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346

SENATE COMMITTEE REPORT

DATE: 5/1/90

FURTHER:

DATE TURNED INTO OFFICE: 5-6-90

Resources Committee considered CSHB 346 (Resources)

"An Act establishing the Yakataga State Game Refuge; relating to the management of state land within the Yakataga area; and providing for an effective date."

and recommended:

- replace with CS CS HB 346 (Res) same title
- or adopt _____ CS _____ new title
- attached amendment(s) technical title change (HB only)
- _____ letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

ATTACHES NEW FISCAL NOTE(S):

fiscal note(s) INDR Dept/Date: _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

fiscal note(s) CRA Dept/Date: _____

zero fiscal note(s) H/Rec.

Governor's bill w/fiscal note

SIGNING DO PASS:

[Handwritten signatures]

OTHER RECOMMENDATIONS:

[Handwritten: No Rec]

[Handwritten: No Rec]
Chair: Signature and Recommendation

6-0920R-
Bradley
5/4/90

Original sponsor(s): Resources Committee

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 346 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Yakataga State Game Refuge;
7 relating to the management of state land within the
8 Yakataga area; and providing for an effective date."

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

10 * Section 1. AS 16.20 is amended by adding a new section to read:

11 Sec. 16.20.033. YAKATAGA STATE GAME REFUGE. (a) The following
12 state-owned land and water and all land acquired in the future by the
13 state lying within the parcels described in this subsection are estab-
14 lished as the Yakataga State Game Refuge:

15 (1) Township 20 South, Range 13 East, Copper River Meridian

16 Section 11: SE1/4

17 Section 12: S1/2

18 Section 13

19 Section 14: E1/2

20 Sections 22 - 27

21 Sections 34 - 36

22 (2) Township 20 South, Range 14 East, Copper River Meridian

23 Sections 7 - 12: S1/2

24 Sections 13 - 36

25 (3) Township 20 South, Range 15 East, Copper River Meridian

26 Sections 7 - 12: S1/2

27 Sections 13 - 36

28 (4) Township 20 South, Range 16 East, Copper River Meridian

29 Sections 7 - 9: S1/2

1 Sections 16 - 36

2 (5) Township 20 South, Range 17 East, Copper River Meridian

3 Section 19

4 Section 20: W1/2

5 Section 29: W1/2

6 Sections 30 - 31

7 Section 32: W1/2

8 (6) Township 21 South, Range 11 East, Copper River Meridian

9 Excluding that portion of Tract A-148 lying north and
10 west of Seal River:

11 Sections 1 - 2

12 Sections 3 - 4: North and east of the Seal River
13 and its associated lake system

14 Section 10: East of Seal River and one mile north
15 of mean high tide line on the Gulf of Alaska

16 Sections 11 - 12

17 Sections 13 - 14: above mean high tide line on
18 the Gulf of Alaska

19 (7) Township 21 South, Range 11 1/2 East, Copper River
20 Meridian

21 Sections 6 - 7

22 Section 18: Above mean high tide line on the Gulf
23 of Alaska

24 (8) Township 21 South, Range 12 East, Copper River Meridian

25 Sections 13 - 14: S1/2

26 Sections 23 - 26

27 Sections 35 - 36: Above mean high tide line on
28 the Gulf of Alaska

29 (9) Township 21 South, Range 13 East, Copper River Meridian

1 Sections 1 - 21

2 Section 22: W1/2, E1/2 one mile north of mean
3 high tide line on the Gulf of Alaska

4 Sections 23 - 24: One mile north of mean high
5 tide line on the Gulf of Alaska

6 (10) Township 21 South, Range 14 East, Copper River Meridian

7 Sections 1 - 12

8 Sections 13 - 15: One mile north of mean high
9 tide line on the Gulf of Alaska

10 Sections 16 - 18

11 Sections 19 - 22: One mile north of mean high
12 tide line on the Gulf of Alaska

13 (11) Township 21 South, Range 15 East, Copper River Meridian

14 Sections 1 - 7

15 Sections 8 - 12: One mile north of mean high
16 tide line on the Gulf of Alaska

17 (12) Township 21 South, Range 16 East, Copper River Meridian

18 Sections 1 - 6

19 Sections 7 - 12: One mile north of mean high tide
20 line on the Gulf of Alaska

21 (13) Township 21 South, Range 17 East, Copper River Meridian

22 Section 5: W1/2

23 Sections 6 - 7

24 Section 8: W1/2

25 (b) The Yakataga State Game Refuge is established to protect the

26 (1) fish and wildlife habitat and populations, including
27 salmon spawning and rearing habitat and critical goat and moose winter
28 habitat; and

29 (2) public uses of fish and wildlife and their habitat,

1 particularly commercial, sport, and subsistence fishing, hunting,
2 viewing, photography, and general public recreation in a high quality
3 environment.

4 (c) Entry upon the Yakataga State Game Refuge for purposes of
5 exploration and development of oil and gas resources shall be permit-
6 ted when compatible with the purposes specified in (b) of this sec-
7 tion.

8 (d) The state may not acquire by eminent domain private land
9 that is located within the state-owned land specified in (a) of this
10 section for inclusion in the Yakataga State Game Refuge. The state
11 may acquire private land that is located within the state-owned land
12 specified in (a) of this section by purchase, exchange, or otherwise
13 from willing owners for inclusion in the Yakataga State Game Refuge.

14 (e) The establishment of the Yakataga State Game Refuge under
15 this section does not impair or alter valid existing rights including
16 pending Native allotment applications, access to set net sites, and
17 access to and from private land located within the Yakataga State Game
18 Refuge.

19 (f) The department shall allow commercial, sport, and subsis-
20 tence fishing and hunting within the Yakataga State Game Refuge under
21 regulations of the Board of Fisheries and the Board of Game. The
22 department shall also permit associated support activities when neces-
23 sary and consistent with AS 16.20.010 - 16.20.080 to support fishing
24 and hunting permitted under this section, including fish buying oper-
25 ations, aircraft support including landing strips, and off-road vehi-
26 cle use.

27 (g) Egress and ingress to and from private property within the
28 parcels described in (a) of this section shall be allowed through
29 access corridors established by agreement between the department, the

1 Department of Natural Resources, and the owners of private land in-
2 volved. The establishment of the Yakataga State Game Refuge does not
3 impair or alter existing rights of access to set net lease sites.

4 (h) The department shall adopt and may revise a management plan
5 for the Yakataga State Game Refuge.

6 * Sec. 2. AS 16.20.033(a)(6) is amended to read:

7 (6) Township 21 South, Range 11 East, Copper River Meridian
8 [EXCLUDING THAT PORTION OF] Tract A-148 lying north
9 and west of Seal River [:]

10 Sections 1 - 2

11 Sections 3 - 4: North and east of the Seal River
12 and its associated lake system

13 Section 10: East of Seal River and one mile north
14 of mean high tide line on the Gulf of Alaska

15 Sections 11 - 12

16 Sections 13 - 14: Above mean high tide line on
17 the Gulf of Alaska

18 * Sec. 3. AS 16.20.033(a)(13) is amended to read:

19 (13) Township 21 South, Range 17 East, Copper River Meridian

20 Section 5: W1/2

21 Sections 6 - 7

22 Section 8: W1/2

23 Sections 12 - 13: Lying south and east of the
24 south channel of the Yakataga River

25 * Sec. 4. AS 16.20.033(a) is amended by adding new paragraphs to read:

26 (14) Township 21 South, Range 9 East, Copper River Meridian
27 Tract A-148

28 (15) Township 21 South, Range 10 East, Copper River Meridian
29 Tract A-148

1 (16) Township 21 South, Range 18 East, Copper River Meridian
2 Sections 7 - 8: Lying south of the south channel
3 of the Yakataga River

4 Section 17: N1/2

5 Section 18: N1/2, SW1/4, N1/2SE1/4

6 Section 19: NW1/4, N1/2SW1/4

7 * Sec. 5. AREA PLAN AND REPORT TO THE LEGISLATURE. (a) The commis-
8 sioner of natural resources shall undertake and complete an area plan for
9 the Yakataga area, the state land and water located between Icy Bay and
10 Cape Suckling, under AS 38.04.065 and the regulations of the Department of
11 Natural Resources. The area plan completed under this section does not
12 include the land of the Yakataga State Game Refuge.

13 (b) The commissioner of natural resources shall consider the full
14 range of management options for the timber rights in each tract of land of
15 the University of Alaska (ADL 223456) under litigation, including and
16 excluding timber harvest.

17 (c) The area plan shall be completed by June 30, 1993, and shall be
18 delivered to the chairs of the Resource Committees of the legislature. The
19 commissioner may include with the area plan recommendations for legislation
20 defining a part of the area as a state park, state forest, state game
21 refuge, state critical habitat area, or other special designation.

22 (d) Except as provided in this subsection and (e) of this section and
23 subject to valid existing rights, the commissioner of natural resources may
24 not conduct timber or timber-related construction activity, including road
25 construction, timber sales and commercial timber harvests in the Yakataga
26 area, the area between Icy Bay and Cape Suckling, until completion of the
27 area plan required by this section or June 30, 1993, whichever occurs
28 first. The commissioner may maintain existing timber harvest facilities.

29 This section does not diminish the right of a private property owner to

1 have access or develop its land or resources or the authority of an agency
2 to grant approval for access or development.

3 (e) The commissioner may permit the harvest of timber within the
4 parcel described as Tract 152 at White River under ADL 223456.

5 * Sec. 6. TIMBER TRACTS OF THE UNIVERSITY OF ALASKA. (a) The commis-
6 sioner of natural resources shall engage in every reasonable effort to
7 achieve a settlement of litigation involving the City of Yakutat v. the
8 Department of Natural Resources (Civil No. 1JU-88-271) that accommodates
9 the rights of the University of Alaska to compensation for university trust
10 land conveyed to the Municipality of Anchorage. The commissioner shall,
11 for the purposes of settlement of the litigation, consider the timber in
12 the tracts transferred as ADL 223456 as the property of the university.
13 Nothing in this subsection affects the claims or rights of a party to the
14 litigation.

15 (b) The commissioner of natural resources shall engage in every
16 reasonable effort to reach agreement on the fair market value for the
17 timber rights to Tract A-148 at Cape Suckling and Tract 20 at Yakataga.
18 The commissioner shall report the fair market value agreed upon by the
19 commissioner and the University of Alaska under this subsection to the
20 chairs of the resources committees of the legislature on the date the
21 commissioner and the university reach agreement on the fair market value
22 determined under this subsection.

23 (c) Regardless of the disposition of City of Yakutat v. the Depart-
24 ment of Natural Resources (Civil No. 1JU-88-271), the legislature intends
25 that the state reacquire from the University of Alaska its interest in
26 Tract A-148 at Cape Suckling and Tract 20 at Yakataga. The legislature
27 intends to compensate the University of Alaska for Tract A-148 and Tract 20
28 based on the agreement on the fair market value reached under (b) of this
29 section. If the commissioner and the University of Alaska reach agreement

1 on the fair market value determined under (b) of this section, all money
2 received in satisfaction of the court order issued in Sullivan v. State
3 after the date of agreement shall be transferred to the University of
4 Alaska trust fund as additional earnest money for the reacquisition of the
5 timber rights of the University of Alaska on Tract A-148 at Cape Suckling
6 and Tract 20 at Yakataga.

7 (d) The commissioner of revenue shall establish a trust account in
8 the general fund of the state. The commissioner of natural resources shall
9 transfer to the commissioner of revenue for deposit into the trust account
10 any amounts paid from July 1, 1990, through January 1, 1991, or through the
11 date of the agreement reached under (b) of this section, whichever occurs
12 first, with respect to rights arising under the Icy Cape II Timber Sale
13 Contract, ADL 203002. The commissioner of revenue shall, on the date of
14 the agreement reached under (b) of this section, transfer funds received
15 under this subsection to the University of Alaska if an agreement on the
16 agreed fair market value is reached under (b) of this section by
17 January 21, 1991. If an agreement is not reached under (b) of this section
18 by January 21, 1991, the funds shall be transferred to the general fund of
19 the state.

20 * Sec. 7. LEGISLATIVE INTENT. It is the intent of the legislature that
21 the establishment of the Yakataga State Game Refuge only take effect if the
22 administrative decision of the commissioner of natural resources that
23 authorizes timber harvesting in the "extension area" under the Icy Cape II
24 timber sale, ADL 203002, as amended on March 7, 1990, is not challenged in
25 the Alaska Superior Court by administrative appeal within the time permit-
26 ted by law, or, if appealed, the decision is affirmed by a final judicial
27 order not subject to further appeal.

28 * Sec. 8. Sections 2 - 4 of this Act take effect only if the legisla-
29 ture appropriates to the University of Alaska those amounts necessary to

1 compensate the university for the agreed value reached under sec. 6(b) of
2 this Act for the interest of the university in Tract A-148 at Cape Suckling
3 and Tract 20 at Yakataga after crediting to the university those amounts
4 received by the university under sec. 6(c) and (d) of this Act, and the
5 appropriation becomes law.

6 * Sec. 9. Sections 1 and 5 - 6 of this Act take effect only if the
7 commissioner of natural resources certifies to the lieutenant governor and
8 the revisor of statutes that the administrative decision of the commis-
9 sioner authorizing timber harvesting in the extension area under the Icy
10 Cape II timber sale, ADL 203002, as amended on March 7, 1990, has become
11 final and is not subject to further administrative or judicial review.

12 * Sec. 10. Sections 2 - 4 of this Act take effect on the effective date
13 of the appropriation described in sec. 8 of this Act.

14 * Sec. 11. Sections 1 and 5 - 6 of this Act take effect on the date of
15 the certification described in sec. 9 of this Act.
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Original sponsor(s): Resources Committee

1 IN THE HOUSE

BY THE C&RA COMMITTEE

2

SENATE CS FOR CS FOR HOUSE BILL NO. 346 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act establishing the Yakataga State Game Refuge;

7

relating to the management of state land within the

8

Yakataga area; and providing for an effective date."

9

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

10

* Section 1. AS 16.20 is amended by adding a new section to read:

11

Sec. 16.20.033. YAKATAGA STATE GAME REFUGE. (a) The following

12

state-owned land and water and all land acquired in the future by the

13

state lying within the parcels described in this subsection are estab-

14

lished as the Yakataga State Game Refuge:

15

(1) Township 20 South, Range 13 East, Copper River Meridian

16

Section 11: SE1/4

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Section 12: S1/2

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Section 13

19

Section 14: E1/2

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Sections 22 - 27

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Sections 34 - 36

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(2) Township 20 South, Range 14 East, Copper River Meridian

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Sections 7 - 12: S1/2

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Sections 13 - 36

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(3) Township 20 South, Range 15 East, Copper River Meridian

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Sections 7 - 12: S1/2

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Sections 13 - 36

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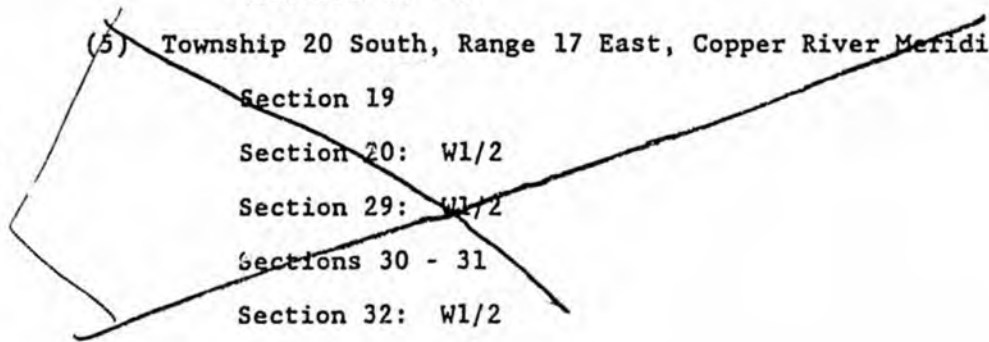
(4) Township 20 South, Range 16 East, Copper River Meridian

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Sections 7 - 9: S1/2

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Sections 16 - 36

(5) Township 20 South, Range 17 East, Copper River Meridian

Section 19

Section 20: W1/2

Section 29: W1/2

Sections 30 - 31

Section 32: W1/2

(5) Township 21 South, Range 11 East, Copper River Meridian

Excluding that portion of Tract A-148 lying north and west of Seal River:

Sections 1 - 2

Sections 3 - 4: North and east of the Seal River and its associated lake system

Section 10: East of Seal River and one mile north of mean high tide line on the Gulf of Alaska

Sections 11 - 12

Sections 13 - 14: above mean high tide line on the Gulf of Alaska

(6) Township 21 South, Range 11 1/2 East, Copper River Meridian

Sections 6 - 7

Section 18: Above mean high tide line on the Gulf of Alaska

(7) Township 21 South, Range 12 East, Copper River Meridian

Sections 13 - 14: S1/2

Sections 23 - 26

Sections 35 - 36: Above mean high tide line on the Gulf of Alaska

(8) Township 21 South, Range 13 East, Copper River Meridian

1 particularly commercial, sport, and subsistence fishing, hunting,
2 viewing, photography, and general public recreation in a high quality
3 environment.

