

HB

200

DATE: 4/26/91

FURTHER: Finance

DATE TURNED INTO OFFICE: 518-91

Resources Committee considered HOUSE BILL NO. 200

"An Act relating to the addition of land to the Anchorage Coastal Wildlife Refuge."

and recommended:

and a majority of the committee recommends do pass

replace with _____ CS _____

or adopt _____ CS _____

attached amendment(s)

House letter of intent adopted

same title

new title

technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

advis House letter

FER

ATTACHES NEW FISCAL NOTE(S):

fiscal note(s) _____ Dept/Date: _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

fiscal note(s) _____ Dept/Date: _____

zero fiscal note(s) _____

Governor's bill w/fiscal note

SIGNING DO PASS:

Jan Goto

[Signature]

[Signature]

[Signature]

OTHER RECOMMENDATIONS:

[Signature] *[Signature]*

Chair: Signature and Recommendation

Post-It[®] brand fax transmittal memo 7671 # of pages **7**

To Hel	From Judi
Co. Rep. Bains	Co. Paula Eagle
Dept.	Phone #
Fax # 465-2278	Fax # 277-1991

Southcentral Alaska Refuge Acreages
 Legislatively Designated
 Excludes parks, forests,

	acres		
Refuges:			
Palmer Hay Flats---	26048	24746	95%
Potter Point (Anchorage Coastal Refuge)---	32476	29595	91%
Susitna Flats---	300800	255680	85%
Trading Bay---	160960	128768	80%
Kalgin Island---	3520	2464	70%
Fox River Flats---	7104	6394	
Kachemak Bay---	222080	20000	
Goose Bay---	10880	8100	
subtotal	763868	475,747	62%
Critical Habitat Areas:			
Willow Mountain---	22720	2272	
Clam Gulch---	2360	500	
Redoubt Bay---	183640	159136	
subtotal	208920	161,768	77%
total	972788	637,515	65%

* Approximate total acreage in Southcentral Alaska is 19 million acres.

* this represents approximately 3% of the State.

* approximately 50% of population resides in this area (280000)

FISCAL NOTE

No. 2
 Bill Version: HB 200
 (H) Publish Date: 4/17/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: 4-15-91 Department Affected: Fish & Game
 Title: Anchorage Coastal Wildlife BRU: Habitat
Refuge Component: Habitat
 Sponsor: Gruenberg
 Requestor: HOUSE FINANCE COMMITTEE COMPONENT SERIAL NO.

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL	2.7	19.	1.7	1.7	1.7	1.7
SUPPLIES	.6	.	.6	.6	.6	.6
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	3.3	20.	2.3	2.3	2.3	2.3

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	3.3	20.5	2.3	2.3	2.3	2.3
FEDERAL FUNDS						
OTHER						
TOTAL	3.3	20.5	2.3	2.3	2.3	2.3

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Representative Mike Navarre, Co-Chair Representative Eileen MacLean, Co-Chair Phone: 465-3706
465-3722
 Division: HOUSE FINANCE COMMITTEE Date: 4-15-91

Approved by Commissioner: _____ Date: _____
 Agency: _____

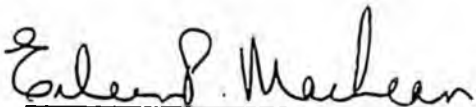
Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

HOUSE Finance

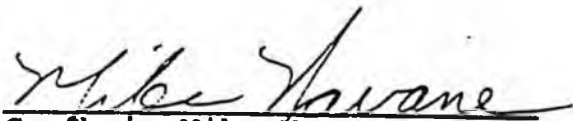
LETTER OF INTENT

HOUSE BILL 200

It is not the intent of the Legislature that passage of HB 200 creates an implied commitment of State funds for acquisition of remaining privately owned parcels in the Business Park Wetlands.



Co-Chair Eileen MacLean
House Finance Committee



Co-Chair Mike Navarre
House Finance Committee

Adopted by the House 4/24/91

FISCAL NOTE CONTINUATION
 HB 200
 PAGE 2 OF 2

	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
100	0	0	0	0	0	0
200	0	0	0	0	0	0
300						
ENV AUDIT (SOIL & WATER SAMPLING)	1.0	16.2	0	0	0	0
SURVEY	0	2.0	0	0	0	0
VEHICLE MAINTENANCE	1.2	1.2	1.2	1.2	1.2	1.2
TRASH COLLECTION	.5	.5	.5	.5	.5	.5
TOTAL	2.7	19.9	1.7	1.7	1.7	1.7
400						
FENCE MAINTENANCE	.6	.6	.6	.6	.6	.6
	<u>3.3</u>	<u>20.5</u>	<u>2.3</u>	<u>2.3</u>	<u>2.3</u>	<u>2.3</u>

