

S B

18

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

GREATER ANCHORAGE AREA POROI
KENAI PENINSULA BOROLGII

PROPOSED ANCHORAGE

COASTAL STATE WILDLIFE REFUGE

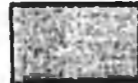
State Land



Municipal Land



Private Lands



Mental Health Lands

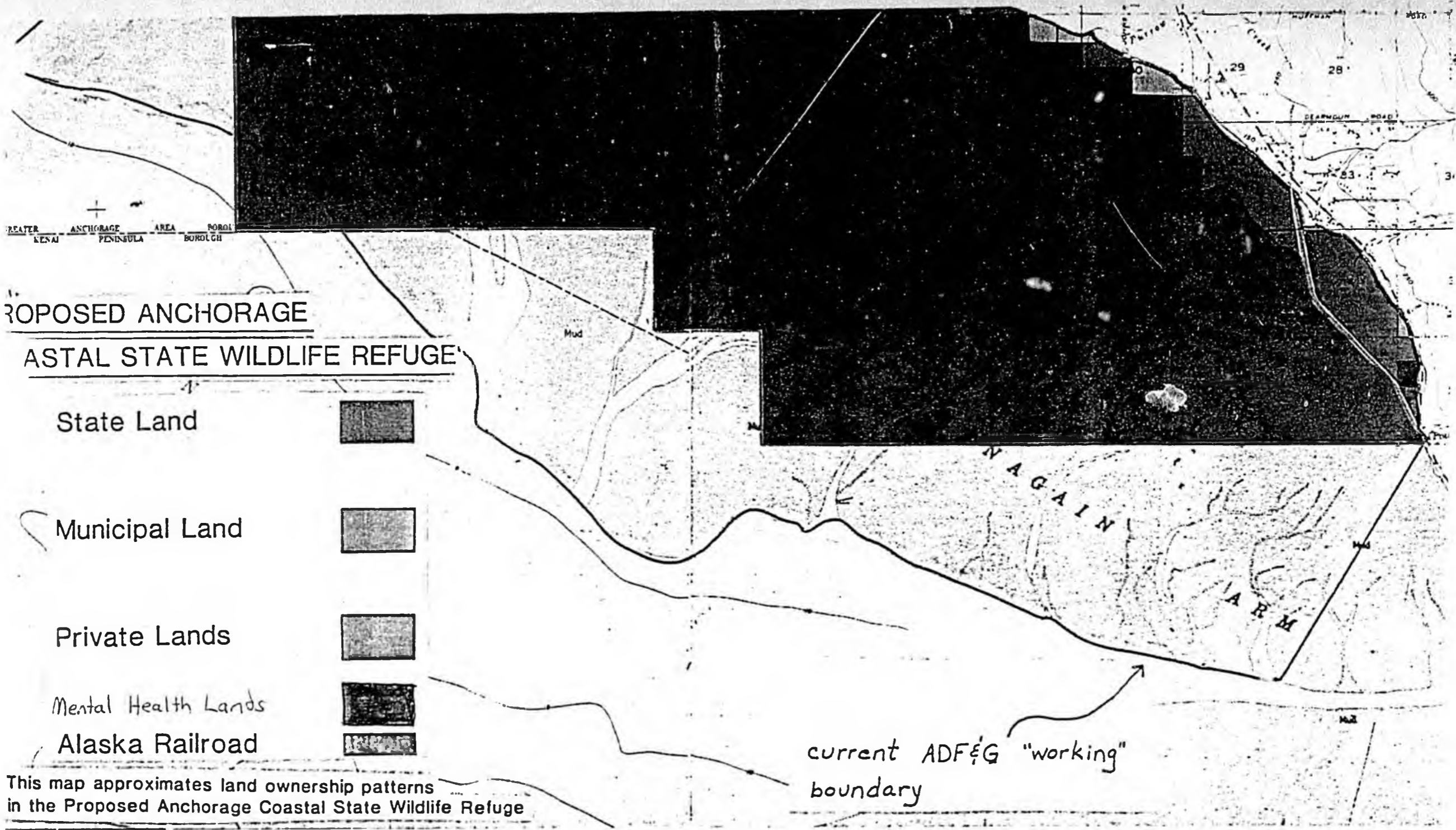


Alaska Railroad



This map approximates land ownership patterns
in the Proposed Anchorage Coastal State Wildlife Refuge

current ADF&G "working"
boundary



SENATE COMMITTEE REPORT

FURTHER: FINANCE

DATE TURNED INTO OFFICE 2-26-87

Mr. President:

