

HPB

306

# McNeil River Proposals April 1991



Proposed McNeil River  
State Game Sanctuary  
Additions

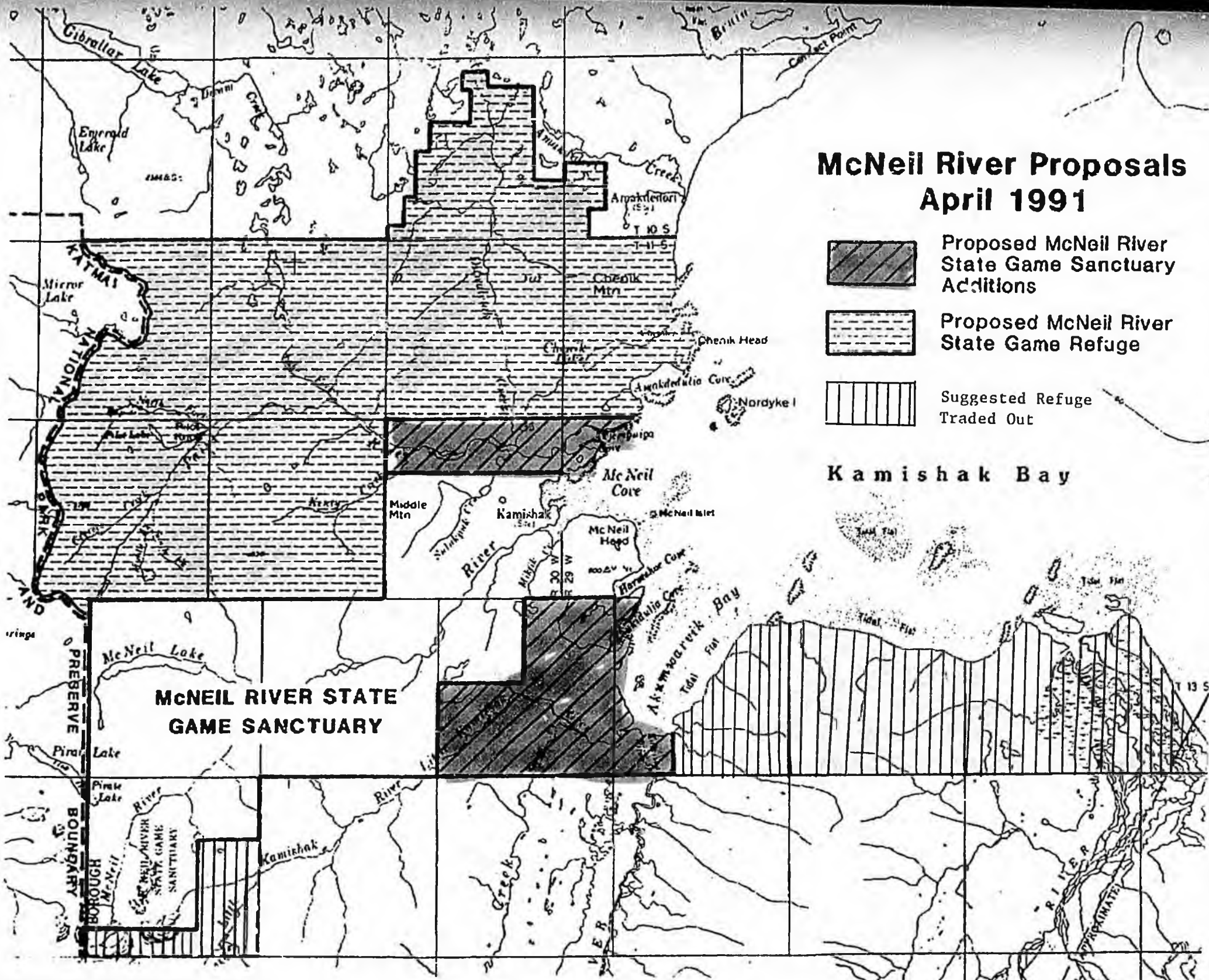


Proposed McNeil River  
State Game Refuge



Suggested Refuge  
Traded Out

## Kamishak Bay



**MCNEIL RIVER STATE  
GAME SANCTUARY**

**MCNEIL RIVER  
STATE GAME  
SANCTUARY**

# Alaska State Legislature



Speaker of the House of Representatives

P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3720

Official Business

## M E M O R A N D U M

TO: REP. BEN GRUSSENDORF  
FROM: *JS* 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: 20,480

Total extension: 29,120

Original McNeil Sanctuary: 83,800

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

ADU  
4/4/71

# 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

ADU  
4/4/71

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.