COMMITTEE COPY

Municipality of Anchorage

Post-It™ brand fax transmittal memo 7871 # of pages 3

To: <i>Hel</i>	From: <i>Judy</i>
Co: <i>Rep. Barnes</i>	Co: <i>Paula Escley</i>
Dept.:	Phone #:
Fax # <i>465-2278</i>	Fax # <i>272-1991</i>

OFFICE OF THE MAYOR

April 2, 1991

The Honorable Ramona Barnes
Alaska State Legislature
Box V
Juneau AK 99811

Dear Ramona:

The enclosed letter from Mayor Fink to Rep. Jim Zawacki expresses his concern with House Bill 200 which would add the "Business Park" wetlands recently acquired by the Municipality to the Anchorage Coastal Wildlife Refuge.

Three other parcels are mentioned in the bill with the intent that they be added to the refuge as acquisition funds became available. Total land involved is approximately 35 acres, 30 of which are privately owned.

Fish and Game's budget projections for FY92-96 total about \$900,000 for managing just the five acres recently acquired and placed into preservation status. This figure excludes acquisition costs of the remaining parcels, pond construction, revegetation and parking.

These parcels have declined in assessed value as indicated on municipal records, but are still quite valuable parcels in midtown Anchorage that should appreciate in future years:

Parcel	Owner	\$ 1989	\$ 1990	Acres
A	G. Moore	333,200	303,200	8.65
B	H. Brechet	396,200	373,300	18.40
C	Bus.Pk.Fund	490,700	468,800	2.42
D	Mun.of Anch.	201,200	188,800	5.34

To remove these parcels from the local tax base at 1990 assessed values would not significantly impact our budget (\$22,678 the first year). However, the Municipality must consider the lost "opportunity costs" from not allowing these parcels to be developed and taxed at much higher rates.

The legislature has already designated significant acreage in Southcentral Alaska to wildlife habitat (972,788 acres, of which 637,655 acres--or 65%--are wetlands). Therefore it is questionable if the use of state revenues for acquisition of this additional wetland acreage can be justified.

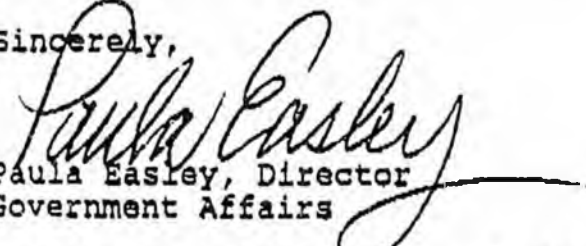
Designation of the above parcels as R-3 and I-1 was carefully addressed in the city's long-range comprehensive plan. In full recognition of the value of those particular wetlands, it was determined that the highest and best use for land in that area was for in-fill development.

As long as these properties remain on the market, the Municipality has no objection to their being privately purchased for wildlife habitat. There is, however, sound reason to oppose the area's inclusion into the Anchorage Coastal Wildlife Refuge.

For one, the area is far from the existing refuge. And second, giving the area a protected status (preservation) makes it extremely difficult to obtain adjacent-area development approvals for fear of adversely impacting the special area.

This proposal should also be subject to a thorough economic impact analysis and looked at in relation to the Anchorage Wetlands Management Plan, the Comprehensive Plan and other municipal planning guidelines.

Sincerely,



Paula Easley, Director
Government Affairs

Enclosure - Southcentral Alaska Refuge Acreages
Mayor Fink's March 29 letter to Rep. Zawacki

cc: Anchorage Delegation

**Municipality
of
Anchorage**



OFFICE OF THE MAYOR

P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4431

TOM FINK,
MAYOR

March 29, 1991

Representative Jim Zawacki
P.O. Box V
Juneau, Alaska 99811

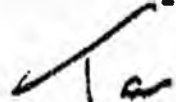
Dear Representative ~~Zawacki~~: 

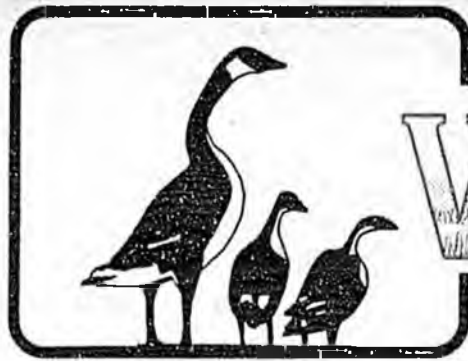
You have inquired as to my opinion and position on House Bill 200, a bill placing the "Business Park Wetland" into the Anchorage Coastal Wildlife Refuge. In short, I oppose passage of the bill.

