

SB

280

WALTER J. HICKEL
GOVERNOR



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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*

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.

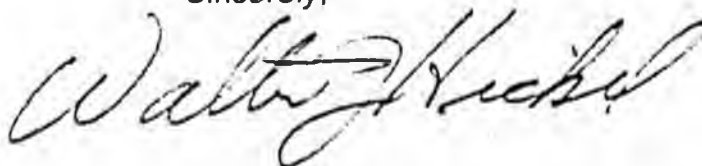
The acquisition and protection of this land in a state park has widespread and nearly unanimous public support. Expressions of support for the acquisition have come from such diverse groups as the Kodiak Island Borough mayor and assembly, City of Kodiak, Kodiak Chamber of Commerce, various commercial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

A handwritten signature in black ink, appearing to read "Walter J. Hickel". The signature is fluid and cursive, written over a light background.

Walter J. Hickel
Governor

DEPARTMENT OF FISH AND GAME POSITION PAPER

BILL NO: Senate Bill 280

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 L. Rasmussen

DATE

2/25/94



Alaska Center for the Environment

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501 • (907) 274-3621

SB 280/HB 447 would establish the Afognak State Park from land on Afognak Island at Seal Bay. This park is strongly supported by local residents, who in November 1993 passed Resolution 93-37 in support of acquisition of the area by the Trustee Council. The Kodiak Borough mayor's office applauds the "reasonable access for lawful sport and subsistence hunting and fishing, personal use fishing, trapping, recreational uses, and commercial fishing" which are present in this bill and requests state park status so that local interests can be represented in determining the future use and development of the park.

In the spring of 1993, the staff of the Exxon Valdez Oil Spill Trustee Council distributed 33,000 copies of a 10 page, newspaper size survey and held 22 public hearings to ascertain what the public felt should be done with the remainder of the spill settlement funds (then about \$600 million). The overwhelming response of the public was that habitat acquisition should be emphasized. Upwards of 90 percent of the public comments on the draft Restoration Plan prepared by the Trustee Council supported use of the Settlement for habitat protection. Seal Bay, the area which this bill would establish as the Afognak Island State Park, was one of the land parcels which was ranked highest in terms of desirability for acquisition.

The Seal Bay parcel contains mature forest habitat adjacent to highly productive marine waters. Streams within the parcel support a diversity of anadromous fish. Forests on this parcel are believed to provide high value marbled murrelet nesting habitat. Recreation values, particularly for fishing, hunting, and non-consumptive uses are high. The parcel also supports high numbers of non-injured species including deer, elk, and brown bear, according to Seal Bay Proposal Options and Analysis, by Habitat Protection Working Group 5/7/93. In the ranking system, parcels are judged on containing essential habitat for injured species or services.

The Seal Bay lands were evaluated by the Trustee Council as part of an "imminent threat" study process in February 1993 which examined sixteen parcels that were under near-term threat of development such as logging. The study examined these parcels with particular regard for the resources injured by the Exxon Valdez oil spill (i.e. species and values such as anadromous fish streams, bald eagle nesting sites, wilderness qualities, etc.)

The Trustee Council approached the land owners, Akiok and Old Harbor native corporations, and negotiated a deal for the sale of about 40,000 acres at Seal Bay. It was based on an independent appraisal of approximately \$38 million. (The Trustee Council has adopted a policy that it will not pay more than fair market value for property). The Seal Bay land purchase was a willing-seller transaction by a private land owner. It presented a win-win opportunity: the private landowner can realize economic benefits from the use (sale) of the land, and the general public can benefit from the protection of important habitat values. In

November, 1993, the Legislative Budget and Audit Committee endorsed the \$38.7 million purchase.

The intention of the state trustees was that the land be turned into a state park. However, there is a stipulation that if the Legislature does not turn the land into a state park within one year, it will go to the federal government, to save the land from becoming snarled in the Mental Health Lands dispute. There is strong support for state park status, from the Kodiak Borough, to the general public, to the Public Advisory Group of the Trustees Council.



Alaska State Legislature

Please enter into the record my testimony to the Senate State Affairs
committee name

committee on SB 280 , dated March 2, 1994
bill/subject

Mr. Chairman and committee members,

I support passage of SB 280. The Seal Bay area of Afognak island will be an excellent addition to our state park system. It will also ensure a protected area for many of the species damaged by the Exxon Valdez Oil Spill. This was the intention of the Trustee Council in acquiring the area. Much of Afognak island is being destroyed by logging, further hindering the recovery process for some of the injured resources. I believe establishment of Afognak Island state park will also aid the Kodiak economy. It will be a tourist attraction which will benefit our growing tourism industry. If the land is not designated a state park, the area's destiny will be determined by the Federal Government possibly limiting state and local control. Please pass this bill. Thank you.

Signed: Mary Forbes
Testifier

Representing (Optional)

418 Mill Bay Rd Kodiak 99615

Address

480-2685

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate State Affairs
 committee name
 committee on SB 280 / Afognak State Park, dated March 2, 1994.
 bill/subject

The Kodiak Regional Aquaculture Association (KRAA) strongly supports SB 280 as written. KRAA has been a staunch and active supporter of protecting salmon habitat in Kodiak Area waters. SB 280 will help ensure continued protection of all salmon producing systems of the proposed Afognak State Park area for the benefit of all user groups, namely commercial, sport, and recreational fishermen.

Signed: Lawrence M. Malloy
 Testifier

Kodiak Regional Aquaculture Association
 Representing (Optional)

P.O. Box 3407 Kodiak AK
 Address

486-6555
 Phone No.

FISCAL NOTE

Bill Version: SB 280
(S) Publish Date: 2-4-94

STATE OF ALASKA
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
 Requestor: 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: Harry A. Noah Date: 14-Jan-94
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 2
Bill Version: SB 280
(S) 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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FISCAL NOTE

No. 3
 Bill Version: SB 280
 (S) 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-
FART-TIME						
TEMPORARY						

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

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

Richard I. Pegues

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: January 7, 1994
Richard I. Pegues / FOR
 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

BILL NO. SB 280

Revision Date: _____
Title: Afognak Island State Park
Sponsor: Senate Rules
Requestor: Senate State Affairs

Dept. Affected: Fish and Game
BRU: Habitat and Restoration
Component: Habitat
COMPONENT SERIAL NO. 486

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	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 EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

(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 any current year (FY 94) cost: \$ 0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Frank Rue
Division: Habitat and Restoration
Approved by Commissioner: [Signature]
Agency: Alaska Department of Fish and Game

Phone: 465-4105
Date: 2/25/94
Date: 2/25/94

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