

**HB306**

**HOUSE COMMITTEE REPORT**

(11)

Date Referred: May 6, 1991

FURTHER REFERRALS:

Date of Committee Action: 5/7/91

The FINANCE Committee considered:

HB 306

HOUSE BILL NO. 306

MCNEIL RIVER GAME REFUGE & SANCTUARY

"An Act establishing a McNeil River State Game Refuge and altering the McNeil River State Game Sanctuary; and providing for an effective date."

**RECOMMENDATIONS:**

be replaced with CS HB 306 (FIN)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) FISH GAME ; DNR

| SIGNING DO PASS               | DP                                  | OTHER RECOMMENDATIONS   | DNP | NR                                  | AM |
|-------------------------------|-------------------------------------|-------------------------|-----|-------------------------------------|----|
| <i>Mike Navarre</i> NAVARRE   | <input checked="" type="checkbox"/> | <i>Bert Sharp</i> SHARP |     | <input checked="" type="checkbox"/> |    |
| <i>Mark Boyer</i> BOYER       | <input checked="" type="checkbox"/> |                         |     |                                     |    |
| <i>James Barnes</i> BARNES    | <input checked="" type="checkbox"/> |                         |     |                                     |    |
| <i>Robert Koponen</i> KOPONEN | <input checked="" type="checkbox"/> |                         |     |                                     |    |
| <i>Leg Brown</i> BROWN        | <input checked="" type="checkbox"/> |                         |     |                                     |    |
| <i>Donald Larson</i> LARSON   | <input checked="" type="checkbox"/> |                         |     |                                     |    |
| <i>Ed Maclean</i> MACLEAN     | <input checked="" type="checkbox"/> |                         |     |                                     |    |
| <i>William Ulmer</i> ULMER    | <input checked="" type="checkbox"/> |                         |     |                                     |    |
|                               |                                     |                         |     |                                     |    |
|                               |                                     |                         |     |                                     |    |
|                               |                                     |                         |     |                                     |    |

*Mike Navarre* NAVARRE  
*Ed Maclean* MACLEAN  
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 306

Revision Date: 5-1-91 Department Affected: Fish and Game

Title: McNeil River State Game Refuge BRU: Wildlife Conservation

Component: Wildlife Conservation

Sponsor: Representative Grussendorf

Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

|  |   |   |   |
|--|---|---|---|
|  | 4 | 7 | 3 |
|--|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING         | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0     | 0     | 26.0  | 26.0  | 26.0  | 25.0  |
| TRAVEL            | 0     | 4.0   | 4.0   | 4.0   | 4.0   | 4.0   |
| CONTRACTUAL       | 0     | 0     | 10.0  | 10.0  | 10.0  | 10.0  |
| SUPPLIES          | 0     | 1.0   | 4.0   | 4.0   | 4.0   | 4.0   |
| EQUIPMENT         | 0     | 0     | 8.9   | 0     | 0     | 0     |
| LAND & STRUCTURES | 0     | 0     | 0     | 0     | 0     | 0     |
| GRANTS, CLAIMS    | 0     | 0     | 0     | 0     | 0     | 0     |
| MISCELLANEOUS     | 0     | 0     | 0     | 0     | 0     | 0     |
| TOTAL OPERATING   | 0     | 5.0   | 52.9  | 44.0  | 44.0  | 44.0  |

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

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

FUNDING: (Thousands of Dollars)

|               |   |     |      |      |      |      |
|---------------|---|-----|------|------|------|------|
| GENERAL FUND  | 0 | 5.0 | 52.9 | 44.0 | 44.0 | 44.0 |
| FEDERAL FUNDS |   |     |      |      |      |      |
| OTHER         |   |     |      |      |      |      |
| TOTAL         | 0 | 5.0 | 52.9 | 44.0 | 44.0 | 44.0 |

POSITIONS:

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 2 | 2 | 2 | 2 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact: no impact on current year

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Dave Kelleyhouse, Director Phone: 465-4190

Division: Division of Wildlife Conservation Date: 5/01/91

Approved by Commissioner: *Ross Anderson*

Agency: Department of Fish and Game Date: 5/1/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 306

Revision Date: \_\_\_\_\_ Department Affected: Natural Resources  
 Title: McNeil River State Game BRU: Land & Water Management  
Refuge Components: Land & Water Management  
 Sponsor: Representative Grussendorf  
 Requestor: House Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING         | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES |       |       |       |       |       |       |
| TRAVEL            |       |       |       |       |       |       |
| CONTRACTUAL       |       |       |       |       |       |       |
| SUPPLIES          |       |       |       |       |       |       |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND&STRUCTURES   |       |       |       |       |       |       |
| GRANTS, CLAIMS    |       |       |       |       |       |       |
| MISCELLANEOUS     |       |       |       |       |       |       |
| TOTAL OPERATING   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| REVENUE |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

|               |     |     |     |     |     |     |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND  |     |     |     |     |     |     |
| FEDERAL FUNDS |     |     |     |     |     |     |
| OTHER         |     |     |     |     |     |     |
| TOTAL         | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

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

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Janet Bureson Phone: 465-3400  
 Division: Land & Water Management Date: 30-Apr-91

Approved by Commissioner: Harold Heinze Date: 30-Apr-91  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,  
& Impacted Agency(ies).

CS FOR HOUSE BILL NO. 306 (FINANCE)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Navarre, Jacko, Mackie, Davidson, Boyer, Brown, Ellis, Finkelstein, Gruenberg, Koponen, Kubina, Moyer, Ulmer, B.Davis, Donley

A BILL  
FOR AN ACT ENTITLED

1 "An Act establishing a McNeil River State Game Refuge and altering the McNeil River  
2 State Game Sanctuary; and providing for an effective date."