The area proposed for inclusion in the Anchorage Coastal Wildlife Refuge is primarily private property. I am concerned that passage of HB 200 could be considered a "taking" of the private property. There is no indication in the bill that the Legislature intends to acquire the property.

If it is the intent of the Legislature to acquire this property, then the acquisition should occur prior to inclusion of the property in the Anchorage Coastal Wildlife Refuge. Personally, I do not favor the acquisition of this property. The remaining private property in the Business Park Wetlands should be allowed to develop as envisioned by its owners. In addition, the Municipality has many more critical needs for which the money could be used. Further, the inclusion of the Business Park Wetlands in the Anchorage Coastal Wildlife Refuge seems incongruent, since there is no evidence the Business Park Wetlands has a tangible relationship to the Coastal Wildlife Refuge. The site is obviously quite remote from the Coastal Wildlife Refuge.

Sincerely,


Tom Fink
Mayor



Business Park Wetlands Coalition

The Business Park Wetlands is a 28-acre open space area in Anchorage's highly-developed south midtown. Though located in close proximity to several major thoroughfares, it provides a quiet and surprisingly remote oasis for eating lunch, viewing the abundant waterbird population, or just watching the change of seasons. On many a nice day, area residents or workers can be found walking, jogging, or sitting along the wetlands' perimeter. Greater Anchorage area residents also use the area, especially for viewing wildlife.

THE BUSINESS PARK WETLANDS: AN IMPORTANT NEIGHBORHOOD RESOURCE

What is unusual about the Business Park Wetlands?

It is extremely high in wildlife activity for its relatively small size. In late spring 1989, upwards of 20 pairs of Canada Geese nested in the Business Park Wetlands. The large number of nests is three to four times higher per unit area than other comparable Anchorage Wetlands. In early spring, it is common to see more than 100 ducks and geese at a time on the meltwater ponds. The area is also home to one of four significant Mew Gull colonies remaining in the Anchorage Bowl, as well as many Mallards, Northern Shovelers, American Wigeons, Plovers, Dowitchers, and other birds. Over thirty avian species have been observed in the wetlands during the summer months. Although it is not a developed or even designated park area, the Business Park Wetlands provides an important and well-used open space for neighborhood residents and those working in the adjacent business and industrial areas. Greater Anchorage area residents bring their families to observe the geese and young goslings. On every summer day, many people walk or drive to the west end of West 48th Avenue to eat lunch. Others jog or fitness walk past the wetlands, using the convenient one-mile loop of adjacent public roads. This makes for an interesting outing, as it may involve dodging the harassment of concerned mother gulls and other protective birds.



Photo: Elise Huggins

Anchorage Residents and Area Workers Protect the Business Park Wetlands



Photo: Marideth Sandler

The Business Park Wetlands is owned by four separate private owners. It is largely zoned for high-density residential use and, because the Municipality of Anchorage classified it as developable wetlands in 1982, it can be filled and destroyed with no public input and little regulatory agency review. Despite the threat to its continued existence, the Business Park Wetlands has been adopted by the public. For years, adjacent residents and businesses have kept

intrusive uses and users out of the wetlands.

Nearly fifty stray cats and dogs were live-trapped over a three-year period and sent to the shelter where they could find caring owners. "Stray" humans whose actions seem out of character with the more recreational and educational atmosphere that surrounds the wetlands are quickly asked to go elsewhere by the nearby business workers and residents. Because of this overwhelming and active concern for the Business Park Wetlands, a petition drive was mounted six years ago to purchase the area for a park.

Although the drive stopped short of success at that time, the effort has been revived. In 1988, businesses, area residents, environmental and neighborhood groups, and governmental agencies joined together as the BUSINESS PARK WETLANDS COALITION. The Coalition is supported by nearly 1000 Anchorage residents, as evidenced by the success of a recent petition drive. When, in early spring 1989, one of the property owners began filling a portion of the wetlands, the immediate vocal support for this publicly cherished resource resulted in a short-term halt of fill activity.

The goal of the Business Park Wetlands Coalition is to purchase this important area of shrinking open space so that it is retained, enhanced, and managed for recreational, educational, and environmental purposes. The value of this effort is two-fold: the Business Park Wetlands already serves as an important open space and recreational neighborhood improvement for residents and workers alike. Creative design could easily multiply its present benefits. Because of its currently high productivity as a wetlands habitat, the Business Park Wetlands also holds exciting potential for increased wildlife use, if enhanced and managed properly.



