

**HB**

**58**

HOUSE RESOURCES COMMITTEE  
Roll Call and Members' Bill Votes

\* (indicates first public hearing)

Room 124, Capitol Bldg.

Mon., Wed., Fri.

Date: 2/1/95

Tape# 95-7 Joint \_\_\_\_\_

Time: 8:07 (am)/pm Time Adjourned: \_\_\_\_\_ am/pm

1:10PM ROLL CALL:

		PRES	ABS	TIME	AR		
Rep. Joe Green							
Y Rep. Bill Williams X	✓					Y	Y
Y Rep. Scott Ogan X	✓					Y	Y
Y Rep. Alan Austerman X	✓					Y	Y
Y Rep. Ramona Barnes X				8:27		Y	Y
Y Rep. John Davies X	✓					Y	Y
Y Rep. Pete Kott X	✓					Y	Y
Rep. Eileen MacLean							
Y Rep. Irene Nicholia X							

*CALL TO ORDER*

Other Legislators Present \_\_\_\_\_

AGENDA:

Bill No.	Short Title	Action Taken
<u>HB 58</u>	<u>Chickadee Flats Crit. Hab. Area</u>	
<u>HB 102</u>	<u>Extend Big Game Comm. Sew. Bd.</u>	
_____	_____	_____
_____	_____	_____
_____	_____	_____

OTHER

T/c # 50113

HOUSE RESOURCES COMMITTEE



Alaska State Legislature  
House of Representatives

SUBJECT OF MEETING:  
*HB 58 - Chickaloon Flats Critical  
Habitat Area*

DATE: *2/1/95*

PLACE: ROOM 124

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
<i>Gerard Bruce</i>	<i>ADF+G</i>	<i>Bx 25526 JUNEAU</i>	<i>99801</i>	<i>465-6143 6-61</i>	<i>465-6143</i>	<input checked="" type="radio"/>	<input type="radio"/>	<i>HB 58</i>
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
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B

HOUSE COMMITTEE REPORT

(9)  
Date Referred: January 16, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/1/95

The RESOURCES Committee considered:

HB 58

HOUSE BILL NO. 58

CHICKALOON FLATS CRITICAL HABITAT AREA

"An Act establishing the Chickaloon Flats Critical Habitat Area."

recommends it be replaced with the following committee substitute CS HB 58 (RES)  the same title  a new title

additional referral to \_\_\_\_\_ Committee

attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) ADF+G  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Scott Ogan</u> Ogan			<input checked="" type="checkbox"/>	
<u>Thomas Barnes</u> Barnes		<input checked="" type="checkbox"/>		
<u>William Austerman</u> Austerman			<input checked="" type="checkbox"/>	
<u>Ken Kott</u> Kott	<input checked="" type="checkbox"/>			
<u>John L. Davis</u> DAVIS	<input checked="" type="checkbox"/>			
<u>W.F. Williams</u> Williams	<input checked="" type="checkbox"/>			
	(3)	(1)	2	

CO-CHAIR'S SIGNATURE W.F. Williams

House of Representatives

**SPONSOR STATEMENT**

**HB 58**

**“An Act establishing the Chickaloon Flats Critical Habitat Area”**

Chickaloon Flats is on the northeast side of the Kenai Peninsula, on the Turnagain Arm facing the Anchorage Coastal Refuge and Potter Flats. The area has a local nesting population of ducks and geese. The most important use of this area is as a feeding and resting area for migrating ducks, geese and shore birds. Up to 25,000 birds a day use the mudflats and tidal marsh. For example, the area is often used when Portage Pass is closed due to bad weather. The waterfowl that normally transit the pass have to have a place to rest and feed. Chickaloon Flats is the principal place they use on Turnagain Arm.

Alaska has the most comprehensive waterfowl refuge and critical habitat system of any state in the nation. There is Mendenhall State Game Refuge, 17,000 acres, Anchorage Coastal Refuge, 14,000 acres, Trading Bay State Game Refuge, 186,000 acres, Redoubt Bay Critical Habitat Area, 201,000 acres, Goose Bay State Game Refuge, 14,000 acres, Palmer Hay Flats State Game Refuge, 38,000 acres, Susitna Flats State Game Refuge, 301,000 acres and Fox River Flats Critical Habitat Area. The Chickaloon Flats area, with approximately 22,000 acres, will be an important addition to this system.

