

S B

184

HOUSE COMMITTEE REPORT

(9)

Date Referred: May 2, 1989

FURTHER REFERRALS:

Date of Committee Action: 5-5-89

The RESOURCES Committee considered:

CSSB 184 (FIN)

CS FOR SENATE BILL NO. 184 (Finance)

[REDOUBT BAY CRITICAL HABITAT AREA]

"An Act establishing the Redoubt Bay Critical Habitat Area; and providing for an effective date."

RECOMMENDATIONS:

be replaced with HCS CS SB 184 (Res) the same title
 a new title

have attached amendment(s)

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 _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) 7+6/DNR 4/17

zero with analysis _____

zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

	Do Not Pass	No Rec	Amend
<u>[Signature]</u>		<input checked="" type="checkbox"/>	

[Signature]
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: 3-Mar-89 Agency Affected: Natural Resources
 Title: Redoubt Bay Critical habitat Area BRU: Land & Water Management
 Sponsor: Fischer Components: Land & Water Mgt
 Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Larry Ostrovsky Phone: 465-2400
 Division: Commissioner's Office Date: 3-Mar-89
 Approved by Commissioner: Lennie Gorsuch Date: 3-Mar-89
 Agency: Department of Natural Resources

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

Changes in the CS (Fin) have no
 fiscal effect. This fiscal note
 is appropriate. SFC: 4/27/89

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Redoubt Bay Critical
Habitat Area
 Sponsor: Senator Fischer
 Requester: _____

Agency Affected: ADFG
 BRU: Habitat
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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						
OTHER						
TOTAL		0				

POSITIONS:

FULL-TIME		0				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Frank Rue, Director *Ellen Smith for FR*
 Division: Habitat
 Approved by Commissioner: Chris Bellinworth
 Agency: Dept. of Fish and Game

Phone: 465-4105
 Date: 3/2/89

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

Changes in the CS (Fin) have no fiscal effect. This fiscal note is appropriate. *W* SFC: 4/27/89

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

May 4, 1989

The Honorable Curt Menard
Chair, House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Menard:

Subject: SB 184, An act establishing the Redoubt Bay Critical Habitat Area, and providing for an effective date.

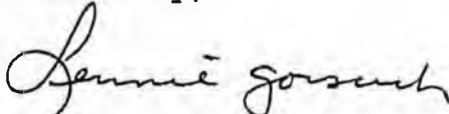
Background: SB 184 creates a critical habitat area at Redoubt Bay.

Position: The Department of Natural Resources does not oppose this legislation. The bill recognizes present and future oil and gas development and potential in the area. However, we suggest the area below mean lower low water should be deleted. We therefore submit the following change:

Section 2, AS 16.20.610(a) line two, after "state owned land and water" insert "above mean lower low water"

Thank you for the opportunity to comment. As always, my staff is available if you have questions.

Sincerely,



Lennie Gorsuch
Commissioner

cc: Senator Paul Fischer
Committee Members
Bob Evans, Legislative Liaison
Office of the Governor
Denby Lloyd, Special Staff Assistant
Office of the Governor
Commissioner Don W. Collinsworth
Department of Fish and Game

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

MEMORANDUM

TO: Representatives Cliff Davidson and
Curt Menard, Co-Chairmen
House Resources Committee

FROM: Senator Paul Fischer *PF*

SUBJECT: Committee Substitute for Senate Bill 184 (Finance)
(establishing Redoubt Bay Critical Habitat Area)

DATE: May 2, 1989

I would appreciate your scheduling the above referenced bill before the House Resources Committee at your earliest possible convenience.

As you are aware, similar legislation received considerable review during the Fifteenth Legislature. Yesterday, it passed the Senate unanimously.

I've attached a map of the area, as well as background and historical information for your committee files.