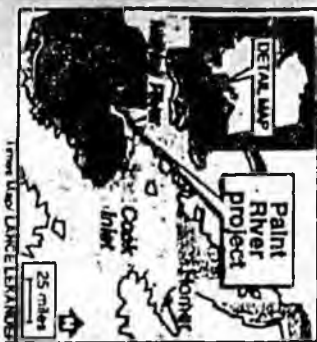
# Fish ladder plan spurs interest in bear sanctuary

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 that 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 in 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



Photo by LARRY AUMILLER

# 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



See Sherwonit, page F2

## 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.



## White

Breakup season is near time for breakup. highest le

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## WHAT'S HAPPENING IN A

### 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 Isaac Walton range in Chugiak. Registration starts at 9 a.m. and shoots

• A child's bird feeder, to be given by the Anchorage Audubon Society at 3 p.m.

• A flower plant drying press, to be given by REI staff at 3 p.m.

Children wishing to participate in the clinics must be pre-registered and pick up a materials

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State is The

# Friends can't wait, join in lawsuit

4-18-91 Times

**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."

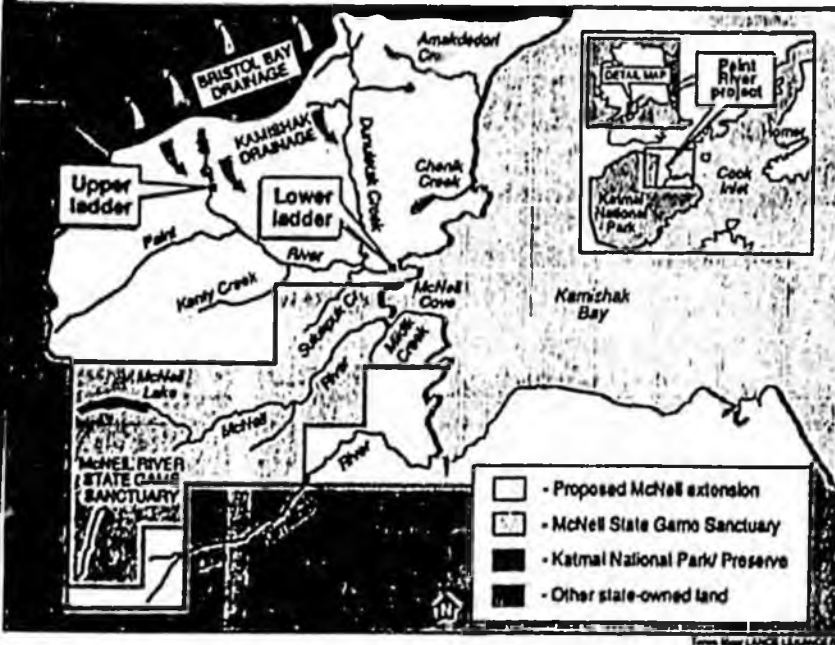
More recently, in a 1990 report, the department indicated there's a "strong possibility" that salmon returns to Paint River (which after construction of the fish ladder and stocking could number more than 1.5 million fish) "will profoundly affect bear distribution, abundance and behavior" in the McNeil 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.

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.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FACSIMILE: (907) 586-2754

April 29, 1991

The Honorable Cliff Davidson, Chair  
House Resources Committee  
P.O. Box V  
Juneau, AK 99811

Dear Representative Davidson:

Subject: HB 306, which establishes the McNeil River State Game Refuge and adds areas to the McNeil River State Game Sanctuary, to protect brown bears from the possible adverse effects of the Paint River fish ladder.

Position: The Department of Natural Resources supports this bill, subject to clarifying amendments concerning submerged lands and allowable refuge and sanctuary activities.

Background: This bill will provide protection for brown bears that migrate to the Paint River area to feed on salmon from a planned salmon enhancement project. The bill will also manage human use of the area to avoid situations that endanger humans or bears.

The area proposed for refuge and sanctuary status is located approximately 100 miles southwest of Homer, on the west side of Cook Inlet. The Cook Inlet Aquaculture Association will receive approximately \$1 million from the federal government for a fish ladder at the mouth of Paint River, about three miles from the McNeil River Falls. The area will be stocked with salmon and may divert bears from the McNeil River area.

