

HB

447

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)
Date Referred: March 14, 1994

FURTHER REFERRALS:

Date of Committee Action: 4/14/94

The FINANCE Committee considered:

HB 447

HOUSE BILL NO. 447

ESTABLISH AFOGNAK ISLAND STATE PARK

"An Act establishing the Afognak Island State Park."

RECOMMENDATIONS: the same title
 be replaced with CS HB 447 (Fin) 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 DNR

zero fiscal note(s) DOR, 2/4/94
DPS 2/4/94

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|----------------------------|-------------------------------------|-----------------------|-----|-------------------------------------|----|
| <i>Cileen P. Maclean</i> | <input checked="" type="checkbox"/> | <i>Larry Martin</i> | | <input checked="" type="checkbox"/> | |
| <i>Ronald J. Larson</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Mark Hanky</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Sean R. Parrell</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Ben Grossman</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Mike Navarre</i> | | | | | |
| <i>Jay Brown</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Richard [Signature]</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Richard [Signature]</i> | <input checked="" type="checkbox"/> | | | | |

E. P. Maclean
 CHAIRMAN'S SIGNATURE *Ronald J. Larson*

FISCAL NOTE

REQUEST:

Revision Date:

Dept: Natural Resources

Title: Establish Afognak Island

State Park

BRU: Parks & Recreation Mgt.

Sponsor: Governor

Components: Park Management

Requestor: House Finance Committee

No: 452

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

| OPERATING | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|-------------------|-------|-------|-------|-------|-------|-------|
| Personal Services | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Travel | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Contractual | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Supplies | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Equipment | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Land & Structures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Grants, Claims | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Miscellaneous | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|--------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES | | | | | | |
|--------------------|--|--|--|--|--|--|

FUNDING: (THOUSANDS OF DOLLARS)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1006 GF/MHTIA | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST \$ _____

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-Time | 0 | 0 | 0 | 0 | 0 | 0 |
| Part-Time | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

A2

Prepared By: Rep. Ron Larson, Co-Chair 465-3878
 Rep. Eileen MacLean, Co-Chair *EPM* Phone: 465-4833
 Division: House Finance Committee Date: 4/13/94
 Approved By: _____
 Agency: _____

FISCAL NOTE

No. 2
 Bill Version HB 447
 (H) Publish Date: 2/4/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: January 7, 1994
 Title: "An Act establishing the Afognak Island State Park."
 Sponsor: Rules Committee/Request of the Governor
 Requestor: Governor's Office/OMB

Department Affected: Department of Law
 BRU: Legal Services
 Component: Operations
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

| OPERATING | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|-----------------|-------|-------|-------|-------|-------|-------|
| PERSONAL | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

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

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

FUNDING:

| | | | | | | |
|-----------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| OTHER | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: January 7, 1994
 Approved by Commissioner: Bruce M. Botelho, Acting Attorney General
 Agency: Department of Law Date: January 7, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill would establish the Afognak Island State Park by incorporating the approximately 41,549 acres at Seal Bay and Tonki Cape for inclusion in the state park system. Monies for the purchase of these lands were provided by the Exxon Valdez Trustee Council and the subsequent expenditure to execute the purchase was approved by the Legislative Budget and Audit Committee on November 23, 1993. Any subsequent activities would require little, if any, involvement by the Department of Law and there should not be a fiscal impact for the department.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 1
Bill Version: HB 447
(H) Publish Date: 2/4/94

Revision Date: _____ Dept. Affected: Public Safety
Title: "An Act establishing the Afognak BRU: Fish & Wildlife Protection
Island State Park" Component: Enforcement & ISU
Sponsor: Rules
Requestor: Governor COMPONENT SERIAL NO. 490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|-----------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE FUND SOURCE: | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|---|---|---|---|---|---|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Division of Fish & Wildlife Protection is anticipated.

