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SENATE COMMITTEE REPORT

FURTHER

4/17/89

DATE TURNED INTO OFFICE 4/27/89

Mr. President:

Finance

Committee considered SB 184

establishing the Redoubt Bay Critical Habitat Area; efd

and recommended

- replace with CS SB 184 (Fin) )  same title
- or adopt \_\_\_\_\_ )  new title
- attached amendment(s) and  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

**FISCAL NOTE(S)**  <sup>DFEG/DNR</sup> zero  fiscal impact  appropriation no FN  
 new  updated  previous  
 same as previous fiscal note(s) published \_\_\_\_\_

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature] <sup>DO PASS</sup>  
 Chairman signature and recommendation

Committee Backup attached

[Signature] Co-CHAIR  
 DO PASS

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSIONS SB 184 (Finance)

PUBLISH DATE: 4/17/89

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  
 Requestor: \_\_\_\_\_

Agency Affected: ADE&G  
 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				
<b>TOTAL OPERATING</b>		<b>0</b>				

CAPITAL		0				
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REVENUE		0				
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**FUNDING:** (Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME		0				
PART-TIME						
TEMPORARY						

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

Prepared by: Frank Rue, Director *Clean Future for GA*  
 Division: Habitat

Phone: 465-4105  
 Date: 3/01/89

Approved by Commissioner: *Oneil*  
 Agency: Dept. of Fish and Game

Date: 3.2.89

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. *mm* SFC: 4/27/89

PROPOSED AMENDMENT TO CS SENATE BILL 184 (Resources)  
(establishing Redoubt Bay Critical Habitat Area)

Page 4, lines 6 thru 8 - Amend language to read:

"(1) hunting, including subsistence hunting, trapping,  
and subsistence, commercial and sport fishing, including the  
continued use of cabins for the purpose of hunting, trapping,  
and fishing;"

Senator Paul Fischer  
4-25-89

4/27/89  
ADOPTED

Original sponsors: Fischer, Sturgulewski,  
Rodey, and Kerttula

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 184 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Redoubt Bay Critical Habitat  
7 Area; and providing for an effective date."

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

9 \* Section 1. PURPOSE. The Redoubt Bay Critical Habitat Area is estab-  
10 lished to ensure the protection and enhancement of fish and wildlife habi-  
11 tat and populations, especially Tule geese; the continuation of fish and  
12 wildlife harvest; and public use and enjoyment of the area in a high qual-  
13 ity environment.

14 \* Sec. 2. AS 16.20 is amended by adding a new section to read:

15 Sec. 16.20.620. REDOUBT BAY CRITICAL HABITAT AREA. (a) The  
16 state owned land and water contained in the following described par-  
17 cels are designated as the Redoubt Bay Critical Habitat Area:

18 (1) Township 6 North, Range 16 West, Seward Meridian

19 Sections 1 - 12: North of the south bank of Drift  
20 River

21 Sections 14 - 18: North of the south bank of Drift  
22 River

23 Sections 20 - 22: North of the south bank of Drift  
24 River

25 (2) Township 6 North, Range 17 West, Seward Meridian

26 Sections 1 - 6: North of the south bank of Drift River

27 Sections 10 - 12: North of the south bank of Drift  
28 River

29 (3) Township 7 North, Range 14 West, Seward Meridian

1 Section 5: S1/2

2 Sections 6 - 8

3 Section 18

4 (4) Township 7 North, Range 15 West, Seward Meridian

5 Sections 1 - 27

6 Sections 29 - 31

7 (5) Township 7 North, Range 16 West, Seward Meridian

8 (6) Township 7 North, Range 17 West, Seward Meridian

9 Sections 1 - 4

10 Section 8: E1/2

11 Sections 9 - 17

12 Sections 19 - 27

13 Section 30

14 Sections 34 - 36

15 (7) Township 8 North, Range 15 West, Seward Meridian

16 Section 1: S1/2

17 Section 2: S1/2

18 Section 3: W1/2

19 Sections 4 - 11

20 Section 12: N1/2

21 Sections 13 - 36

22 (8) Township 8 North, Range 16 West, Seward Meridian

23 (9) Township 8 North, Range 17 West, Seward Meridian

24 Sections 1 - 17

25 Sections 20 - 29

26 Sections 32 - 36

27 (10) Township 8 North, Range 18 West, Seward Meridian

28 Sections 1 - 12

29 (11) Township 9 North, Range 15 West, Seward Meridian

1                   Sections 29 - 30

2                   (12) Township 9 North, Range 16 West, Seward Meridian  
3                   Sections 19 - 36