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

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

5           Sec. 16.20.041. MCNEIL RIVER STATE GAME REFUGE. (a) The following state-  
6 owned land and water, including the tidelands but exclusive of marine water and submerged land,  
7 lying within the parcels described in this subsection is established as the McNeil River State  
8 Game Refuge:

9                   Township 10 South, Range 29 West, Seward Meridian

10                   Section 19: S1/2

11                   Section 20: SW1/4

12                   Section 29: W1/2

13                   Sections 30 - 31

14                   Township 10 South, Range 30 West, Seward Meridian

1 Section 3: SW1/4  
 2 Section 4: SE1/4  
 3 Sections 10 - 11  
 4 Sections 14 - 16  
 5 Section 17: E1/2  
 6 Sections 20 - 23  
 7 Sections 25 - 29  
 8 Section 30: SE1/4  
 9 Section 31: NE1/4, S1/2  
 10 Sections 32 - 36  
 11 Township 11 South, Range 29 West, Seward Meridian  
 12 Sections 1 - 35  
 13 Section 36, except Nordyke Island and its tidelands  
 14 Township 11 South, Range 30 West, Seward Meridian  
 15 Sections 1 - 36  
 16 Township 11 South, Range 31 West, Seward Meridian  
 17 Sections 1 - 36  
 18 Township 11 South, Range 32 West, Seward Meridian  
 19 Sections 1 - 36, except land within Katmai National Park and Preserve  
 20 Township 12 South, Range 31 West, Seward Meridian  
 21 Sections 1 - 36  
 22 Township 12 South, Range 32 West, Seward Meridian  
 23 Sections 1 - 36, except land within Katmai National Park and Preserve  
 24 Township 13 South, Range 33 West, Seward Meridian  
 25 Section 1, except land within Katmai National Park and Preserve.

26 (b) The McNeil River State Game Refuge is established to

27 (1) provide permanent protection for brown bear and other fish and wildlife  
 28 populations and their habitats, so that these resources may be preserved for scientific, aesthetic,  
 29 and educational purposes;

30 (2) manage human use and activities in a way that is compatible with (1) of this  
 31 subsection and to maintain and enhance the unique bear viewing opportunities in the McNeil

1 River State Game Sanctuary established under AS 16.20.160;

2 (3) provide opportunities that are compatible with (1) of this subsection for  
3 wildlife viewing, fisheries enhancement, fishing, hunting, trapping, and mineral entry, for  
4 temporary safe anchorage, and for other activities.

5 (c) The Board of Game shall determine whether hunting of brown bears within the  
6 McNeil River State Game Refuge should be prohibited.

7 (d) The department and the Department of Natural Resources

8 (1) may not enter into sales of land or water within the McNeil River State Game  
9 Refuge;

10 (2) may enter into leases within the McNeil River State Game Refuge if the  
11 commissioner finds that activity conducted under the lease is compatible with the purposes for  
12 which the refuge is established.

13 \* Sec. 2. AS 16.20.160 is repealed and reenacted to read:

14 Sec. 16.20.160. MCNEIL RIVER STATE GAME SANCTUARY. The following state-  
15 owned land and water, including the tidelands but exclusive of marine water and submerged land,  
16 lying within the parcels described in this subsection is established as the McNeil River State  
17 Game Sanctuary:

18 Township 12 South, Range 29 West, Seward Meridian

19 Sections 1 - 36

20 Township 12 South, Range 30 West, Seward Meridian

21 Sections 1 - 36

22 Township 13 South, Range 29 West, Seward Meridian

23 Sections 5 - 8

24 Sections 17 - 20

25 Sections 29 - 32

26 Township 13 South, Range 30 West, Seward Meridian

27 Sections 1 - 36

28 Township 13 South, Range 31 West, Seward Meridian

29 Sections 1 - 36

30 Township 13 South, Range 32 West, Seward Meridian

31 Sections 1 - 36

1 Township 14 South, Range 32 West, Seward Meridian

2 Sections 1 - 12

3 Sections 15 - 22

4 Sections 27 - 30.

5 \* Sec. 3. AS 16.20.170 is repealed and reenacted to read:

6 Sec. 16.20.170. PURPOSE; REGULATIONS. (a) The McNeil River State Game  
7 Sanctuary is established to

8 (1) provide permanent protection for brown bear and other fish and wildlife  
9 populations and their habitats, so that these resources may be preserved for scientific, aesthetic,  
10 and educational purposes;

11 (2) manage human use and activities in a way that is compatible with (1) of this  
12 subsection and to maintain and enhance the unique bear viewing opportunities within the  
13 sanctuary; and

14 (3) provide opportunities that are compatible with (1) of this subsection for  
15 wildlife viewing, fisheries enhancement, and fishing, for temporary safe anchorage, and for other  
16 activities.

17 (b) Hunting and trapping within the McNeil River State Game Sanctuary are prohibited.

18 (c) The department and the Department of Natural Resources

19 (1) may not enter into sales of land or water within the McNeil River State Game  
20 Sanctuary;

21 (2) may enter into leases within the McNeil River State Game Sanctuary if the  
22 commissioner finds that activity conducted under the lease is compatible with the purposes for  
23 which the sanctuary is established.

24 (d) The McNeil River State Game Sanctuary is closed to mineral entry under  
25 AS 38.05.185 - 38.05.275.

26 (e) The boards may adopt regulations governing access, entry, development, construction,  
27 fishing, and other uses and activities affecting the natural habitat, fish and wildlife, and public  
28 use of the McNeil River State Game Sanctuary.

29 \* Sec. 4. This Act takes effect on the date the Paint River fish ladder begins operation. The  
30 commissioner of fish and game shall certify to the revisor of statutes the date the fish ladder begins  
31 operation.