Photo: Cami Dalton

The Coalition has made strong progress toward meeting

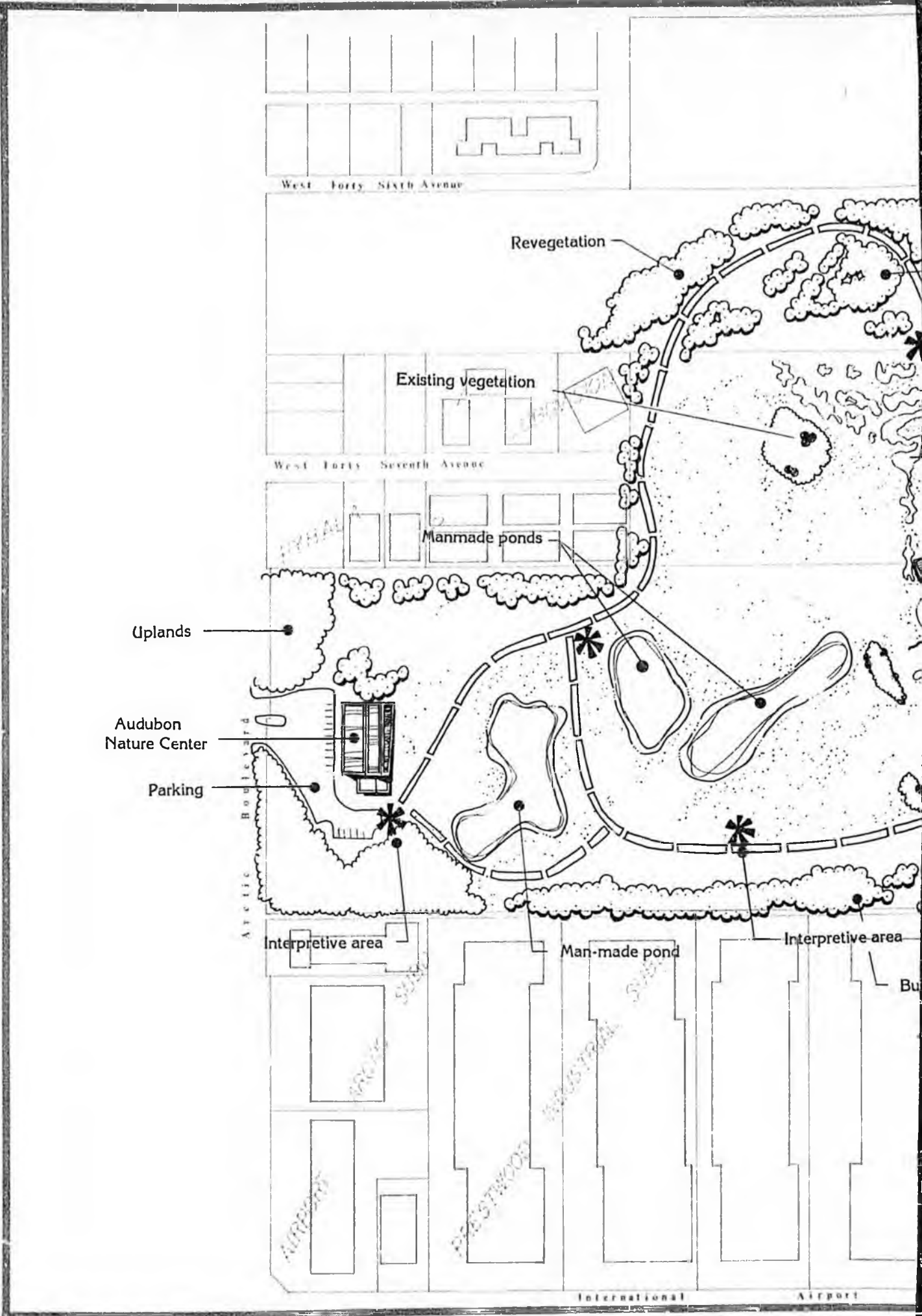
its goal. The wildlife and other wetlands resources of the area have been, and are continuing to be, documented and photographed. The actions of neighboring residents and businesses to manage these resources, both in the past and at present, are also being recorded. Discussions with area property owners have been underway for several months to ascertain purchase and trade options. Two of these options are in active negotiation with the respective parties. One involves a land trade for a significant portion of the wetlands and the second would result in acquisition of an immediately adjacent area. Together, these transactions will result in preservation of nearly half of the Business Park Wetlands. Fundraising for the project has begun, with a substantial amount already raised from private contributions. The Coalition has an overall fundraising strategy and has developed a concept plan for the area. This includes enhancement of the area to create more open ponds for waterbird rearing and to filter the drainage water entering the wet-

The Future Looks Bright for the Business Park Wetlands

lands from adjacent uses. Other improvements

would facilitate use of the Business Park Wetlands for continued wildlife viewing, as well as jogging and fitness walking.