4 (c) The state may not acquire by eminent domain private land
5 that is located within the state-owned land specified in (a) of this
6 section for inclusion in the Yakataga State Game Refuge. The state
7 may acquire private land that is located within the state-owned land
8 specified in (a) of this section by purchase, exchange, or otherwise
9 from willing owners for inclusion in the Yakataga State Game Refuge.

10 (d) The establishment of the Yakataga State Game Refuge under
11 this section does not impair or alter valid existing rights including
12 pending Native allotment applications, access to set net sites, and
13 access to and from private land located within the Yakataga State Game
14 Refuge.

15 (e) The department shall allow commercial, sport, and subsis-
16 tence fishing and hunting within the Yakataga State Game Refuge under
17 regulations of the Board of Fisheries and the Board of Game. The
18 department shall also permit associated support activities when neces-
19 sary and consistent with AS 16.20.010 - 16.20.080 to support fishing
20 and hunting permitted under this section, including fish buying
21 operations, aircraft support including landing strips, and off-road
22 vehicle use.

23 (f) Egress and ingress to and from private property within the
24 parcels described in (a) of this section shall be allowed through
25 access corridors established by agreement between the department, the
26 Department of Natural Resources, and the owners of private land in-
27 volved. The establishment of the Yakataga State Game Refuge does not
28 impair or alter existing rights of access to set net lease sites.

29 (g) The department shall adopt and may revise a management plan

1 for the Yakataga State Game Refuge.

2 * Sec. 2. AS 16.20.033(a)(6) is amended to read:

3 ~~(X)~~ Township 21 South, Range 11 East, Copper River Meridian
4 [EXCLUDING THAT PORTION OF] Tract A-148 lying north
5 and west of Seal River [:]

6 Sections 1 - 2

7 Sections 3 - 4: North and east of the Seal River
8 and its associated lake system

9 Section 10: East of Seal River and one mile north
10 of mean high tide line on the Gulf of Alaska

11 Sections 11 - 12

12 Sections 13 - 14: Above mean high tide line on
13 the Gulf of Alaska

14 ~~AS 16.20.033(a)(13)~~ AS 16.20.033(a)(13) is amended to read:

15 [~~(13)~~ Township 21 South, Range 17 East, Copper River Meridian

16 Section 5: W1/2

17 Sections 6 - 7

18 Section 8: W1/2

19 Sections 12 - 13: Lying south and east of the
20 south channel of the Yakataga River]

21 * Sec. 3. AS 16.20.033(a) is amended by adding new paragraphs to read:

22 ~~(14)~~ Township 21 South, Range 9 East, Copper River Meridian
23 Tract A-148

24 (13) Township 21 South, Range 10 East, Copper River Meridian
25 Tract A-148

26 [~~(16)~~ Township 21 South, Range 18 East, Copper River Meridian

27 Sections 7 - 8: Lying south of the south channel
28 of the Yakataga River

29 Section 17: N1/2]

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~~Section 18: N1/2, SW1/4, N1/2SE1/4~~

~~Section 19: NW1/4, N1/2SW1/4~~]

* Sec. 4.

AREA PLAN AND REPORT TO THE LEGISLATURE: (a) The commis-
sioner of natural resources shall undertake and complete an area plan for
the Yakataga area, the state land and water located between Icy Bay and
Cape Suckling, under AS 38.04.065 and the regulations of the Department of
Natural Resources. The area plan completed under this section does not
include the land of the Yakataga State Game Refuge.

(b) The commissioner of natural resources shall consider the full
range of management options for the timber rights in each tract of land of
the University of Alaska (ADL 223456) under litigation, including and
excluding timber harvest.

July 1, 1993

(c) The area plan shall be completed by ~~December 31, 1992~~, and shall
be delivered to the chairs of the Resource Committees of the legislature.
The commissioner may include with the area plan recommendations for legis-
lation defining a part of the area as a state park, state forest, state
game refuge, state critical habitat area, or other special designation.

*

(d) Except as provided in this subsection and (e) of this section and
subject to valid existing rights, the commissioner of natural resources may
not conduct timber or timber-related construction activity, including road
construction, timber sales and commercial timber harvests in the Yakataga
area, the area between Icy Bay and Cape Suckling, ~~until completion of the~~
~~area plan required by this section.~~ The commissioner may maintain existing
timber harvest facilities. This section does not diminish the right of a
private property owner to have access or develop its land or resources or
the authority of an agency to grant approval for access or development.

July 1, 1993

*

(e) The commissioner may permit the harvest of timber within the
parcel described as Tract 152 at White River under ADL 223456.

* Sec. 5.

TIMBER TRACTS OF THE UNIVERSITY OF ALASKA. (a) The

1 commissioner of natural resources shall engage in every reasonable effort
2 to achieve a settlement of litigation involving the City of Yakutat v. the
3 Department of Natural Resources (Civil No. 1JU-88-271) that accommodates
4 the rights of the University of Alaska to compensation for university trust
5 land conveyed to the Municipality of Anchorage. The commissioner shall,
6 for the purposes of settlement of the litigation, consider the timber in
7 the tracts transferred as ADL 223456 as the property of the university.
8 Nothing in this subsection affects the claims or rights of a party to the
9 litigation.

10 (b) The commissioner of natural resources shall engage in every
11 reasonable effort to reach agreement on the fair market value for the
12 timber rights to Tract A-148 at Cape Suckling and Tract 20 at Yakataga.
13 The commissioner shall report the fair market value agreed upon by the
14 commissioner and the University of Alaska under this subsection to the
15 chairs of the resources committees of the legislature on the date the
16 commissioner and the university reach agreement on the fair market value
17 determined under this subsection.

18 (c) Regardless of the disposition of City of Yakutat v. the Depart-
19 ment of Natural Resources (Civil No. 1JU-88-271), the legislature intends
20 that the state reacquire from the University of Alaska its interest in
21 Tract A-148 at Cape Suckling and Tract 20 at Yakataga. The legislature
22 intends to compensate the University of Alaska for Tract A-148 and Tract 20
23 based on the agreement on the fair market value reached under (b) of this
24 section. If the commissioner and the University of Alaska reach agreement
25 on the fair market value determined under (b) of this section, all money
26 received in satisfaction of the court order issued in Sullivan v. State
27 after the date of agreement shall be transferred to the University of
28 Alaska trust fund as additional earnest money for the reacquisition of the
29 timber rights of the University of Alaska on Tract A-148 at Cape Suckling

1 and Tract 20 at Yakataga.

2 (d) The commissioner of revenue shall establish a trust account in
3 the general fund of the state. The commissioner of natural resources shall
4 transfer to the commissioner of revenue for deposit into the trust account
5 any amounts paid from July 1, 1990, through ~~January 1, 1991~~, with respect
6 to rights arising under the Icy Cape, II Timber Sale Contract, ADL 203002.
7 The commissioner of revenue shall, on ~~January 30, 1991~~, transfer funds
8 received under this subsection to the University of Alaska if an agreement
9 on the agreed fair market value is reached under (b) of this section by
10 January 21, 1991. If an agreement is not reached under (b) of this section
11 by January 21, 1991, the funds shall be transferred to the general fund of
12 the state.

the date the commissioner and the University reach agreement under (b) of this section

the date the commissioner and the University reach agreement under (b) of this section

13 * Sec. 6 LEGISLATIVE INTENT. It is the intent of the legislature that
14 the establishment of the Yakataga State Game Refuge only take effect if the
15 administrative decision of the commissioner of natural resources that
16 authorizes timber harvesting in the "extension area" under the Icy Cape II
17 timber sale, ADL 203002, as amended on March 7, 1990, is not challenged in
18 the Alaska Superior Court by administrative appeal within the time permit-
19 ted by law, or, if appealed, the decision is affirmed by a final judicial
20 order not subject to further appeal.

21 * Sec. 7. Sections 2 - 3 of this Act take effect on the effective date
22 of an appropriation Act appropriating to the University of Alaska those
23 amounts necessary to compensate the university for the agreed value reached
24 under sec. 6(b) of this Act for the interest of the university in Tract
25 A-148 at Cape Suckling ~~and Tract 20 at Yakataga~~ after crediting to the
26 university those amounts received by the university under sec. 6(c) and (d)
27 of this Act.

28 * Sec. 8. Sections 1 and 4-5 of this Act take effect on the date that
29 the commissioner of natural resources certifies to the lieutenant governor

1 and the revisor of statutes that the administrative decision of the commis-
2 sioner authorizing timber harvesting in the extension area under the Icy
3 Cape II timber sale, ADL 203002, as amended on March 7, 1990, has become
4 final and is not subject to further administrative or judicial review.

no fiscal notes
DNR book

Chugach

Original sponsor(s): Resources Committee

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 346 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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7 relating to the management of state land within the
8 Yakataga area; and providing for an effective date."

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11 Sec. 16.20.033. YAKATAGA STATE GAME REFUGE. (a) The following
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13 state lying within the parcels described in this subsection are estab-
14 lished as the Yakataga State Game Refuge:

15 (1) Township 20 South, Range 13 East, Copper River Meridian

16 Section 11: SE1/4

17 Section 12: S1/2

18 Section 13

19 Section 14: E1/2

20 Sections 22 - 27

21 Sections 34 - 36

22 (2) Township 20 South, Range 14 East, Copper River Meridian

23 Sections 7 - 12: S1/2

24 Sections 13 - 36

25 (3) Township 20 South, Range 15 East, Copper River Meridian

26 Sections 7 - 12: S1/2

27 Sections 13 - 36

28 (4) Township 20 South, Range 16 East, Copper River Meridian

29 Sections 7 - 9: S1/2

1 Sections 16 - 36

- 2 (5) Township 21 South, Range 11 East, Copper River Meridian
3 Excluding that portion of Tract A-148 lying north and
4 west of Seal River:

5 Sections 1 - 2

6 Sections 3 - 4: North and east of the Seal River
7 and its associated lake system

8 Section 10: East of Seal River and one mile north
9 of mean high tide line on the Gulf of Alaska

10 Sections 11 - 12

11 Sections 13 - 14: above mean high tide line on
12 the Gulf of Alaska

- 13 (6) Township 21 South, Range 11 1/2 East, Copper River
14 Meridian

15 Sections 6 - 7

16 Section 18: Above mean high tide line on the Gulf
17 of Alaska

- 18 (7) Township 21 South, Range 12 East, Copper River Meridian

19 Sections 13 - 14: S1/2

20 Sections 23 - 26

21 Sections 35 - 36: Above mean high tide line on
22 the Gulf of Alaska

- 23 (8) Township 21 South, Range 13 East, Copper River Meridian

24 Sections 1 - 21

25 Section 22: W1/2, E1/2 one mile north of mean
26 high tide line on the Gulf of Alaska

27 Sections 23 - 24: One mile north of mean high
28 tide line on the Gulf of Alaska

- 29 (9) Township 21 South, Range 14 East, Copper River Meridian

1 Sections 1 - 12

2 Sections 13 - 15: One mile north of mean high
3 tide line on the Gulf of Alaska

4 Sections 16 - 18

5 Sections 19 - 22: One mile north of mean high
6 tide line on the Gulf of Alaska

7 (10) Township 21 South, Range 15 East, Copper River Meridian

8 Sections 1 - 7

9 Sections 8 - 12: One mile north of mean high
10 tide line on the Gulf of Alaska

11 (11) Township 21 South, Range 16 East, Copper River Meridian

12 Sections 1 - 6

13 Sections 7 - 12: One mile north of mean high tide
14 line on the Gulf of Alaska.

15 (b) The Yakataga State Game Refuge is established to protect the

16 (1) fish and wildlife habitat and populations, including
17 salmon spawning and rearing habitat and critical goat and moose winter
18 habitat; and

19 (2) public uses of fish and wildlife and their habitat,
20 particularly commercial, sport, and subsistence fishing, hunting,
21 viewing, photography, and general public recreation in a high quality
22 environment.

23 (c) The state may not acquire by eminent domain private land
24 that is located within the state-owned land specified in (a) of this
25 section for inclusion in the Yakataga State Game Refuge. The state
26 may acquire private land that is located within the state-owned land
27 specified in (a) of this section by purchase, exchange, or otherwise
28 from willing owners for inclusion in the Yakataga State Game Refuge.

29 (d) The establishment of the Yakataga State Game Refuge under

1 this section does not impair or alter valid existing rights including
2 pending Native allotment applications, access to set net sites, and
3 access to and from private land located within the Yakataga State Game
4 Refuge.

5 (e) The department shall allow commercial, sport, and subsis-
6 tence fishing and hunting within the Yakataga State Game Refuge under
7 regulations of the Board of Fisheries and the Board of Game. The
8 department shall also permit associated support activities when neces-
9 sary and consistent with AS 16.20.010 - 16.20.080 to support fishing
10 and hunting permitted under this section, including fish buying
11 operations, aircraft support including landing strips, and off-road
12 vehicle use.

13 (f) Egress and ingress to and from private property within the
14 parcels described in (a) of this section shall be allowed through
15 access corridors established by agreement between the department, the
16 Department of Natural Resources, and the owners of private land in-
17 volved. The establishment of the Yakataga State Game Refuge does not
18 impair or alter existing rights of access to set net lease sites.

19 (g) The department shall adopt and may revise a management plan
20 for the Yakataga State Game Refuge.

21 * Sec. 2. AS 16.20.033(a)(5) is amended to read:

22 (5) Township 21 South, Range 11 East, Copper River Meridian
23 [EXCLUDING THAT PORTION OF] Tract A-148 lying north
24 and west of Seal River [:]

25 Sections 1 - 2

26 Sections 3 - 4: North and east of the Seal River
27 and its associated lake system

28 Section 10: East of Seal River and one mile north
29 of mean high tide line on the Gulf of Alaska

1 Sections 11 - 12

2 Sections 13 - 14: Above mean high tide line on
3 the Gulf of Alaska

4 * Sec. 3. AS 16.20.033(a) is amended by adding new paragraphs to read:

5 (12) Township 21 South, Range 9 East, Copper River Meridian
6 Tract A-148

7 (13) Township 21 South, Range 10 East, Copper River Meridian
8 Tract A-148.

9 * Sec. 4. AREA PLAN AND REPORT TO THE LEGISLATURE. (a) The commis-
10 sioner of natural resources shall undertake and complete an area plan for
11 the Yakataga area, the state land and water located between Icy Bay and
12 Cape Suckling, under AS 38.04.065 and the regulations of the Department of
13 Natural Resources. The area plan completed under this section does not
14 include the land of the Yakataga State Game Refuge.

15 (b) The commissioner of natural resources shall consider the full
16 range of management options for the timber rights in each tract of land of
17 the University of Alaska (ADL 223456) under litigation, including and
18 excluding timber harvest.

19 (c) The area plan shall be completed by July 1, 1993, and shall be
20 delivered to the chairs of the Resource Committees of the legislature. The
21 commissioner may include with the area plan recommendations for legislation
22 defining a part of the area as a state park, state forest, state game
23 refuge, state critical habitat area, or other special designation.

24 (d) Except as provided in this subsection and (e) of this section and
25 subject to valid existing rights, the commissioner of natural resources may
26 not conduct timber or timber-related construction activity, including road
27 construction, timber sales and commercial timber harvests in the Yakataga
28 area, the area between Icy Bay and Cape Suckling, until July 1, 1993. The
29 commissioner may maintain existing timber harvest facilities. This section

1 does not diminish the right of a private property owner to have access or
2 develop its land or resources or the authority of an agency to grant appro-
3 val for access or development.

4 (e) The commissioner may permit the harvest of timber within the
5 parcel described as Tract 152 at White River under ADL 223456.

6 * Sec. 5. TIMBER TRACTS OF THE UNIVERSITY OF ALASKA. (a) The
7 commissioner of natural resources shall engage in every reasonable effort
8 to achieve a settlement of litigation involving the City of Yakutat v. the
9 Department of Natural Resources (Civil No. 1JU-88-271) that accommodates
10 the rights of the University of Alaska to compensation for university trust
11 land conveyed to the Municipality of Anchorage. The commissioner shall,
12 for the purposes of settlement of the litigation, consider the timber in
13 the tracts transferred as ADL 223456 as the property of the university.
14 Nothing in this subsection affects the claims or rights of a party to the
15 litigation.

16 (b) The commissioner of natural resources shall engage in every
17 reasonable effort to reach agreement on the fair market value for the
18 timber rights to Tract A-148 at Cape Suckling and Tract 20 at Yakataga.
19 The commissioner shall report the fair market value agreed upon by the
20 commissioner and the University of Alaska under this subsection to the
21 chairs of the resources committees of the legislature on the date the
22 commissioner and the university reach agreement on the fair market value
23 determined under this subsection.