REPRESENTATIVE  
BEN GRUSSENDORF  
1221 HALIBUT POINT ROAD  
SITKA, ALASKA 99835  
(907) 747-8458

RULES COMMITTEE  
LEGISLATIVE COUNCIL

DISTRICT 3  
ELFIN COVE  
FELICAN  
PORT ALEXANDER  
SITKA  
TENAKEE

# Alaska State Legislature

WHILE IN JUNEAU  
P.O. Box V  
JUNEAU, ALASKA 99811  
(907) 465-3824  
(907) 465-3720

## House of Representatives SPEAKER OF THE HOUSE May 4, 1991

Rep. Eileen MacLean, Co-Chair  
Rep. Mike Navarre, Co-Chair  
House Finance Committee

Dear Rep. MacLean and Rep. Navarre:

I have introduced House Bill 306, "An Act establishing a McNeil River State Game Refuge and altering the McNeil River State Game Sanctuary; and providing for an effective date, with the intent of insuring that if a proposed \$2.8 million Paint River fish ladder is built, bears attracted there by migrating salmon will not be adversely affected by increased human-bear contact. Providing sanctuary status to the Paint River will give bears priority status and protect them.

At this time, five environmental groups have sued the Army Corps of Engineers to block construction of the Paint River fish ladder until an appropriate environmental assessment is completed. One of the groups, Friends of McNeil River, has stated that "either the land around Paint River is given some sort of special status to control human access and activities, or the fish don't go up the ladder". The Department of Fish and Game wants the ladder and I want the ladder, so as a result of attempted compromise between all concerned groups to allow the ladder and protect the bears, I hope to pass this legislation.

The Resources Committee Substitute to House Bill 306, contains language changes intended to clarify intent of the bill and certain changes resulting from negotiations with concerned parties.

The numbering of the new section creating the McNeil River State Game Refuge and the numbering of the section extending the Sanctuary was changed to accommodate the Department of Fish and Game's several regulations referring to existing sanctuary statutes; AS 16.20.170.

Language was added in Section 1 (a) to clarify the exclusion of marine water and submerged land from the refuge.

The wording of Section 1 (b) (3) was changed to clarify the intent of the section.

Rep. MacLean, Rep. Navarre  
May 4, 1991  
page two

Section 1 (d) (2) and 1 (e) was added to further clarify the intent of the section.

Section 1 (f) was deleted so as to not conflict with existing statutes pertaining to the Fish and Game Commissioner's regulation authorization in state refuges.

Language was added to Section 2 (a) clarify the exclusion of marine water and submerged land from the sanctuary.

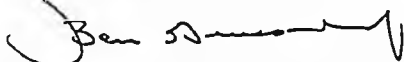
The wording of Section 2 (b) (3) was changed to clarify the intent of the section.

Section 2 (d) (2) and 2 (e) was added to further clarify the intent of the section.

The effective date was changed to allow the establishment of the refuge and the extension of the sanctuary upon operation of the fish ladder.

This bill must be passed to give promise to concerned groups that the bears will be protected in the Paint River area, and hopefully allow fisheries enhancement within the Paint River for the stocking of five salmon species for commercial fishing. I hope you support my efforts to pass this bill.

Respectfully yours,



Rep. Ben Grussendorf  
Speaker of the House

# Alaska State Legislature



Speaker of the House of Representatives

P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-1720

Official Business

## MEMORANDUM

TO: REP. BEN GRUSSENDORF  
FROM: FALEENE SELE, STAFF  
DATE: APRIL 25, 1991  
RE: MCNEIL RIVER STATE GAME SANCTUARY/REFUGE

=====

Below are acreage estimates for existing land within the McNeil River State Game Sanctuary, proposed expansion of the sanctuary and proposed McNeil River State Game Refuge. Estimates provided by John Westlund of ADF&G's Wildlife Conservation office in Anchorage.

|                            |               |
|----------------------------|---------------|
| New northern extension:    | 8,640 acres   |
| New southern extension:    | <u>20,480</u> |
| Total extension:           | 29,120        |
| Original McNeil Sanctuary: | <u>83,800</u> |
| Total Sanctuary acreage:   | 112,920       |
| Total Refuge acreage:      | 131,840       |

TOTAL NEW ACREAGE IN BOTH SANCTUARY AND REFUGE = 160,960

Estimates based on # of sections multiplied by 640.

|                              |      |
|------------------------------|------|
| Northern Sanctuary sections: | 13.5 |
| Southern Sanctuary sections: | 32   |
| Refuge sections:             | 206  |



## KENAI PENINSULA BOROUGH

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

DON GILMA  
MAYOR

April 30, 1991

Rep. Ben Grussendorf  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Rep. ~~Grussendorf:~~ <sup>Ben</sup>

I am writing in support of HB 306 and your efforts in finding an amicable solution to the current dilemma surrounding the Paint River fishery enhancement project and the protection of the brown bear and other fish and wildlife populations and habitats in the McNeil River area.

It is my understanding that a lawsuit has been filed against the U.S. Corps of Engineers over the Paint River project by a number of organizations who are interested in preserving the integrity of the McNeil River brown bear habitat. It is also my understanding that this pending lawsuit could potentially have a detrimental effect on the federal funding allocated to this project.

Both the development of the Paint River project and the protection of the wildlife in the McNeil River area are important to the well being of this region of the State. While the Borough Assembly has not had the opportunity to take a position on this issue, I believe I can speak for both the administration and the Assembly in saying we strongly support your efforts in finding a solution so that the Paint River fishery enhancement project may proceed, while at the same time protecting the fish and wildlife in the McNeil River area.

Sincerely,

Don Gilman,  
Borough Mayor

KENAI PENINSULA BOROUGH  
ECONOMIC DEVELOPMENT DISTRICT, INC.