New and exciting activities could also find a home in the Business Park Wetlands. The uplands portion of the open space area lends itself well as the site for an Audubon-sponsored Urban Nature Center, that would house displays on wetlands habitat and wildlife. Because of the unique oasis feeling of this easily accessible setting, the nature center could be widely used by school and college classes (in addition to other youth and adult groups) to learn about natural wetlands habitat still remaining within Anchorage's urban scene. The planned trail and boardwalk loops are designed with areas for wildlife viewing, fitness stations, outdoor educational displays, and benches. Location of a Nature Center on-site would provide a rare opportunity to combine and bring into focus the Business Park Wetlands' environmental, recreational, educational, and open space potentials.



West Forty Sixth Avenue

Revegetation

Existing vegetation

West Forty Seventh Avenue

Manmade ponds

Uplands

Audubon Nature Center

Parking

Arctic Boulevard

Interpretive area

Man-made pond

Interpretive area

Bu

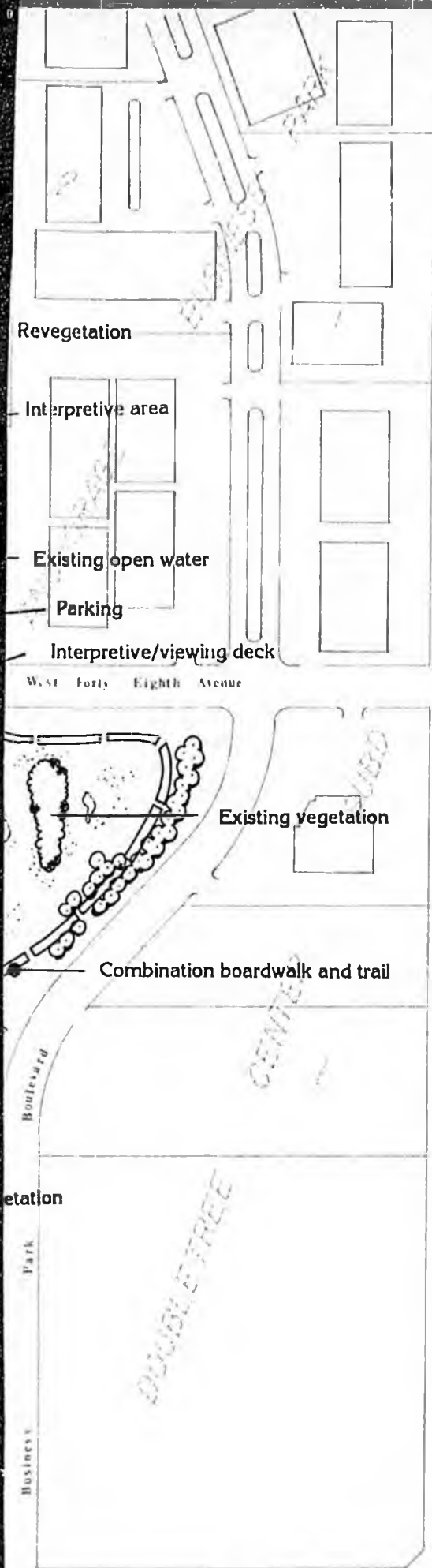
International Airport

Airport



Business Park
Wetlands
Coalition

Conceptual Plan



potential activities

- *Jogging, Running, Walking*
1/4 mile & 3/4 mile loop trail
- *Interpretive Areas (*)*
- *Audubon Nature Center*
- *Wildlife Viewing*
- *Relaxing/Lunch Stop*
- *Habitat Enhancement*



Business Park Wetlands A Threatened Natural Area

area contained numerous large ponds and a highly diverse and productive mix of habitats. This area was arguably the most extensive and complex patterned ground bog in the Anchorage Bowl.