24 (c) Regardless of the disposition of City of Yakutat v. the Depart-
25 ment of Natural Resources (Civil No. 1JU-88-271), the legislature intends
26 that the state reacquire from the University of Alaska its interest in
27 Tract A-148 at Cape Suckling and Tract 20 at Yakataga. The legislature
28 intends to compensate the University of Alaska for Tract A-148 and Tract 20
29 based on the agreement on the fair market value reached under (b) of this

1 section. If the commissioner and the University of Alaska reach agreement
2 on the fair market value determined under (b) of this section, all money
3 received in satisfaction of the court order issued in Sullivan v. State
4 after the date of agreement shall be transferred to the University of
5 Alaska trust fund as additional earnest money for the reacquisition of the
6 timber rights of the University of Alaska on Tract A-148 at Cape Suckling
7 and Tract 20 at Yakataga.

8 (d) The commissioner of revenue shall establish a trust account in
9 the general fund of the state. The commissioner of natural resources shall
10 transfer to the commissioner of revenue for deposit into the trust account
11 any amounts paid from July 1, 1990, through the date the commissioner and
12 the university reach agreement under (b) of this section, with respect to
13 rights arising under the Icy Cape II Timber Sale Contract, ADL 203002. The
14 commissioner of revenue shall, on the date the commissioner and the univer-
15 sity reach agreement under (b) of this section, transfer funds received
16 under this subsection to the University of Alaska if an agreement on the
17 agreed fair market value is reached under (b) of this section by
18 January 21, 1991. If an agreement is not reached under (b) of this section
19 by January 21, 1991, the funds shall be transferred to the general fund of
20 the state.

21 * Sec. 6. LEGISLATIVE INTENT. It is the intent of the legislature that
22 the establishment of the Yakataga State Game Refuge only take effect if the
23 administrative decision of the commissioner of natural resources that
24 authorizes timber harvesting in the "extension area" under the Icy Cape II
25 timber sale, ADL 203002, as amended on March 7, 1990, is not challenged in
26 the Alaska Superior Court by administrative appeal within the time permit-
27 ted by law, or, if appealed, the decision is affirmed by a final judicial
28 order not subject to further appeal.

29 * Sec. 7. Sections 2 - 3 of this Act take effect on the effective date

1 of an appropriation Act appropriating to the University of Alaska those
2 amounts necessary to compensate the university for the agreed value reached
3 under sec. 5(b) of this Act for the interest of the university in Tract
4 A-148 at Cape Suckling after crediting to the university those amounts
5 received by the university under sec. 5(c) and (d) of this Act.

6 * Sec. 8. Sections 1 and 4 - 5 of this Act take effect on the date that
7 the commissioner of natural resources certifies to the lieutenant governor
8 and the revisor of statutes that the administrative decision of the commis-
9 sioner authorizing timber harvesting in the extension area under the Icy
10 Cape II timber sale, ADL 203002, as amended on March 7, 1990, has become
11 final and is not subject to further administrative or judicial review.

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6-09201.
Bradley
5/6/90

Original sponsor(s): Resources Committee

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 346 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Yakataga State Game Refuge;
7 relating to the management of state land within the
8 Yakataga area; and providing for an effective date."

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

10 * Section 1. AS 16.20 is amended by adding a new section to read:

11 Sec. 16.20.033. YAKATAGA STATE GAME REFUGE. (a) The following
12 state-owned land and water and all land acquired in the future by the
13 state lying within the parcels described in this subsection are estab-
14 lished as the Yakataga State Game Refuge:

15 (1) Township 20 South, Range 13 East, Copper River Meridian

16 Section 11: SE1/4

17 Section 12: S1/2

18 Section 13

19 Section 14: E1/2

20 Sections 22 - 27

21 Sections 34 - 36

22 (2) Township 20 South, Range 14 East, Copper River Meridian

23 Sections 7 - 12: S1/2

24 Sections 13 - 36

25 (3) Township 20 South, Range 15 East, Copper River Meridian

26 Sections 7 - 12: S1/2

27 Sections 13 - 36

28 (4) Township 20 South, Range 16 East, Copper River Meridian

29 Sections 7 - 9: S1/2

Sections 16 - 36

(5) Township 21 South, Range 11 East, Copper River Meridian
Excluding that portion of Tract A-148 lying north and
west of Seal River:

Sections 1 - 2

Sections 3 - 4: North and east of the Seal River
and its associated lake system

Section 10: East of Seal River and one mile north
of mean high tide line on the Gulf of Alaska

Sections 11 - 12

Sections 13 - 14: above mean high tide line on
the Gulf of Alaska

(6) Township 21 South, Range 11 1/2 East, Copper River
Meridian

Sections 6 - 7

Section 18: Above mean high tide line on the Gulf
of Alaska

(7) Township 21 South, Range 12 East, Copper River Meridian

Sections 13 - 14: S1/2

Sections 23 - 26

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the Gulf of Alaska

(8) Township 21 South, Range 13 East, Copper River Meridian

Sections 1 - 21

Section 22: W1/2, E1/2 one mile north of mean
high tide line on the Gulf of Alaska

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tide line on the Gulf of Alaska

(9) Township 21 South, Range 14 East, Copper River Meridian

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15 (b) The Yakataga State Game Refuge is established to protect the

16 (1) fish and wildlife habitat and populations, including
17 salmon spawning and rearing habitat and critical goat and moose winter
18 habitat; and

19 (2) public uses of fish and wildlife and their habitat,
20 particularly commercial, sport, and subsistence fishing, hunting,
21 viewing, photography, and general public recreation in a high quality
22 environment.

23 (c) The state may not acquire by eminent domain private land
24 that is located within the state-owned land specified in (a) of this
25 section for inclusion in the Yakataga State Game Refuge. The state
26 may acquire private land that is located within the state-owned land
27 specified in (a) of this section by purchase, exchange, or otherwise
28 from willing owners for inclusion in the Yakataga State Game Refuge.

29 (d) The establishment of the Yakataga State Game Refuge under

1 this section does not impair or alter valid existing rights including
2 pending Native allotment applications, access to set net sites, and
3 access to and from private land located within the Yakataga State Game
4 Refuge.

5 (e) The department shall allow commercial, sport, and subsis-
6 tence fishing and hunting within the Yakataga State Game Refuge under
7 regulations of the Board of Fisheries and the Board of Game. The
8 department shall also permit associated support activities when neces-
9 sary and consistent with AS 16.20.010 - 16.20.080 to support fishing
10 and hunting permitted under this section, including fish buying
11 operations, aircraft support including landing strips, and off-road
12 vehicle use.

13 (f) Egress and ingress to and from private property within the
14 parcels described in (a) of this section shall be allowed through
15 access corridors established by agreement between the department, the
16 Department of Natural Resources, and the owners of private land in-
17 volved. The establishment of the Yakataga State Game Refuge does not
18 impair or alter existing rights of access to set net lease sites.

19 (g) The department shall adopt and may revise a management plan
20 for the Yakataga State Game Refuge.

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9 * Sec. 4. AREA PLAN AND REPORT TO THE LEGISLATURE. (a) The commis-
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13 Natural Resources. The area plan completed under this section does not
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16 range of management options for the timber rights in each tract of land of
17 the University of Alaska (ADL 223456) under litigation, including and
18 excluding timber harvest.

19 (c) The area plan shall be completed by July 1, 1993, and shall be
20 delivered to the chairs of the Resource Committees of the legislature. The
21 commissioner may include with the area plan recommendations for legislation
22 defining a part of the area as a state park, state forest, state game
23 refuge, state critical habitat area, or other special designation.

24 (d) Except as provided in this subsection and (e) of this section and
25 subject to valid existing rights, the commissioner of natural resources may
26 not conduct timber or timber-related construction activity, including road
27 construction, timber sales and commercial timber harvests in the Yakataga
28 area, the area between Icy Bay and Cape Suckling, until July 1, 1993. The
29 commissioner may maintain existing timber harvest facilities. This section

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2 develop its land or resources or the authority of an agency to grant appro-
3 val for access or development.

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5 parcel described as Tract 152 at White River under ADL 223456.

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12 for the purposes of settlement of the litigation, consider the timber in
13 the tracts transferred as ADL 223456 as the property of the university.
14 Nothing in this subsection affects the claims or rights of a party to the
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21 chairs of the resources committees of the legislature on the date the
22 commissioner and the university reach agreement on the fair market value
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24 (c) Regardless of the disposition of City of Yakutat v. the Depart-
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27 Tract A-148 at Cape Suckling and Tract 20 at Yakataga. The legislature
28 intends to compensate the University of Alaska for Tract A-148 and Tract 20
29 based on the agreement on the fair market value reached under (b) of this
SCS CSHB 346(Res)

1 section. If the commissioner and the University of Alaska reach agreement
2 on the fair market value determined under (b) of this section, all money
3 received in satisfaction of the court order issued in Sullivan v. State
4 after the date of agreement shall be transferred to the University of
5 Alaska trust fund as additional earnest money for the reacquisition of the
6 timber rights of the University of Alaska on Tract A-148 at Cape Suckling
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9 the general fund of the state. The commissioner of natural resources shall
10 transfer to the commissioner of revenue for deposit into the trust account
11 any amounts paid from July 1, 1990, through the date the commissioner and
12 the university reach agreement under (b) of this section, with respect to
13 rights arising under the Icy Cape II Timber Sale Contract, ADL 203002. The
14 commissioner of revenue shall, on the date the commissioner and the univer-
15 sity reach agreement under (b) of this section, transfer funds received
16 under this subsection to the University of Alaska if an agreement on the
17 agreed fair market value is reached under (b) of this section by
18 January 21, 1991. If an agreement is not reached under (b) of this section
19 by January 21, 1991, the funds shall be transferred to the general fund of
20 the state.

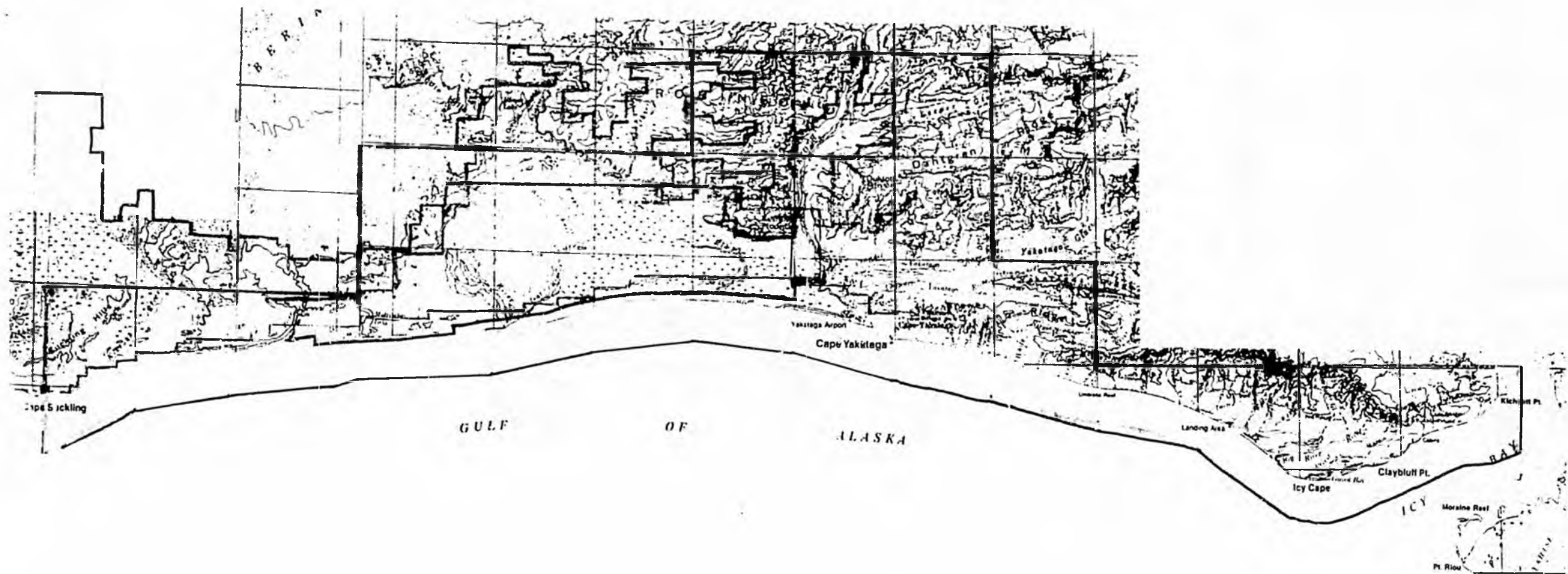
21 * Sec. 6. LEGISLATIVE INTENT. It is the intent of the legislature that
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23 administrative decision of the commissioner of natural resources that
24 authorizes timber harvesting in the "extension area" under the Icy Cape II
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26 the Alaska Superior Court by administrative appeal within the time permit-
27 ted by law, or, if appealed, the decision is affirmed by a final judicial
28 order not subject to further appeal.

29 * Sec. 7. Sections 2 - 3 of this Act take effect on the effective date

1 of an appropriation Act appropriating to the University of Alaska those
2 amounts necessary to compensate the university for the agreed value reached
3 under sec. 5(b) of this Act for the interest of the university in Tract
4 A-148 at Cape Suckling after crediting to the university those amounts
5 received by the university under sec. 5(c) and (d) of this Act.

6 * Sec. 8. Sections 1 and 4 - 5 of this Act take effect on the date that
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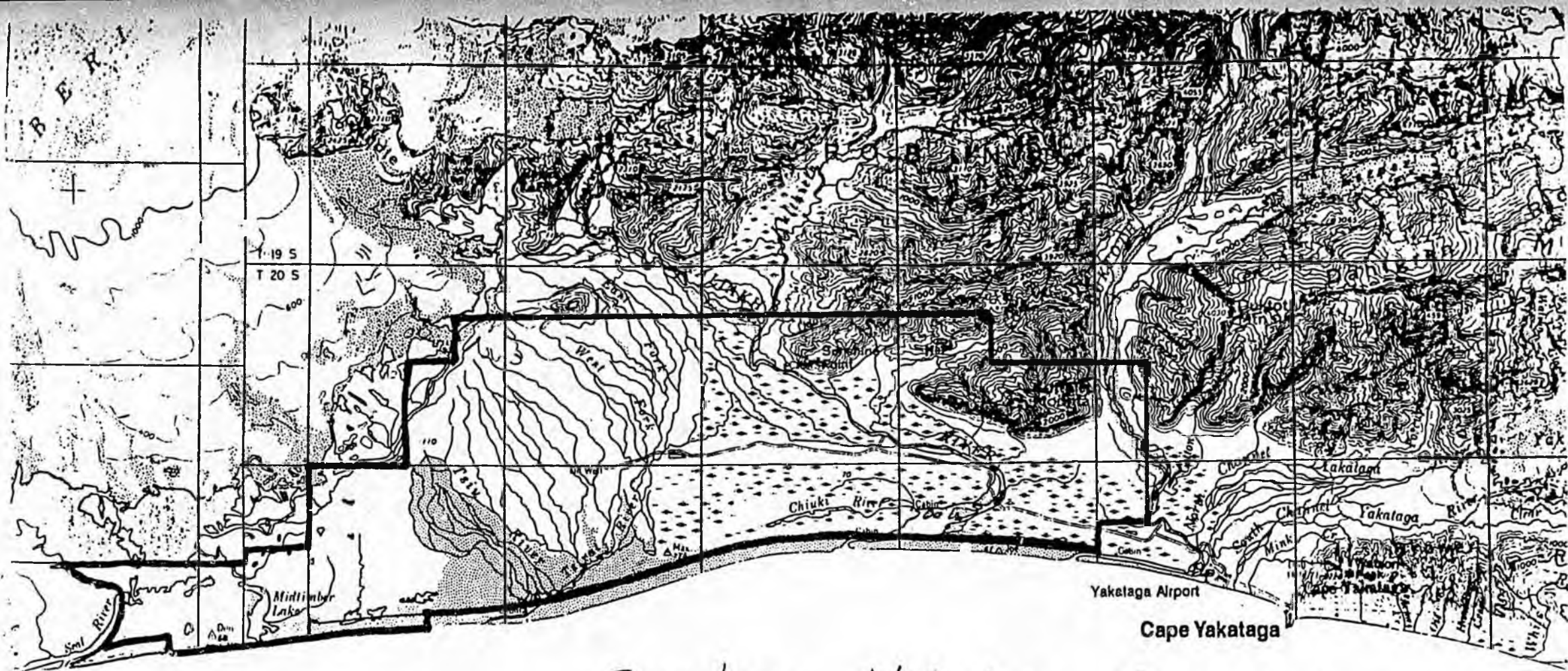
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DNR FURTHER PLANNING AREA