RESOLUTION 91-7

A RESOLUTION SUPPORTING THE CONSTRUCTION OF THE PAINT RIVER FISHERIES ENHANCEMENT PROJECT AND SUPPORT FOR HB 306 "AN ACT ESTABLISHING A MCNEIL RIVER STATE GAME REFUGE AND ALTERING THE MCNEIL RIVER STATE GAME SANCTUARY AND PROVIDING FOR AN EFFECTIVE DATE."

WHEREAS, ninety-nine percent of Lower Cook Inlet commercial salmon permits are held by Alaskans, of which ninety-three percent are residents of the Kenai Peninsula; and

WHEREAS, commercial fishing is a major industrial activity sustaining the economy and labor force of the Kenai Peninsula; and

WHEREAS, the Paint River Fisheries Enhancement Project (which will stock all five species of salmon native to Alaska) would be an accessible fishery for the Kenai Peninsula's commercial fleet; and

WHEREAS, the fish ladder will enable the Paint River system to produce more than 1.7 million salmon annually, adding a projected annual commercial fish harvest and processing value in the Lower Cook Inlet of \$11 million and adding new jobs to the regional economy; and

WHEREAS, \$1.6 million has been appropriated by the State of Alaska and \$1 million committed by the U.S. Economic Development Administration for construction of the fish ladder; and

WHEREAS, concerns have been expressed for protecting bear population at McNeil River; and

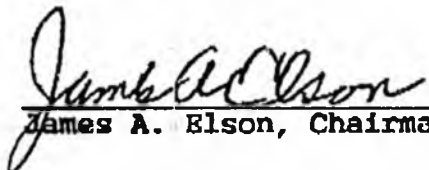
WHEREAS, Representative Ben Grussendorf has introduced HB 306 which expands the boundaries of the McNeil River State Game Sanctuary and establishes a McNeil River State Game Refuge.

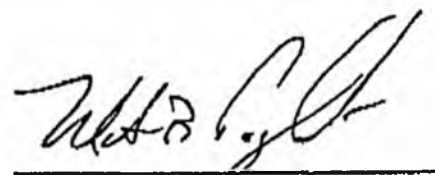
NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE KENAI PENINSULA BOROUGH ECONOMIC DEVELOPMENT DISTRICT, INC. THAT

Section 1: The Alaska State Legislature enact HB 306 to provide expansion of the McNeil River State Game Sanctuary and establishment of a McNeil River State Game Refuge which will address the protection of the bear population at McNeil River.

Section 2: This resolution shall take effect immediately upon its adoption.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE KENAI PENINSULA BOROUGH ECONOMIC DEVELOPMENT DISTRICT, INC., THIS 6<sup>th</sup> DAY OF May, 1991.

  
James A. Elson, Chairman

  
Attest:

Attachment #2  
5/16/91  
HS 206

# McNeil River Proposals April 1991



Proposed McNeil River  
State Game Sanctuary  
Additions

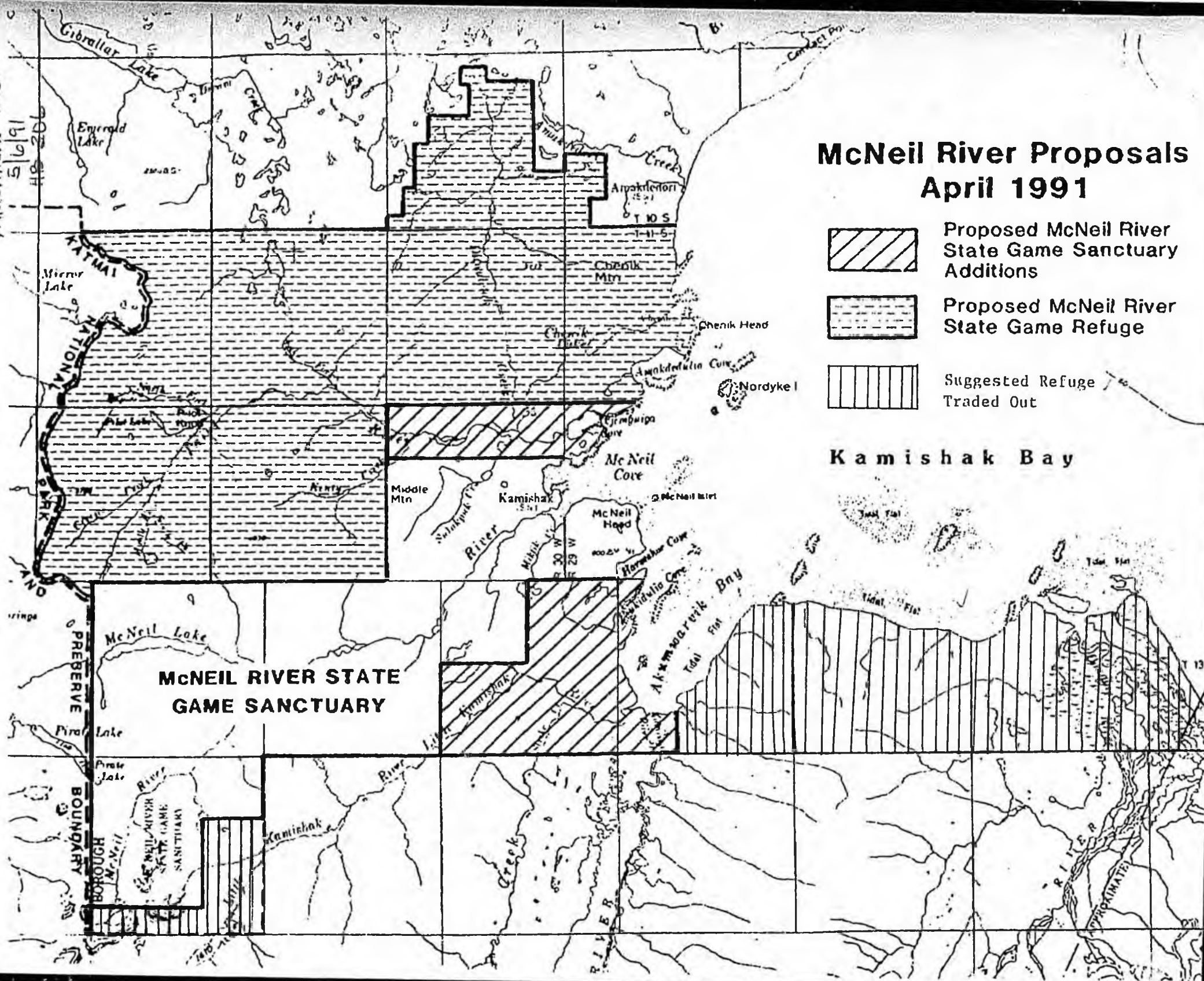


Proposed McNeil River  
State Game Refuge



Suggested Refuge  
Traded Out

Kamishak Bay



# State decides not to change ladder plans

Bears may run into humans at Paint River salmon runs

By DAVID HULEN  
Daily News reporter

The controversial fish ladder on the Paint River just outside the McNeil River bear sanctuary will apparently be built on schedule this summer without new restrictions on human activity around it, state wildlife authorities said Friday.

The \$3 million structure is to be built near the mouth of the Paint River, just three miles from the much-photographed falls on the McNeil where dozens of brown bears gather each summer to gorge on salmon.

The idea of the ladder, on the west side of Cook Inlet across from Homer, is to enable salmon to swim around a 35-foot waterfall and spawn in the system, creating a new major commercial salmon run.

But some conservationists think a large new salmon run so close to McNeil could threaten the bears that gather there — and the chance for people to watch so many of them — by drawing them out of the sanctuary and on to state land along the Paint, where bear hunting and sport fishing are allowed. Fish ladder opponents think the amount of human contact with bears could increase, endangering both bears and people.

Officials in the Department of Fish and Game have been discussing the idea in recent weeks of pressing for legislation to impose land-use restrictions on the area around Paint River. One idea was to press legislators to extend the McNeil River sanctuary north to cover the Paint River system, along with restrictions of hunting, fishing and other human activity.

Please see Page C-3, LADDER

## LADDER: State decides to forgo new rules

Continued from Page C-1

But on Friday, Karl Schneider, acting regional supervisor of the Division of Wildlife Conservation, said Fish and Game officials in Juneau had not decided to push the legislation this year. With only a month or so left in this year's session, he said, it was unlikely that any such action would occur this year.

Part of the reason, he said, was that new appointees at the top of Fish and

Game, including the new state head of Wildlife Conservation, were just settling into their jobs and were still trying to get familiar with the issue. In addition, he said, groups involved with the issue haven't been able to agree on just what the department should do.

Permits were issued for the project last year.

"I think they feel at this point they can't take a position," Schneider said. Nonetheless, he said, officials in

the department think "some kind of special area status" makes sense and said the issue will continue to be discussed.

Tony Dawson, an Anchorage wildlife photographer who has helped form the group Friends of McNeil River, was among a large group of citizens and government officials who met on the issue Friday. He said he was disappointed the state wasn't doing more.

"They seem to think (placing restrictions on the land)

is moving too fast.... To us, it's not moving fast enough," Dawson said. "Nobody's offering any hope of canceling the project and no protection is likely to be in place" until at least next year.

Schneider, meanwhile, said he thought Fish and Game officials shared the same concerns of the McNeil River group.

"The uncertainty is what's the best thing to do about it," he said.

ADL  
4/4

ADL  
4/4/71

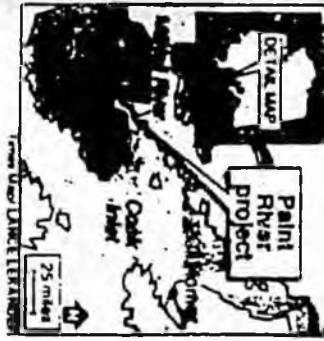
# Fish ladder plan spurs interest in bear sanctuary

By DAVID FUTCH

4-10-91

TIMES WRITER

The fear of a brown bear massacre by hunters along the Paint River has led House Speaker Ben Grussendorf to devise a plan to include that stream within the boundaries of the McNeil River State Game Sanctuary.



Grussendorf said Tuesday he expects to introduce a bill ensuring that if a proposed \$2.8 million Paint River fish ladder is built, bears attracted there by migrating salmon will not be killed by hunters.

Currently the Paint River drainage area three miles north of McNeil River does not protect bears from human intrusion, hunting or fishing because the land is designated as state land and not sanctuary for animals.

Friends of McNeil River, a group that opposes construction of the fish ladder, said without sanctuary status, people could fish there, causing potentially disastrous confrontations with bears. Each year hundreds of people make the trek to view as many as 65 bears at a time feeding on salmon at McNeil River. The river flows to McNeil Cove, 34 miles southwest of Augustine Island in the Aleutian Range.

The Paint River fish ladder is a state, federal and Cook Inlet Aquaculture Association project. See River, page B5

## River

Continued from page B1

signed to create another breeding ground for salmon by giving them a way to negotiate the 35-foot high Paint River Falls.

Hunting guide Mike DeNeut predicts a bear massacre unless the Paint River area becomes part of the McNeil River sanctuary.

DeNeut, who has 20 years guiding experience in the nearby Iliamna drainage area, said any designation other than sanctuary status would allow hunters to kill bears at Paint River.

"If you include it as part of McNeil, guides will

stay away because they know the government will almost send them to the electric chair for hunting in the sanctuary," DeNeut said. "I know the mentality of a lot of guides and they can't wait for the ladder to go in."

Grussendorf, D-Sitka, said he decided to propose legislation to include Paint River in the McNeil Sanctuary to give bears priority status and protect them.