Prepared By: Capt. Ted Ruddell Phone: 269-5589
Division: Fish & Wildlife Protection Date: 01/06/94
Approved by Commissioner: *Richard L. Burton* Date: 01/06/94
Agency: Richard L. Burton, Dept. of Public Safety

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COMMITTEE COPY

FISCAL NOTE

No. 4

Bill Version: CSHB 447 (RES)

(H) Publish Date: 3/14/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: 2/24/94 Department Affected: Natural Resources
 Title: Establish Afognak Island State Park BRU: Parks and Recreation Management
 Components: Park Management
 Sponsor: Governor
 Requestor: Governor Component Serial No. 452

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 |
| TRAVEL | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND&STRUCTURES | | | | | | |
| GRANTS,CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 17.0 | 17.0 | 17.0 | 17.0 | 17.0 | 17.0 |

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

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| REVENUE fund source: | | | | | | |
|----------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|------|------|------|------|------|------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 17.0 | 17.0 | 17.0 | 17.0 | 17.0 | 17.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1008 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 17.0 | 17.0 | 17.0 | 17.0 | 17.0 | 17.0 |

POSITIONS:

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

Estimate of current year (FY94) Impact: 5 None

ANALYSIS: (Attach a separate page if necessary)
 The legislation will add 41,000 acres to the State Park System. This remote unit will be passively managed - permanent staff will make occasional visits based on need. Volunteers in Parks (VIPs) will provide seasonal monitoring of public use of area and development of a resource inventory. This information will be used by the permanent staff to develop a master plan for Afognak Island State Park.

Prepared by: Neil C. Johannsen Phone: 762-2600
 Division: Parks and Outdoor Recreation Date: 2/24/94
 Approved by Commissioner: Harry A. Noon Date: _____
 Agency: Department of Natural Resources

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COMMITTEE COPY

FISCAL NOTE

REQUEST:

Revision Date:
Title: Establish Afognak Island
State Park
Sponsor: Governor
Requestor: House Finance Committee

Dept: Natural Resources
BRU: Parks & Recreation Mgt.
Components: Park Management
No: 452

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

| OPERATING | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|-------------------|-------|-------|-------|-------|-------|-------|
| Personal Services | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Travel | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Contractual | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Supplies | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Equipment | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Land & Structures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Grants, Claims | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Miscellaneous | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|--------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES | | | | | | |
|--------------------|--|--|--|--|--|--|

FUNDING: (THOUSANDS OF DOLLARS)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1006 GF/MHTIA | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST \$ _____

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-Time | 0 | 0 | 0 | 0 | 0 | 0 |
| Part-Time | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Rep. Ron Larson, Co-Chair *RL* 465-3878
Rep. Eileen MacLean, Co-Chair *EPM* Phone: 465-4833
 Division: House Finance Committee Date: 4/13/94
 Approved By: _____
 Agency: _____

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300 - STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 463-5295

February 22, 1994

The Honorable Bill Williams
Chairman
House Resources Committee
Room 128
State Capitol
Juneau, Alaska 99801-1182

Re: House Bill 447

Dear Representative Williams:

House Bill 447, An Act Establishing the Afognak Island State Park, has been assigned to the House Resources Committee. I urge you to schedule this bill for a prompt hearing.

The purpose of House Bill 447 is to create the Afognak Island State Park thus assuring that management of lands at Seal Bay and Tonki Cape on Afognak Island will rest with the State of Alaska rather than the United States. The acquisition of these lands was undertaken with funds from the EXXON VALDEZ oil spill civil settlement pursuant to a resolution of the Trustee Council adopted in August 1993. The Trustee Council resolution provided that these lands would be conveyed to the State only if the State designates them as a state park within one year of purchase. The purchase of these lands was completed November 23, 1993. Under the terms of the purchase agreement, if these lands are not designated a state park prior to November 23, 1994, in effect this legislative session, they will be conveyed to the federal government for inclusion in a federal conservation unit such as a national wildlife refuge or national park.