HOUSE-PASSED GAME REFUGE

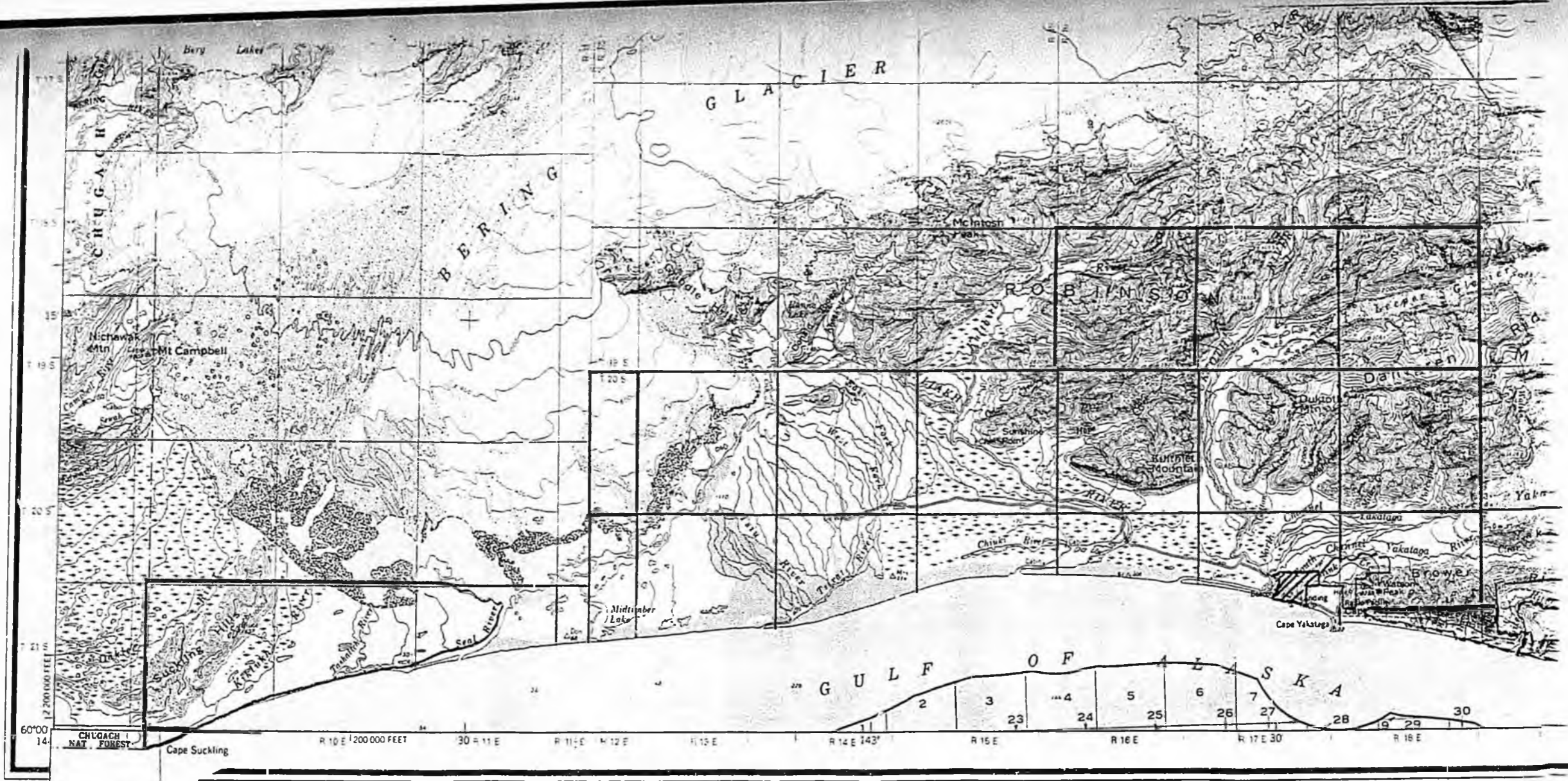
SENATE COMPROMISE GAME REFUGE



Boundary, Yakataga Game Refuge

GULF OF ALASKA

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



MAPPED, EDITED, AND CONTROLLED BY THE GEOLOGICAL SURVEY

CONTROL BY NOS/NOAA, AND INTERNATIONAL BOUNDARY COMMISSION

TOPOGRAPHY BY PHOTOGRAMMETRIC METHODS FROM AERIAL PHOTOGRAPHS TAKEN 1957. FIELD ANNOTATED 1959. REVISED IN PART FROM AERIAL PHOTOGRAPHS TAKEN 1978. PURPLE SCREENED PATTERN SHOWN ON GLACIAL FEATURES INDICATES GLACIAL ADVANCE OR RESSION, VISIBLE AS OF THE DATE OF PHOTOGRAPHY. MAP NOT FIELD CHECKED

PROJECTION AND 10,000-METER GRID TICKS SHOWN IN BLUE: UNIVERSAL TRANSVERSE MERCATOR, ZONE 7
100,000-FOOT GRID TICKS BASED ON ALASKA COORDINATE SYSTEM, ZONE 2
1927 NORTH AMERICAN DATUM. TO PLACE ON THE PREDICTED NORTH AMERICAN DATUM 1983 MOVE THE PROJECTION LINES 49 METERS NORTH AND 109 METERS EAST

SELECTED HYDROGRAPHIC DATA COMPILED FROM NOS CHART 16016
THIS INFORMATION IS NOT INTENDED FOR NAVIGATIONAL PURPOSES

GRAY LAND LINES REPRESENT UNSURVEYED AND UNMARKED LOCATIONS
PREDETERMINED BY THE BUREAU OF LAND MANAGEMENT
FOLIOS CR-6, CR-7, CR-9, AND CR-10, COPPER RIVER MERIDIAN

SWAMPS, AS PORTRAYED, INDICATE ONLY THE WETTER AREAS, USUALLY OF LOW RELIEF, AS INTERPRETED FROM AERIAL PHOTOGRAPHS

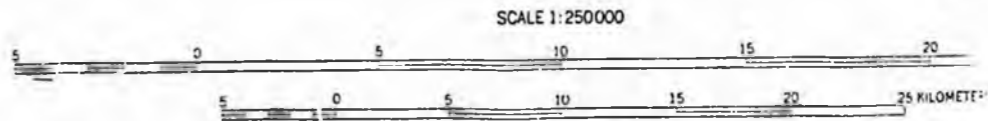
THERE MAY BE PRIVATE INHOLDINGS WITHIN THE BOUNDARIES OF THE NATIONAL OR STATE RESERVATIONS SHOWN ON THIS MAP

THE ALASKA MARITIME NATIONAL WILDLIFE REFUGE CONSISTS OF ALL THE PUBLIC LAND IN THE COASTAL WATERS AND ADJACENT SEAS OF ALASKA CONSISTING OF ISLANDS, ISLETS, ROCKS, REEFS, CAPES AND SPIRES

OFFSHORE PROTRACTION SURVEY DATA, PRINTED BY MINERALS MANAGEMENT SERVICE, FILED BY MMS OUTER CONTINENTAL SHELF ACT, ICY BAY NO 7-1, DATED OCTOBER 1983, FOR LASING PURPOSES. FOR SUCH PURPOSES, REFER TO THE OFFICIAL PROTRACTION DIAGRAMS AVAILABLE FROM THE MINERALS MANAGEMENT SERVICE

FEDERAL RESERVATION BOUNDARIES ESTABLISHED BY THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT, PL. 95-607, DEC. 2, 1978 ARE SHOWN AS COMPILED BY THE ADMINISTERING AGENCIES

- ICY CAPE I TIMBER SALE
- ICY CAPE II TIMBER SALE
- ICY CAPE II TIMBER SALE (Proposed Extension)
- UNIVERSITY TIMBER SALE
- LANDS UNDERGOING CLASSIFICATION FOR LOGGING
- LANDS CLASSIFIED FOR LOGGING
- CHUGACH LAND



CONTOUR INTERVAL 200 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
1959 MAGNETIC DECLINATION AT SOUTH EDGE OF SHEET VARIES FROM 27°30' TO 28°30' EAST
SOUNDINGS IN FEET - DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER

FOR SALE BY U. S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Sectional Analysis

CS HB 346 (C&RA)

Sec. 1 (a) establishes the Yakataga State Game Refuge which encompasses approximately 115,000 acres **excluding** state selected federal lands.

Sec. 1 (d) allows current users with valid existing rights to have access to set net sites, pending Native allotment applications and private inholdings. This subsection does not allow trespass cabins or any other structures not permitted by DNR.

Sec. 1 (e) commercial, sport and subsistence fishing and hunting are allowed within the game refuge as regulated by ADF&G. Activities supporting approved fishing and hunting activities such as fish-buying operations; aircraft support, including landing strips, and operation of ATVs are also permitted. Standardized language describing rights of ingress and egress has been included at the request of the Alaska Miner's Association.

Sec. 2-4 legal descriptions of the **Cape Suckling** and **Yakataga** parcels.

Sec. 5 (a-c) directs the commissioner of DNR to create an **area plan** for lands between Cape Suckling and Icy Bay and **excluding** the area designated as the Yakataga Game Refuge. The area plan is to be completed by December 31, 1992. DNR shall manage the timber parcels held by the University of Alaska for **multiple use**.

Sec. 5 (d-e) DNR may **not allow** timber sales, commercial timber harvests or timber-related construction activities in the area between Cape Suckling and Icy Bay until **completion of the area plan**. This suspension of timber-related activities does not preclude the rights of private property owners to develop their land or the authority of an agency to allow access or land development. During the planning process, DNR may **permit timber harvesting** within the **Icy Cape II** and the University's **White River** parcels. This satisfies the State's settlement agreement to provide the Chugach Corporation with a guaranteed area of harvestable timber.

Sec. 6 (a) directs DNR to make every reasonable effort to resolve litigation between the department and the City of Yakutat and not disenfranchise the University of Alaska's interests in the Cape Suckling and Yakataga parcels.

Sec. 6 (b-c) DNR shall make every reasonable effort to negotiate a fair market value for the timber rights to the Cape Suckling and Yakutat parcels and reacquire the University's interests in these lands.

Sec. 6 (d) the Department of Revenue shall establish a trust account in the general fund of the state to receive monies from DNR. DNR shall deposit monies received from Chugach Alaska Corporation as settlement of Sullivan v. State of Alaska into the trust account as earnest money for purchasing the U of A timber rights.

If, by January 30, 1991, DNR and the U of A reach an agreement regarding the the fair market value of the Cape Suckling and Yakutat timber rights, then the monies in the trust account will be transferred to the University of Alaska. If an agreement is not reached, then the monies in the trust account will be transferred to the general fund.

Sec. 7 the Cape Suckling and Yakutat parcels become part of the game refuge when additional funds are appropriated by the legislature to pay the balance owed on the Cape Suckling and Yakutat timber rights.

Sec. 8 creation of the Yakutat Game Refuge will not become effective until Chugach is assured access to timber in the Icy Cape II Extension area. Addition of U of A timber areas to the refuge becomes effective after the State reacquires the Cape Suckling and Yakutat parcels.



State of Alaska
Senate Community and Regional Affairs
Committee

Senator Mike Szymanski, Chairman
Senator Al Adams
Senator Steve Frank
Senator Drue Pearce
Senator Pat Pourchot

P.O. Box V
Juneau, AK 99811
(907) 465-4978

YAKATAGA STATE GAME REFUGE SENATE COMPROMISE
(C&RA Committee Substitute for HB 346)

After discussions with the various interests working on this legislation and with the Senators and Representatives whose districts are involved, the Senate Community and Regional Affairs Committee has arrived at a carefully crafted committee substitute. This compromise bill, a section by section analysis, and a map are attached. These are some of the features of the Senate C&RA compromise:

Wildlife Refuge

The area depicted in pink on the attached map represents the new wildlife refuge boundary, an area of approximately 115,000 acres. According to the local fishermen and communities, this new boundary encompasses the most critical fish, moose, and bear habitat, and significant amounts of the mountain goat habitat in the Yakataga area. However, it reduces the House-passed boundary by more than 150,000 acres and avoids potential conflicts with other resource uses.

Area Plan

The remainder of the 500,000 acre Yakataga area (depicted in green on the attached map) would be subject to an area plan, prepared by DNR, which determines its highest and best use. DNR strongly supports further planning in the Yakataga area.

University Timber

The University's timber rights at Cape Yakataga and Cape Suckling could be reacquired and added to the game refuge later, pending an appraisal and future legislative appropriation. Earnest money for reacquisition of the University's timber would be provided from the receipts from other timber sales in the Yakataga area, not a general fund appropriation.

Chugach Corporation

Chugach Corporation's substantial interests in the Yakataga area are fully protected by guarantees of access and by the movement of the game refuge boundary away from Chugach's private land. An additional provision guarantees the state's fulfillment of the settlement agreement with Chugach over the Icy Cape II timber sale litigation and conditions establishment of the game refuge on the lack of further litigation by third-parties challenging that timber sale.

Multiple-Use Assurances

Inside the game refuge, resource development -- including logging and mining -- is specifically allowed, as long as fish and wildlife values are protected. Outside the game refuge, all multiple use activities are allowed to continue unimpeded. Planning by DNR will determine the best allocation of lands to the various resource needs. Nothing in the legislation affects the rights or traditional activities of commercial or subsistence hunters or fishermen, guides, Native allotees, or inholders.

Sectional Analysis **CS HB 346 (C&RA)**

Sec. 1 (a) establishes the Yakataga State Game Refuge which encompasses approximately 115,000 acres **excluding** state selected federal lands.

Sec. 1 (d) allows current users with valid existing rights to have access to set net sites, pending Native allotment applications and private inholdings. This subsection does not allow trespass cabins or any other structures not permitted by DNR.

Sec. 1 (e) commercial, sport and subsistence fishing and hunting are allowed within the game refuge as regulated by ADF&G. Activities supporting approved fishing and hunting activities such as fish-buying operations; aircraft support, including landing strips, and operation of ATVs are also permitted. Standardized language describing rights of ingress and egress has been included at the request of the Alaska Miner's Association.

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Sec. 7 (d-e) DNR may **not allow** timber sales, commercial timber harvests or timber-related construction activities in the area between Cape Suckling and Icy Bay **until completion of the area plan**. This suspension of timber-related activities does not preclude the rights of private property owners to develop their land or the authority of an agency to allow access or land development. During the planning process, DNR may **permit timber harvesting** within the Icy Cape II and the University's **White River** parcels. This satisfies the State's settlement agreement to provide the Chugach Corporation with a guaranteed area of harvestable timber.

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HB 346

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Sec. 1 (g) owners of existing cabins and tent frames within the game refuge shall be issued **renewable permits** to insure continued access. This applies to **both valid** existing tent frames and cabins as well as "**trespass**" cabins and tent sites. New cabins and tent sites within the refuge shall be allowed as long as they are consistent with the purpose of the game refuge.



CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

(907) 424-3477

April 25, 1990

Senator Mike Szymanski
COMMUNITY & REGIONAL AFFAIRS
P.O. Box V - Room 11-C,
Juneau, Alaska 99811

RE: House Bill 346 - "An Act establishing the Yakataga
State Game Refuge

Dear Senator Szymanski:

Thank you for all the hard work you have done on HB 346. We want to go on record as supporting the bill as written.

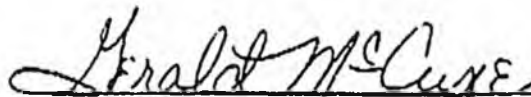
We have been told discussions are being held to consider making the Game Refuge smaller. This does nothing to solve the problem in Yakataga. The ground is very fragile and the roots of the trees are very shallow in the terrain.

This issue has been around for a long time and we would like to resolve it. Making another area plan study of the Game Refuge by DNR is a certain way to stall the bill.

This is a very important issue to us and the people of Yakataga to protect their fish and wildlife habitat. CDFU appreciates you giving this issue your utmost attention.

Sincerely,

CORDOVA DISTRICT FISHERMEN UNITED


Gerald McCune, President

GGM/rfh

FISCAL NOTE

REQUEST:

Revision Date: 5/4/90
 Title: An Act Establishing Yakataga State Game Refuge
 Sponsor: Resources Committee
 Requestor: Governor

Agency Affected: Dept. of Fish and Game
 BRU: Habitat
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	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						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No impact on FY 90 budget

Frank Rue
 Prepared by: Frank Rue, Director
 Division: Habitat

Phone: 465-4105
 Date: 5/4/90

Ann O'Connell
 Approved by Commissioner: _____
 Agency: Dept. of Fish and Game

Date: 5/4/90

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

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION : SCS CS HB 346
PUBLISH DATE : _____

FISCAL NOTE

REQUEST:

Revision Date: 1-May-90 Agency Affected: Natural Resources
 Title: Yakataga State Game Refuge BRU: Land & Water Mgmt
 Sponsor: House Resources Components: Land & Water Mgmt
 Requestor: Senate C&RA

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	95.0	95.0	95.0			
TRAVEL	16.3	13.3	17.0			
CONTRACTUAL	33.2	10.0	10.0			
SUPPLIES	10.5	1.0	17.8			
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	155.0	119.3	139.8	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)


GENERAL FUND	155.0	119.3	139.8			
FEDERAL FUNDS						
OTHER						
TOTAL	155.0	119.3	139.8	0.0	0.0	0.0

POSITIONS:

FULL-TIME	2.0	2.0	2.0			
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Larry Ostrovsky Phone: 465-2400
 Division: Commissioner's Office Date: 1-May-90
 Approved by Commissioner:  Lennie Gorsuch Date: 1-May-90
 Agency: Department of Natural Resources

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

In addition to DNR planning costs, there will be additional fiscal impacts from this legislation.