This isolated, partially disturbed bog is a remnant piece of what was, until the late-1970s, a vast section of interwoven ponds and wetlands habitats known as patterned ground that stretched from near Potter Drive north to the old Fish Creek basin near West 36th Avenue. The original wetlands

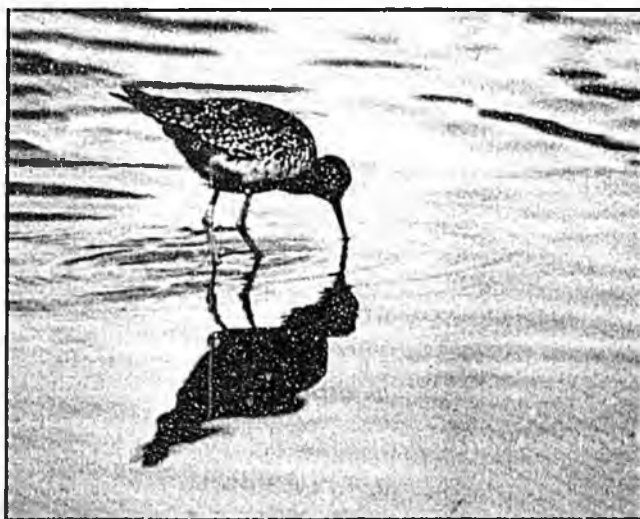
The area supports three wetlands plant communities and numerous ponds that contain open water all summer. A small section of mixed birch and cottonwood forest



stands at the area's southwest corner. Most of the wetlands plant communities contain ericaceous species like sweetgale, dwarf birch, leatherleaf, and Labrador tea. Sedges, grasses, rushes, and various mosses are common understory species here. Several wetlands dependent plants survive in the Business Park Wetlands, many of which have become rare or threatened in the Anchorage area from continued wetlands filling.



Of major concern and influence to this site is the local hydrology, which has been altered by adjacent development. Groundwater input to this system is necessary to maintain the wetlands' habitats and open water in critical dry periods. Any additional change or loss of the area's groundwater will further degrade the wetlands' functions and viability.



Photos provided by John Hyde and Dan Rosenberg, ADF&C

**SUPPORTERS OF
THE BUSINESS PARK WETLANDS
include:**

**Anchorage Audubon Society
Alaska Center for the Environment
Spenard Community Council
Anchorage Waterways Council
Nature Conservancy
American Society of Landscape Architects - Anchorage Chapter
Alaska Department of Fish and Game
Municipality Of Anchorage
- Urban Design Commission
- Parks and Recreation Commission
- Department of Economic Development and Planning
TRF Management
Ott Engineering, Inc.
The Virginia Computer Company
Jim Thiele, Certified Financial Planner
Ashburn and Mason
Earthscape
TimeFrame
AT Publishing
Moore Business Forms**

Project Aerial Photos contributed by Aero Map, U.S.

Nearly one thousand people agree with the many actively-involved businesses, organizations, agencies, and neighborhood residents that the Business Park Wetlands must be preserved now. Join us in our efforts! Use the enclosed envelope to help us acquire as many square feet of wetlands as you wish. Or, you're invited to "purchase" a goose nest to insure that this year's newborn Canada Geese will have a home to which they can return next spring. All contributions are tax deductible to the fullest extent of the law because of the Coalition's affiliation with the Anchorage Audubon Society, a local non-profit organization. If you'd also like to become more involved, there's space for you to let us know that too. Thank you for your support!

For more information, contact:

**Marideth Sandler (562-2514-days or 346-2535-evenings)
or Robert Senner (258-4054-days or 345-5891-evenings.)**

BIRDS YOU ARE LIKELY TO SEE IN THE BUSINESS PARK WETLANDS

Canada Goose*
Mallard*
Green-winged Teal
American Wigeon*
Northern Pintail
Northern Shoveler*
Greater Scaup
Semipalmated Plover
Killdeer
Lesser Golden-Plover
Greater Yellowlegs
Lesser Yellowlegs*
Spotted Sandpiper
Short-billed Dowitcher*
Common Snipe
Least Sandpiper*

Ring-billed Gull
Mew Gull*
Herring Gull*
Glaucous-winged Gull
Bald Eagle
Tree Swallow
Violet-green Swallow
Common Raven
Ruby-crowned Kinglet
American Robin*
Yellow-rumped Warbler
Savannah Sparrow*
White-crowned Sparrow*
Lincoln's Sparrow
Pine Siskin
Common Redpoll

* Known or probable breeder.