The lands are valuable habitat for harlequin ducks, black oystercatchers, river otters, and bald eagles. The lands contain eight documented anadromous streams. Sea otters are common in the near shore waters and there are numerous harbor seal haul outs along the shoreline. All of these species were injured by the oil spill.

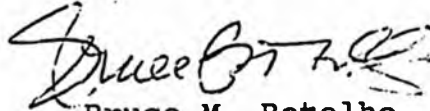
These lands have traditionally been used for hunting, boating, fishing, and related activities. House Bill 447 guarantees the rights of Alaskans to continue to be able to use these lands for these kinds of activities. The bill specifically protects sport and subsistence hunting and fishing, personal use fishing, trapping, recreational activities, and commercial fishing

The Honorable Bill Williams, Chairman
House Resources Committee

February 22, 1994
Page 2

in the park and, by placing management in the hands of Alaskans,
helps to assure that these protective measures are implemented
fairly and sensibly.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce M. Botelho". The signature is fluid and cursive, with the first name "Bruce" being the most prominent.

Bruce M. Botelho
Attorney General

BMB:CT:tg

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
FAX: (907) 465-3886

April 8, 1994

James B. Ayers
Executive Director
Exxon Valdez Oil Spill Trustee Council
709 West Ninth Street, Room 461
Juneau, Alaska 99802-1668

Re: Seal Bay/Afognak Island State Park

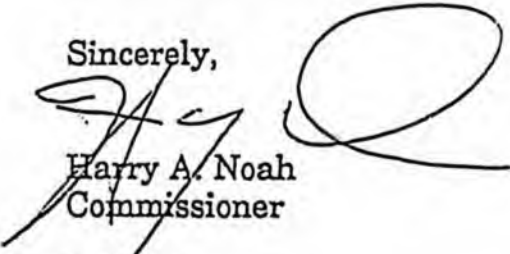
Dear Mr. Ayers:

The State of Alaska would like the land and water around Seal Bay, currently held by the Nature Conservancy, to become Afognak Island State Park. The Department of Natural Resources' Division of Parks and Outdoor Recreation has attached a \$17,000 fiscal note on both CSHB 447 (RES) and CSSB 280 (JUD). These fiscal notes request general funds for the management costs associated with the addition of these 41,000 acres to the State Park System. We believe this to be a modest request that reflects our intent to passively manage this remote unit. Permanent seasonal staff will only make occasional visits. Volunteers in Parks (VIPS) will provide seasonal monitoring of public use of the area and develop a resource inventory for use by staff in forming a master plan for the park.

While the Department would like to see these monies appropriated, the financial problems facing Alaska make it questionable whether general funds can be made available for this purpose. In light of this, I believe it would be appropriate for the Exxon Valdez Oil Spill Trustees to seriously consider providing the necessary funds to manage and protect the area until such time as the state can identify monies for that purpose. Therefore, I would like to request your serious consideration of \$17,000 for operation of Afognak Island State Park for FY 95.

Your support for this request will be greatly appreciated. Thank you.

Sincerely,



Harry A. Noah
Commissioner

HAN/sf

DEPARTMENT OF FISH AND GAME POSITION PAPER

BILL NO: Senate Bill 280 / HB 447

SPONSOR: Senate Rules

DIVISION: Habitat and Restoration

DEPARTMENT POSITION:

The Department of Fish and Game supports passage of Senate Bill 280 creating the Afognak Island State Park. This bill will enhance public access to and use of valuable fish and wildlife resources on Afognak Island and will help to maintain the habitat needed to restore resources and services injured by the Exxon Valdez oil spill (EVOS).

The uplands contained in the proposed park were acquired by the EVOS Trustee Council to restore injured resources and services including pink salmon, Dolly Varden, herring, harbor seals, river otters, harlequin ducks, marbled murrelets, bald eagles, black oystercatchers, pigeon guillemot, and sea otters. Moreover, the lands and waters included in the proposed park support additional valuable fish and wildlife resources including elk, deer, brown bear, fox, and coho salmon. The proposed park is important for recreational and commercial fishing, hunting, trapping, and wildlife viewing and has a high potential to support increased public uses in the future.