1. If DNR and the University agree to a buy back figure and the legislature fails to appropriate the amount for the buy back, the general fund could lose approximately \$1.3 million (\$600.0 currently owed by Chugach to the state, and \$500.0-700.0 estimated stumpage from the Icy Cape extension).

2. The cost of a buy back of the Cape Suckling and Yakataga parcels is undetermined at this time. It will likely be in the millions of dollars, depending upon prevailing timber prices at the time.

Cost of negotiations and new appraisal for a University Timber Rights Acquisition.

Travel for negotiations	1.0
Review of appraisal contact	<u>20.0</u>
Total	21.0

COST FOR YAKATAGA AREA PLAN
FISCAL YEAR 91

<u>100 Personal Services</u>		
Natural Resource Manager I (18A)	\$ 50.5	
Natural Resource Manager II (16A)	<u>44.5</u>	
		\$ 95.0
<u>200 Travel</u>		
Planning team meetings (for each mtg. 3 staff Jnu-Anc or Anc-Jnu), 5 meetings x \$550 (airfare + 2 days per diem)	8.3	
Public meetings-issues (3-4 Communities)	7.0	
Planning Area Overflight	<u> </u>	15.3
<u>300 Contractual</u>		
Publish introductory brochure	2.0	
Xeroxing, newsletters, ads	3.0	
Inventory work, mapping	6.0	
Print resource and issues reports	<u>2.2</u>	
		13.2
<u>400 Supplies</u>		
Set-up and Misc. Supplies	<u>10.5</u>	
		10.5
TOTAL:		<u>\$134.0</u>

FISCAL YEAR 92

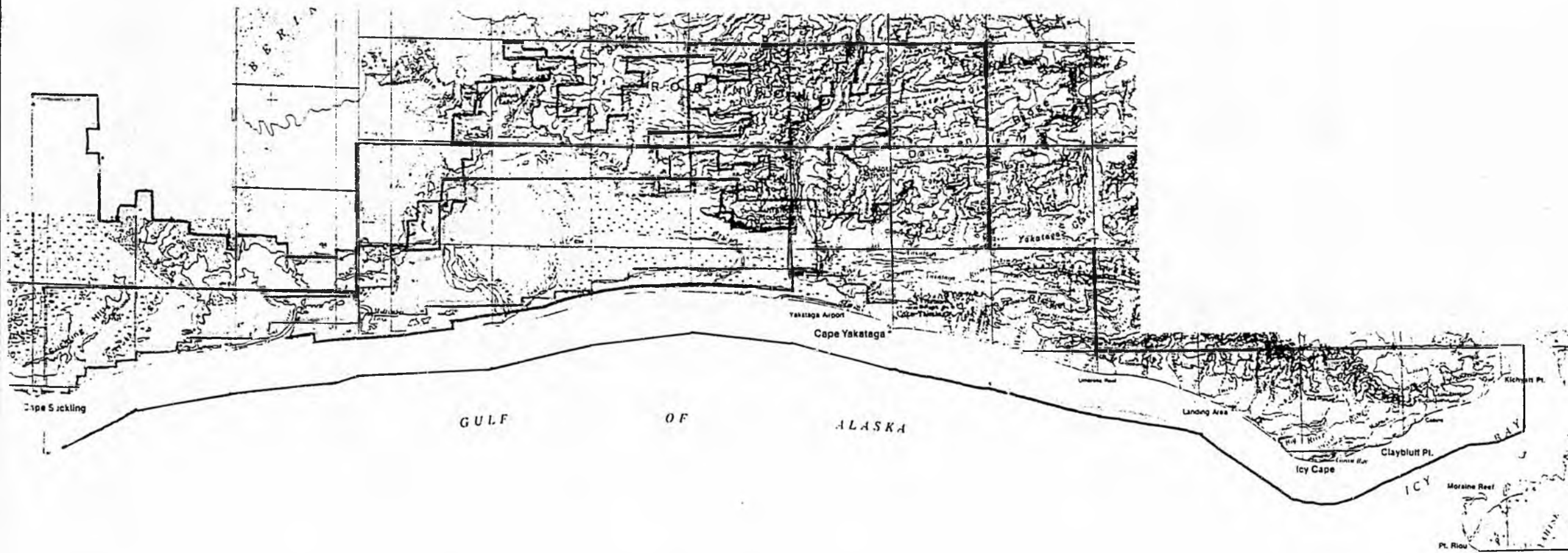
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Natural Resource Manager I (18A)	\$ 50.5	
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		\$ 95.0
<u>200 Travel</u>		
Planning team meetings (5)	8.3	
Public meetings - alternatives	<u>5.0</u>	
		13.3
<u>300 Contractual</u>		
Alternatives brochures	5.0	
Xeroxing, summary of comments, etc.	<u>5.0</u>	
		10.0
<u>400 Supplies</u>		
Miscellaneous Supplies	<u>1.0</u>	
		1.0
TOTAL:		<u>\$119.3</u>

Proposed Yakataga Area Plan
DNR. Budget Summary

<u>FY 91</u>	<u>FY 92</u>	<u>FY 93</u>	
	(figures are in thousands)		
Personal Services	95.0	95.0	95.0
Public Meetings (travel, brochures, xeroxing, etc.)	9.0	12.0	17.0
Resource Assessment Research (travel, mapping, printing)	10.2		
Printing Final Plan			10.0
Supplies, xeroxing, misc mapping, travel to planning team meet- ings, etc.	19.8	12.3	17.8
TOTAL	<u>\$134.0</u>	<u>\$119.3</u>	<u>\$139.8</u>

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

NOTE: Map is color Coded and will
not film as such. Please see
original in file.



DNR FURTHER PLANNING AREA

HOUSE-PASSED GAME REFUGE

SENATE COMPROMISE GAME REFUGE



State of Alaska
Senate Community and Regional Affairs
Committee

Senator Mike Szymanski, Chairman
Senator Al Adams
Senator Steve Frank
Senator Drue Pearce
Senator Pat Pourchot

P.O. Box V
Juneau, AK 99811
(907) 465-4978

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CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

(907) 424-3477

April 25, 1990

Senator Mike Szymanski
COMMUNITY & REGIONAL AFFAIRS
P.O. Box V - Room 11-C,
Juneau, Alaska 99811

RE: House Bill 346 - "An Act establishing the Yakataga
State Game Refuge

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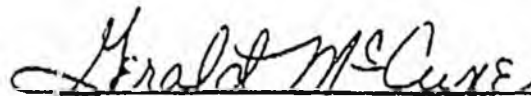
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This is a very important issue to us and the people of Yakataga to protect their fish and wildlife habitat. CDFU appreciates you giving this issue your utmost attention.

Sincerely,

CORDOVA DISTRICT FISHERMEN UNITED


Gerald McCune, President

GGM/rfh

FEB 2 1990

Betty Firecamp -

Jan 30, 1990

I want you to know I support HB 346,
which would establish a game refuge in the Cape
Yakataga area.
Stop logging there.

Sincerely
Garry Scott

Garry Scott
Gen Del
Gustavus AK
99826

Betty Firecamp
~~Chair, Gustavus Committee~~
PO Box V
Juneau AK
99811

15070



Brian Rogers
Vice President for Finance
(907) 474-7448

University of Alaska
Fairbanks, Alaska 99775-5260

May 4, 1990

Nancy Petersen
Senate Resources Committee
Juneau
via Telefax

Dear Nancy:

This morning I discussed several possible changes to SCS CSHB 346 (CRA) with Johanna Munson of Rep. Menard's staff. I will be coming to Juneau tomorrow (Friday) with the hope of presenting the university's position on this legislation to the Senate Resources Committee, but wanted to give you advance notice of our concerns.

There has been some indication that the timeframe for preparation of the area plan would be delayed in order to reduce costs in fiscal year 91 to zero. The university would be in favor of a six-month delay in the time requirement for completing the area plan, provided that there is assurance that if the area plan completion is delayed, the prohibition against logging or other timber related activities in the area expires on the date the plan is due. The following two amendments would meet these twin objectives:

[Note: section numbers, page numbers, and line numbers are to Work Draft 6-0920P, the latest version we have in our possession, and not to the final C&RA committee substitute.]

Page 6, line 10:
Delete "December 31, 1992".
Insert "June 30, 1993"

Page 6, line 20: after "section" insert
", or June 30, 1993, whichever occurs first"

After the C&RA hearing, we found a change in the work draft which was inconsistent with earlier discussions on the bill. Sections 6 (c) and (d) now appear to provide that if the university and DNR reach agreement on a fair market value, all proceeds from Chugach Alaska Corporation's logging after the date of the agreement will be transferred to the university as they are received (section c), but all

University of Alaska

proceeds from CAC before the agreement will not be transferred until January 30, 1991 (section d). Our understanding was that all proceeds from CAC before the agreement would be transferred upon the date of the agreement. To meet the terms of the earlier discussions, the following amendments would be required:

Page 8, line 2, after "January 1, 1991," insert
"or through the date of the agreement reached under (b) of this section, whichever occurs first,"

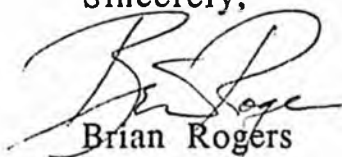
Page 8, line 4,
delete "on January 30, 1991"
insert "on the date of the agreement reached under (b) of this section,"

I am also concerned about some minor drafting problems. On page 8 line 6 the terms "agreed settlement value" are used, while elsewhere, including on page 8, line 12 "agreed value" is used. Because the university is strongly committed to a fair market value sale, rather than a "settlement" value sale, I believe that usage of a consistent term would be preferable as follows:

Page 8, line 6: delete "settlement"

Thank you for your consideration of the University of Alaska's views on this issue. I look forward to seeing you tomorrow.

Sincerely,



Brian Rogers
Vice President for Finance

Fairbanksans For Responsible University Land Management

Sacha Botbol
Founder
P.O. Box 83368
Fairbanks, Ak 99708

April 24, 1990

Senator Bettye Fahrenkamp
Alaska State Legislature
P.O. Box V
Juneau, Ak 99811

Dear Senator Fahrenkamp,

Enclosed is a petition signed by over 300 Fairbanksans. We would like to express our strong desire not to see the area between Cape Suckling and Cape Yakataga logged by the University or any other party if it will in any way damage the long term economic welfare of the people who depend on the fish and wildlife resources in the area.

We feel that these ends could be could be best recognized by supporting H.B 346 establishing the Yagataga State Game Refuge. This legislation seems to be the synthesis of the desires of all concerned parties and best represent the interests of the people affected. I hope I have made the strength and urgency behind our collective desires clear concerning this issue.

Sincerely,



Sacha Botbol
Founder

Fairbanksans For Responsible University Land Management

We the undersigned wish to express our deep concern over the University of Alaska's plan to log land between Cape Suckling and Cape Yagataga. These actions completely disregard the interests and economic welfare of the people of Cordova and Yakutat.

We urge the University to work through the Legislature to replace it's timber holdings with direct financial compensation and/or lands elsewhere.

Signature & Printed Name	Address	Phone Number
Jeanne Patano	P.O. Box 900630	474-5132
Robert M. Drozda	P.O. Box 81876 FBS 99708	474-0773
Edward M. Devere	Box 81981 FBS 99708	457-1556
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<i>MEG GAYDOSIK</i> MEG GAYDOSIK	1024 FIFTH AVE FAIRBANKS AK	99701 456-8389
<i>FRIST WOFFORD</i> FRIST WOFFORD	AFS (SMS) P.O. 35005	PT. VINCIGRASS 99708
<i>JILL M SCHMIDT</i> JILL M SCHMIDT	P.O. Box 56073 N.P.	99705 488-3793
<i>BIETT E MONSON</i> BIETT E MONSON	5752 Youngberg Rd. Apt. A Seldovia AK	99714 958-7111
<i>SARAH L MONSON</i> SARAH L MONSON	5752 Youngberg Rd. Apt. A Seldovia AK	99714
<i>Philip D. Martin</i> PHILIP MARTIN	Box 195 Ester, AK.	99725 479-7384
<i>Ann Ghicadus</i> ANN GHICADUS	Box 104155 Anch., AK	99510 243-5430
<i>Emily Heub</i> EMILY HEUB	P.O. Box 191 Ester, AK	99725 479-5980
<i>David Schindtman</i> DAVID SCHINDTMAN	P.O. Box 767 Denali Park AK	99755 907-832-2211
<i>Julia Kuntz</i> JULIA KUNTZ	P.O. Box 73193 FBKS AK	99707 456-7609
<i>SCOTT BREIDENBER</i> SCOTT BREIDENBER	2711 Saine Way FBKS	99709 455-6081
<i>Rex Blazer</i> REX BLAZER	187 Steele CK FBKS	99707 457-7613
<i>William R. Lathrop III</i> WILLIAM R. LATHROP III	P.O. Box 61997 FBKS	99706
<i>Kimberly Gwynn</i> KIMBERLY GWYNN	P.O. Box 83098 FBKS	99708
<i>John C. Bost</i> JOHN C. BOST	P.O. Box 82082 College, AK	99708
<i>Phyllis Patten</i> PHYLLIS PATTEN	754 Ulica K. Id. FBKS	99704
<i>ALBERT W. KNAPP</i> ALBERT W. KNAPP	P.O. BOX 60627, FBKS, AK	99706
<i>Margie Kurzbaud</i> MARGIE KURZBAUD	3991 TREASURE FBX AK	99712
<i>Chris Larsen</i> CHRIS LARSEN	2185 Youngberg Rd FBKS AK	99709

Fairbanksans For Responsible University Land Management

We the undersigned wish to express our deep concern over the University of Alaska's plan to log land between Cape Suckling and Cape Yagataga. These actions completely disregard the interests and economic welfare of the people of Cordova and Yakutat.

We urge the University to work through the Legislature to replace it's timber holdings with direct financial compensation and/or lands elsewhere.

Signature & Printed Name	Address	Phone Number
<i>William Neff</i> William Neff	Box 56181 N.P. AK	488-3126
<i>Charles Lennox</i> Charles Lennox	Box 72341 Fbks.	479-6899
<i>Victor J. Kurz</i> Victor J. Kurz	1234 Munoz Ft. Umaniwit	356-3003
<i>Lee Bowman</i> Lee Bowman	1152 B. Summit Dr. FBKS	457-1014
<i>Madeline D. Betz</i> Madeline D. Betz	691 8th Ave FBKS	452-4482
<i>Barbara White</i> Barbara White	POB 92922 Fairbanks AK.	479-2054
<i>Gerry Phelan</i> Gerry Phelan	3832 Ridgeway Dr FBKS	479-8184
<i>Nardi M. Sutter</i> Nardi M. Sutter	BX 55153 N. Pole, AK 99705	488-6653
<i>Karlene John</i> KARLENE JOHN	PO Box 71476 Fbks AK 99707	
<i>Scott A. Jackson</i> Scott A. Jackson	1251 Little Fox Trail FBKS AK	99712 457-6511
<i>Ralph Wells</i> Ralph Wells	414 Parkland Fb 99712	457-3303
<i>Barbara Bruno</i> Barbara Bruno	4614 Condor Ct #3 Fb 99707	457-2295
<i>Lorena Palmer</i> Lorena Palmer	PO Box 55655 North Pole AK	99705
<i>J.M.A. M. DONNEZ</i> J.M.A. M. DONNEZ	P.O. BOX 71083 FAIRBANKS, AK	99707
<i>Thomas</i> Thomas	452-5165 - WIK 451-2576 - H.A.S.	
<i>Maui Dubois</i> Maui Dubois	718 ^{cont. in} FBKS AK	99712
<i>Denise Jeffords</i> DENISE W. JEFFERDS	PO Box 80090 FBKS	80090
<i>Sandra L. Kennedy</i> SANDRA L. KENNEDY	POB 82341 FBKS	99708
<i>David C. Kennedy</i> DAVID C. KENNEDY	Box 82341 FBKS	99708
<i>James D. Hurst</i> JAMES D. HURST	13A - WIP Run Fbks	99709
<i>Michelle Bartlett</i> MICHELLE BARTLETT	1695 BRUNN FBKS	99708
<i>Roxanne R. Hinkle</i> Roxanne R. Hinkle	2865 #156 Old Richardson NP, AK.	99705
<i>Keith Watts</i> Keith Watts	Box 141 Fairbanks, AK	99708
<i>Fred Daines</i> Fred Daines	380 Scenic Hills Ct Fairbanks AK	99712 457-3007
<i>Bill Coughlin</i> Bill Coughlin	PO 83671 Fbks AK	99708
<i>MARTY ELWIN</i> MARTY ELWIN	P.O. BOX 101091 UAF FBKS, AK	99775

Fairbanksans For Responsible University Land Management

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Signature & Printed Name	Address	Phone Number
Jan Wilkerson	310 UAK RD #850C	479-4639
John Wilkerson	P.O. 83330 Fbks 99708	457-1558
Larry Sutton	PO Box 84663 Fbks 99708	456-8461
[Signature]	Box 901056 UAF	979-7518
Kathy Omura	P.O. Box 81618 Fbks, AK 99708	
Chlori Cook	5801-D Arctic Ave. Eielson AFB AK 99702	372-1698
Sar Karm Khalsa	POB 84091 Fbks 99708	479-3709
Mark Restad	P.O. 83812 Fbks 99708	479-6839
David H. DeVoe	3680 Handluck Dr. Fbks 99709	455-6299
Andy Bennett	2944 Thunderbird Ct. Fairbanks AK 99708	
Al Bryson	PO BOX 81777 FAIRBANKS AK 99708	
Valerie Waldeck	1345 Moss Ave. D. Fairbanks 99709	
Janis Thompson	318 Baranof Fbks 99701	
Robert A. Sattler	Robert A. Sattler P.O. Box 80466 Fairbanks AK 99708	
Jean Weingarten	4000-Parks Ridge Rd. Fairbanks 99709	479-2455
Dele Vanman	P.O. Box 812 (1134 Sundance Loop) Fairbanks AK 99708	
Elaine M. Landon	Elaine Landon 2838 Beverley Lane Fbks, AK 99709	455-6092
John Backman	Deise Backman Jr 2838 Beverley W Fbks AK 99709	455-6092
Dennis Miller	14th Ave Way Fbks AK 99709	
Tosh SULLIVAN	P.O. Box 80714 Fbks, AK 99708	455-9550
George Sims	George Landry 1002 10th Fbks AK 99701	
MARIA ZEPEDA	POB 84933 Fbks. AK. 99708	
Muffie Durrst	13A Wolf Run, Fairbanks AK 99709	
Irving Backman	Rm 216 Irving Bldg UAF Fairbanks AK 474-7151	
Rayna Hamlin	Rayna Hamlin 3318 Davis Rd Fbks AK 479-2555	
V. Sue Anders	PO Box 81438 Fairbanks, AK 457-7509	

Fairbanksans For Responsible University Land Management

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We urge the University to work through the Legislature to replace it's timber holdings with direct financial compensation and/or lands elsewhere.

