

**HB**

**424**

# HOUSE COMMITTEE REPORT

(9)

Date Referred: January 18, 1990

FURTHER REFERRALS:

Date of Committee Action: 2/6/90

The RESOURCES Committee considered:

HB 424

HOUSE BILL NO. 424

ANCHOR RIVER & FRITZ CREEK MGT. PLAN

"An Act relating to the Anchor River and Fritz Creek Critical Habitat Area management plan; and providing for an effective date."

RECOMMENDATIONS:

- [ ] be replaced with \_\_\_\_\_ [ ] the same title  
[ ] have attached amendment(s) [ ] a new title  
[X] do pass  
[ ] do not pass  
[ ] no recommendation  
[ ] individual recommendations  
[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [ ] fiscal impact \_\_\_\_\_  
[ ] zero fiscal note \_\_\_\_\_  
[ ] zero with analysis \_\_\_\_\_

- [ ] fiscal note(s) \_\_\_\_\_  
[X] zero fiscal note(s) ADF+G 2/5/90  
[ ] zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:  
(Check approp. column)

Do Not  
Pass  
No Rec  
Amend

[Signature]  
Mike Savane  
George [Signature]  
[Signature]  
Mike [Signature]  
Richard [Signature]  
[Signature]

|  | Do Not<br>Pass | No Rec | Amend |
|--|----------------|--------|-------|
|  |                |        |       |
|  |                |        |       |
|  |                |        |       |
|  |                |        |       |
|  |                |        |       |
|  |                |        |       |
|  |                |        |       |
|  |                |        |       |

[Signature]  
Chairman's Signature

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Dept. of Fish and Game  
 Title: Anchor River/Fritz Creek Critical Habitat Area Mgmt. Plan. BRU: Habitat Division  
 Sponsor: \_\_\_\_\_ Components: \_\_\_\_\_  
 Requestor: Governor

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

| OPERATING         | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0     |       |       |       |       |       |
| TRAVEL            | 0     |       |       |       |       |       |
| CONTRACTUAL       | 0     |       |       |       |       |       |
| SUPPLIES          | 0     |       |       |       |       |       |
| EQUIPMENT         | 0     |       |       |       |       |       |
| LAND & STRUCTURES | 0     |       |       |       |       |       |
| GRANTS, CLAIMS    | 0     |       |       |       |       |       |
| MISCELLANEOUS     | 0     |       |       |       |       |       |
| TOTAL OPERATING   | 0     |       |       |       |       |       |
|                   |       |       |       |       |       |       |
| CAPITAL           | 0     |       |       |       |       |       |
|                   |       |       |       |       |       |       |
| REVENUE           | 0     |       |       |       |       |       |

**FUNDING: (Thousands of Dollars)**

|               |   |  |  |  |  |  |
|---------------|---|--|--|--|--|--|
| GENERAL FUND  | 0 |  |  |  |  |  |
| FEDERAL FUNDS | 0 |  |  |  |  |  |
| OTHER         | 0 |  |  |  |  |  |
| TOTAL         | 0 |  |  |  |  |  |

**POSITIONS:**

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

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

No FY 90 impact

Prepared by: Frank Rue, Director Phone: 465-4105  
 Division: Habitat Date: 2/5/90

Approved by Commissioner: *Frank Rue* Date: 2/5/90  
 Agency: Department of Fish and Game

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

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An act relating to the  
Anchor River Fritz Creek CHA  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Dept. Natural Resources  
BRU Division of Land & Water Mgmt.

Components: Land & Water Management

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

| OPERATING              | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES      | 0     | 0     | 0     | 0     | 0     | 0     |
| TRAVEL                 |       |       |       |       |       |       |
| CONTRACTUAL            |       |       |       |       |       |       |
| SUPPLIES               |       |       |       |       |       |       |
| EQUIPMENT              |       |       |       |       |       |       |
| LAND & STRUCTURES      |       |       |       |       |       |       |
| GRANTS, CLAIMS         |       |       |       |       |       |       |
| MISCELLANEOUS          |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b> | 0     | 0     | 0     | 0     | 0     | 0     |

|         |   |   |   |   |   |   |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

|         |   |   |   |   |   |   |
|---------|---|---|---|---|---|---|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

