

HB

447

File 1

HOUSE COMMITTEE REPORT

(9)

Date Referred: February 4, 1994

FURTHER REFERRALS:

Finance

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>	<input checked="" type="checkbox"/>				
<i>Scott Johnson</i>	<input checked="" type="checkbox"/>				
<i>Kenneth Johnson</i>	<input checked="" type="checkbox"/>				
<i>John P. Miller</i>	<input checked="" type="checkbox"/>				
<i>Jim Quinn</i>	<input checked="" type="checkbox"/>				
<i>Allen White</i>	<input checked="" type="checkbox"/>				
<i>Ken Boudry</i>	<input checked="" type="checkbox"/>				
<i>W.F. Williams</i>	<input checked="" type="checkbox"/>				
<i>Joseph ...</i>	<input checked="" type="checkbox"/>				

W.F. Williams
 CHAIRMAN'S SIGNATURE

8-GH2025\E
Luckhaupt
3/10/94

CS FOR HOUSE BILL NO. 447(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Afognak Island State Park."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 41.21 is amended by adding new sections to read:**

4 Sec. 41.21.185. PURPOSE OF AS 41.21.185 - 41.21.189. (a) The purpose
5 of AS 41.21.185 - 41.21.189 is to establish, subject to valid existing rights including
6 those rights created by the Afognak Island Road Use Agreement executed on July 24,
7 1991, and as amended from time to time, the state-owned or acquired land and water
8 described in AS 41.21.186 as the Afognak Island State Park. The primary purposes
9 of establishing the Afognak Island State Park are to protect the area's recreational and
10 scenic resources; to protect the area's fish and wildlife habitat; to preserve and enhance
11 the continued use of the area for sport and subsistence hunting and fishing, personal
12 use fishing, trapping, recreational activities, and commercial fishing; and to restore and
13 enhance resources and services injured by the Exxon Valdez oil spill.

14 (b) Under the provisions of AS 38.05.300, state land, water, or land and water

1 containing more than 640 acres may be closed to multiple purpose use only by act of
2 the legislature. Because the area described in AS 41.21.186 exceeds 640 acres,
3 AS 41.21.185 - 41.21.189 are intended to close the described land and water to
4 multiple purpose use in conformity with AS 38.05.300 and to dedicate them as a
5 special purpose site in accordance with art. VIII, sec. 7, Constitution of the State of
6 Alaska.

7 (c) The legislature recognizes the rights of the owners of the private land that
8 adjoins the Afognak Island State Park established in AS 41.21.185 - 41.21.189. The
9 status of the land as a park will not impair the uses to which private land that adjoins
10 the park may be put in the future.

11 Sec. 41.21.186. AFOGNAK ISLAND STATE PARK ESTABLISHED. The
12 upland, shoreland, tideland, land underlying tidally influenced inland water, and water
13 overlying this land, including both the surface and subsurface estate, owned or
14 acquired by the state within the following described parcels are established as the
15 Afognak Island State Park:

16 (1) Township 21 South, Range 16 West, Seward Meridian according
17 to the United States of America, Department of the Interior, Bureau of Land
18 Management plat accepted December 6, 1989, and filed December 22, 1989

19 Section 19: Lots 1 - 3

20 Sections 30 - 31: (fractional) all;

21 (2) Township 22 South, Range 16 West, Seward Meridian according
22 to the United States of America, Department of the Interior, Bureau of Land
23 Management plat accepted December 6, 1989, and filed December 22, 1989

24 Section 6: (fractional) all

25 Section 7: Lots 1 - 2

26 Sections 18 - 19: (fractional) all

27 Section 31: (fractional) all;

28 (3) Township 20 South, Range 17 West, Seward Meridian according
29 to the United States of America, Department of the Interior, Bureau of Land
30 Management plat accepted December 6, 1989, and filed December 22, 1989

31 Section 32: (fractional) all;

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(4) Township 21 South, Range 17 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