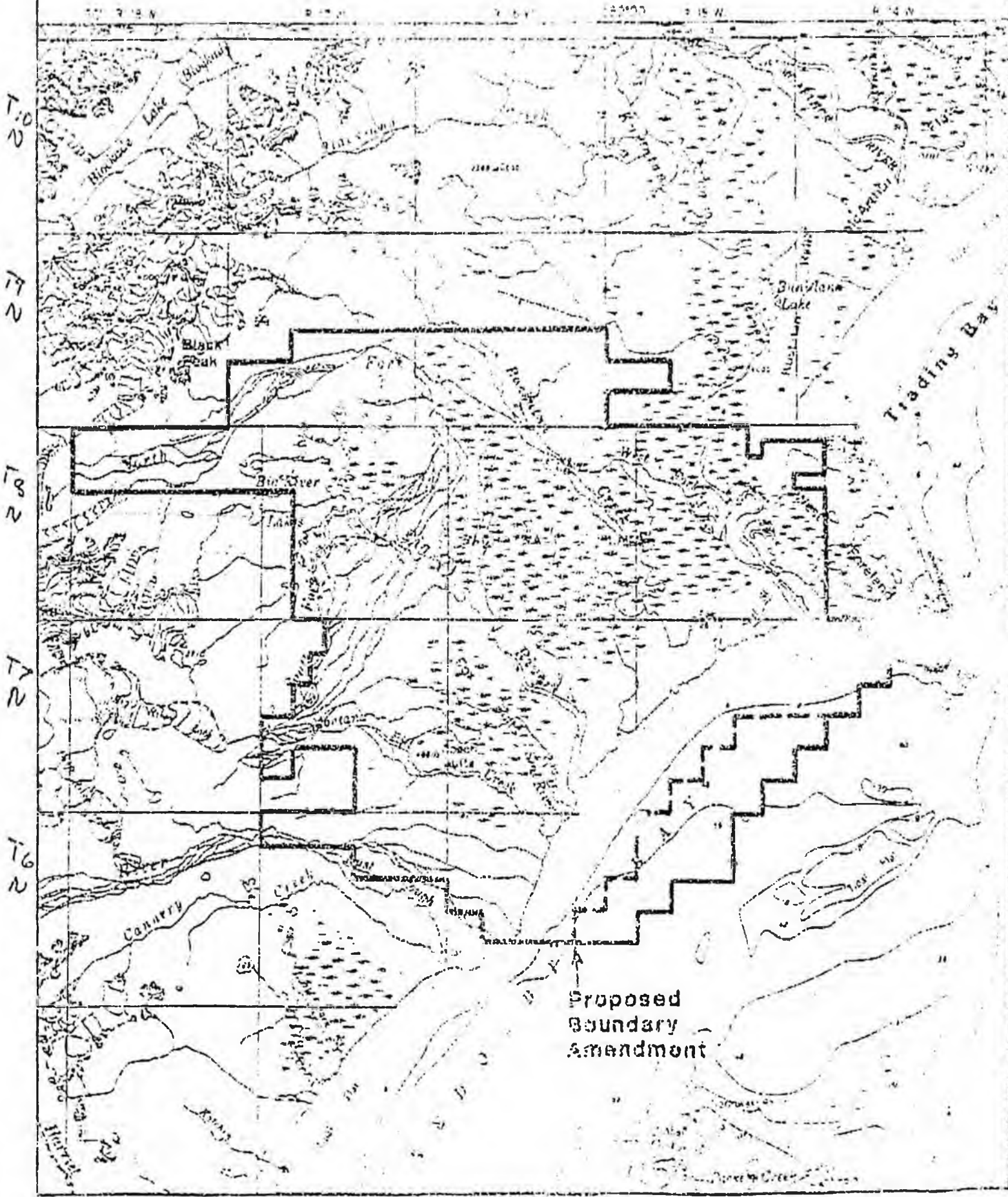
Your consideration will be greatly appreciated.

PAF/sgn

Attachments

(Proposed) Redoubt Bay Critical Habitat Area

3/2/88



Proposed Boundary Amendment

Introduced by: Mayor
Date: March 21, 1989
Action: Adopted
Vote: 10 Yes, 5 No

KENAI PENINSULA BOROUGH

RESOLUTION 89-26

RECOMMENDING PASSAGE OF SENATE BILL 184 ESTABLISHING THE REDOUBT BAY CRITICAL HABITAT AREA

WHEREAS, Senate Bill 184 establishing the Redoubt Bay Critical Habitat Area has been introduced to the Alaska Senate; and

WHEREAS, the Kenai Peninsula Borough Planning Commission conducted a public hearing on this matter on March 21, 1988 and recommended approval of a similar bill introduced last year; and

WHEREAS, the Kenai Peninsula Borough Planning Commission considered this matter again at their December 5, 1988 meeting and passed Resolution 88-10 recommending revision of the draft bill to include a citizen advisory board to oversee the development of policies and regulations for the area; and

WHEREAS, Senate Bill 184 includes provisions for the establishment of a citizen advisory board;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Kenai Peninsula Borough Assembly supports the establishment of the Redoubt Bay Critical Habitat Area, as provided in Senate Bill 184.

Section 2. That the Kenai Peninsula Borough Assembly supports the appointment of a citizen advisory board including representation from user groups to oversee the development of policies and regulations affecting the critical habitat area.

Section 3. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 21st DAY OF March, 1989.

Jonathan W. Sewall
Jonathan W. Sewall, Assembly President

ATTEST:
James H. Brindley
Borough Clerk



MAR 06 1989

ALASKA OUTDOOR COUNCIL, INC.