The purpose of this bill is to assure adequate habitat for waterfowl rather than create a stumbling block for future development of resources. There are currently no valid oil and gas leases in the proposed critical habitat area that would be disrupted by the formation of a critical habitat area. Additionally, there is nothing in this bill that would preclude the future exploration of this area.

I urge your positive support of this proposed legislation.

CS FOR HOUSE BILL NO. 58(RES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES BUNDE, Rokeberg, Toohey

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Chickaloon Flats Critical Habitat Area."

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

3 \* Section 1. AS 16.20 is amended by adding a new section to read:

4 Sec. 16.20.630. CHICKALOON FLATS CRITICAL HABITAT AREA. (a)  
5 The following described area is established as the Chickaloon Flats Critical Habitat  
6 Area:

7 The land and water encompassed by a boundary beginning at the point  
8 on the shore of Chickaloon Bay at longitude W149 degrees, 53 minutes;  
9 thence westerly along the mean high water line of Chickaloon Bay to  
10 longitude W150 degrees, 18 minutes; thence easterly to the point of the  
11 beginning.

12 (b) The department shall permit entry within the Chickaloon Flats Critical  
13 Habitat Area for the exploration and development of oil and gas resources when it is  
14 compatible with the purposes for which the critical habitat area is established.

15 (c) The department shall permit public uses of the Chickaloon Flats Critical

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Habitat Area in a manner that is compatible with the purposes for which the critical habitat area is established. The department shall allow the following public uses to continue unless the department determines that the use is not compatible with the purposes for which the Chickaloon Flats Critical Habitat Area is established:

- (1) hunting, including subsistence hunting, trapping, and subsistence, commercial, and sport fishing;
- (2) hiking, backpacking, and camping, including the use of campfires;
- (3) cross-country skiing, snowmachining, boating, and the landing of aircraft; and
- (4) other related uses that are temporary in duration and have no foreseeable adverse effects on vegetation, drainage, soil stability, or fish and game and their habitat.

L



House of Representatives

MEMORANDUM

DATE: January 20, 1995

TO: Representative Bill Williams  
Representative Joe Green  
Co-Chairmen House Resources Committee

FROM: Representative Con Bunde  
Co-Chair House Health Education & Social Services Committee

RE: HB 58 "An Act establishing the Chickaloon Flats Critical Habitat Area."

This memo is a request for a House Resources Committee hearing for HB 58 which establishes Chickaloon Flats Critical Habitat Area.

Chickaloon Flats is on the northeast side of the Kenai Peninsula, on the Turnagain Arm facing the Anchorage Coastal Refuge and Potter Flats. The area has a local nesting population of ducks and geese. However, the most important use of this area is as a feeding and resting area for migrating ducks, geese and shore birds. For example, the area is often used when Portage Pass is not passable in bad weather. The waterfowl that normally transit the pass have to have a place to rest and feed. Chickaloon Flats is the principal place they use on Turnagain Arm.

Alaska has the most comprehensive waterfowl refuge and critical habitat system of any state in the nation. If this legislation is enacted, Chickaloon Flats will be an important addition to this system.

Thank you for your cooperation with this proposed legislation.

**PROPOSED CHICKALOON FLATS  
CRITICAL HABITAT AREA  
BACKGROUND INFORMATION**

LOCATION: The proposed Chickaloon Flats Critical Habitat Area is located on the south side of Turnagain Arm at the head of Cook Inlet and is bisected by the Chickaloon River.

AREA DESCRIPTION: The proposed Chickaloon Flats Critical Habitat Area encompasses a large expanse of state-owned tidelands lying within the Kenai Peninsula Borough. Adjacent uplands are managed by the Kenai National Wildlife Refuge.