**FUNDING: (Thousands of Dollars)**

|               |   |   |   |   |   |   |
|---------------|---|---|---|---|---|---|
| GENERAL FUND  |   |   |   |   |   |   |
| FEDERAL FUNDS |   |   |   |   |   |   |
| OTHER         |   |   |   |   |   |   |
| <b>TOTAL</b>  | 0 | 0 | 0 | 0 | 0 | 0 |

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

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

Prepared by: Lawrence Ostrovsky Phone: 465-2400  
Division: Commissioner's Office Date: 10/23/89

Approved by Commissioner: [Signature] Date: 10/23/89  
Agency: DNB

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

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

February 6, 1990

The Honorable Curt Menard  
and Cliff Davidson, Co-Chairs  
House Resource Committee  
State House of Representatives  
P.O. Box V  
Juneau, Alaska 99811

Dear Representatives Menard and Davidson:

Subject: HB 424, Relates to the Anchor River and Fritz Creek Critical Habitat Area Management Plan. It provides that the plan, adopted by the Department of Fish and Game, dated June 1989, is approved.

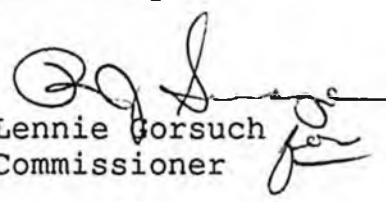
Position: The department does not oppose this bill.

Background: The department participated in the planning process in preparation of the area management plan. We support both the planning process and the plan.

The Management Plan requires an instream flow reservation for streams in the Anchor River drainage and requires a mineral closing order. It also conveys management rights for private inholdings which the Department of Fish and Game desires to acquire. We assume that Fish and Game will participate in the above activities by doing the necessary research, mapping and providing legal descriptions. We also assume Fish and Game will fund the required public notice ad orders and other direct costs associated with these activities. Therefore, we attached a \$0.0 fiscal note for this bill.

Thank you for the opportunity to comment. As always, my staff and I are available to answer questions.

Sincerely,

  
Lennie Gorsuch  
Commissioner

cc: Bill Sponsor  
Committee Members  
Bob Evans, Legislative Liaison  
Office of the Governor  
Denby Lloyd, Special Staff Assistant  
Office of the Governor



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

|   |                     |  |  |
|---|---------------------|--|--|
| DEPARTMENT<br>Fish and Game   | DIVISION<br>Habitat | BILL NUMBER<br>HB424                               | SPONSOR<br>House Rules at<br>Request of Governor |
| SHORT TITLE OF BILL<br>Anchor River and Fritz Creek Critical Habitat Area Management Plan |                     |  |  |
| DEPARTMENT POSITION<br>Support  |                     |  |  |
| PREPARED BY<br>Frank Rue, Director  | DATE<br>2/5/90      | COMMISSIONER'S SIGNATURE<br><i>David W. DeLong</i> | DATE<br>2/6/90                                   |

SUMMARY

|  |   |
|--|---|
| OTHER AGENCIES AFFECTED BY BILL<br>Department of Natural Resources | CONSTITUENT GROUP(S) AFFECTED BY BILL<br>Homer area residents |
| ORGANIZATIONAL SUPPORT FOR BILL                                    | ORGANIZATIONAL OPPOSITION TO BILL<br>None                     |

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT  
The purpose of the bill is to implement the Anchor River and Fritz Creek Critical Habitat Area Management Plan developed through a public planning process conducted by the Department of Fish and Game as directed in AS 16.20.605(d).

ANALYSIS OF BILL/PROGRAM EFFECTS  
The bill will implement the Anchor River and Fritz Creek Critical Habitat Area Management Plan and allow future plan updates and amendments to be implemented through the Administrative Procedure Act.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Anchor River Fritz Creek Critical Habitat Area  
Management Plan

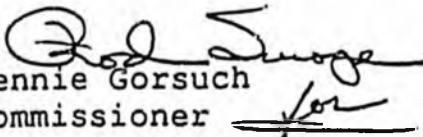
- ° On the initiative of local citizens and a grass roots effort, the Anchor River Fritz Creek Critical Habitat Area was established in 1985 to protect and preserve habitat and fish and wildlife populations, especially moose.
- ° The statute creating the critical habitat area directed that a management plan be prepared. The purpose of the plan is to provide consistent, long range direction in managing the critical habitat area.
- ° The planning process began with a public meeting held in December, 1987 to identify the issues that should be addressed in the plan.
- ° Department staff prepared a resource inventory of fish and wildlife and their habitats; public access; land use; and land ownership.
- ° The planning team composed of state, federal and local agency representatives with authority on critical habitat area lands developed the draft management plan based on the issues identified at the public meeting, critical habitat area resource values, the purpose for which the critical habitat area was established and other guidance provided in law.
- ° The draft management plan was sent out for public review and a public hearing was held to solicit comments.
- ° The final plan was prepared based on comments received during the public review period.
- ° The plan does not address harvest regulations, which are the authority of the Boards of Fish and Game.
- ° The plan applies only to state lands within the critical habitat area. (There are several private inholdings).
- ° The management plan is now awaiting implementation by Act of the legislature, as specified in statute.