The state wants the fish ladder built but does not want to see bears an easy target to hunters.

Friends of McNeil River said the ladder would create a mother lode of salmon at Paint River and divert older and younger bears unable to compete at McNeil River to the Paint River where bears currently do not congregate.

"Bears are not stupid. They take the easy way or out," Grussendorf said. "The Paint River could

become another place where people go to look at bears. When people think of Alaska they think of that magnificent animal. Alaska wouldn't be Alaska without that brown bear."

Tony and Kathy Dawson with Friends of McNeil River have been fighting the ladder but understand political realities will demand the ladder be built. They said they are pleased to see legislation is being put forth to include the Paint River as part of McNeil River Sanctuary. They added they hope the Paint River gets sanctuary status before it's too late.

Tony Dawson said the ladder may not be completed in time for salmon to make a run up the Paint River this summer but it will be by next summer.

If a couple of seasons pass without the Paint River receiving sanctuary status, then the McNeil

River bears could end up on the wrong end of a gun, Dawson said.

"What should have been done is give this area sanctuary status before the ladder is built," he said. "The other point is there are a lot of people tapping their pencils and shaking their heads that six weeks ago weren't doing anything."

Tom Walker, a Cook Inlet Aquaculture planner, said his group has no problem with naming the Paint River part of McNeil Sanctuary.

He said he hopes language in the bill allows for limited activity on the Paint River so Cook Inlet Aquaculture can check on what happens to the salmon migrating up the Paint River.

"Our area of interest is the salmon," Walker said. "I wouldn't hazard a recommendation as to what is good or bad for bears."



Times photo by BILL SHERWONIT



# STATE'S BIOLOGISTS AGREE McNEIL'S BEARS NEED ADDITIONAL PROTECTION

4-14-91

**S**ince being assigned to McNeil River State Game Sanctuary in 1976, Larry Aumiller has become the world's leading expert on McNeil's annual gathering of brown bears. Some colleagues within the Department of Fish and Game say the 46-year-old state wildlife technician understands *Ursus arctos* better than anyone, anywhere.

Through his close contact with McNeil's bears, Aumiller has developed ties with the animals that most people might consider a little strange. He's learned to distinguish individual animals and, if asked, will discuss their different personalities and behavioral traits. He's even named many of the regulars who fish for salmon at McNeil Falls year after year. There's Teddy. Chaser. Weird. And Flashman, Groucho and Melody. Just to name a few.

In a sense, the bears have become Aumiller's family. His concern for them, both collectively and individually, is clear.

It's equally clear that the sanctuary and its summertime residents have helped to shape Aumiller's life over the past 15 years. He, in turn, has helped thousands of sanctuary visitors see first-hand that bears are not the bloodthirsty, unpredictable killers that they're often made out to be, while demonstrating that humans and bears can indeed peacefully co-exist "if you do the right things."

Aumiller's unique connection with McNeil's bears naturally makes him sensitive to anything that might jeopardize the sanctuary's values. Long before anyone else, he recognized that a proposed fisheries-development project at nearby Paint River would inevitably affect the sanctuary and possibly do it significant harm. He expressed his concerns.

For years, no one listened. Or at least no one in a position of authority acted on his concerns.

Sometime within the past year, things began to change. Dramatically. As reported by the media, nearly everyone in



**Bill Sherwonit**

# Sherwonit

Continued from page F1

The Division of Wildlife Conservation's Southcentral Region office now agrees that the creation of a Paint River commercial salmon fishery will, in all likelihood, compromise the sanctuary's values unless additional measures are taken to protect McNeil's bears.

This transformation is wonderful. But the timing is lousy. The Paint River fish-ladder project is, by all accounts, a done deal.

Once the ladder is in place, a commercial fishery is bound to follow. Experts with the Cook Inlet Aquaculture Association and state Commercial Fish Division estimate the Paint River system, when stocked, could eventually produce an annual return of 1.5 million salmon or more. According to a 1990 draft report by the Department of Fish and Game, there's a strong possibility that such salmon returns "will profoundly affect bear distribution, abundance and behavior" in the McNeil region.

Aumiller hesitates to comment on the McNeil-Paint River debate, because the controversy puts him in an awkward position. Understanding the sensitive nature of departmental politics, he's largely content to stay in the background.

During an interview, his comments are carefully weighed. "It makes me really encouraged," he says, "to see everyone else (in the division) so concerned about McNeil. Even the mainstream biologists, who traditionally deal with populations, not individual animals, are saying this area needs to be managed differently than others."

Others are not quite so hesitant to comment. Sterling Miller, a state bear biologist who probably fits the "mainstream" category, has admitted, "Frankly, I think we (in the Division of Wildlife Conservation) were blindsided by this. For a long time, only Larry took Paint River seriously. But now almost everyone agrees that Paint River will have an impact on McNeil, so additional protection is needed. I've never seen people within the division so unified on an issue."

That unity was demonstrated earlier this month, at a meeting hosted by the Division of Wildlife Conservation (DWC). The two dozen or so people present represented a wide array of concerned parties: Fish and Game, the Department of Natural Resources, National Park Service, U.S. Fish and Wildlife Service, U.S. Department of Commerce, several environmental organizations and a group known as "Friends of McNeil."

John Schoen, a state conservation biologist, told those in attendance, "This meeting should have happened two years ago. It's unfortunate we couldn't have done something to protect the sanctuary before (the Paint River fish-ladder project was approved). But now we need to do as much as possible in the time remaining."

Karl Schneider, DWC's acting supervisor for the Southcentral Region, was equally candid: "People often call McNeil a world-class attraction, but I think it goes even beyond that. McNeil is unique. It's the standard by which other wildlife-viewing areas are measured."