Signature & Printed Name	Address	Phone Number
<i>William A. Ross</i>	PO 86545 FBKS 99708 AK.	452-5801
<i>Carolyn Sue Jensen</i>	Box 83068 Fairbanks AK 99708	474-7193
<i>Gene L. Lombardi</i>	P.O. Box 92 Healy AK. 99743	
<i>[Signature]</i>	703 Rohloff St FBKS AK 99712	457-3921
<i>Daniel [Signature]</i>	703 Rohloff St. Fbks AK 99712	457-3421
<i>Denise Wouckert</i>	W.D. Box 83506 FBKS AK 99708	
<i>Rolanda Holmes</i>	Po Box 42969 Fbks AK 99708	-
<i>Nicky Eiseman</i>	PO Box 1762 Fbks	99707
<i>Kimberly Tharp</i>	P.O.B. 83828 Fbks.	99708
<i>Lisa Anderson</i>	P.O.B. 82247 Fbks	99708
<i>Debra Benko</i>	2108 Alston #2 Fbks	99709
<i>David L. Munro</i>	David L. Munro 3754 Frenchman, Fbks	99704
<i>Stephanie James</i>	PO Box 93652 Fbks 99708 Goldstream	455-6557
<i>Hart Briggs</i>	1895 Buck's Rd. 99709 Goldstream	
<i>Scott Wright</i>	P.O. 82321 Fbks AK 99708	
<i>Tara [Signature]</i>	PO Box 84212 99708	
<i>[Signature]</i>	FAK GLOS 1706 ARMY RD FBKS AK 99709	

hb346

MAR 26 1990

Box 021168
Juneau, AK 99802
2/24/90

Senate Resources Committee
Alaska State Legislature
Box V
Juneau, Alaska 99811

Dear Senator Bettye Fahrenkamp,

We support **H.B. 346**, which would create a state game refuge in the area of Cape Yakataga. DNR has too long ignored and circumvented the public involvement process. While the efforts of concerned Southeast Alaskans and most state agencies are focussed on reforming the Forest Service, it's shocking to find DNR and UAS, who presumably hold the interests of residents nearer to heart, engaged in questionable transfers and land "management" practices which make the USFS seem environmentally responsible! Logging critical wildlife habitat on the outer coast without informing those who most depend on the region is illegal.

As wilderness guides, professional naturalists, hunters and part time employees of the University of Alaska, Southeast, we have a deep stake in the future of Southeast Alaskan wild land. Please help us ensure that managers of state lands show more concern for environmental integrity.

Sincerely,

Richard Carstensen
Catherine Pohl

Richard Carstensen
and
Catherine Pohl

MAR 16 1990

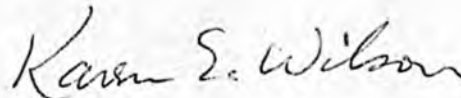
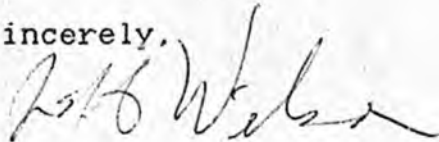
March 9, 1990

Dear Representative Davidson:

We are writing to ask your support for HB 346, making the Yakataga Forest a State Game Refuge, and strictly controlling future logging. DNR has long ignored the concerns of the public and of the users of this area. This area provides vital habitat for innumerable species of wildlife, and is critical for commercial fishermen, subsistence users, hunting and fishing guides, and outdoor enthusiasts.

Logging is totally incompatible with the other important uses for this area, and DNR has underhandedly and sometimes illegally ignored environmental concerns for the area. Please support HB 346.

Sincerely,



Jeff and Karen Wilson
175 S. Franklin St., Suite 300
Juneau, AK
99801

copies sent:
Governor Cowper
Senator Fahrenkamp
Representative Menard



CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

(907) 424-3447

FEB 13 1990

February 8, 1990

Chairman Curt Menard
P.O. Box V
Juneau, AK 99811

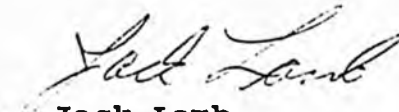
Dear Representative Menard:

We would like very much to thank you for introducing legislation to establish the Yakataga Game Refuge. We feel very strongly the need for this legislation and would urge you to move forward with it as quickly as possible.

I realize that our letter of support identified the Bill as the "Yakutat" Game Refuge. I apologize for the error and will be sure in the future to refer to it as the "Yakataga" Game Refuge. Thank you again for your foresight.

Sincerely,

CORDOVA DISTRICT FISHERMEN UNITED


Jack Lamb
Vice President

cc: Governor Cowper
Senator Bettye Farenkamp
Senator Dick Eliason
Senator Jay Kerttula
Senator Mike Szymanski
Representative Gene Kubina



CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

FEB 13 1990

(907) 424-3447

February 9, 1990

Chairman Curt Menard
P.O. Box V
Juneau, Alaska 99811

Dear Representative Menard:

Thank you for the opportunity to comment on the lands issue in the Cape Yakatage area.

As you may be aware, CDFU has become increasingly concerned with DNR's management style in this economically diverse area, as for all practical purposes it has bypassed the public process to promote and support a single land use logging.

In looking for solutions to the mounting resource conflicts in the area, you must keep in mind several items:

(1) For all practical purposes, DNR has removed the entire area east of the White River from use by competing user groups by its excessive timber harvests over the last 20 years. This leaves a continually smaller area for use by commercial and sport fishermen, hunters, etc. Non action by the legislature will ensure the continuation of this process and only intensify the dispute.

(2) Prior to specifying any one solution, the issue of the timber rights that DNR has committed to both Chugach Alaska Corp. and the University of Alaska must be resolved. An area management plan for instance, would be worthless with 470 million board feet of timber to be logged. The entire plan would have to be built around these previous commitments.

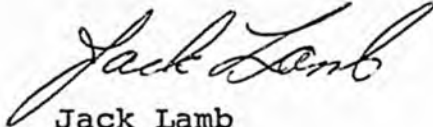
Of the solutions that have been discussed, we strongly favor the Yakataga State Game Refuge proposal. This should at a minimum include the area between Cape Suckling and the Duktoth River.

The advantages of this plan are that a majority of the extensive network of anadromous salmon streams in the area would be protected-ensuring the survival of the rich silver salmon populations. At this time, all of the commercial setnet fishing occurs within these boundaries, along with all of the sport fish guiding, and most of the hunting activities.

The disadvantages of this plan are that the rapidly declining Mountain Goat population would still not be afforded any protection in their last stronghold-the Brower Ridge. Also, the entire Yakataga drainage, where a major portion of the remaining timber is located would still be available for harvest without any new guidelines. One possible solution here would be the re-drafting of the Cape Yakataga Site Specific Plan by a joint DNR and ADF&G team to come up with a workable plan to deal with the specific location.

Sincerely,

CORDOVA DISTRICT FISHERMEN UNITED



Jack Lamb
Vice President

cc: Governor Steve Cowper
Representative Cliff Davidson
Senator Bettye Fahrenkamp
Senator Dick Eliason
Senator Jay Kerttula
Senator Mike Szymanski
Representative Gene Kubina

JOHN SCHULTZ
8501 SULTANA DRIVE
ANCHORAGE, ALASKA 99516

February 17, 1990

FEB 15 1990

Representative Cliff Davidson

Box V

Juneau, Alaska 99811

Dear Representative Davidson:

Thank you for introducing the bill to establish the Yakutat Game Refuge. Please work to move it out of committee as soon as possible. As you may know, a state game refuge between Cape Yakutat and Cape Suckling has the support of the City of Yakutat, the Yakutat Fish & Game Advisory Council, Cordova District Fishermen United, and many other groups and individuals in Yakutat, Cordova and around the state.

Sincerely,

John Schultz

c.c. Senator Betty Farenkamp
Senator Dick Eliason
Senator Jay Kerttula
Senator Mike Szymanski
Representative Gene Kubina
Governor Steve Cowper

FEB 26 1990

Tamara F. Evens
Box 886
Petersburg, Alaska
99833

February 20, 1990

Representative Curt Menard
Representative Cliff Davidson
Box V
Juneau, Alaska 99811

Dear Representatives:

I want to thank you for introducing the bill to establish the Yakataga Game Refuge, and to encourage you to move the bill out of committee as soon as you can.

You have my support, and the support of many others in Petersburg. Even though we are far away, we are concerned about damage to all of Alaskas sensitive wilderness areas.

Thank you very much for taking time to read my letters.

Sincerely,

Tamara F. Evens

24 Feb. 1990 hb346

FEB 28 1990

FEB 2 90

House Resources Committee Co-Chairs

Dear Representatives Menard and Davidson,

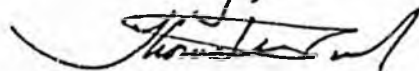
Thank you for introducing House Bill 346, "An Act Establishing a Yakataga State Game Refuge". It appears refuge status is the only way to protect that area from gross mismanagement by the Dept. of Natural Resources. The disgraceful forest practices allowed by DNR there in past and current timber sales, and ~~the~~ ^{DNR's} blatant disregard for the law, ~~and~~ the desires of local people, and the public process, show that the agency cannot be trusted to manage that area properly.

When I wrote Gov. Cooper a few weeks ago complaining about DNR's mismanagement, I received a disappointing response. Evidently, the Governor is committed to letting DNR go its merry way in the Yakataga area. Now it is more important than ever to pass a bill like House Bill 346 this year.

I hope you will act to get the bill moving through your committee, through the House, and on to the Senate for similar action.

Thanks again for recognizing the value of wildlife and fisheries resources in that part of the state.

Sincerely,



TOM PAUL

Box 20628

JUNEAU, ALASKA 99802

Gov. Cooper
cc: Rep. Kubina
Rep. Goll
Rep. Druel
Rep. Hudson
Sen. Farenkamp
Sen. Eliason
Sen. Kestulla
Sen. Symanski

hb 346

Feb 15, 1990

FEB 26 1990

Representative Curt Menard, Cochairman
House Resources Committee
P.O. Box V
Juneau, Alaska 99811

RE: FORMATION OF THE YAKATAGA FISH AND GAME REFUGE

Dear Representative Menard:

I want to thank-you for submitting a Bill to form the Yakataga Fish and Game Refuge. My name is Don Bremner and I was born and raised in the Yakutat/Yakataga area. I'm writing on behalf of myself, but, there are many more people in Yakutat who can make this same claim to having been born and raised in this Region. As a result, we have a thorough knowledge of the Region being proposed for a Refuge. This knowledge was passed from generation to generation and from current use of the resources for our livelihood.

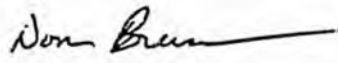
No doubt by now you've heard all of the Pro's and Con's about establishing a Fish and Game Refuge for the area. This opportunity to weigh the facts regarding a proposed Refuge has been given extensive consideration by all parties involved. All parties have expressed their wants and desires concerning this proposal. To some people their desires and wants have been promoted as absolute needs.

Because past managers and user groups market oriented controls are failing to the point whereby uses are elevated to needs I feel it's time for legislative control. As a law making body I feel our legislators are in a neutral position to balance user group values. I feel that by enacting legislative direction can better balance human and resource values, separately and in conjunction with one another.

Under a Fish and Game Refuge more people will benefit for a longer period of time and a larger variety of resources will be protected for future generations. On the other hand, if the State leaves the area under present management and status the dominant use will be development. This means single resource extraction for a limited period of time and benefits in the hands of a few people. The fur, fish, game, fowl and multiple production spility of the land will lose presently and in the future.

In closing, I hope that enough light has been shed on the issue to warrant your strong support and passage of a Fish and Game Refuge Bill for the Yakataga Area. Thanking you for your time and consideration.

Sincerely,


Don Bremner

cc/ Representative Cliff Davidson, Co-chairman
Governor Steve Cooper
Senator Bettye Farenkamp
Senator Dick Eliason
Senator Mike Szymanski
Representative Gene Kubina
Representative Peter Coll

FEB 26 1990

Wrangell, Alaska
Feb. 21, 1990

House Resources Committee
Rep. Curt Menard
Rep. Cliff Davidson

H.B. 346 - Yakataga State Game Refuge

Dear Sirs:

As a life long Alaskan, (73 years), I want to personally thank you for your efforts on behalf of the Yakataga area - an area without equal in it's diverse and abundant fish and especially wildlife resources. Long term value considerations alone should prove conclusively that logging is the worst possible use of the timber resources.

I urge you to move this bill out of committee as soon as possible.

Thank you, Sincerely,

Dorothy Brady
Dorothy Brady
Box 103
Wrangell, Alaska 99929

cc: Senator Betty Farenkamp, Senator Dick Eliason,
Senator Jay Kerttula, Senator Mike Szymanski,
Representative Gene Kubina, and Governor Cowper.

*Excuse typing -
writing is worse.*

STEVE COWPER
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 19, 1990

Ms. Ann L. Lowe
Chair
Southeast Regional Fish
and Game Council
c/o Department of Fish and Game
Division of Boards
P.O. Box 2000
Juneau, AK 99802

Dear Ms. Lowe:

Thanks for your letter concerning House Bill 346 which would establish the Yakataga State Game Refuge. I agree with you that in recent years, there has been a great deal of controversy in this region. I recognize the need for comprehensive planning for the region and believe that an area plan would be an important step in resolving public controversy and providing for sustainable use of State land in the area.

In response to these public concerns about planning for the Yakataga region and the need to carefully consider the regionwide forestry, fish and wildlife, and other values, future timber sale or timber rights transfer will be prohibited until an areawide plan is completed. This prohibition will apply to all State land between Icy Bay and Cape Suckling, except the University timber transfer parcels and the Icy Cape II timber sale and extension which are the subject of previous legal commitments.

An areawide land use plan will determine land use allocation, guidelines, and classifications using a public process with three full rounds of public meetings in local communities such as Yakutat, Cordova, and Seward. The areawide plan will be a Department of Natural Resources (DNR) area plan or, if the Legislature creates a State forest in the region, it could be a DNR State forest management plan. On the other hand, if the Legislature creates a State game refuge, it could be a management plan prepared by the Department of Fish and Game.

Ms. Ann L. Lowe

- 2 -

March 19, 1990

Thanks again for pointing out your concerns. I assure you that natural resource decisions in the region will be made with full public input and involvement.