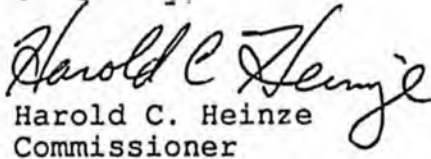
Recommendation: The bill includes state tidelands within its boundaries but is silent with respect to submerged lands. An amendment to clarify the status of state submerged lands in the area is recommended.

We also recommend amending sections 1(d) and 2(d) of this bill, which currently would prevent the departments of Natural Resources and Fish and Game from selling or leasing state land within the sanctuary and refuge. As written, the bill precludes sales or leases for fish enhancement projects, bear viewing areas, or concessions/lodges, even if these projects are considered appropriate to meet the goals and objectives of the sanctuary or refuge. To correct this situation, add "unless the goals and objectives for which the refuge is established are met" after the word "Refuge" on line 6, page 3 of the bill. If appropriate, add the same phrase to line 12, page 4 of the bill, after the word

"Sanctuary".

Please let me know if you have questions about this matter.

Sincerely,

  
Harold C. Heinze  
Commissioner

cc: Committee Members  
Representative Grussendorf  
Bruce Kendall, Legislative Liaison, Office of the Governor  
Carl Rosier, Commissioner, Department of Fish and Game

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						
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REVENUE						
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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 Burleson 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).

# DEPARTMENT OF FISH AND GAME POSITION PAPER

Bill No: House Bill 306

Sponsor: Representative Grussendorf

Division: Habitat

Bill Title: An Act relating to establishing the McNeil River State Game Refuge and altering the McNeil River State Game Sanctuary; and providing for an effective date.

Department Position: Support if amended

The department supports the establishment of a new McNeil River State Game Refuge and Sanctuary which would (1) provide permanent protection for brown bears and other fish and wildlife and their habitat; (2) establish a statutory basis for management of refuge lands and uses; and (3) provide opportunities for wildlife viewing, fisheries enhancement, hunting, fishing and trapping, and other compatible uses. However, there are several sections of the bill which conflict with existing statutes and procedures, or which must be amended to fully meet refuge and sanctuary purposes and obtain ADF&G support. These are:

Page 3, lines 3 and 4

- 1) Delete Section AS 16.20.041 (c) which prohibits hunting of brown bears in the new refuge. The Board of Game is established to regulate bear population management and harvest. This decision should be left up to the boards who will weigh all of the scientific information and make a decision. There will be no fish returning to the Paint River for several years and the issue of hunting in refuges will be before the Board of Game this fall.

Page 3, lines 5 and 6

- 2) Rewrite AS 16.20.041 (d) to read "The department and the Department of Natural Resources may not enter into sales or leases of land or water within the McNeil River State Game Refuge except that leases may be allowed if determined to be necessary to meet the purpose for which the area is established. The land and water areas of the McNeil River State Game Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275". Some leases may be necessary to meet the purpose for which the area is established. Mineral entry closure is necessary to achieve the original intent of the bill since mineral entry is non-discretionary and the state has no control over where an entryman might select mineral lands. This could create conflicts between refuge and public use values and mineral development.

Page 3, lines 7, 8, 9

- 3) Delete AS 16.20.041(e). This subsection conflicts with

House Bill 306 Position Paper Continuation Page

existing refuge statutes 16.20.050 - .060, under which the Commissioner of Fish and Game reviews and regulates activities in State Game Refuges.

Page 3, line 10

- 4) Change Section 2 to read : "AS 16.20.170 is repealed and reenacted to read:" It is necessary to establish McNeil River State Game Sanctuary under AS 16.20.170 not AS 16.20.161 in order to reaffirm the Department of Fish and Game's authority to manage uses and activities in McNeil River State Game Sanctuary as currently implemented in regulation.

Page 4, line 10

- 5) Delete subsection 16.20.161 (c) which prohibits hunting and trapping within the McNeil River State Game Sanctuary. Bear population management is most responsively dealt with through the Board of Game's regulatory process rather than in statute. The Boards have already closed the existing McNeil River Sanctuary to brown bear hunting to avoid conflicts with unique sanctuary values. This is consistent with the state's position that the boards regulate fish and wildlife harvest in federal conservation units, in lieu of outright federal closures.

