

**HB**

**424**

SENATE COMMITTEE REPORT

DATE: 4/20/90

FURTHER:

DATE TURNED INTO OFFICE: 5-3-90

Resources

Committee considered

HB 424

Anchor River and Fritz Creek Critical Habitat Area management plan; efd.

and recommended:

[x] replace with 5 CS HB424 (Res)
[ ] or adopt CS

[x] same title
[ ] new title
[ ] technical title change (HB only)

[ ] attached amendment(s)
[ ] letter of intent adopted

[x] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

[ ] fiscal note(s) Dept/Date:

[ ] fiscal note(s) Dept/Date:

[ ] zero fiscal note(s)

[x] zero fiscal note(s) F+G DMR

[ ] appropriation-no fiscal note

[ ] Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Handwritten signatures of committee members.

Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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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)

Prepared by: Lawrence Ostrovsky Phone: 415-2400  
Division: Commissioner's Office Date: 10/23/89

Approved by Commissioner: Jenni Jensen Date: 10/23/89  
Agency: DNR

Distribution (by preparer):

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

Changes in SCS CS HB 424 (Res)  
have no fiscal impact. This  
fiscal note is appropriate.  
Projections of no fiscal impact  
would continue through 1996.

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION: HB 424  
PUBLISH DATE: HOUSE 1/18/90

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Anchor River/Fritz Creek  
Critical Habitat Area Mgmt. Plan  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Dept. of Fish and Game  
BRU: Habitat Division

Components: \_\_\_\_\_

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

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

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

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

**POSITIONS:**

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Frank Rue, Director Phone: 465-4105  
Division: Habitat Division Date: 10/19/89

Approved by Commissioner: [Signature] Date: 10/23/89  
Agency: Department of Fish and Game

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

would continue through 1990.

Changes in SCS CS HB 424 (RES)  
have no fiscal impact.  
This fiscal note is  
appropriate.

go0190hE  
Bradley  
5/1/90

Original sponsor(s): Rules/Governor

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 424 (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 relating to the Anchor River and Fritz Creek  
7 Critical Habitat Area management plan; and providing  
8 for an effective date."

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

10 \* Section 1. AS 16.20.605(d) is amended to read:

11 (d) A management plan for the Anchor River and Fritz Creek  
12 Critical Habitat Area shall be adopted and may be revised [COMPLETED  
13 BY JULY 1, 1989,] by the Department of Fish and Game in consultation  
14 with the Department of Natural Resources under the Administrative  
15 Procedure Act (AS 44.62) [AND THE MANAGEMENT PLAN SHALL BE SUBMITTED  
16 TO THE LEGISLATURE FOR REVIEW. THE MANAGEMENT PLAN SHALL TAKE EFFECT  
17 WHEN APPROVED BY ACT OF THE LEGISLATURE]. The management plan shall  
18 reflect the concurrence of the Kenai Peninsula Borough as it applies  
19 to land committed by the borough to the Anchor River and Fritz Creek  
20 Critical Habitat Area.

21 \* Sec. 2. AS 16.20.605 is amended by adding new subsections to read:

22 (e) The department shall establish a citizens' advisory commit-  
23 tee to work with the department and advise on implementation and  
24 revisions of the management plan for the Anchor River and Fritz Creek  
25 Critical Habitat Area.

26 (f) Appointments to the citizens' advisory committee shall be  
27 recommended by the Kenai Peninsula Borough and shall include represen-  
28 tatives from

29 (1) industry and commercial users;

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

3                   (3) officials representing the Kenai Peninsula Borough.

4           \* Sec. 3. The management plan for the Anchor River and Fritz Creek  
5 Critical Habitat Area adopted by the Department of Fish and Game dated June  
6 1989 is approved.

7           \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).  
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go0190hE  
Bradley  
5/1/90

Original sponsor(s): Rules/Governor

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 424 (Resources)

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4 SIXTEENTH LEGISLATURE - SECOND SESSION

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24 revisions of the management plan for the Anchor River and Fritz Creek  
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26 (f) Appointments to the citizens' advisory committee shall be  
27 recommended by the Kenai Peninsula Borough *and the City of Homer* and shall include represen-  
28 tatives from

29 (1) industry and commercial users;

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

3 (3) officials representing the Kenai Peninsula Borough <sup>and</sup>  
 4 ~~the City of Homer~~

\* Sec. 3. The management plan for the Anchor River and Fritz Creek  
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 6 1989 is approved.

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# Alaska State Legislature

SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, RESOURCES COMMITTEE  
119 N. CUSHMAN STREET, SUITE 201  
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## SENATE RESOURCES COMMITTEE LETTER OF INTENT House Bill 424

It is the intent of the Senate Resources Committee that the Anchor River/Fritz Creek Critical Habitat Area Management Plan shall allow historical, traditional and public uses, including hunting, fishing, trapping, subsistence activities, photography, hiking, motorized and non-motorized public access, tree removal, timber harvesting, and grazing to the extent the activities are compatible with the goals of the critical habitat area.

ANCHOR RIVER/FRITZ CREEK  
CRITICAL HABITAT AREA  
MANAGEMENT PLAN

JUNE 1989

Prepared by the  
Divisions of Habitat and Wildlife Conservation

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

Don W. Collinsworth, Commissioner



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## ACKNOWLEDGEMENTS

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

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

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

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

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

## INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Anchor River Fritz Creek Critical Habitat Area Management Plan

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


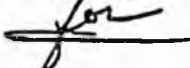
# MEMORANDUM

STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

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

TELEPHONE: 465-2400

FROM:   
Lennie Gorsuch  
Commissioner 

SUBJECT: Anchor River/Fritz Creek  
Critical Habitat Area

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

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

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

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



## KENAI PENINSULA BOROUGH

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

DON GILMAN  
MAYOR

January 4, 1990

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

Dear Ms. Clausen,

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

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

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

Thank you for the opportunity to comment.

Sincerely,

Sylvia Spearow

Fischer

PROPOSED AMENDMENT TO HOUSE BILL 424

\* Sec. 2. AS 16.20.605 is amended by adding a new subsections to read:

(e) The Kenai Peninsula Borough shall establish a citizens' advisory committee to work with the department and advise on the development of policies and regulations that affect the Anchor River and Fritz Creek Critical Habitat Area.

(f) Appointments to the citizens' advisory committee shall be <sup>recommended</sup> ~~made~~ by the Kenai Peninsula Borough and shall include representatives from

- (1) industry and commercial users;
- (2) hunters, trappers, fisherman, cabin owners, and recreational users; and
- (3) officials representing the Kenai Peninsula Borough.

Renumber remaining sections accordingly.