3780 McGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

March 6, 1989

Senator Paul Fischer
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Fischer:

This is to advise you that the Alaska Outdoor Council has taken a position supporting SB 184 which would create the Redoubt Bay Critical Habitat Area. In fact, it is one of our highest priority pieces of legislation this session.

We all fully realize the importance of this area for its wildlife and public use values. I believe your efforts and those of the Department of Fish and Game have paved the way for broad public support on this issue. It is important to us that the Kenai Borough and the Kenai sportsmen are fully supporting this legislative designation.

We appreciate your commitment and pledge to give you our full support in gaining passage of this legislation.

Sincerely,

Ron Somerville
Executive Director

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



White in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

State Senate

TO: House Resources Committee

FROM: Senator Paul Fischer, Sponsor *PF*
Co-Sponsors: Senators Sturgulewski, Rodey,
Kerttula, Uehling, Binkley and
Kelly

COMMITTEE SUBSTITUTE FOR SENATE BILL 184 (Finance) (establishing Redoubt Bay Critical Habitat Area)

Background and history of public involvement which prompted introduction of this legislation.....

Redoubt Bay, on the west side of Cook Inlet, has extensive coastal marsh and contains important fish and wildlife habitat and supports many public uses. Approximately 183,640 acres of the state owned, poorly drained wet lands and waterways are proposed for critical habitat designation. The two private parcels, totalling less than 10 acres, would not be regulated by the Act and the owners would be assured access to their lands.

The intent of the legislation is to establish dual management priorities of continued fish and wildlife protection and continued guaranteed public use of the entire area. On page four, the public uses are spelled out. The bill additionally would not deny new development of land uses that were compatible with or could be accomplished in a non-detrimental manner to these priorities.

Big game, waterfowl, furbearers, salmon and trout in this area are taken primarily by Alaskan residents for commercial and recreational purposes. Of National significance, it's the only known nesting site of Tule white-fronted geese, a scarce subspecies that has been considered for endangered species classification. These fish and wildlife resources prompted the Department of Fish & Game's request to classify Redoubt Bay a State Refuge in 1978 and 1981.

The first two attempts with legislation in 1978 and 1981 to establish the Refuge met with opposition from the public.

COMMITTEE SUBSTITUTE FOR SENATE BILL 184(Finance)
(establishing Redoubt Bay Critical Habitat Area)

Since then, the Department of Fish & Game has worked to inform the public about the important resources of the area and to identify and address public uses and concerns. Gradually a consensus for a request to the Legislature evolved.

In 1988, each of the four Kenai Peninsula Fish and Game Advisory Committees voted for a Resolution requesting the Alaska Legislature establish the Redoubt Bay Critical Habitat Area.

The Cook Inlet Aquaculture Association, the Kenai Peninsula Chapter of the Audobon Society, and the Kenai Peninsula Trappers Association also signed the Resolution; documenting additional local public support.

In 1988, I introduced Senate Bill 426. The bill received continuing support from the four Advisory Committees and in March of 1988 the Kenai Borough Planning and Zoning Commission voted to support it.

As the bill worked its way through the Committee system, good suggestions and proposed changes were made as a result of public input. Since it was introduced late in the last Session, it ended up dying in Senate Rules.

During the interim, work continued on drafting an acceptable Redoubt bill. The present request is supported by the Department of Fish & Game and others and is a direct result of work done by seven Kenai Peninsula groups directly involved with local fish and wildlife issues. The Kenai Peninsula Borough Planning and Zoning Commission recommended a Citizen's Advisory Committee be created.....that language is contained in this legislation.

During this Session, a Resolution of support from the Kenai Peninsula Borough was adopted. This legislation is supported by the Alaska Outdoor Council, the National Rifle Association, the Alaska Waterfowl Association, the International Wild Waterfowl Association, the Alaska Frontier Trappers Association, the Alaska Environmental Lobby, and the Alaska Miner Association.....just to name a few.

Cook Inlet Pipe Line Company, working with the Department of Fish & Game suggested sections be added to insure continued maintenance of their pipeline. The suggested language is contained in the Committee Substitute.

Redoubt Bay legislation has evolved significantly since 1978.

COMMITTEE SUBSTITUTE FOR SENATE BILL 184(Finance)
(establishing Redoubt Bay Critical Habitat Area)

The elements of a bill that would protect and maintain the fish and wildlife values (the resources, habitat, and established public uses) seem to be in place. The present approach with the Citizen's Advisory Committee is acceptable to many former opponents.

The bottom line is the public's desire to continue using the area as they have in the past. Without a formal management priority, the fish and wildlife values of the area could be lost piecemeal, because of conflicting land uses.

The designation of Redoubt Bay as a Critical Habitat Area gives that priority. The nesting habitat of the Tule Geese will be protected and current public use of the area will be preserved.

The only change made in Senate Finance was the addition of language to insure subsistence hunting and fishing will continue in the area.