"The division's primary management objective — at least at the regional level — for the Kamishak Bay region is to preserve the values that currently exist at McNeil. And the best way to do that, given the circumstances, is to extend the existing sanctuary so it includes the Paint River drainage."

In their search for solutions, it appears that Schneider, Aumiller and others concerned about

McNeil have gained a couple of powerful allies

The Cook Inlet Seiners Association — whose members will directly benefit from any Paint River fisheries development — has expressed its written support of any land status "that best protects the wildlife and habitat of Paint River lands," so long as it doesn't interfere with the creation of a new commercial salmon fishery. And House Speaker Ben Grussendorf of Sitka said last week that he'll introduce a bill to give McNeil additional protection if the Paint River fish ladder is built.

Still, even the most optimistic McNeil supporters doubt that such legislation will pass this session. And its fate in future years is anybody's guess. As Alan Phipps of the Alaska Center for the Environment has cautioned, "I haven't seen any evidence that the Department of Natural Resources (which manages the land in and around Paint River) supports an extension of the sanctuary. DNR's support is critical. And what about administration support?"

No one at Fish and Game will publicly explain what happened, but widely circulating rumors suggest that deputy commissioner Ron Somerville was the person responsible for the department's "change of heart."

On Friday, Rosier said, "We haven't taken a position at this time. There are a lot of issues that need to be discussed and resolved before we make any final decisions."

Although he noted, "We're on top of things here," Rosier surprisingly added that he hadn't talked with any DWC staff in Anchorage, nor had anyone in the division expressed concerns that the Paint River project will likely affect McNeil sanctuary.

The lack of progress has especially frustrated and angered the group Friends of McNeil, which was formed in 1990 to act as an advocate for the sanctuary and its bears.

"Nothing has changed since our first meeting with Fish and Game several weeks ago," says Friends spokesman Tony Dawson, a professional wildlife photographer who lives in Anchorage. "We see the Paint River project as a direct threat to McNeil."

For now, at least, the issue remains in limbo. Will there be a lawsuit? Will the ladder construction be put on hold? Will Fish and Game, DNR and Gov. Walter Hickel support a sanctuary expansion? Will the state risk its world-class bear-viewing area in order to establish a multi-million-dollar commercial fishery, at a time when there's already a glut of salmon on the market?

The answer seems so obvious. Build the fish ladder, but do what's necessary to protect McNeil's bears. Even those who initially opposed the Paint River project now agree it's not necessarily a bad thing, if additional safeguards are provided.

"I think we (Friends of McNeil) are perceived by commercial fishing interests as project killers," Dawson says. "Initially that may have been where we were coming from. Our thinking was, 'Why tinker with a system that's working well?' But we recognize the political realities, so we've modified our stance somewhat. Our main priority is to protect the bears."

Those who know the sanctuary best — and that includes Friends of McNeil as well as state biologists and wildlife managers — are in agreement. The sanctuary must be expanded to best protect the bears from any Paint River development, preferably before any construction on the fish ladder has begun.

Now if only the decision-makers in Juneau will act — quickly — to preserve a unique Alaskan treasure.



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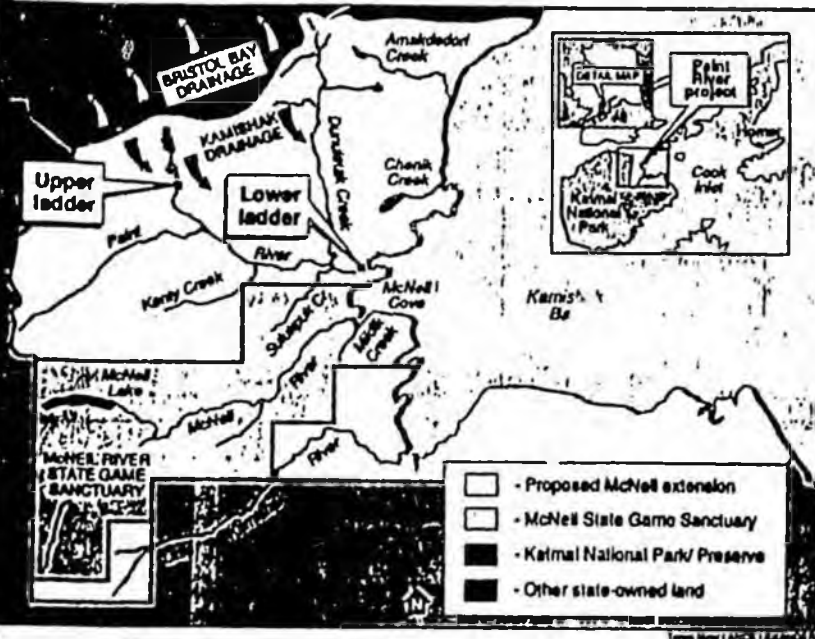
### Archers slate Spring Fever shoots

The Cook Inlet Archers have scheduled two Spring Fever Shoots for Sunday, April 21, and Saturday, April 27, at the Izaak Walton range in

- A child's bird feeder, to be given by the Anchorage Audubon Society at 1 p.m.
  - Flower/plant drying press, to be given to REI staff at 2 p.m.
- Children wishing to participate in the

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The Anchorage Times  
Wednesday, April 17, 1991



## Environmentalists sue to protect McNeil bears

By **DESIREE HUMPHREY**

TIMES WRITER

Five environmental groups sued the federal government Tuesday seeking to block construction of a Paint River fish ladder they say will lead to trouble for bears in the nearby McNeil River State Game Sanctuary.

The Friends of McNeil River and four other environmental groups said impact studies required by federal law were not done before funding and permits were issued for the \$2.8 million project. The project is designed to create a breeding ground and foundation for a major salmon fishery at Paint River.

The groups want a federal judge to stop the project and block its funding until the

completion of studies on the impact of increased human activity in the area and the possibility of adverse encounters between man and bear. The suit was filed in Anchorage federal court.