RESOURCES

Committee considered ~~SB 18~~ SB 18 (CORR)

creating the Anchorage Coastal Wildlife Refuge.

and recommended:

replace with _____ CS FOR _____) same title
 or adopt _____ CS FOR SB 18 (CORR)) new title

attached amendment(s) and

majority
 do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
2 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signatures]

[Signature]

Chairman signature and recommendation

Committee Backup Attached



February 20, 1987

Senate Resources Committee
State of Alaska
P. O. Box V
Juneau, Alaska 99811

Re: SB18 Creating the Anchorage Coastal Wildlife Refuge

Honorable Members of the Committee:

I urge your support of the Anchorage Coastal Wildlife Refuge (SB18). This is a bill that you should be able to approve with no controversy. It fairly represents the broad interests of the Anchorage community as well as the specific interests of environmental groups, property owners, real estate developers and recreationists.

Part of this refuge is adjacent to property that we are currently developing in South Anchorage. We welcome its designation as a wildlife refuge. We recognize that because of the fact that our project abuts this future refuge it could affect the use of our property and the scrutiny that we are subject to as part of our approval processes. Even so, the resources that are protected through this designation and the benefits to us, as adjacent property owners, and to the community are paramount.

I have followed the progress of this bill through the last legislative session and am amazed that the bill has not been approved to date. The variety of issues relating to transportation, resource development and land use have been adequately addressed in the bill in its current form.

Thank you for your consideration of this matter. Again, I urge your support.

Very truly yours,


Gregory L. Jones
President

Anchorage
Convention & Visitors
Bureau

Our Community's Way
of Attracting and
Serving Visitors

201 East Third Avenue
Anchorage, Alaska 99501
(907) 276-4118
Telex 353743

February 25, 1987

The Honorable Jack Coghill, Chairman
Alaska State Senate
Senate Resources Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Coghill and Members:

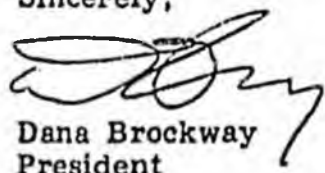
I am writing to add the Anchorage Convention and Visitors Bureau to the list of the individuals and organizations supporting the bill before your Committee establishing the Anchorage Coastal Wildlife Refuge.

The significance of Potters Marsh and the related wetlands to tourism for Anchorage and Southcentral Alaska has been well established. It is one of the most visited attractions in Anchorage and is the northern anchor of self-driving tours that extend onto the Kenai Peninsula. The related tidelands are important to the maintenance of the waterfowl population that makes this visitor attraction what it is. In short, it is a resource of major importance not only for residents but for those visiting our State who contribute so greatly to our economy.

For these reasons, the ACVB Board of Directors placed the Potters Marsh Refuge bill on its legislative priority list in 1986.

I have not read of strenuous opposition to this bill from any quarter, and urge your support of the bill. Thank you for giving the visitor perspective your consideration.

Sincerely,


Dana Brockway
President



Alaska State Legislature

Senate Resources Committee



John B. Clark Cochill, Chairman
Paul Fischer, Vice-Chairman
Lloyd Jones
Artiss Sturglewski
Jim Duncan
Fred Zharoff
Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

February 25, 1987

To: All Resource Committee Members
From: Committee Staff
Re: CSSB 18, "An Act creating the Anchorage Coastal Wildlife Refuge"

The sponsor's statement in the packet provides a section by section analysis of SB 18.

The substitute bill before the committee today changes Section 1, subsection (b) and provides for a management plan to be prepared by the Department of Fish and Game in consultation with the Department of Natural Resources. The original bill did not provide for consultation with DNR.

Also changed is subsection (c) in Section 1. The substitute version provides for a public right-of-way for surface transportation and a utility corridor across state land and water between Anchorage and Fire Island and identification of the actual location of the right-of-way. The original bill was less specific and provided for "continued surface access between Fire Island and Anchorage."

In Section 2 the substitute increases the preparation time from one to three years for the initial management plan.