# MEMORANDUM

STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

TO: The Honorable Don Collinsworth .. DATE: August 15, 1989  
Commissioner  
Department of Fish and Game      FILE NO:

FROM:  Lennie Gorsuch  
Commissioner      TELEPHONE: 465-2400

SUBJECT: Anchor River/Fritz Creek  
Critical Habitat Area

In an August 2 memorandum, you requested my full endorsement of the Anchor River/Fritz Creek Critical Habitat Area Management Plan.

The Alaska Department of Natural Resources has assisted the Alaska Department of Fish and Game in preparing the Anchor River/Fritz Creek Critical Habitat Area Management Plan and does endorse its recommendations. This plan establishes policies that will guide land uses that the Department of Natural Resources must either permit or review. The Department of Natural Resources will use this plan as guidance in implementing its authorities under Title 38 of Alaska Statutes.

We appreciate the cooperation and assistance by your staff in working with us on this matter.

cc: Tom Hawkins, Assistant Commissioner  
Gary Gustafson, Director  
Division of Land and Water Management  
Frank Rue, Director  
Division of Habitat  
Department of Fish and Game



## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669  
PHONE (907) 262-4441

DON GILMAN  
MAYOR

January 4, 1990

Debra Clausen  
Department of Fish & Game  
Habitat Division  
333 Raspberry Road  
Anchorage, Alaska 99518-1599

Dear Ms. Clausen,

I have reviewed the final draft of the Anchor River/ Fritz Creek Critical Habitat Area Plan and support adoption of this plan by the legislature.

The plan is consistent with the Borough's Concept Approved Coastal Management Program, and includes a good balance between environmental protection and human use and enjoyment of the area.

The Borough has requested relinquishment of the municipal selections in T5S, R13W as recommended in the plan.

Thank you for the opportunity to comment.