List provided by the Anchorage Audubon Society



Business Park
Wetlands
Coalition

4446 Business Park Boulevard Anchorage, Alaska 99503

Non-Profit Org.
U.S. Postage

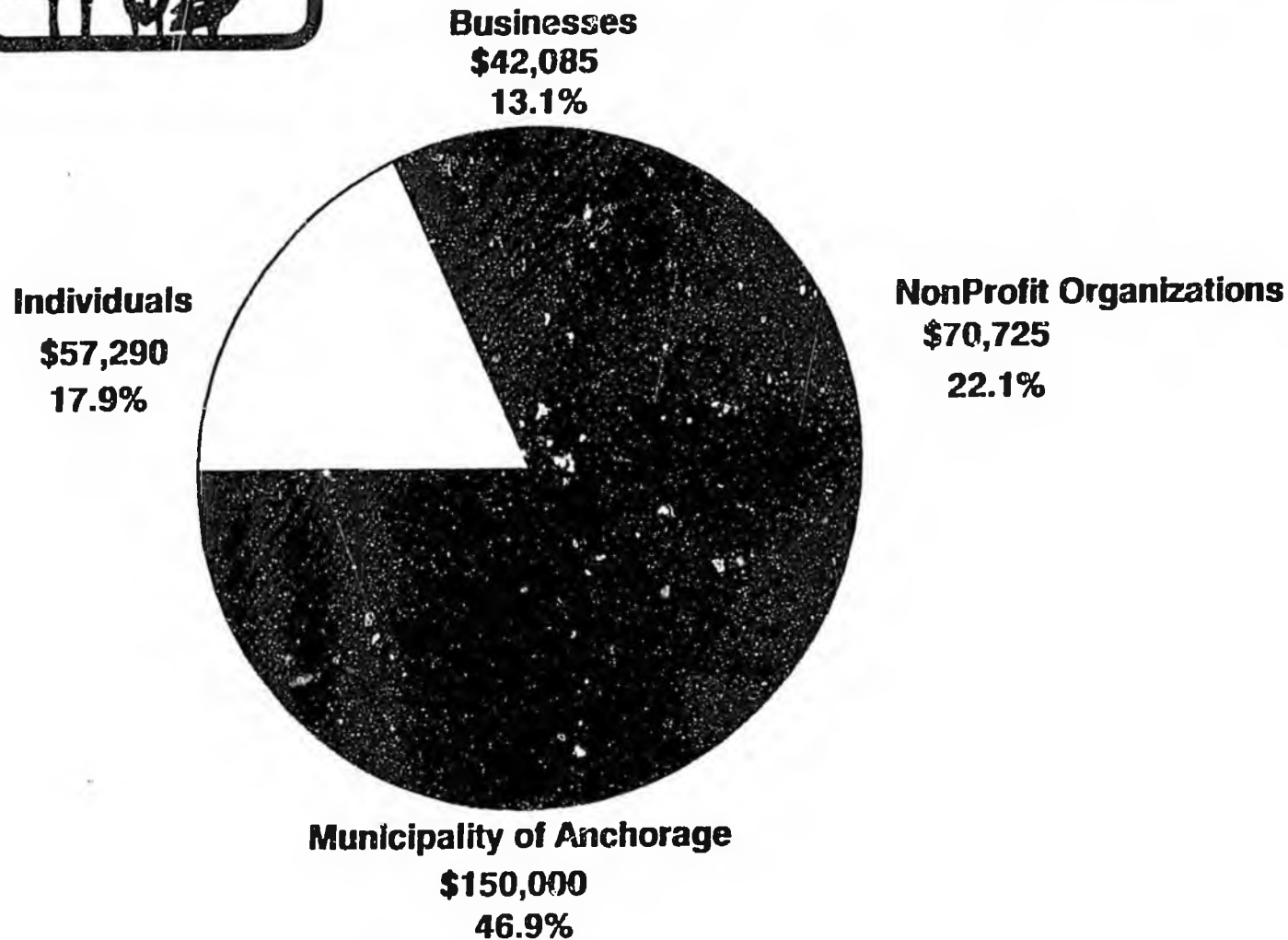
PAID

Anchorage, Alaska
Permit No. 157



Anchorage Business Park Wetlands Sources of Contributions

Total Raised to Date: \$320,100



BUSINESS AND OTHER MAJOR SUPPORTERS ANCHORAGE BUSINESS PARK WETLANDS

Alaska Mill and Feed
Alyeska Pipeline Service Company
Municipality of Anchorage
Anchorage Daily News
Arco Foundation
Arctic Welding Supply
Ashburn & Mason
AT Publishing, Inc.
Black-Smith & Richards
BP Exploration
Chevron USA Inc.
Cold Weather Contractors, Inc.
Dave's Appliance Repair
Dimond Chiropractic Center
Don Chemical Company
Earthscape
The Esteck Group
Law Office of Charles Evans
Exxon Co. USA
HDR Engineering
Jack White Company
Jon Issacs & Associates
Kodiak Bed & Breakfast
Kumin Associates Inc.
Landmark & Associates
Moore Business Forms
The Nature Conservancy
Security Aviation, Inc.
Law Office of Brock Shamberg, P.C.
Stewart Title Co.
Jim Thiele, CFP
Thomas Head & Greisen CPAs
TimeFrame
TRF/Brayton
Waterfowl USA