4                   (13) Township 9 North, Range 17 West, Seward Meridian  
5                   Sections 21 - 36

6                   (b) Notwithstanding AS 16.20.500 and the establishment of the  
7 Redoubt Bay Critical Habitat Area under (a) of this section, egress  
8 and ingress to and from private property within the Redoubt Bay Crit-  
9 ical Habitat Area shall be permitted through access corridors estab-  
10 lished through agreement between the state and the private property  
11 owners involved.

12                   (c) The state may not acquire by eminent domain privately owned  
13 land within the Redoubt Bay Critical Habitat Area but may acquire  
14 privately owned land within the Redoubt Bay Critical Habitat Area by  
15 purchase, exchange, or otherwise for inclusion in the Redoubt Bay  
16 Critical Habitat Area.

17                   (d) The department shall permit entry within the Redoubt Bay  
18 Critical Habitat Area for the exploration and development of oil and  
19 gas resources when it is compatible with the purposes for which the  
20 critical habitat area is established. An oil and gas lease of state  
21 land and existing oil and gas pipeline rights-of-way within the criti-  
22 cal habitat area are valid and continue in full force according to  
23 their terms. The commissioner shall permit inspection and maintenance  
24 activities necessary to ensure the integrity of oil and gas pipelines  
25 on existing leases and pipeline rights-of-way in a manner that is  
26 compatible with the purposes for which the Redoubt Bay Critical Habi-  
27 tat Area was established.

28                   (e) The department shall permit uses of the Redoubt Bay Critical  
29 Habitat Area in a manner that is compatible with the purposes for

1 which the critical habitat area is established. The department shall  
2 permit the following public uses to continue without further approval  
3 by the department unless the department determines that the use is not  
4 compatible with the purposes for which the Redoubt Bay Critical Habi-  
5 tat Area is established:

6 (1) hunting, including subsistence hunting, trapping, and  
7 subsistence, commercial, and sport fishing, including the continued  
8 use of cabins for the purpose of hunting, trapping, and fishing;

9 (2) hiking, backpacking, and camping, including the use of  
10 campfires;

11 (3) cross-country skiing, snowmachining, boating, and the  
12 landing of aircraft; and

13 (4) other related uses that are temporary in duration and  
14 have no foreseeable adverse effects on vegetation, drainage, soil  
15 stability, or fish and game and their habitat.

16 (f) The Kenai Peninsula Borough shall establish a citizens'  
17 advisory committee to work with the department and the Department of  
18 Natural Resources and advise on the development of policies and regu-  
19 lations that affect the Redoubt Bay Critical Habitat Area.

20 (g) Appointments to the citizens' advisory committee shall be  
21 made by the Kenai Peninsula Borough and shall include representatives  
22 from

23 (1) industry and commercial users including the oil and gas  
24 industry, timber, mining, and commercial fishing;

25 (2) hunters, trappers, fishermen, cabin owners, and recrea-  
26 tional users; and

27 (3) officials representing the Kenai Peninsula Borough.