Included in your packet are:

Sponsor's statement
DNR position paper
Fish & Game position paper
Zero fiscal note
Fish & Game memo re: permitted uses in the refuge
Support letter from Anchorage Audubon Society
Anchorage Assembly resolution
Support letter from Rabbit Creek Community Council



Alaska State Legislature

Senator Mike Szymanski

While in Session:
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4978/4979

MEMORANDUM

TO: Senate Resource Committee Members
FROM: Senator Mike Szymanski *MS/pt*
SUBJECT: SB 18 - Anchorage Coastal Wildlife Refuge
Background/Intent
DATE: February 14, 1987

Interim
11920 Johns Rd.
Anchorage, AK 99515
(907) 349-3373

1024 W. 6th
Anchorage, AK 99501
(907) 276-6739

In 1971, the Alaska State Legislature created Potter Point State Game Refuge (AS 16.20.030(b)) which extends southeasterly along the coastline of Anchorage from Pt. Campbell to Potter Creek. This easily accessible, urban refuge provides excellent wildlife viewing opportunities for city residents, and it enhances the Anchorage economy through its value as a tourist attraction.

In June 1983, the Municipality of Anchorage (MOA) established the Potter Marsh Task Force to address management problems that were developing both within and around the Refuge, and to subsequently make recommendations for improving management of the refuge. The Task Force is supported by the MOA, Alaska Department of Fish and Game (ADF&G), Alaska Department of Natural Resources (DNR) and interested public members.

SB 18 is supported by the Administration, the Rabbit Creek Community Council, the Oceanview Community Council, the National Rifle Association, the Municipality of Anchorage and various environmental and development groups in the Anchorage area. It is an example of multiple-use legislation which has been developed and supported by diverse groups and individuals and I respectfully request its passage by the Committee.

SB 18 would:

1) Rename the existing Potter Point State Game Refuge the "Anchorage Coastal Wildlife Refuge".

Section 1, AS 16.20.031 (a) would establish the Anchorage Coastal Wildlife Refuge to be managed for the protection of waterfowl, shore birds, salmon, and other fish and wildlife species, and their habitat and for the use and enjoyment of the people of the State. Section 3 repeals AS 16.20.030(b) which is the existing statute establishing the Potter Point State Game Refuge. This new name more accurately reflects the Refuge's location and relation to the city of Anchorage.

2) Provide a precise legal description, in surveyable section lines, of the boundaries of the State-owned land and water included in the Refuge.

The 1971 legislation reads, "The following described state-owned land and adjacent state water, excluding existing and applied-for highway, pipelines and railway rights-of-way as of May 20, 1971, are established as the Potter Point State Game Refuge: All land and water south and west of and adjacent to the toe of the bluff which extends from Campbell Point southeasterly to Potter Creek." This language does not define any real or measurable limit as to how far the Refuge boundary extends seaward, and the inland boundary is open to wide interpretation. Many times, this lack of clarity has resulted in confusion for state agencies, private development interests, and the general public. Therefore, SB 18 in Section 1, subsections (1) through (7) describes in detail the legal refuge boundaries.

3) Add additional tidelands and near shore upland to the existing refuge.

The MOA has asked that Refuge boundaries be expanded northward from Pt. Campbell to Pt. Woronzof to include municipally owned wetlands within the Refuge for management by ADF&G. In 1979, under the Anchorage Coastal Zone Management Plan, these lands were identified as Areas Meriting Special Attention and classified as Preservation Wetlands. Inclusion of these lands within the Refuge does not afford them any more protection than they already have under the preservation status, but would facilitate the uniform management of Anchorage's coastal lands. The new boundaries (described in Section 1, subsections (1) through (7)) were cooperatively drawn by the MOA, ADF&G, and DNR.

4) Restrict the state and municipality from acquiring property by eminent domain for inclusion within the Refuge.

This would protect private property owners by requiring that property to be included within the anchorage Coastal Wildlife Refuge be acquired through purchase, exchange, or otherwise (Section 1(e)), and prohibiting acquisition by eminent domain.

5) Provide for management of the Refuge by ADF&G and DNR.

Section 1(b) provides that, as in the past, both ADF&G and DNR would exercise their respective authorities over the Refuge, except as provided in Section 1(d). Management of the Anchorage Coastal Wildlife Refuge will be consistent with a management plan prepared by the ADF&G under ASI6.20.040-16.20.060. The plan will be completed within one year of the effective date of the Act (Section 2).

The management plan prepared by ADF&G shall also provide for a corridor for transportation and utilities between Fire Island and the Anchorage mainland (Section 1(c)). This is to ensure access to the island's owners for future development and would also be of economic benefit to the MOA.