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SUBMITTED BY: CHAIRMAN RUDOLPH
Prepared by: Assembly Utility
Budget Analyst
For Reading: March 26, 1991

Anchorage, Alaska
AR NO. 91-60

7
8
9 A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE RECOGNIZING THE
10 BUSINESS PARK WETLANDS AND ENDORSING THE GROUP'S LEGISLATIVE
11 REQUEST
12

13
14 WHEREAS, the Business Park Wetlands Coalition is a successful
15 public-private partnership dedicated to preserving wetlands within
16 an urban setting; and
17

18 WHEREAS, as a partnership, the Business Park Wetlands
19 Coalition has raised nearly \$170,000 from corporations, businesses
20 and individuals and received a \$150,000 appropriation from the
21 Municipality of Anchorage which also furthered development at the
22 Port of Anchorage; and
23

24 WHEREAS, the Business Park Wetlands Coalition successfully
25 purchased 5.3 acres and envisions purchasing almost 25 additional
26 acres; and
27

28 WHEREAS, the Business Park Wetlands is one of the most
29 productive waterfowl breeding areas in urban Anchorage and because
30 of its location provides unique educational, recreational and
31 tourism opportunities; and

32
33 WHEREAS, the Alaska State Legislature made an appropriation of
34 \$150,000 to this project in 1990 that Governor Cowper subsequently
35 vetoed; and
36

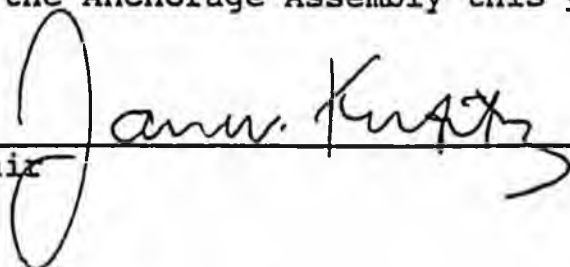
37 WHEREAS, the Business Park Wetlands Coalition requests State
38 funding to match private and public monies raised to complete the
39 second and third phases of their acquisition program.
40

41 NOW, THEREFORE, the Anchorage Assembly resolves:
42

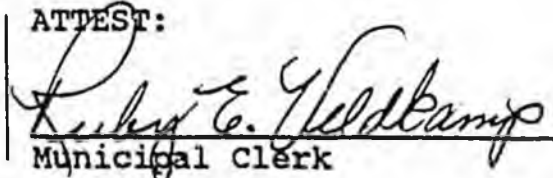
43 Section 1: That the Anchorage Assembly endorses the Business
44 Park Wetlands and supports the Business Park Wetlands Coalition's
45 legislative request.
46

47 Section 2: That the public-private partnership aspect of the
48 Business Park Wetlands offers the public sector leverage by
49 continuing to attract significant amounts of private and nonprofit
50 sector dollars to replace diminishing public dollars.
51

52 PASSED AND APPROVED by the Anchorage Assembly this 2nd
53 day of April, 1991
54
55
56

Chair 

57 ATTEST:

58
59
60
61 
62 Municipal Clerk
63

AM 312-91

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

April 9, 1991

SUBJECT: Anchorage Coastal Wildlife Refuge (HB 200)(W.O. 17LS-0825)

TO: Representative Max Gruenberg
Attn: Mark Handley

FROM: Jerry Luckhaupt *JER*
Legislative Counsel

Mark Handley of your staff has asked what is the effect of HB 200's expansion of the legal description of the Anchorage Coastal Wildlife Refuge: is all the land within the legal description to be included in the refuge so that, in effect, HB 200 works as a condemnation proceeding for all privately owned lands within the legal description? The answer is no.

HB 200 amends AS 16.20.031(a) by the addition of a new paragraph that extends the legal description of the Anchorage Coastal Wildlife Refuge. This extension of the legal description only includes within the refuge the "state-owned land and water" within the legal description, including the addition made by HB 200. AS 16.20.031(a). The state and the City of Anchorage may not acquire privately owned land within the legal description of the Anchorage Coastal Wildlife Refuge by eminent domain for inclusion within the refuge. AS 16.20.031(e). The Department of Fish and Game and the City of Anchorage may acquire privately owned land within the refuge "by purchase, exchange, or otherwise, except by eminent domain." No condemnation, or acquisition by eminent domain, of all lands within the legal description is contemplated by, nor permitted by, the bill and the existing statute.

I hope this short discussion addresses your concerns.

GPL:lmb
91-106.lmb