Sincerely,

Sylvia Spearow

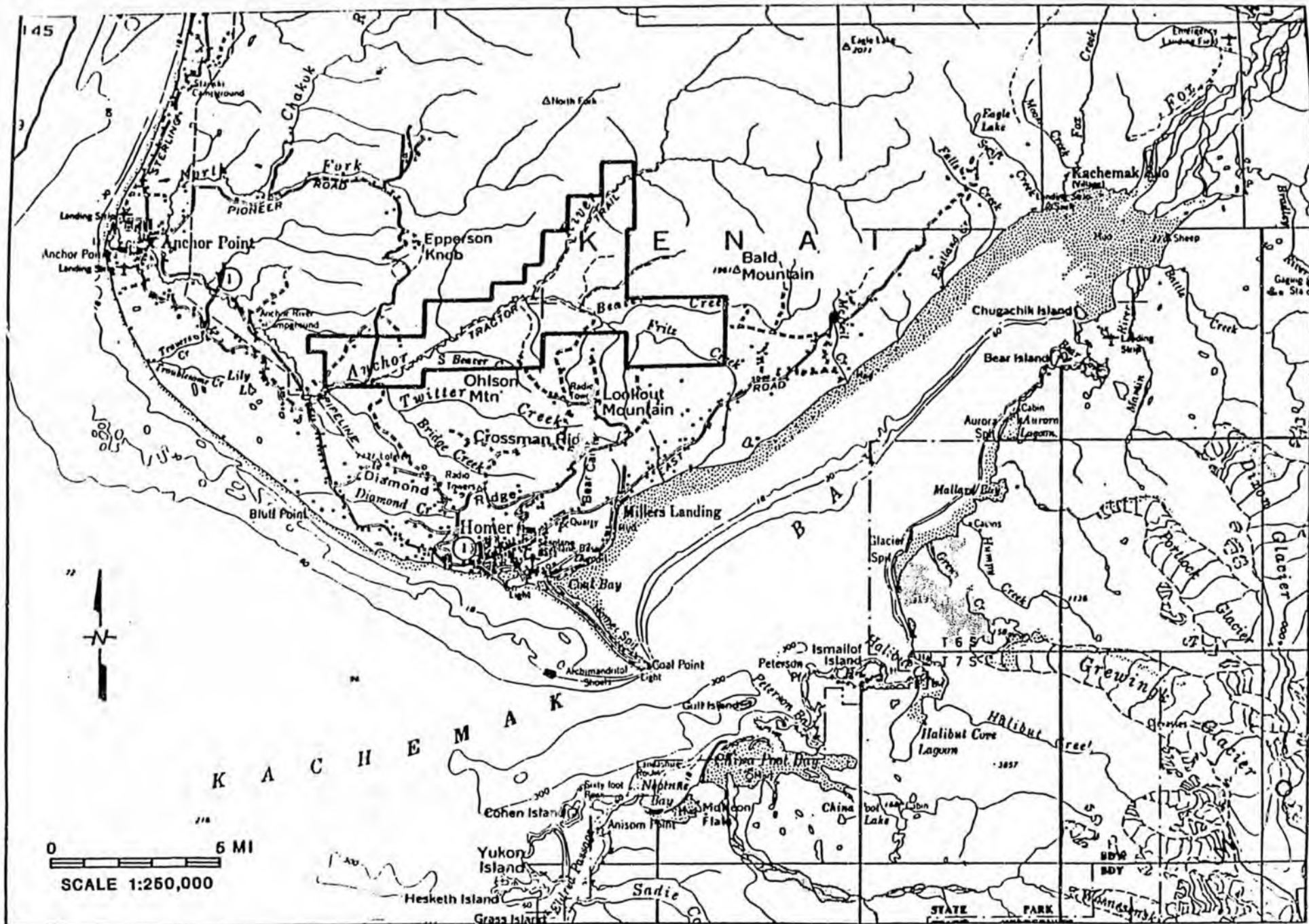
ANCHOR RIVER/FRITZ CREEK  
CRITICAL HABITAT AREA  
MANAGEMENT PLAN

JUNE 1989

Prepared by the  
Divisions of Habitat and Wildlife Conservation

Alaska Department of Fish and Game  
333 Raspberry Road  
Anchorage, Alaska 99518

Don W. Collinsworth, Commissioner



ANCHOR RIVER FRITZ CREEK CRITICAL HABITAT AREA

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## ACKNOWLEDGEMENTS

The Anchor River/Fritz Creek Critical Habitat Area was first proposed by the Kenai Peninsula Critical Habitat Task Force, a group of citizens concerned about the protection of this important area. It is largely through their support and the support of the citizens of Homer that the Anchor River/Fritz Creek Critical Habitat Area was established in 1985.

The Anchor River/Fritz Creek Critical Habitat Area Management Plan was prepared by a multi-agency planning team lead by the Department of Fish and Game (ADF&G). Planning team representatives are as follows:

|                  |  |
|------------------|--|
| Debra Clausen    | ADF&G, Habitat Division                  |
| John Matthews    | ADF&G, Wildlife Conservation Division    |
| Dave Holdermann  | ADF&G, Wildlife Conservation Division    |
| Dave Watsjold    | ADF&G, Sport Fish Division               |
| Sandra Cosentino | Department of Natural Resources          |
| Tim Rumfelt      | Department of Environmental Conservation |
| Hank Hosking     | U.S. Fish and Wildlife Service           |
| Kevin Fenner     | Kenai Peninsula Borough                  |
| Susan Regan      | City of Homer                            |
| Tom Arminski     | Alaska Power Authority                   |

Other ADF&G staff have contributed significant time and expertise in developing this plan including Lance Trasky and Steve Albert of Habitat Division, Tom Schroeder of Commercial Fisheries Division, and John Westlund of Wildlife Conservation Division. Department of Natural Resources staff Helen Nienhueser, Division of Land and Water Management; Wade Wahrenbrock, Division of Forestry; Mitch Henning, Division of Mining; Bonnie Friedman, Division of Agriculture; and Leila Weiss, Division of Oil and Gas also deserve recognition for their contributions in the development of this plan.