Hunting, as in the past and in accordance with state regulations will continue to be allowed on state-owned lands within the Refuge west and north of the Alaska Railroad.

While the land and water areas of the Anchorage Coastal Wildlife Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275, the boundary extension north of Pt. Campbell was drawn so that all previously issued offshore mining permits were excluded from within the Refuge. Oil and gas leasing will not be affected (Section 1(f)) by this legislation

LOCATION MAP



Year Established	1971
Purpose	protect natural habitat and game populations (especially waterfowl)
Lands Involved	State lands, tidelands, and submerged lands

POTTER POINT STATE GAME REFUGE

AS 16 20 030 (b) The following described state owned lands and adjacent state waters, excluding existing and applied-for highway, pipelines and railway rights-of-way as of May 20, 1971, are established as the Potter Point State Game Refuge. All lands and waters south and west of and adjacent to the toe of the bluff which extends from Campbell Point southeasterly to Potter Creek. Notwithstanding any other provision of law, within one year from the effective date of this Act, the municipality in which the Potter State Game Refuge is contained may zone privately owned land within the refuge. If no zoning action is taken by the municipality within one year, the Department of Natural Resources may adopt, in accordance with the Administrative Procedure Act (AS 44 62), zoning regulations governing privately owned land within the Potter Point State Game Refuge.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

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

OFFICE OF THE COMMISSIONER

February 4, 1987

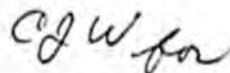
The Honorable Arliss Sturgulewski, Chair
Senate Community and Regional Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

Subject: I am writing to reiterate my support for establishing the Anchorage Coastal Wildlife Refuge as described in SB 18.

Recommendation: I understand that enactment of this bill may be in jeopardy because of my request that mineral closure of the refuge extension not be included in the statute, but instead be the product of the refuge planning process. As I made clear from the beginning, if it appears that my request jeopardizes SB 18 in any way, feel free to approve the bill as written.

Sincerely,



Judith M. Brady
Commissioner

cc: Committee Members
Governor's Legislative Liaison



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER CS SB18 (C&R)	SPONSOR Szymanski & Sturgulewski
DEPARTMENT POSITION Support			
PREPARED BY Habitat Division <i>Ellen J. Little</i>	DATE 2/5/87	COMMISSIONER'S SIGNATURE <i>Charles Bellon</i>	DATE 2.5.87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL Anchorage Residents
ORGANIZATIONAL SUPPORT FOR BILL Municipality of Anchorage Department of Natural Resources Potter Marsh Task Force (Interagency)	ORGANIZATIONAL OPPOSITION TO BILL None Known

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND LEGISLATIVE INTENT

Establishment of the Anchorage Coastal Wildlife Refuge will protect important waterfowl and shorebird habitat in the Anchorage area. It will provide for public use and enjoyment of the refuge. The bill will clarify and enhance the existing Potter Point State Game Refuge.

ANALYSIS OF BILL PROGRAM EFFECTS

See SB 18 Bill Analysis 1/23/87

Amendments to the bill will:

1. Clarify that the act will rename the existing Potter Point State Game Refuge.
2. Clarify that Department of Fish and Game will prepare a management plan in consultation with the Department of Natural Resources.
3. Provide for a public right-of-way for surface transportation and a utility corridor between Fire Island and the Mainland.
4. Direct that the management plan be completed within three years after the effective date of the act.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: CS SB18 (L-2A)
Publish Date: _____

Revision Date: _____

Agency Affected: ADF&G

Title: Anchorage Coastal Wildlife
Refuge

BRU: _____

Sponsor: Szymanski Sturculewski

Components: _____

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT		0				
LAND & STRUCTURES		0				
GRANTS, CLAIMS		0				
MISCELLANEOUS		0				
TOTAL OPERATING		0				

CAPITAL		0				
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REVENUE		0				
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FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER						
TOTAL		0				

POSITIONS:

FULL-TIME		0				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Bruce Baker, Acting Director *(Signature)*

Phone: 465-4105

Division: Habitat

Date: 2/5/87

Approved by Commissioner: *(Signature)*

Date: 2/5/87

Agency: Fish and Game

Distribution (by preparer):

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

MEMORANDUM

State of Alaska

TO: Roland Shanks
Special Assistant
Office of the Commissioner

DATE: April 9, 1985

FILE NO:

TELEPHONE NO: 465-4105

FROM:

Baker
Bruce H. Baker
Acting Director
Habitat Division
Department of Fish and Game

SUBJECT: Permitted Activities
in Critical Habitat
Areas

As you requested, we have reviewed the files on Critical Habitat Area permits for the past three years. There were a total of 30 applications received for activities in seven of the Critical Habitat Areas. Of these, 28 were approved and 2 were denied. Activities in Critical Habitat Areas which were permitted include: seismic exploration; placement of fill material; sewage outfall; dredging; heavy equipment transport; storage of marine drilling rig; small boat harbor expansion; log rafting and transfer; retaining walls/bulkheads; oil and gas leases; and geological exploratory work. Details are provided in the attached list.