- Sections 6 - 8: (fractional) all
- Section 13: (fractional) all
- Section 17: (fractional) all
- Section 18: all
- Sections 19 - 20: (fractional) all
- Sections 23 - 24: (fractional) all
- Section 25: all
- Section 26: (fractional) all
- Sections 29 - 31: (fractional) all
- Sections 33 - 35: (fractional) all
- Section 36: all;

(5) Township 22 South, Range 17 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

- Section 1: all
- Sections 2 - 5: (fractional) all
- Sections 8 - 9: (fractional) all
- Section 11: all
- Section 12: (fractional) all
- Sections 13 - 14: all
- Section 17: (fractional) all
- Sections 19 - 20: (fractional) all
- Section 23: all
- Sections 24 - 25: (fractional) all
- Sections 26 - 29: all
- Sections 30 - 31: (fractional) all
- Sections 32 - 35: all
- Section 36: (fractional) all;

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(6) All of Township 23 South, Range 17 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989; and the supplemental plat for Section 3 accepted April 11, 1990, and filed April 19, 1990, and the supplemental plat for Section 19 accepted November 9, 1990, and filed November 23, 1990;

(7) Township 21 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 1: Lots 1 - 3

Sections 11 - 12: (fractional) all

Section 13: all

Section 14: (fractional) all

Section 15: Lots 1 and 2

Section 16: Lots 1 and 2

Section 17: Lot 1, excepting the property described as follows:

Commencing at the monument set for the northwest corner of Section 6, Township 21, South, Range 18 West, Seward Meridian, proceed South a distance of 10,560 feet along the westerly boundaries of Sections 6 and 7; thence proceed East along the section line common to sections 7 and 18 a distance of 4999 feet, more or less, to the protracted section corner common to sections 7, 8, 17, and 18, said corner being the True Point of Beginning; thence continuing East a distance of 1320 feet along the north boundary of Lot 1 of section 17; thence South a distance of 2640 feet; thence West a distance of 1320 feet, more or less, to the westerly boundary of Lot 1 of section 17; thence North a distance of 2640 feet, more or less, along the westerly boundary of said Lot 1 of section 17 to the True Point of Beginning; The foregoing exception having an area of 80 acres, more or less

Section 17: Lot 2: all

Sections 20 - 22: (fractional) all

Sections 23 - 29: all

1 Sections 31 - 36: all;

2 (8) Township 22 South, Range 18 West, Seward Meridian according
3 to the United States of America, Department of the Interior, Bureau of Land
4 Management plat accepted December 6, 1989, and filed December 22, 1989

5 Section 36: Lot 2;

6 (9) Township 23 South, Range 18 West, Seward Meridian according
7 to the United States of America, Department of the Interior, Bureau of Land
8 Management plat accepted December 6, 1989, and filed December 22, 1989

9 Section 1: Lot 1

10 Section 12: Lot 1

11 Section 13: Lots 1, 2, and 3

12 Sections 24 - 25: (fractional) all;

13 (10) Township 21 South, Range 19 West, Seward Meridian according
14 to the United States of America, Department of the Interior, Bureau of Land
15 Management plat accepted December 6, 1989, and filed December 22, 1989

16 Sections 35 - 36: all

17 All of plat no. 93-40 within portions of Sections 26, 27, and 34,
18 as filed in the Kodiak Recording District October 19, 1993;

19 (11) All of Alaska Tideland Survey No. 1474.

20 Sec. 41.21.187. DESIGNATION OF MANAGEMENT RESPONSIBILITY.

21 (a) The state land and water described in AS 41.21.186 is assigned to the department
22 as a unit of the state park system for control, maintenance, and development consistent
23 with the purposes and provisions of AS 41.21.185 - 41.21.139.