Sincerely,

Steve Cowper
Governor

cc: Senate Resources Committee
House Resources Committee
Senator Jim Duncan
Senator Jalmar Kerttula
Senator Mike Szymanski
Senator Lloyd Jones
Representative Eugene Kubina
Representative Ben Grussendorf
Representative Bill Hudson
Representative Robin Taylor
Representative Fran Ulmer
Representative Niilo Koponen
Commissioner Don Collinsworth
Department of Fish and Game
Commissioner Lennie Gorsuch
Department of Natural Resources
Gary Gustafson, Director
Division of Land and Water Management
Department of Natural Resources
Alaska Trollers Association
United Fishermen of Alaska
Southcentral Regional Fish and Game Council
Southeast Alaska Conservation Council
Prince William Sound Advisory Committee

FEB 14 1990

February 13, 1990
P.O. Box 211575
Auke Bay, Alaska
99821

Representatives Curt Menard and Cliff Davidson
House Resources Committee
Box V
Juneau, Ak. 99811

Re: Debacle at Yakataga

Considering the manifest continued incapacity of DNR to correct its invidious and profligate deforestation schemes in the Yakataga area, your House Bill 346 which would establish a Yakataga State game refuge should receive immediate and substantial support for passage. It is as if DNR/Forestry subscribes to a Gleichshaltung policy in its programs of spreading stumps and fading fauna.

I am enclosing a copy of my previous correspondence on this matter.



Mike Rieves

Distribution: Gov. S. Cowper
Senators ; B. Farenkamp, D. Eliason, J. Kerttula,
M. Szymanski
Representative ; G. Kubina

January 8, 1990
P.O. Box 211575
Auke Bay, Alaska
99821

Mr. Jim McAllister, Regional Forester
Alaska Dept. of Natural Resources
400 Willoughby Ave.
Juneau, Ak. 99811

Re; Yakataga Forelands Deforestation Schemes

Your incompetent management of the Yakataga area logging activities , along with the logging , must cease. The quasi-covert timber right maneuvers and retrospective land use plans employed to keep the trees falling are despicable and represent arrogance toward an ever shrinking Biosphere. Native corporations and the Forest Service have already caused extensive and irreversible damage to the forest in Southeast, and the State should avoid or arrest the same degenerate behaviour in its programs. Contrary to the Governors' assessment, 'Alaska' is not destined to pimp its resources.

As a remedial effort on the Yakataga problem, you would do well by adopting the corrective actions as submitted by SEACC (Ph 586-6942).

Mike Rieves

Copies: Steve Cowper, L.B. Gorsuch, Bob Dick

June Weinstock
1339 6th Avenue
Fairbanks, Alaska 99701
907 452-8610

FEB 15 1990

10 February 1990

Dear Bettye -

Enclosed is a copy of a letter to Mike,
formally expressing the Northern Center's support
of HB 346 (YAKUTKA STATE GAME
REFUGE) - I also copied H. Resource
Committee Co-Chairs Davidson and Menard.

This seems to me to be a very
important issue - substantively, of course, but
also because of process. The process
abuses to date are resulting in ~~excess~~ cynicism
and frustration.

I hope we can count on your support
for (championing of!) this bill in
Senate Resources.

Sincerely -

June



Northern Alaska Environmental Center

218 DRIVEWAY
FAIRBANKS, ALASKA 99701
(907) 452-5021

30 January 1990

Representative Mike Davis
P.O. Box V
Juneau, AK 99811

RE: Cape Yakataga Timber Sales / *HB 346*

Dear Representative Davis:

I'd like to express my appreciation, on behalf of the membership of the Northern Center, for the Oversight Hearings that House Resources Committee is holding on timber sales in the Cape Yakataga area.

We are concerned that non-timber values in the Cape Yakataga-Cape Suckling area have been and are being overlooked. Department of Fish and Game objections to the timber sales, based on the effect of logging on important habitat resources, were brushed aside, although those objections since have proved justified.

We are also concerned about the *process* by which the Icy Cape II timber sale was held, as well as the 1987 timber rights conveyance to the University of Alaska and the 1986 *Sullivan* settlement. From my perspective, all seem to flagrantly disregard the public interest and I believe they merit careful scrutiny.

The Northern Center opposes the land use classifications in DNR's Draft *Cape Yakataga Land Use Plan*. Instead, we strongly support the Resource Committee proposal for State Game Refuge status for all lands between Cape Yakataga and Cape Suckling, and we believe that lands covered by the *Land Use Plan* should be classified as Wildlife Habitat rather than as Resource Management or Forestry.

DNR's history of land management in this magnificent and important piece of Alaska's coastline has not been a proud one. We applaud the decision of the Resources Committee to give this area the time and attention it deserves.

Sincerely,

June Weinstock
President, Board of Directors

MAR 13 1990

To: Cliff Davidson
CHAIRMAN - House Resources Committee

FROM: JOHN WHITE
40220 KENT ST.
HOMER, AK. 99841

Dear Cliff Davidson,
I urge you to support H.B. 346. I believe that sensible logging lies with public knowledge and participation. The future of Alaska depends on our public resources being managed and not raped.

I have been an Alaska citizen for 18 years. I plan to stay here. My family is growing here. I make my living commercial fishing and building boats.

Yes, the public needs timber. We always will. Please let's show the D.N.R. that they work for the public!

Thank you for your hard work!

Sincerely, *John White*
2/25/90

C.C. Senator Bettye Fahrenkamp
Governor Steve Cowper

TO: CURT MENARD
CHAIRMAN - HOUSE RESOURCES COMMITTEE

FROM: JOHN WHITE
40220 KENT ST.
HOMER, AK 99603

Dear Curt Menard,

I URGE YOU TO SUPPORT H.B. 346. I believe that sensible logging lies with public knowledge and participation. The future of Alaska depends on our public resources being managed and not raped. I have been a citizen of Alaska for 18 years. I plan to stay here. My family is growing here in Alaska. I make my living fishing commercially and building boats. Yes, the public uses and needs timber. We always will. Please, lets show the D.N.R. that they work for the public!

Thankyou for your hard work!

Sincerely, *John White*
2/25/90

C.C. Senator Bettye Fahrenkamp
Governor Steve Cowper

FEB 5 1990

Betty Francamp

30 Jan 1990

I want you to know I support HB 346,
which would establish a game refuge in the
Cape Yakataga area.
Stop Logging There.

Sincerely
Dna Goodrich

Dna Goodrich
Gen. Del.
Tustumena AK
99826

~~Betty Francamp
Joint Resources Committee~~
PO Box V
Juneau AK 99811

27 JUN 1990

DEAR SENATOR FARENKAMP-- FEB 2 1990

I AM WRITING IN SUPPORT OF HB 346 WHICH WOULD ESTABLISH A GAME REFUGE IN THE CAPE YAKATAGA AREA. THE PAST AND CURRENT ATROCITIES AND MISMANAGEMENT COMMITTED BY DNR IN THIS AREA IS APPALLING. WE HAVE FAR TOO MANY EXAMPLES WORLDWIDE OF WHAT HAPPENS WHEN WE APPROACH THE EARTH IN SUCH AN INSENSITIVE MANNER, WE HAVE DONE THIS BEFORE. WE KNOW BETTER. IF WE HOPE TO LEAVE OUR CHILDREN WITH A WORLD THAT IS SOMETHING MORE THAN A QUAGMIRE, THE TIME TO ACT IS NOW!

THANK YOU -

Paul Barnes

Bx 155

BUSTAVUS, AK

99626



MAR 1 1990

Senator Bettye Fahrenkamp
Chair, Senate Resources Committee
Box V, Juneau, Alaska

23 February 1990

Dear Senator Fahrenkamp:

I am writing to urge your support of the Yakataga State Game Refuge (House Bill 346). This bill has the support of the City of Yakutat, the Yakutat Fish and Game Advisory Committee, the Cordova District Fishermen and many other fish and game and environmentally oriented groups.

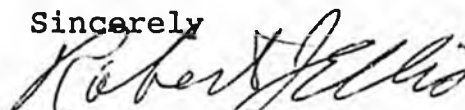
I served many years on the State Board of Forestry and last year on the Governor's Alaska Forest Practices Review Steering Committee. Over many years, I have spent hundreds of hours in these meetings listening to representatives of Department of Natural Resources, Division of Forestry, Fish and Game biologists, and fishing and logging groups.

The sorry history of mismanagement of the Yakataga Forest by DNR illustrates why the Division of Forestry should not be in that department. Not only has DNR repeatedly misused the planning process but it has acted as though the forests are not part of the ecology of fish and wildlife. The record of environmental violations by logging under the Division of Forestry and DNR is terrible. This may be unintentional but reflects the lack of competency in biological issues within DNR and the Division of Forestry.

The forests and fish and wildlife are so closely intertwined ecologically that all should be directly under one department of State government. A new Department of Renewable Resources should be formed to incorporate the Division of Forestry and the present Fish and Game Divisions. A new Department of Non-renewable Resources could confine its efforts to resources such as oil and minerals. The Director of Renewable Resources could ensure that the forests and fish and game are managed as a whole. Presently, the Division of Forestry and the Habitat section of Fish and Game are very often in adversarial roles with each other.

Until we can manage to better combine the roles of Forestry and Fish and Game, our best option for protecting the fisheries and game resources of the Yakataga Forest is to make it the Yakataga State Game Refuge.

Sincerely



Robert J. Ellis
Box 2966
Sitka, Alaska 99835

THE ALASKA WILDLIFE ALLIANCE

P. O. Box 202022
Anchorage, Alaska 99520
907-277-0897

MAR 5 1990 February 28, 1990

Senator Fahrenkamp
Pouch V
Juneau, AK 99811

Dear Senator Fahrenkamp,

The Alaska Wildlife Alliance supports the establishment of the Yakataga State Game Refuge. House Bill 346 would do this, and we urge you to support this bill.

The Department of Natural Resources has been mismanaging the Yakataga Forest for years, and this bill will help to provide protection to the forest, streams and the fish and wildlife that depend on the Yakataga Forest. We cannot continue to allow below cost timber sales, lack of compliance with buffer and sale areas, and clear cuts on our state lands. Our land is too valuable to give it away to those who only wish to remove timber at any cost to the land.

Thank you for your time and consideration of this matter.

Sincerely,



Valerie Brown
Executive Director

cc: Senator Dick Eliason
Senator Jay Kerttula
Senator Mike Symanski
Representative Gene Kubina
Governor Cowper

HB 346 Yakataga

FEB 9 1990

February 7, 1990

Representative Curt Menard
Box V
Juneau, Alaska 99811

Dear Representative Menard:

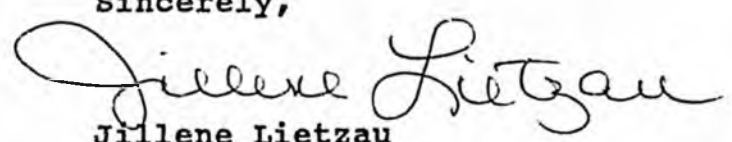
I am writing in reference to the Yakataga State Game Refuge, HB 346.

I wanted to thank you for introducing this bill and urge you to move it out of the committee as soon as possible.

The sooner we get this bill passed, if possible, the better. The DNR has already made too many major mistakes in Alaska and around the United States as well. They don't need to be give another chance to mess up again on something that is as precious to the state of Alaska as the Game Refuge would be.

Thank you for your time.

Sincerely,



Jillene Lietzau
P.O. Box 2195
Cordova, Alaska 99574

cc: Governor Steve Cowper
Senator Bettye Farenkamp
Senator Dick Eliason
Senator Jay Kerttula
Senator Mike Szymanski
Representative Gene Kubina



CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

(907) 424-3447

FEB 28 1990

February 26, 1990

Representative Curt Menard
Chairman House Resource Committee
P.O. Box V
Juneau, Alaska 99811

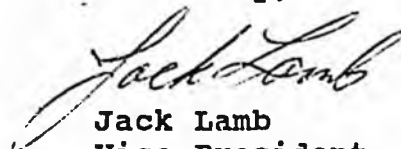
Dear Sir:

I sat in on the teleconference on Tuesday evening, February 20, concerning the Yakataga Timber Issues, from the conference phone at the community college here in Cordova. As the conference went on and with Steve Ranney there in Juneau representing CDFU, I chose not to speak at that time, feeling that my comments then would be non-productive.

I do feel that comments are in order as a result of the conference. The direction that the conference took was a step in the right direction in terms of addressing the need for the development of an area wide management plan. If DNR, DF&G and other appropriate departments will work together without the usual "turf battles" to develop such a plan, then we are all moving in the right direction. However, in order to develop this kind of plan you must have public input and I submit to you that the public has already spoken to a large degree with the request of a Yakataga Game Refuge. Of course, as the plan develops, there will be more public input, but I believe that with a Game Refuge you will already have identified the public's greatest concern in the Yakataga area. A Game Refuge does not preclude development of the area, it protects the sensitive environment and habitat of the area from being overrun.

In closing, I would like to thank you sir, for allowing me to speak freely on this issue and for your personal attentiveness as well.

Sincerely,


Jack Lamb
Vice-President

cc: Governor Steve Cowper
Representative Cliff Davidson
Senator Bettye Farenkamp
Representative Gene Kubina

Senator Jay Kerttula
Senator Mike Szymanski
Senator Dick Eliason

FEB 27 1990

2/24/90

Dear Senator Bettye Svendsen

Please pass House Bill 346 (An Act establishing a Yakutat State Game Refuge). The alleged abuses involving the Department of Natural Resources' handling of timber sales along the Gulf Coast must be checked. From what I'm told, participation in the form of open public informational hearings was not part of a D.N.R. plan prior to logging in the Yakutat Forest (Jay Cape I & II timber sales). God!; I think we can do better.

The D.N.R. is rampaging throughout this state like a short-sighted, overzealous rabid bully Neanderthal rogue, massacring our forests and removing these public owned resources from the "Bank of the State of Alaska" without due public process and without public approval.

I strongly support House Bill 346! In view of the D.N.R.'s appetite for clear cutting along the ~~gulf~~ Gulf Coast (not to mention their zealot attempt to log the Sitka Valley by again quashing public involvement), I see H.B. 346 as a potentially healthy approach to land use. I believe H.B. 346 will reward the public many times more than the dollar revenue generated by these D.N.R. clearcut "giveaway" sales. It's high time we reckless humans place more value on our living forests than what a few dollars brings from the pulp mill and the Japanese. Thankyou.

Sincerely, Jim Miller
 P.O. Box 110935
 Anchorage, Alaska
 99511-0935

JAN 31 1990

HB346
goll

Point Adolphus Seafoods
Gourmet Quality Alaskan Seafoods
P.O. Box 63 • Gustavus, Alaska 99826 • (907) 697-2246

January 26, 1989

Bettye Farenkamp
House Resources Committee
P.O. Box V
Juneau, Alaska 99811

Dear Bettye Fahrenkamp:

I would like you to know that I support H.B. 346, which would establish a game refuge in the Cape Yakataga area. A friend of mine commented one time that while well up onto a glacier in an attempt to climb Mt. St. Elias, he could clearly hear chainsaws working below. This wild coast shouldn't be ruined. Additionally, until our forests are logged selectively, no logging at all should occur on State or Federal lands in Alaska. Enough of Alaska has already been abused by quick and dirty logging.

Sincerely,

James R. Mackovjak

James R. Mackovjak

FEB 14 1990

FEB 14 1990

2/11/90

Senator Jay Keetulla

Senator Mike Szymanski

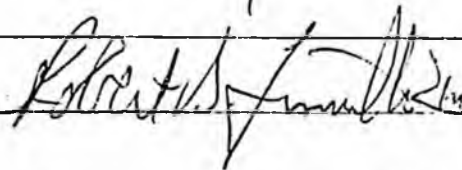
Re: House Bill 346 establishing the Yakutat State
Game Refuge

Dear Senators:

One has only to fly low over this vast tract of state land between Jay Cape and Cape Yakutat to see how the land has been managed the past 20 years. Logging with few or no restraints to the total detriment of wildlife, tourism, & subsistence has been the practice in the past. If the DNR were able to balance the management among all the users, this bill wouldn't be necessary but it is well evident after 20 years that they can't. Salmon streams are now being "sold". The TSiw river where I setnet with my family is to the west of the areas logged in the past but surrounded by proposed clearcuts. Loggers have left buffers in the past only to log them later without DNR's permission. Will this happen again? I see no reason to think not.

Logging and timber interests are important in this area and always will be. But they have to be balanced with other uses of this land and that is why I urge you to support House Bill 346 establishing the Valdez State Game Refuge. Please help get this bill moving and passed this year.

Sincerely,



Robert G. Linville
Box 1753
Seward, Ak 97664

cc: Senator Bettye Finkenbump
Senator Dick Eliason
Rep. Curt Mansard
Rep. Cliff Davidson
Rep. Gene Kubina
Gov. Steve Cooper

Point Adolphus Seafoods

Gourmet Quality Alaskan Seafoods
P.O. Box 63 • Gustavus, Alaska 99826 • (907) 697-2246

FEB 15 1990

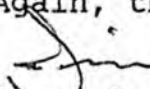
February 12, 1990

Representatives Curt Menard and Cliff Davidson
Pouch V
Juneau, Alaska 99811

Dear Sirs:

I am writing to thank you for introducing House Bill 346 to establish a Yakataga State Game Refuge. I hope that the bill can be moved out of committee as soon as possible. The manner in which this area has been managed by the DNR in the past is a travesty. It needs the protection that being a game refuge would accord it.