Designation of the lands as a unit of state park system will ensure that the land and its resources will be managed in the long term interests of the state. Pursuant to the purchase agreement adopted by the EVOS Trustee Council, a failure to legislatively protect the lands in 1994 will result in transfer of the title to the Federal government. Federal management would likely precipitate more restrictive access provisions and federal management of fish and wildlife on this land.

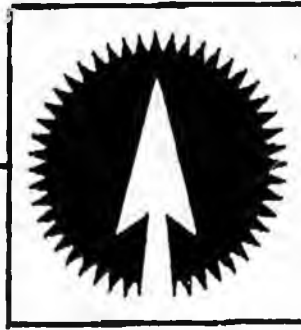
COMMISSIONER'S SIGNATURE

Carl Z. Rasmussen

DATE 2/25/94

TEL. 807-225-8114 FAX 807-225-6820
Mar 08, 1994 11:10 AM 007 1.01

Alaska Forest Association, Inc.



111 STEDMAN SUITE 200
KETCHIKAN, ALASKA 99901-8699
Phone 907-225-8114
FAX 907-225-6820

**STATEMENT OF SUPPORT OF HB447 & SB280
CREATION OF AFOGNAK ISLAND STATE PARK
BY THE
ALASKA FOREST ASSOCIATION**

MARCH 11, 1994

The Alaska Forest Association is an association of over 350 members concerned about timber supply. It is the mission of AFA to promote a significant and stable timber supply regardless of ownership. It is this mission which brings AFA before you today.

AFA is in support of SB280 and HB447 with the technical amendments proposed by Koncor Forest Products. We believe it is very important the State of Alaska obtain title to this land rather than the federal government. Past events have shown that the federal government is far less responsive or willing to be responsive to the needs of Alaskans.

This legislation is important to the timber supply issue because access must be provided to adjacent ownerships if they are to contribute to the overall timber supply situation. AFA supports the recognition of the rights of adjacent landowners.

Access across the proposed state park is vital for management of adjacent lands. Not only is it important for reaching the timber, but also access to deep water ports for shipping. These needs will be better addressed by state rather than the federal government.

AFA urges passage of these important bills with the proposed amendments.

WALTER J. HICKEL
GOVERNOR



P O Box 110001
Juneau, Alaska 99811-0001
907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

HB 447

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill creating the Afognak Island State Park.

On August 23, 1993, the Exxon Valdez Oil Spill Trustee Council (council) adopted a resolution approving, for restoration purposes, acquisition of approximately 41,549 acres of land in Alaska on the northeast corner of Afognak Island, including Seal Bay and Tonki Cape. Although the federal government initially expressed a desire to include this property within the Kodiak National Wildlife Refuge, portions of which are located nearby, the state trustees on the council persuaded the council as a whole that this property has a more logical connection with Shuyak State Park, located on an island immediately to the north of the Seal Bay property. Thus, the resolution adopted by the council provided the state the first opportunity to acquire title to this irreplaceable Alaska property. The resolution further provided that, to fulfill the council's restoration obligations, the property was to be included in a state park and commercial timber harvest was not to be permitted. The resolution specifically allowed limited commercial use as well as sport, personal use, and subsistence hunting and fishing, trapping, and recreational uses, insofar as they are permitted under law or regulations of the Board of Fisheries or Board of Game. Only if the state was unwilling or unable to establish a state park was the federal government to take title to this property.

Based on the council's resolution, the state entered into a purchase agreement on November 4, 1993 with the Seal Bay Timber Company, owner of the property, and The Nature Conservancy. The agreement provided for title to the property to first go to The Nature Conservancy to hold until the state has an opportunity to establish a park to accept the property.

Under AS 37.07.080(h) and AS 37.14.450, the Legislative Budget and Audit Committee approved the expenditure of EXXON VALDEZ civil trust money for the purchase at its November 5, 1993 meeting. The purchase was completed on November 23, 1993 when title to the property passed to The Nature Conservancy.