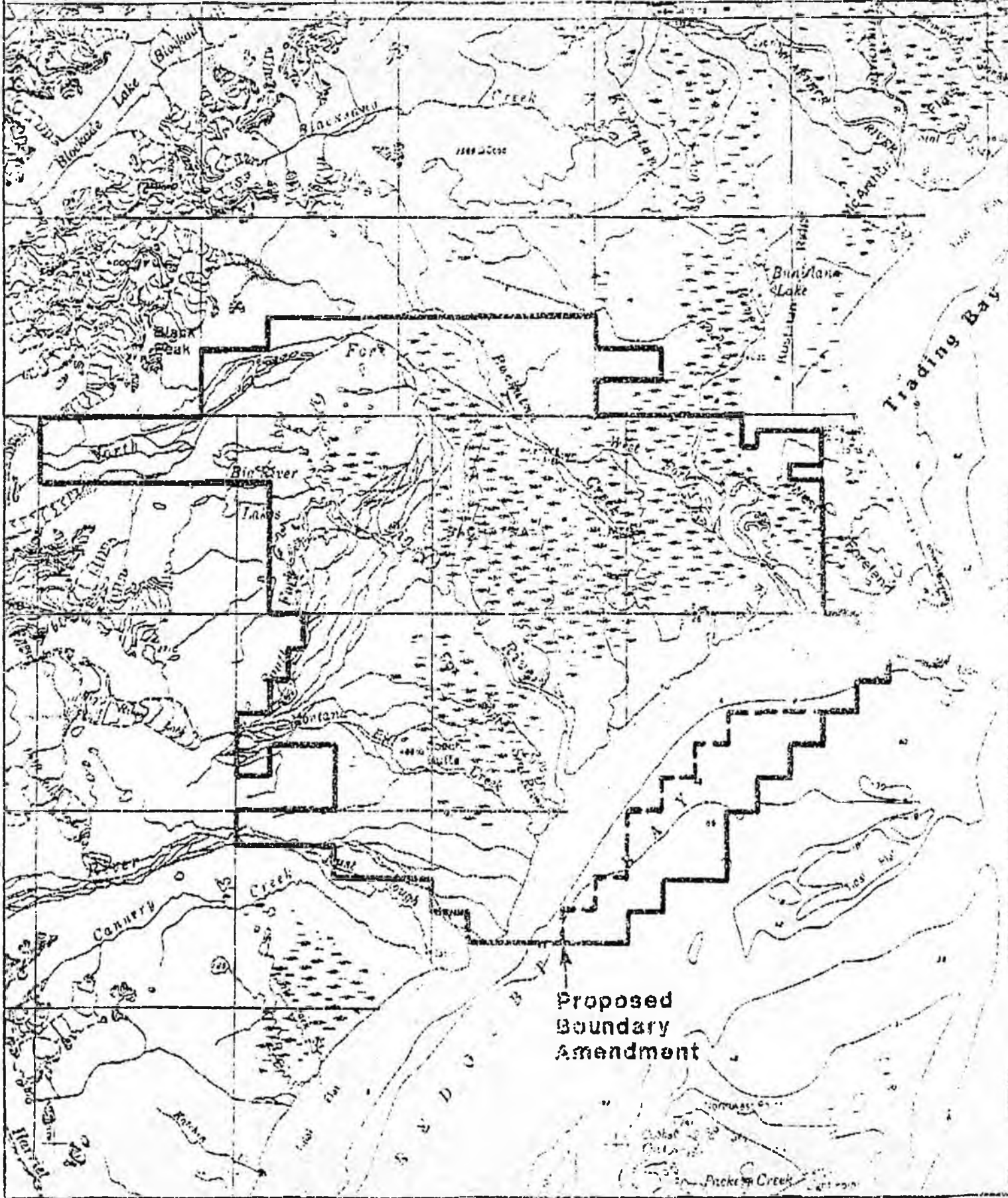
28 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

3/3/88

# (Proposed) Redoubt Bay Critical Habitat Area

20' 2' W.      2' 17' W.      2' 16' W.      152' 03"      2' 15' W.      4' 14' W.

T10 N  
T9 N  
T8 N  
T7 N  
T6 N



Proposed  
Boundary  
Amendment

(Fischer) 4/25/89

Introduced by: Mayer  
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:  
*Joan Brindley*  
Borough Clerk

- SPONSOR'S BACKGROUND MATERIAL -

MAR 28 1989

# International Wild Waterfowl Association, Inc.



RFD #1 James Farm  
Durham, NH 03824

President: Walter Sturgeon, Jr.  
1st Vice President: Edward Asper  
2nd Vice President: Paul Dye  
Secretary: Nancy Collins  
Treasurer: William Lowe  
Founding President: Dr. Jean Delacour  
President Emeritus: Bob Elgas

Directors:  
Dr. Jean Delacour (in memoriam)  
Guy Greenwell  
Gus Ben David  
Jack Kiracole  
Scott Dneschman  
Carolyn Emerick  
Frank S. Todd  
Ernest Weaver  
William Hancock  
Stephen Wylie  
Dr. Warren Koehler  
Michael Lubbock  
Philip B. Stanton  
Edward C. Schmitt  
Walter Sturgeon, Jr.  
Edward Asper  
Paul Dye  
Chuck Pilling  
Wendi Schendel  
Ray Gwynes  
Nancy Collins  
William R. Lowe  
Bob Elgas  
Eldon Pace  
William Makins  
Gienn Howe

March 25, 1989

The Honorable Paul Fischer  
Alaska State Senate  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Fischer:

I am writing in support of your recently introduced SB 184 which would establish Redoubt Bay as a Critical Habitat Area. The International Wild Waterfowl Association is particularly interested in this piece of legislation because it would afford habitat protection for the Tule white fronted goose. It is important that priorities be established on the management of this piece of land before the opportunity is lost to conflicting land uses.