Again, thanks,


James R. Mackovjak

HB 346

Tongass Tourism & Recreation Business Association

FEB 21 1990

740 Fifth St. • Juneau, Alaska 99801

(907)586-4275

February 15, 1990

Senator Betty Fahrenkamp, Chair
Senate Resources Committee
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

The Tongass Tourism and Recreation Business Association (TTRBA) is a coalition of over 100 Alaska businesses operating in southeast Alaska, including Yakutat and Cordova. We are primarily tourism-based or recreation-based lodges, fishing charters, outfitters, tour operators, guides, air taxis and retailers that believe in the wise use and management of all natural resources.

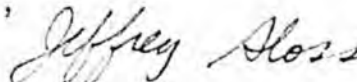
We are deeply concerned over the State's Dept. of Natural Resources' Draft Cape Yakataga Land Use Plan. The plan is flawed in that far too much of the timbered area is committed to logging and not enough is retained for fish, wildlife, recreation and subsistence uses.

Too much of the area's coastline has already been logged; a nearly unbroken 21 mile stretch of clearcuts extend from Icy Cape to Cape Yakataga along the state-owned forelands. Alaska Dept. of Fish & Game protective stipulations were largely ignored resulting in the clearcutting of buffer strips, stream violations and a decline of nearly 50% in mountain goat populations above the sale areas.

Therefore, those lands between Cape Suckling and Cape Yakataga must be excluded from timber harvest. We urge you to support HB 346, providing State Game Refuge status and re-classification to Wildlife Habitat for all state lands between Capes Yakataga and Suckling. In addition, all lands under the Draft Cape Yakataga Land Use Plan should be classified Wildlife Habitat (instead of Forestry or Resource Management as proposed in the draft plan).

This last stretch of unlogged state foreland is increasingly important to many of our hunting & fishing guides, outfitters and air taxis as well as to sport hunters & fishermen, commercial fishermen and subsistence users. The area has been described by at least one ADF&G biologist as the richest wildlife habitat in the state! It is far more valuable unlogged for the long-term sustained yield of healthy tourism and recreation industries as well as for subsistence use, fisheries & wildlife habitat.

Sincerely,



Jeffrey Sloss
Executive Director

FEB 22 1990

HB 346

7306 Linda Lane
Anchorage, AK 99518
Feb. 20, 1990

Senator Bettye Fahrenkamp
Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

I am writing to express my strong and enthusiastic support for House Bill 346, to create the Yakataga State Game Refuge. This would protect the Yakataga forest for commercial and sport fishing, hunting, subsistence, recreation and other uses besides logging. Refuge status need not prohibit logging when necessary to protect the public safety or wildlife or other valid biological reasons. Such logging would take place after consultation with ADF&G.

I note that there is much local support for a state game refuge between Cape Yakataga and Cape Suckling. No doubt some of this support is a reflection of past mismanagement by DNR (lack of or after-the-fact public hearings, inadequate enforcement of logging practices, etc.). But I suspect much of the support on the part of the local people is simply due to their desire to protect their quality of life and their livelihood.

Again, I urge your support for this bill or similar bill establishing such a refuge and your help in getting such legislation passed this year.

Sincerely,

William M Cox MD
William M. Cox M.D.



SOUTHEAST REGIONAL FISH & GAME COUNCIL

c/o ADF&G, DIVISION OF BOARDS, P.O. Box 3-2000, JUNEAU, ALASKA 99802 PHONE: (907) 465-4110

February 20, 1990

ADVISORY COMMITTEES

Angoon
Craig
Edna Bay
Elfin Cove
Gastineau Channel
Hydaburg
Hyder
Icy Straits
Kake
Ketchikan
Klawock
Klukwan
Pelican
Petersburg
Port Alexander
Sitka
Sumner Straits
Tenakee
Upper Lynn Canal
Wrangell
Yakutat

The Honorable Steve Cowper
Governor
State of Alaska
Pouch A
Juneau, AK 99811

Dear Governor Cowper:

The Southeast Regional Fish and Game Council supports House Bill 346 to establish the Yakutaga State Wildlife Refuge. The Regional Council has been concerned about management in the Icy Bay to Cape Suckling Area for many years. Of prime importance to the Southeast Council is the maintenance of suitable habitat to insure that adequate fish and game resources are available to meet our needs.

The area being considered in H.B. 346 contains numerous river systems with populations of coho salmon unequaled any where else in Alaska or possibly the Pacific coast. The abundance and variety of wildlife are unique in this coastal area. Healthy populations of Kodiak brown bear, black bear, moose, and nearly every species of water fowl live in or pass through this region. The mountain goats in this area, once the largest population in Alaska, have suffered a 75% decline in the last 10 years in part due to logging development. These resources have attracted many hundreds of recreational visitors each year. The area supports a multi-million dollar commercial set gillnet and troll fishery. The off-shore areas are equally abundant with fish and wildlife resources. These are but a few reasons for protecting this area. The forest habitat classification for most of the region is inappropriate given the higher values associated with the fish and wildlife resources.

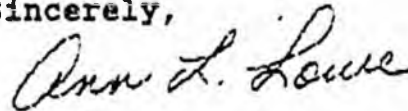
The Southeast Regional Fish and Game Council is concerned with the lack of public process in planning by the Department of Natural Resources for this region. This lack of public process is in part the reason the Council asked you, Governor, in a letter (dated February 16, 1989) to improve the hearing process currently used by the Department of Natural Resources. In a response from your office (dated March 15, 1989) Mr. Denby Lloyd stated that three separate sets of public meetings in each local community and regional centers are normally held during the development of a plan. The most recent plan developed by DNR in the region contained only one round of meetings with the public. The Council fails to see how proper

identification of issues and concerns can be achieved with only one chance for public review. A look at past planning for this area shows a gross disregard for any resource use except timber harvesting, with few public notices, and no public meetings held before the plans were adopted. The Council opposed the transfer of over 38,000 acres of timber to the University of Alaska because it did not receive adequate public process, or consider the effects of timber harvesting on other resources uses, and is in effect the continuance of a single use management scheme.

The region H.B. 346 would encompass is over 50% wetlands. With the current policies mandated from the federal government of wetlands, the establishment of the Refuge would show a good faith effort in protecting important wetland habitat.

The Southeast Regional Fish and Game Council believes House Bill 346 will bring a balanced approach to multiple use planning in the region. The Council requests that you actively support House Bill 346, the Yakutaga State Wildlife Refuge, and that you sign the bill when it does arrive at your desk.

Sincerely,



Ann L. Lowe, Chair
Southeast Regional Fish and
Game Council

cc: House Resources Committee, Senate Resources Committee
Representative Eugene Kubina
Representative Peter Goll
Representative Ben Grussendorf
Representative Bill Hudson
Representative Robin Taylor
Representative Fran Ulmer
Representative Bette Cato
Representative Nillo Koponen
Senator Jim Duncan
Senator Dick Eliason
Senator Jalmar M. Kerttula
Senator Mike Szymanski
Senator Lloyd Jones
Alaska Trollers Association
United Fisherman of Alaska
Southcentral Regional Fish and Game Council
Southeast Alaska Conservation Council
Commissioner, Department of Fish and Game
Commissioner, Department of Natural Resources
Prince William Sound Advisory Committee



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 15, 1989

Mr. Robert Hinman
Chair
Southeast Regional Council
Alaska Department of Fish
and Game
Division of Boards
P.O. Box 3-2000
Juneau, AK 99802

Dear Mr. Hinman:

On behalf of Governor Cowper, I want to thank you for your letter regarding public participation in resource management decisions. This administration supports citizen involvement in these important issues.

The Department of Natural Resources operates under constitutional and statutory public notice procedures for activities that involve a disposal of an interest in state land or resources, such as timber sales, land leases, or land disposals. Even so, the department is taking steps to further strengthen its public involvement programs. For example, the Southeast Region of the Division of Forestry has just completed an Agency Review Draft of a Five-Year Operating Plan which outlines proposed harvest activities for the period 1989 to 1994. The division will be soliciting public comments when the Public Review Draft is distributed in April. As you are aware, work is underway on a proposal for amending the State Forest Practices Act. Public notice for timber sales is one of the important issues under review.

We join you in supporting the development of management plans for the state's valuable resources. The Department of Natural Resources has already completed area plans for state lands in many regions of the state. In southeast Alaska, area plans have been completed for Haines-Skagway and Prince of Wales Island, areas with high levels of timber harvest activity. Work will soon begin on an area plan that includes the communities of Meyers Chuck, Wrangell, Petersburg, and Kake. Additional sections of southeast are slated for future area plans.

March 15, 1989

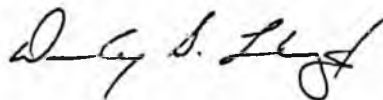
The area planning process relies heavily on public participation. Three separate sets of public meetings in each local community and regional center are normally held during the development of the plan. The meetings are used to distribute information on areas resources and gather public opinion. Environmental impact statements are a federal, not a state, requirement. However, during the planning process, DNR gathers the best available data on all resources and uses this information to consider potential impacts or conflicts. This information is made available to the public through publications and public meetings. Citizen feedback is incorporated at all stages of the plan. Whenever possible, DNR does try to schedule public meetings in those communities most likely to be affected by a proposed action.

The Department also prepares more detailed forest management plans for areas with active timber management programs on state land. Management plans have been prepared for the Tanana Valley and Haines State Forests, and a management plan is underway for the Susitna Valley.

We are forwarding your letter to Gary Gustafson, Director of the Division of Land and Water Management, and Bob Dick, Director of the Division of Forestry, so that they are aware of your concerns and will continue to include the participation of the Council in their activities.

Thanks again for your comments. Your organization provides a vital link in the public participation process.

Sincerely,



Denby S. Lloyd
Special Staff Assistant
to the Governor

cc: Commissioner Don Collinsworth
Department of Fish and Game
Commissioner Lennie Gorsuch
Department of Natural Resources
Gary Gustafson, Director
Division of Land & Water Management
Bob Dick, Director
Division of Forestry



SOUTHEAST REGIONAL FISH & GAME COUNCIL

c/o ADF&G, DIVISION OF BOARDS, P.O. BOX 3-2000, JUNEAU, ALASKA 99802 PHONE: (907) 465-4110

February 16, 1989

ADVISORY COMMITTEES

Angoon
Craig
Elfin Cove
Gastineau Channel
Hoonah
Hydaburg
Hyder
Kake
Ketchikan
Klawock
Pelican
Petersburg
Port Alexander
Tenakee
Sitka
Sumner Strait
Upper Lynn Canal
Wrangell
Yakutat
Edna Bay
Klukwan

The Honorable Steve Cowper
Governor
State of Alaska
Office of the Governor
Pouch A
Juneau, AK 99811

Dear Governor Cowper:

The Southeast Regional Fish and Game Council (SERC) met in Petersburg in January prior to the Board of Fisheries meetings and took action on several important habitat/subsistence issues facing Alaska.

The Regional Council is comprised of 23 chairpersons of the local Southeast Advisory Committees throughout Southeast representing a broad spectrum of resource users in their communities. As you know, SERC derives its authority concerning subsistence and habitat protection from ANILCA Sec. 805, Alaska Statute 16.05.260, and 5 AAC 96.200, 5 AAC 96.280.

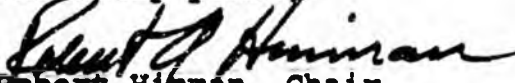
The Council is extremely concerned about the policies of the Department of Natural Resources (DNR) in developing timber harvest programs land selections and other management decisions. Too often the public is left out of the process through the current type of hearings DNR holds prior to the planning and implementation of timber harvest and other land use decisions. Hearings are currently held in major population centers not immediate to the proposed timber harvest areas. Local communities are not informed of possible negative impacts on Fish and Game habitat. These hearings should also be held in local communities nearest to the potentially impacted areas. In conjunction with the public hearing process, written evaluations of possible effects on fish and game resources from timber harvest and other activities should be made available for public scrutiny. In other words, the SERC is requesting an environmental impact study. Hearings should be a forum for imparting information to the public as

well as gathering information. The Council would like to stress their dissatisfaction with the current implementation of the public hearing process.

Also of primary concern to this Council is the lack of clear management plans. The Council urges that management plans be developed for regions with planned timber harvest and other activities. These management plans should keep in mind the state's policy of protecting subsistence uses, as evidenced by the subsistence priority set out in Alaska Statute 16.05.258, and the needs of Alaska's wildlife and habitat uses by its citizens.

The State Forest Practices Act should be amended to accommodate these public hearing criteria as laid out in this letter. The Council acknowledges the efforts you have been making towards the fruition of proper legislation concerning state practices. We would also appreciate your continued efforts to solve these problems.

Sincerely yours,


Robert Hinman, Chair
Southeast Regional Council

Dear Senator Szymanski,

A number of years ago I had the good fortune to become familiar with the nearly uninhabited coastline east of Cordova to Yakutat. At that time I was working for the U.S. Forest Service marking timber sales on the Yakutat Forelands. I suspected then, and am now convinced that those timber sales were a mistake. Likewise I have always held the timber sales on the nearby State lands ~~near~~ ^{at} Icy Cape were not in the best public interest. Why? These lands like those of the Yakutat Forelands have a similar natural history and evolution which has resulted in a fragile landscape which if properly managed ~~will~~ will continue to produce salmon in abundant quantities, a wide variety of wildlife for both subsistence and sport, as well as superb recreational opportunities. Yet what has D.N.R. done with this land? They have clearcut over TWENTY CONTINUOUS MILES OF COAST and would like to continue this effort at the expense of all the other resources present. It apparently makes no difference to D.N.R. that there have been numerous stream violations by logging operations. Nor are they willing to face the fact that mt. goat populations in the clearcut areas dropped by over 75% while nearby areas saw a population increase of over 100%. It is clear to me that D.N.R. is incapable of making a rational decision regarding a fair trade off of resource values in this area. Further evidence of this single mindset can be seen in the way that D.N.R. has attempted to supercede the law by transferring timber rights to the University of Alaska then selling these rights without a public hearing. If this wasn't enough D.N.R; has also committed more than 16 million board feet of timber outside the original Icy Cape ~~II~~ sale area in order to make up for mistakes in handling timber sales to Sullivan Inc. Like the University sales this timber was awarded without due public process and involvement.

D.N.R. has been able to get away with this kind of mismanagement only because this area is so remote. Until recently they could do what they wanted with little chance of public notice. It is time to send a message to D.N.R. that by managing the trees they have forgotten the forest, and that they have blown it.

I have long felt that the region between Cape Suckling and ~~MMMM~~ Icy Cape would make an excellent State Game Refuge. Now is the time to do this before D.N.R. can abuse this area any more. This land should have all been classified as wildlife habitat long ago and never logged. It is time to do it now. It has been suggested by some that contractual obligations to Chugach Alaska Corp. could be fulfilled by a combination of debt and stumpage fee forgiveness by the State. This seems like an excellent idea which would appeal to all parties involved. Once again, I urge you to promote State Game Refuge status for this region. Fish and Game have never approved a timber sale in this area, yet the cutting has continued.

Sincerely,

Michael J. Van Note

Box 26,

Haines, AK

99827

cc: Sen. Fahrenkamp

Sen. Kertulla

FEB 15 1990

Nathan Borson

Box 122 • Gustavus, AK 99826 • (907) 697-2381

February 13, 1990

Senator Bettye Farenkamp
Box V
Juneau, AK 99811

Dear Senator Farenkamp,

I am writing in support of the creation of a Yakataga State Game Refuge between Cape Yakataga and Cape Suckling. This would protect the important fish and game resources of the area which are currently under siege by Department of Resources forest mismanagement.

I hope you will support passage of legislation like last year's House Bill 346.

Thank you for considering my views.

Sincerely,



Nathan Borson

MAR 8 1990

March 7, 1990

Dear Senator Jónsenkamp:

I am writing in support of a Yakutatya State Game Refuge as provided in House Bill 346. As a part time guide and subsistence user, I much prefer state game refuge status over the mismanagement so often seen on ONR lands. The future of Alaskans depends on wise, long-term stewardship rather than short-term economic gain for a few.

Please help move a companion bill to Reps. Menard and Davidson's as soon as possible.

Sincerely,
Eric Holle
Hamer

YUKON RIVER GUIDE

Slides - Refreshments

FRIDAY FEBRUARY 2ND 7:30 PM

SENIOR CITIZEN CENTER

RIDE THE TATSHENSHINI AND ALSEK FROM DALTON POST TO DRY BAY
WITH KEN MADSEN FROM WHITEHORSE, AUTHOR - EXPLORER

Everyone Welcome