Page 4, lines 11 and 12

- 7) Rewrite AS 16.20.161 (d) to read "The department and the Department of Natural Resources may not enter into sales or leases of land or water within the McNeil River State Game Sanctuary except that leases may be allowed if determined to be necessary to meet the purpose for which the area is established. The land and water areas of the McNeil River State Game Sanctuary are closed to mineral entry under AS 38.05.185 - 38.05.275". Some leases may be necessary to meet the purpose for which the area was established. Mineral entry closures are necessary to achieve the original intent of the bill since mineral entry is non-discretionary and the state has no control over where an entryman might select mineral lands. This could create conflicts between sanctuary and public use values and mineral development.

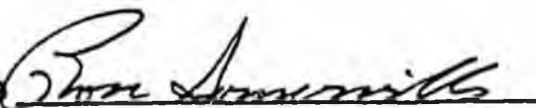
Page 4, lines 13, 14, 15

- 8) Amend subsection AS 16.20.161 (e) to read: "The boards may adopt regulations governing access, entry, development, construction, hunting, trapping, fishing, and other uses and activities affecting the natural habitat, fish and wildlife and public use of the McNeil River State Game Sanctuary"

Page 4, line 16

- 9) Delete repeal of 16.20.170.

Commissioner's Signature



Date

5/1/91

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. 

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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	26.0
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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>5.0</b>	<b>52.9</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

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	0	5.0	52.9	44.0	44.0	44.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>5.0</b>	<b>52.9</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

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 Kellehouse, Director Phone: 465-4190

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

Approved by Commissioner:  \_\_\_\_\_

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

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

**House Bill 306 Fiscal Note Continuation Page**

The following estimated expenditures are based on assumptions that the Paint River project will be constructed as scheduled, and salmon begin returning to the system in summer 1994.

The department anticipates that 2 permanent seasonal staff will be stationed in a remote camp, and will survey the Paint River to document salmon distribution and use, as well as bear distribution and their use of salmon over time. The department will also conduct aerial surveys during salmon migration and spawning periods to further document bear distribution and habitat use.

As the salmon runs become established, the seasonal staff may be required to meet user groups, and provide guidelines regarding appropriate human behavior in the area.

Personal services - includes 4 months each of WTIV and WTIII (Anchorage 13C & 11 A respectively).

Travel - includes air travel of staff to and from field.

Contractual - includes air charter support for re-supply of field crew and aerial surveys. One survey per week -10 weeks June 1 through August 15.

Supplies - includes annual operating supplies for staff and camp.

Equipment - includes initial purchase of inflatable boat with motor, communications equipment, weapons and field tents.



## KENAI PENINSULA BOROUGH

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

DON GILMAN  
MAYOR

April 30, 1991

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

Dear Rep. ~~Grussendorf~~ *Ben*:

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



# RAINBOW KING LODGE, INC.

DATE: 4/30/91

TO: Representative Grussendorf and  
Members of the House Resources Committee  
FAX: 907 465-4565  
RE: HB306  
FROM: Parker J. Woods  
Rainbow King Lodge, Inc.  
FAX: 503 638-3630

MESSAGE:

Dear sirs:

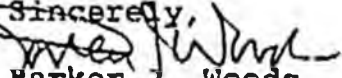
I am unable to attend the May 1st, 1991 meeting in person or via teleconference and I wish to offer the following comment on HB306:

HB306 would enlarge the current boundaries of McNeil River State Game Sanctuary to include the Kamishak and Little Kamishak Rivers which are currently used by several sports fishing lodges in the Iliamna/Bristol Bay area. By regulation, there is no fishing allowed in the McNeil River State Game Sanctuary and no specific provision in HB306 to provide for uses currently being allowed. In its present form, HB306 would effectively close both the Kamishak and Little Kamishak Rivers and have a substantial adverse effect on our operation as well as the other lodges utilizing the area.

I would specifically like to recommend;

1. That the Kamishak and Little Kamishak River drainages be deleted from this bill; or
2. That this bill contain a provision that allows for the continued use of this area for sports fishing purposes.

Please feel free to contact me at (800) 458-6539 for further details.

Sincerely,  
  
 Parker J. Woods  
 President  
 Rainbow King Lodge, Inc.

cc: Iliaska Lodge  
Fishing Unlimited  
Talarik Creek Lodge  
Valhalla Lodge  
Fox Bay Lodge

Point Adventure Lodge  
Bud Hodson  
Iliamna Lake Resort  
Newhalen River Lodge