Critical Habitat Areas are multiple use areas. Activities are allowed in Critical Habitat Areas in a manner consistent with the purpose for which each area is established. Activities which are permanent in nature or will have a significant effect on fish and game populations or their habitats (other than lawful hunting and fishing) require a permit from the Department of Fish and Game. All other activities do not require permits. Activities which do not require a critical habitat area permit include hunting, fishing, trapping, public access, recreational activities (hiking, skiing, horseback riding, dog team travel, camping, mountain climbing, etc.), boating, berrypicking, firewood gathering (dead and down timber) and many others.

Enclosure

Permits Requested in
Critical Habitat Areas Since 1982

Area	Activity	Decision
Kachemak Bay CHA	Seismic exploration	Approved
Kachemak Bay CHA	Geophysical exploration	Approved
Kachemak Bay CHA	Placement of fill material for construction of Campground Homer Spit	Approved
Kachemak Bay CHA	Sewage Outfall Line	Approved
Kachemak Bay CHA	Storage of Temporary Jack-Up Drilling Rig	Approved
Kachemak Bay CHA	Homer Small Boat Harbor Expansion	Approved
Kachemak Bay CHA	Bulkhead (Mud Bay)	Denied
Kachemak Bay CHA	Unauthorized Fill (Jackaloff Bay)	Denied
Kachemak Bay CHA	Pier construction and Maintenance Dredging Homer Small Boat Harbor	Approved
Kachemak Bay CHA	Mariculture (Blue Mussel Farm)	Approved
Kachemak Bay CHA	Dock construction (Tutka Bay)	Approved
Kachemak Bay CHA	Log Rafting and Transfer	Approved
Kachemak Bay CHA	Retaining Wall Construction	Approved
Kachemak Bay CHA	Bulkhead construction and Dredging Seldovia Small Boat Harbor	Approved
Clam Gulch CHA	Dredging Ninilchik Small Boat Harbor	Approved
Clam Gulch CHA	Beach and River Erosion Control	Approved
Clam Gulch CHA	Dredging Ninilchik Small Boat Harbor	Approved

Area	Activity	Decision
Clam Gulch CHA	Oil and gas lease	Approved
Fox River Flats CHA	Heavy Equipment/Track vehicle movement	Approved
Fox River Flats CHA	Track Vehicle Crossing	Approved
Fox River Flats CHA	Four wheel drive crossing	Approved
Fox River Flats CHA	Heavy Equipment Crossing	Approved
Port Moller CHA	Geological Field Reconnaissance	Approved
Port Moller CHA	Gravity Survey	Approved
Port Moller CHA	Seismic Exploration	Approved
Port Moller CHA	Geological Field Program	Approved
Port Moller CHA	Marine Seismic Exploration	Approved
Kalgin Island CHA	Oil and gas lease	Approved
Pilot Point CHA	Oil and gas lease	Approved
Cinder River CHA	Oil and gas lease	Approved



ANCHORAGE
Audubon Society, Inc.
A CHAPTER OF THE NATIONAL AUDUBON SOCIETY

February 20, 1987

Post Office Box 101161
Anchorage, Alaska
99510

Senator Jack Coghill
Chairman, Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill:

As President of the 1400 member Anchorage Audubon Society, Inc., I am writing to you and the members of the Senate Resources Committee to request prompt consideration and passage by the Committee of Senate Bill 18 regarding Anchorage's Potters Marsh.

As you may know, this Bill received its initial impetus several years ago from the Potter's Marsh Task Force, a consortium of state and federal government agencies, profit and non-profit groups interested in conservation and development. The consensus reached by the task force which led to SB 18 is a fine demonstration of how various competing interests can coincide and be accommodated in the environmental arena. Consequently, there has been remarkable support from all quarters for passage of Senate Bill 18. The Bill expands the refuge in some respects so that the boundaries of the refuge more closely coincide with the marsh's actual physical boundaries. The Bill protects property owners and the corridor to Fire Island. Most importantly, from our Society's point of view, the Bill specifically requires the development of a long range management plan.