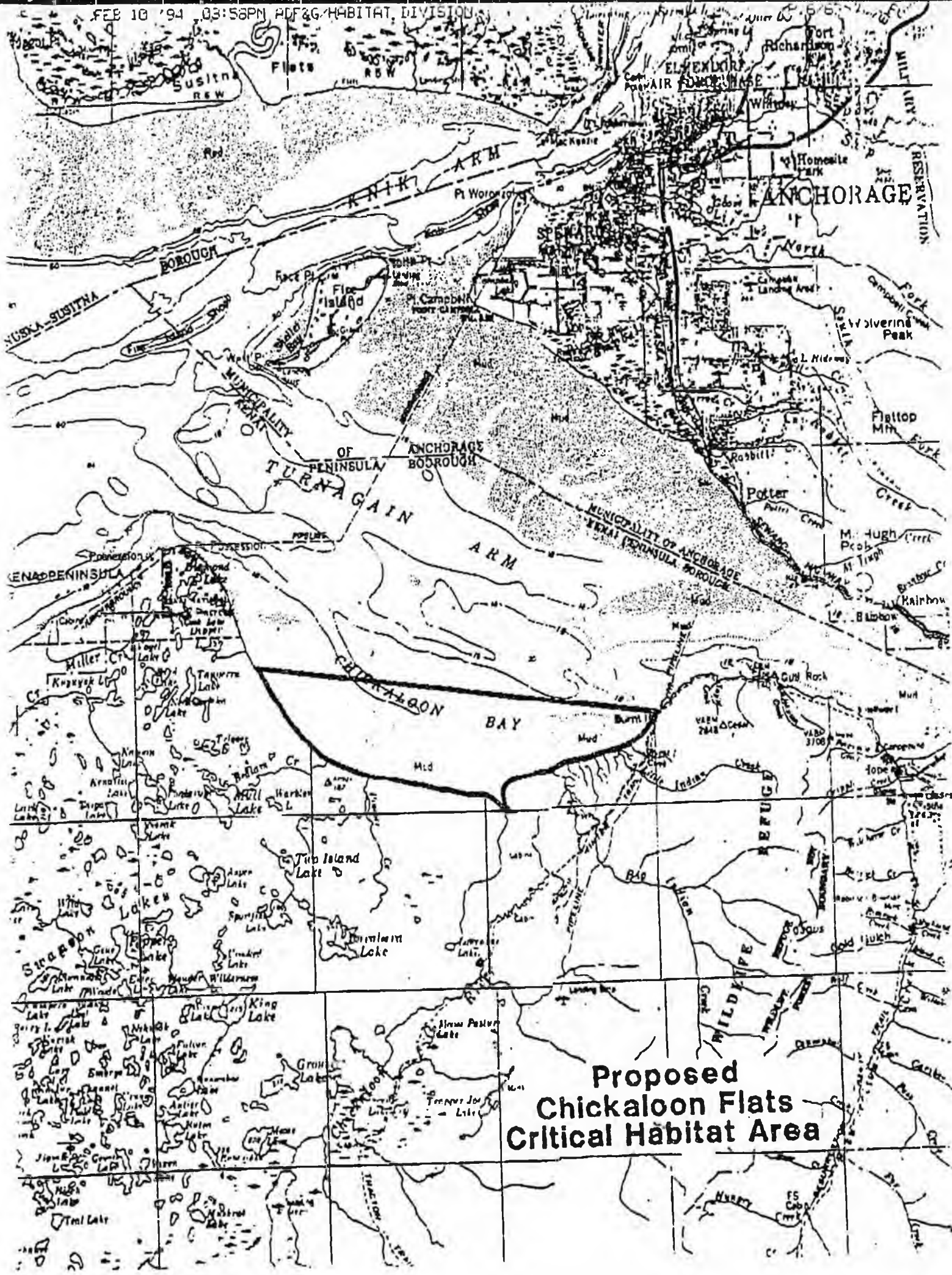
FISH AND WILDLIFE RESOURCES: Chickaloon Flats is one of a handful of key waterfowl and shorebird habitats in Cook Inlet which provide vital staging habitat for arctic nesting birds on their way to and from nesting grounds in the north. The mudflats and tidal marsh at the mouth of the Chickaloon River, created by the dramatic tidal action of Turnagain Arm, are critical waterfowl and shorebird feeding and resting habitat during spring and fall migration. In the fall, waterfowl waiting out bad weather replenish energy reserves on Chickaloon Flats before flying south through Turnagain Pass. Up to 25,000 birds a day use the mudflats and tidal marsh for resting and feeding during fall migration, including up to 5,000 lesser Canada geese at a time. Fall migrants include: tundra and trumpeter swans; lesser Canada geese; white-fronted geese; sandhill cranes; mallards; pintails; green-winged teal; shovelers; gadwalls; and American wigeon. Additional waterfowl species found during ice free months include: red-breasted mergansers, canvasbacks, common merganser, greater scaup, and common goldeneye. Snow geese and swans are most numerous on the flats during spring migration.