The federal government has allocated \$1 million to Cook Inlet Aquaculture Association for the project, expected to be completed this summer, the suit said. The association is a private, non-profit group working with the Alaska Department of Fish and Game to start the new fishery.

The fish ladder would be built at the mouth of Paint River, about three miles away from McNeil Falls where bears feed during summer salmon runs, the suit said. The appearance of new fish elsewhere would

draw bears away from the sanctuary viewing area, the suit said.

"The introduction of fish at Paint River is also expected to attract large numbers of sport and commercial users including hunters, fishermen, boaters and other recreational users," the suit said. "Historically large numbers of bears in areas of lots of human activity means lots of trouble."

Tom Mears, executive director for the aquaculture association, said Tuesday the concerns of the environmental groups have been addressed in the fish-ladder plan.

For example, a protective grating will be installed to keep bears from falling in and drowning, he said. In addition, a permanent electric fence will be built.

## Friends can't wait, join in lawsuit

**T**ony Dawson and other Friends of McNeil River didn't want to go to court.

Members of the Friends group waited patiently for several weeks, hoping that state officials would do the right thing: expand McNeil River State Game Sanctuary to protect McNeil's unique gathering of bears from planned fisheries development at nearby Paint River.

Their plea was simple and logical: do something to protect McNeil's bears before construction of a fish ladder begins this spring.

Despite recent support from the state's Division of Wildlife Conservation, Dawson and Friends were frustrated by the mixed messages being sent from Juneau.

Unwilling to gamble that sufficient protective measures would eventually be enacted, the group chose to join four other environmental groups (The Wilderness Society, National Wildlife Federation, Alaska Chapter of the Sierra Club and Alaska Wildlife Alliance) in a lawsuit that seeks to block construction of the Paint River fish ladder until an appropriate environmental assessment is completed.

"The options seem pretty clear to us," says Dawson.

"Either the land around Paint River is given some sort of special status to control human access and activities, or the fish don't go up the ladder.

"The worst-case scenario for us would be for development to occur and have no added protection for the bears. There's been no progress on this issue since our first meeting with Fish and Game this winter.

Something has to be done, so we finally decided to take some action ourselves. This at least buys us some time, while protective measures are being considered (by the state)."

Dawson and other parties involved in the court action understand the risk they're taking. The suit could alienate potential allies, such as commercial fishermen who've publicly supported an expansion of McNeil sanctuary.

"I hope we don't end up burning some bridges," he says. "We're not anti-commercial fishing, or anti-hunting. But our No. 1 concern at this point is the sanctuary and the safety of McNeil's bears. As it stands, the project is ill-conceived and poorly studied. We'd be taking a bigger risk by doing nothing."

Jack Hession, the Sierra Club's Alaska representative, further explains, "The whole process has been flawed. An environmental analysis should have been done before any decision was made to allow the fish ladder. This is like putting the cart before the horse; we're being asked to acquiesce to the fish ladder and then worry about protective measures. Logically you should hold off on the project until it's shown that the ladder is compatible with the continued well-being of bears at McNeil and Katmai National Park."

Which raises an intriguing — and so far unanswered — question: how did the Paint River fisheries enhancement project ever get approved without adequate environmental impact studies?

The lawsuit filed Tuesday in U.S. District Court specifically points fingers at the Army Corps of Engineers, which issued the necessary permit to begin fish-ladder construction, and at the Department of Commerce's Economic Development Administration (EDA), which has provided \$1 million in funding.

But other government agencies, both federal and state, also failed to adequately address the project's potential impacts.

Representatives of the Alaska Department of Fish and Game, U.S. Fish and Wildlife Service and National Park Service have all expressed concerns about the

Paint River fish-ladder project. Yet they've only done so in recent weeks, long after the fish-ladder project was approved.

"The EDA should have done a better job of contacting the appropriate agencies when it evaluated the project," says Bill Lawrence, chief of the Park Service's Environmental Compliance Division for Alaska. "If a there's a permit application or funding request for development activities near a national park, we normally comment. But we have no record of even having reviewed the darn thing (at Paint River), even though it could have significant impact on Katmai's bear population."

"But I don't want to point fingers only at EDA," Lawrence adds. "We should have done a better job ourselves. We missed the boat as well."

Another agency that "missed the boat" is Fish and Game.

As far back as Dec. 1, 1981, in its McNeil River Brown Bear Management Plan, the department noted that salmon-enhancement projects were planned for drainages north of the sanctuary. In regard to those projects, the plan stated, "The availability of salmon in other systems may also reduce the concentration of bears at McNeil River Falls, and bear-human conflicts at fisheries installations could result in destruction of bears."

More recently, in a 1980 report, the department indicated there's a "strong possibility" that salmon returns to Paint River (which after construction of the fish ladder and stocking could number more than 1.5 million fish) "will profoundly affect bear distribution, abundance and behavior" in the McNeil region.

Yet when asked to comment on the Paint River fish ladder in 1988, the Department of Fish and Game expressed no concerns about the project's possible impacts on the sanctuary or its bear population. (Its only stipulations were that the fish ladder, associated construction camps and food-storage areas be "bear proof" and that workers attend a workshop on bear-human interactions.)

No one in Fish and Game's Division of Wildlife Conservation has been able to explain what went wrong. But DWC clearly goofed. To quote again from the McNeil management plan, the state is mandated "To protect, maintain, and enhance the brown bear population in concert with other components of the ecosystem and thereby assure its capability of providing sustained opportunities to view and photograph brown bears and, secondarily, for scientific and educational study of brown bears."

Since state and federal agencies have so far been unable or unwilling to rectify their mistakes, Friends of McNeil and other concerned groups are doing what they can to protect the sanctuary's unique gathering of bears. For now, that means taking their case to court.

4-18-91 Times