The status of Redoubt Bay is of national and international interest not only because of the Tule goose but because of the process and philosophy that has evolved on this issue. Hopefully this framework for establishing formal management priorities will streamline the next similar effort.

SB 184 is the culmination of a great deal of work by a large number of interested parties over the past ten years. It should ensure protection of critical wildlife habitat and ensure continued current uses by the public, most of whom were drawn to the area in the first place by the wild resource the bill is designed to protect.

I have written to Senators Binkley and Fahrenkamp and to Representatives Wallis, Swackhammer and Navarre asking their support. If I can be of any further help please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Walter B. Sturgeon, Jr." The signature is written in dark ink and is positioned above the typed name.

Walter B. Sturgeon, Jr.  
President

International Aviculture Resources, Inc.

Dale & Wendi Schendel  
217 Ridge Trail Road  
Bozeman, MT 59715  
(406) 586-6763

MAR 28 1989

March 23, 1989

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

Dear Senator Fischer:

I am writing you on behalf of SB184; which you have introduced recently in the Alaska State Senate. You are to be commended for carrying and supporting this vital piece of legislation.

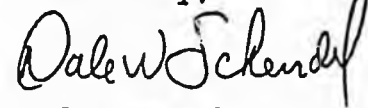
International Aviculture Resources, Inc. is a propagation facility located in Montana. IARI was founded by my wife, Wendi, and myself in 1981. Our purpose is to breed rare and endangered waterfowl. In addition to maintaining a captive and genetically diverse flock of each species of waterfowl we keep; we also provide birds from these flocks for state and federal transplant programs, for propagation at zoological facilities, and for research programs at local universities.

In 1984 and 1985, Bob Elgas and I collected Tule geese in Redoubt Bay; and are successfully breeding these geese today. Together, we have the largest flock of Tule geese in captivity. The Tule goose has become the most sought after subspecies of whitefronted goose by both zoos and private aviculturists throughout the world. We have people and zoos from Canada, England, and the Netherlands, as well as from the United States, on our list to receive young Tule geese as soon as they can be hatched. In short, the Tule is a high profile bird in countries other than the United States. I have spoken to some of my friends in Canada and England about this bill; and they assured me that they would be watching its progress with a great deal of interest.

SB184 will achieve the purpose of protecting the principal breeding area of the Tule goose without eliminating other commercial and recreational interests. As a hunter, I read this bill carefully to see if hunting and other recreational activities would be adversely affected; and was glad to see that all aspects were considered in the writing of SB184. Therefore, passing this bill as written is a WIN/WIN situation for all parties involved. Speaking for myself (and for other aviculturists worldwide), we give this bill a strong DO PASS!

cc:Jim Faro/wildlife biologist ADF&G

Sincerely,



Dale W. Schendel  
President

1989

MAR 28 1989

ALASKA FRONTIER TRAPPERS ASSOCIATION  
P.O. Box 2856  
Palmer, Alaska 99645

March 22, 1989

The Honorable Paul Fischer

As a representative of the Alaska Frontier Trappers Association, I am writing in reference to S.B. 184, the Redoubt Bay Critical Habitat Area. We have read the bill describing the proposed area and it's uses. We as a user group that has strong ties to the land and what it provides in terms of the overall enjoyment we derive from it, are in very strong support of this bill. I have to say that of all the land use bills that we have dealt with in the last couple of years, this one is well thought out. It preserves the area in it's natural state, but allows everyone to utilize the area without undo restrictions.

One question that might be asked is why do we need to set aside more land in a restrictive classification. This area is very important to waterfowl production within the state. With waterfowl populations at a 30 year low over North America, protecting areas such as this becomes all the more vital. If this land is not protected, everyone will lose in the long run.

The Alaska Frontier Trappers Association asks you to support this bill very strongly. Thank you for your consideration of our concerns.

Sincerely,



MICHAEL R. PERYAM  
Vice President



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