The Honorable Rick Halford
February 4, 1994
Page 2

In accordance with the purchase agreement, The Nature Conservancy will convey the property to the state for placement in a state park if the park is created by November 23, 1994, one year from the date of purchase. Otherwise, the property must be conveyed to the federal government for placement in a federal conservation unit. The purpose of this bill is to create that required state park.

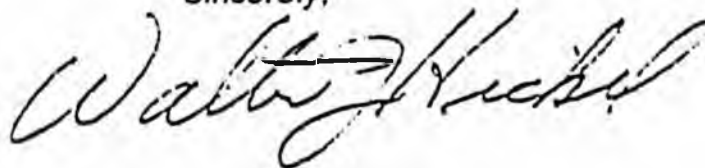
The acquisition and protection of this land in a state park has widespread and nearly unanimous public support. Expressions of support for the acquisition have come from such diverse groups as the Kodiak Island Borough mayor and assembly, City of Kodiak, Kodiak Chamber of Commerce, various commercial fishing groups, local tour operators, and environmental organizations.

Seal Bay has historically supported high value wilderness-based recreation such as hunting, boating, and fishing. The area has high scenic value and excellent wildlife viewing. It contains important habitat for several species of wildlife for which significant injury resulting from the oil spill has been documented, including marbled murrelets, harlequin ducks, black oyster catchers, and river otters. Harbor seal haulouts and intertidal and subtidal biota are all found in substantial numbers along the shoreline. Concentrations of sea otters exist in this area. Anadromous streams and bald eagle nests are found on this property. Protection of this property will aid recovery of these injured resources and services.

The proposed park would include all lands acquired from Seal Bay Timber Company as well as tidelands. Submerged lands would not be included except those lying within lagoons on the property. The Department of Fish and Game would be responsible for the management of fish and game resources in the park, consistent with the principle of sustained yield. Sport and subsistence hunting and fishing, personal use fishing, trapping, recreational activities, and commercial fishing would be permitted in the park. These are the purposes for which Alaskans have traditionally used these lands. By creating a state park for this property, we will ensure that future generations will be able to continue to use and enjoy this magnificent part of our state.

I urge your prompt consideration and passage of this bill.

Sincerely,



Walter J. Hickel
Governor

HOUSE COMMITTEE REPORT

3/14/94

Finance

(9)
Date Referred: February 4, 1994

FURTHER REFERRALS:

Date of Committee Action: 3/11/94

The RESOURCES Committee considered:

HB 447

HOUSE BILL NO. 447

ESTABLISH AFOGNAK ISLAND STATE PARK

"An Act establishing the Afognak Island State Park."

RECOMMENDATIONS:

be replaced with CS HB 447 (RES) 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 DNR

fiscal note(s) _____

zero fiscal note _____ zero fiscal note(s) P.S.; Law 2/4/94

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|--|-------------------------------------|-----------------------|-----|----|----|
| <i>Bill Hudson</i> Hudson | <input checked="" type="checkbox"/> | | | | |
| <i>John Carney</i> Carney | <input checked="" type="checkbox"/> | | | | |
| <i>Jeanette James</i> James | <input checked="" type="checkbox"/> | | | | |
| <i>Frank Finkelshteyn</i> Finkelshteyn | <input checked="" type="checkbox"/> | | | | |
| <i>Tom Davies</i> Davies | <input checked="" type="checkbox"/> | | | | |
| <i>John Mulder</i> Mulder | <input checked="" type="checkbox"/> | | | | |
| <i>Neil Bundy</i> Bundy | <input checked="" type="checkbox"/> | | | | |
| <i>W.R. Williams</i> Williams | <input checked="" type="checkbox"/> | | | | |
| <i>Joseph Green</i> Green | <input checked="" type="checkbox"/> | | | | |
| | (9) | | | | |

W.R. Williams Williams
 CHAIRMAN'S SIGNATURE