 1/2 and NW 1/4

18 Section 13: S 1/2

19 Section 14: S 1/2

20 Sections 15 - 36

21 (6) [(3)] Township 9 South, Range 13 West, Seward Meridian

22 Section 11: NE 1/4

23 Sections 12 - 13

24 (7) [(4)] Township 10 South, Range 9 West, Seward Meridian

25 Sections 5 - 7

26 (8) [(5)] Township 10 South, Range 10 West, Seward Meridian

27 (9) [(6)] Township 10 South, Range 11 West, Seward Meridian

28 (10) [(7)] Township 10 South, Range 12 West, Seward Meridian

29 (11) [(8)] Township 11 South, Range 10 West, Seward Meridian

(12) [(9)] Township 11 South, Range 11 West, Seward Meridian
(13) [(10)] Township 11 South, Range 12 West, Seward Merid-

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