Potter's Marsh is one of the most accessible and outstanding non-game recreational and educational opportunities which serves the Anchorage area. Potter's Marsh receives thousands and thousands of visits each year not only from residents but also tourists. From our point of view, it is imperative that a long range management plan be developed in order that the marsh's full potential as a recreational and educational facility can be developed while, at the same time, maximizing the protection of its ecosystem so that future

Page 2.
Senator Coghill
February 20, 1987

residents and visitors may continue to enjoy this outstanding asset.

As an example of the unparalleled opportunities provided by the marsh, keep in mind that the marsh is used each spring by significant numbers of Trumpeter Swans. These magnificent birds are making a come-back from the endangered species list. Each spring, the marsh is a haven, feeding ground, and staging area for the swans' northern migration to west of Anchorage. Most of the school children of the country will never see a Trumpeter Swan during their life time. Yet, here in Anchorage, the marsh provides a natural habitat where they may be observed by all. This is the kind of outstanding opportunity passage of Senate Bill 18 will guarantee for the future of Anchorage and Alaska.

If you have any questions, I will be happy to discuss them with you personally. My work number is 278-4691. Thank you for your consideration and prompt passage of Senate Bill 18.

Very truly yours,

ANCHORAGE AUDUBON SOCIETY, INC.

By: 
Charles G. Evans, President

CGE/pjt

cc: Senator Arliss Sturgalewski
Senator Mike Symanski

Feb 27, 86 15:00 PURCHSING MUNICIPALITY OF ANCHORAGE 907 274 5718

P.03

Submitted by: Assemblymen
Brockway and Evans
Prepared by: Assemblyman
Brockway
For reading: February 25, 1986

ANCHORAGE, ALASKA

AR NO. 86-32

A RESOLUTION RECOMMENDING ENACTMENT OF LEGISLATION CREATING THE
ANCHORAGE COASTAL WILDLIFE REFUGE

WHEREAS, a bill creating the Anchorage Coastal Wildlife Refuge has been introduced in the Alaska Legislature; and

WHEREAS, the Rabbit Creek Community Council and other community groups have endorsed its enactment; and

WHEREAS, the Anchorage Assembly has previously passed and approved AR 85-42 in February, 1985 supporting creation of the refuge; and

WHEREAS, Potter Marsh and related coastal areas constitute one of Anchorage's most significant resources for visitors and residents alike; and

WHEREAS, the intent of the creation of the Anchorage Coastal Wildlife Refuge is to further protect and better manage south Anchorage coastal resources without disruption of established traditional and multiple uses.

NOW, THEREFORE, BE IT RESOLVED, the Anchorage Assembly reaffirms its support for creation of the Anchorage Coastal Wildlife Refuge and urges the passage of enabling legislation.

0-27,86 15:01 PURCHSING MUNICIPALITY OF ANCHORAGE 907 274 5718

P.04

Page 2
AR 86-32


PASSED AND APPROVED by the Anchorage Municipal Assembly the
25th day of February, 1986.

David Walker
Chairman

ATTEST:

Richard E. Smith
Municipal Clerk





Rabbit Creek Community Council

16350 Sandpiper Drive,
Anchorage, Alaska 99516

February 12, 1987

Senate Resource Committee,
Juneau, Alaska

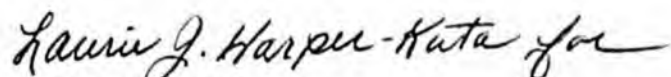
Dear Senators,

We respectfully request this letter be read into the Resource Committee hearing minutes on February 25th, 1987.

The Rabbit Creek Community Council (RCCC) is pleased that the bill creating Anchorage Coastal Wildlife Refuge has been reintroduced into the legislature as Senate Bill 18. We unanimously support this bill which provides a refuge for the protection of waterfowl, shorebirds, salmon, and other fish and wildlife species, and their habitat and for the enjoyment and use of the people of the state. We trust that the Senate and House will take positive and immediate action on SB 18 that has the wide support of your constituents.

The RCCC looks forward to working with you throughout this legislative session. If there are any questions or concerns that you might have with which we could help, please contact me (h. 345-2453, w.261-4664).

Sincerely,



Maureen McCrea
President