The Alaska Department of Fish and Game operates all of its public programs and activities free from discrimination on the basis of race, religion, color, national origin, age, sex, or handicap. Because the department receives federal funding, any person who believes he or she has been discriminated against should write to: OEO, U.S. Department of the Interior, Washington, D.C. 20240.

## INTRODUCTION

Anchor River/Fritz Creek Critical Habitat Area, located in the southern Kenai Peninsula north of Homer, includes 19,000 acres of river bottoms, muskegs, upland spruce forests and subalpine meadows in the upper portions of the South Fork Anchor River and Fritz Creek drainages. The critical habitat area was established by the Alaska Legislature in 1985 for the purpose of protecting natural habitat critical to the perpetuation of fish and wildlife, especially moose. The critical habitat area contains portions of two of the most important moose ranges on the southern Kenai Peninsula.

The purpose of the Anchor River/Fritz Creek Critical Habitat Area Management Plan is to provide consistent long-range guidance to the Department of Fish and Game in managing the critical habitat area.

A variety of commercial and recreational activities have occurred in or been proposed for the critical habitat area. In order to evaluate the compatibility of these activities with the protection of fish and wildlife, their habitats, and public use of the critical habitat area, the Department of Fish and Game has undertaken this comprehensive critical habitat area management planning process.

The plan presents management goals for the critical habitat area and its resources and identifies policies to be used in determining whether proposed activities are compatible with the protection of fish and wildlife, their habitats, and public use of the area. The plan will guide management of the critical habitat area for the next ten years and will be reviewed after five years for necessary updates or amendments. The plan affects state lands only. Private lands within the boundaries of the area are not subject to critical habitat area authority. Harvest regulations for fish and wildlife populations are not addressed by this plan.

This document is the result of a public planning process led by the Department of Fish and Game. It was developed by a planning team represented by the following state, federal, and municipal agencies: the Alaska Departments of Fish and Game, Natural Resources, and Environmental Conservation; the Alaska Power Authority; Kenai Peninsula Borough; City of Homer; and the United States Fish and Wildlife Service. At the outset a public meeting was held in Homer to explain the planning process and solicit citizens' issues, interests, and concerns for the critical habitat area. Public input from this meeting was used by the planning team to formulate a list of issues to be addressed in the plan. At the same time resource information on the critical habitat area's fish and wildlife populations and their habitats, other natural resources, existing land use and land ownership was being collected and synthesized. This

information, presented in both map and narrative form comprises the plan's Resource Inventory.

Management goals and policies for the critical habitat area were developed by the planning team to address the identified issues. All policies were developed with consideration of their ability to meet the formulated management goals. In some cases alternative policies were developed. Each alternative policy was analyzed according to its ability to meet the management goals.

The draft plan went out for public review. Based on comments received during the public review process, the final plan was prepared. The plan is now being sent to the legislature for approval as directed in AS 16.20.605(d). Finally, the Commissioner of Fish and Game will adopt the plan for use by the department in managing the critical habitat area. At this point, the plan can be implemented by the Department of Fish and Game.

Future land use activities within the critical habitat area, including those proposed by the state, will be approved, conditioned, or denied on the basis of their consistency with the goals and policies provided in this plan as well as state laws and regulations. A Special Areas Permit is required for any habitat altering work, including any construction activity, in a designated Critical Habitat Area (5 AAC 95). A Special Areas Permit application form can be obtained from any Department of Fish and Game office and should be submitted to the Habitat Division Regional Office in Anchorage.

Future management activities of the Department of Fish and Game in the critical habitat area will also be directed by this plan. Research programs, public use facilities and other department projects will be consistent with the goals and policies presented in this plan.

Other state, federal, and local agencies have management responsibilities on critical habitat area lands as well.

Any use, lease or disposal of resources on state land in the critical habitat area requires Department of Natural Resources authorization. Activities affecting air or water quality require authorization from the Department of Environmental Conservation. The U.S. Army Corps of Engineers evaluates applications of the Department of the Army (DA) permits for discharging dredged and fill material in waters of the United States including wetlands. Various federal and state agencies, along with local governments, review proposals for DA permits, pursuant to the Fish and Wildlife Coordination Act (16 USC 661-666R). The Kenai

Peninsula Borough reviews and comments on all permit proposals within the coastal zone, including the Anchor River/Fritz Creek Critical Habitat Area.

This plan will be formally reviewed and, if appropriate, updated every ten years. Public participation will be solicited during the update process.