24 (b) The Department of Fish and Game is responsible for the management of
25 fish and game resources in the Afognak Island State Park, consistent with the sustained
26 yield principle and the purposes and provisions of this chapter. The Board of
27 Fisheries, the Board of Game, and the commissioner of fish and game are responsible
28 for adopting regulations governing uses of fish and game in accordance with AS 16.
29 The fish and game habitat and breeding areas shall be managed to ensure that the fish
30 and game resources of the park and habitat are maintained or enhanced.

31 (c) The Department of Natural Resources shall consult with the Department

1 of Fish and Game before adoption of regulations governing public use of the Afognak
2 Island State Park.

3 (d) The Board of Fisheries, the Board of Game, and the commissioner of fish
4 and game shall consult with the Department of Natural Resources before adoption of
5 regulations governing fish and game use in the Afognak Island State Park.

6 (e) Regulations under this section shall be adopted under AS 44.62
7 (Administrative Procedure Act).

8 (f) The Department of Public Safety and the Department of Fish and Game
9 shall have necessary access to the Afognak Island State Park for fish and game
10 management, research, and enforcement purposes.

11 Sec. 41.21.188. INCOMPATIBLE USES. (a) The commissioner may
12 designate by regulation incompatible uses within the land and water of the Afognak
13 Island State Park.

14 (b) Lawful use of a weapon in the Afognak Island State Park shall be allowed
15 except in areas that may be closed for purposes of public safety by regulation by the
16 commissioner.

17 (c) The regulations governing public use of the Afognak Island State Park
18 must provide reasonable access for lawful sport and subsistence hunting and fishing,
19 personal use fishing, trapping, recreational uses, and commercial fishing. Except to
20 protect public safety, the commissioner may not restrict the exercise of sport or
21 subsistence hunting or fishing, personal use fishing, trapping, or commercial fishing
22 permitted under law or under a regulation of the Board of Fisheries or the Board of
23 Game within the Afognak Island State Park.

24 Sec. 41.21.189. ADDITIONS TO PARK. Land and water outside of the
25 boundaries established under AS 41.21.186 may be added to the Afognak Island State
26 Park only by an act of the legislature. The commissioner may acquire land and water
27 within the boundaries of the Afognak Island State Park except by eminent domain.

FISCAL NOTE

STATE OF ALASKA 1994 LEGISLATIVE SESSION

Revision Date: 2/24/94 Department Affected: DSM 447 (ref.)
Natural Resources
 Title: Establish Afognak Island State Park BRU: Parks and Recreation Management
 Component: 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						
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REVENUE fund source:						
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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: \$ 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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 Information call the Governor's Legislative Office

FISCAL NOTE

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						
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REVENUE						
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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. Pegues, 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.

STATE OF ALASKA
1994 LEGISLATIVE SESSION

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

Bill Version: HB 447
 (H) Publish Date: 2/4/94

STATE OF ALASKA

BILL

1994 LEGISLATIVE SESSION

Revision Date: 14-Jan-94 Dept Affected: Natural Resources
 Title: Establish Afognak Island State Park BRU: Parks and Recreation Management
 Component: Parks Management
 Sponsor: Rules Committee
 Requirer: Governor Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	12.0	12.0	12.0	12.0	12.0	12.0
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL						
SUPPLIES	3.0	2.0	1.0	1.0	1.0	1.0
EQUIPMENT	8.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	33.0	24.0	23.0	23.0	23.0	23.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

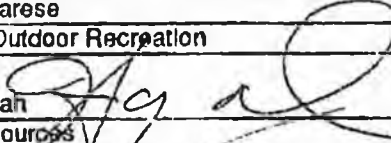
FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	33.0	24.0	23.0	23.0	23.0	23.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	33.0	24.0	23.0	23.0	23.0	23.0

Estimate of any current year (FY94) cost: \$ None

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)
 The legislation will add 41,000 acres to the State Parks 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 resource inventory. This information will be used by the permanent staff to develop a master plan for Afognak Island State Park.

Prepared by: Pete J. Panarese Phone: 762-2603
 Division: Parks and Outdoor Recreation Date: 14-Jan-94
 Approved by Commissioner:  Date: 14-Jan-94
 Agency: Natural Resources

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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.

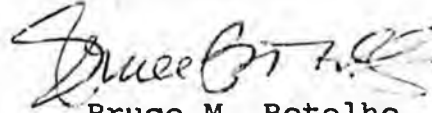
These lands have traditionally been used for hunting, boating, fishing, and related activities. House Bill 447 guarantees the rights of Alaskans to continue to be able to use these lands for these kinds of activities. The bill specifically protects sport and subsistence hunting and fishing, personal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

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 A. Rosen

DATE

2/25/94

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

February 8, 1994

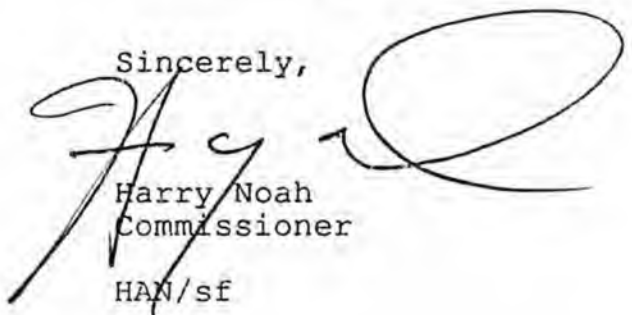
The Honorable Bill Williams
Chairman
House Resources Committee
Alaska State Capitol, Room 102
Juneau, Alaska 99801

Dear Representative Williams:

I respectfully request that you schedule a Resources Committee hearing on HB 447, a bill creating Afognak Island State Park. The creation of this state park is facilitated by the acquisition of this land by the Exxon Valdez Oil Spill Trustee Council. Under the terms of the purchase agreement, this land must be placed in a state park unit by November 23, 1994 or the property will be transferred to the federal government for placement in a federal conservation unit.

Thank you for your consideration of this matter.

Sincerely,



Harry Noah
Commissioner

HAN/sf

cc: Raya Elim, Legislative Liaison
Office of the Governor



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

HB447

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
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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.

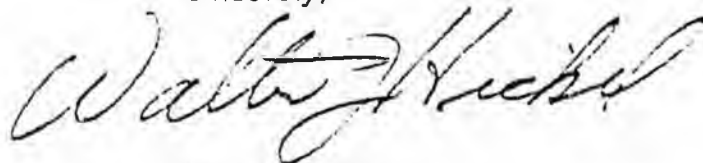
The acquisition and protection of this land in a state park has widespread and nearly unanimous public support. Expressions of support for the acquisition have come from such diverse groups as the Kodiak Island Borough mayor and assembly, City of Kodiak, Kodiak Chamber of Commerce, various commercial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

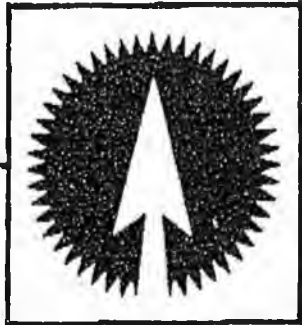
I urge your prompt consideration and passage of this bill.

Sincerely,



Walter J. Hickel
Governor

Alaska Forest Association, Inc.



111 STEDMAN SUITE 20J
KETCHIKAN, ALASKA 99901-8599
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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 Kincor 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.



* PLEASE PRINT AND *
 INCLUDE COMPLETE MAILING ADDRESS

HOUSE RESOURCES COMMITTEE

DATE: 3/11/94

PLACE: Capitol, Room 124

SUBJECT OF MEETING:
 HB 447 - ESTABLISHING THE
 AFOGNAK ISLAND STATE
 PARK

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Craig Tillery	Dept. of Law	1031 W. 4th Ave Anch	99501		269-5274	(Y) N	HB 447
						Y N	
						Y N	
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