Northern phalaropes, glaucous-winged gulls, mew gulls, Bonaparte's gulls, arctic terns, common snipe, yellowlegs, dowitchers, semipalmated plovers, sandpipers, whimbrels, and godwits also feed on the productive estuarine tideflats.

PUBLIC USE AND ACCESS: Chickaloon Flats has long been recognized as an important waterfowl hunting area in Cook Inlet. Fall waterfowl hunters access Chickaloon Flats by floatplane, landing on river channels and larger ponds or arrive by boat from the nearby community of Hope. Four-wheel drive vehicles are also used to access the area along unmaintained pipeline access roads through the Kenai National Wildlife Refuge. Mallards, pintails, wigeon, and green-winged teal are most frequently harvested.

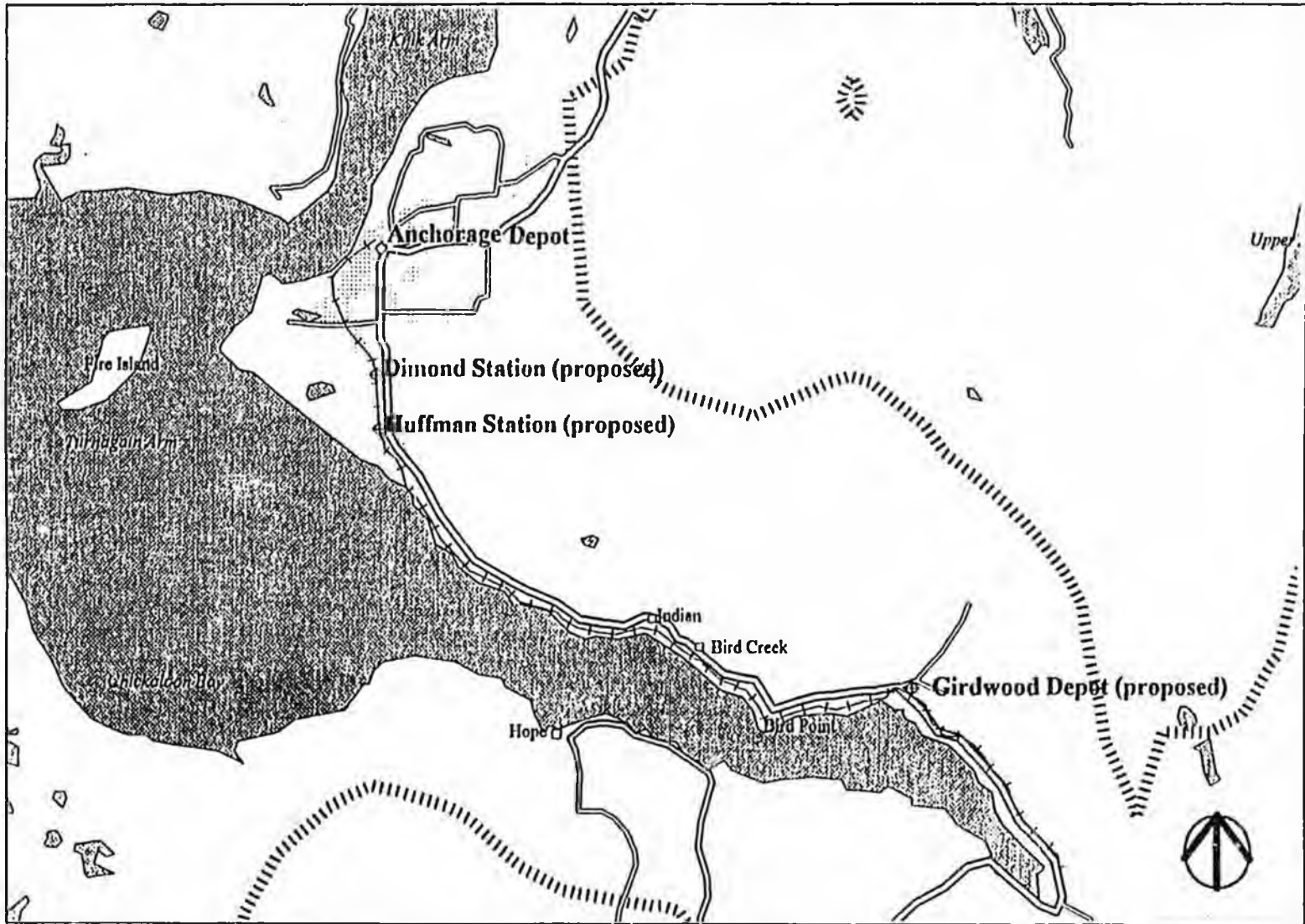
REFERENCES:

- Quimby, Roland L. 1972 Waterbird Habitat and Use of Chickaloon Flats. pp 86.
- U.S. Fish and Wildlife Service. 1985 Kenai National Wildlife Refuge Final Comprehensive Conservation Plan. pp 195.



**Proposed  
Chickaloon Flats  
Critical Habitat Area**

**Figure 1. Area Map**  
**Girdwood Rail Service Feasibility**



Basemap Source: DeLorme's MapExpert, Freeport, Maine © 1993 DeLorme Mapping

Scale: 1:450,000

# FISCAL NOTE

STATE OF ALASKA  
994 LEGISLATIVE SESSION

BILL NO. HB 58

Revision Date: \_\_\_\_\_  
Title: Chickaloon Flats Critical Habitat Area  
Sponsor: Representative Bunde  
Requestor: House Oil and Gas

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

Expenditures/Revenues	(Thousands of Dollars)					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING EXPENDITURES						
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
CHANGE IN REVENUES ( )	0	0	0	0	0	0

FUND SOURCE	(Thousands of Dollars)					
002 Federal Receipts						
003 GF Match						
004 GF						
005 GF/Program Receipts						
006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

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

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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: Frank Rue  
Division: Habitat and Restoration  
Approved by Commissioner: [Signature]  
Agency: Alaska Department of Fish and Game

Phone: 465-3065  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

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# FISCAL NOTE

STATE OF ALASKA  
94 LEGISLATIVE SESSION

BILL NO. HB 58

Revision Date: \_\_\_\_\_  
 Title: Chickaloon Flats Critical Habitat Area  
 Sponsor: Representative Bunde  
 Requestor: (H) Special Committee on Oil & Gas

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

Expenditures/Revenues	(Thousands of Dollars)					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING EXPENDITURES						
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
CHANGE IN REVENUES ( )	0	0	0	0	0	0

FUND SOURCE	(Thousands of Dollars)					
002 Federal Receipts						
003 GF Match						
004 GF						
005 GF/Program Receipts						
006 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, Director *Frank Rue* Phone: 465-4105  
 Division: Habitat and Restoration Date: \_\_\_\_\_  
 Approved by Commissioner: [Signature]  
 Agency: Alaska Department of Fish and Game Date: \_\_\_\_\_

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Clam Gulch Critical

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Meridian Sections 9,

Meridian Sections 4,

Meridian Sections 6

Meridian Sections

Meridian Sections 5

Meridian Sections 12

Meridian Sections 4,

Meridian Sections 5,  
Creek. (§ 1 ch 31

ng leases on March 31,  
3, ch. 31, SLA 1976 in  
Special Acts.

**Sec. 16.20.600. Copper River Delta Critical Habitat Area es-  
tablished.** The following described area is established as the Copper  
River Delta Critical Habitat Area:

All public land, tideland, submerged land, and water contained in the  
following description: Beginning at a point on the south edge of the  
Copper River Highway right-of-way 200' west of its intersection with  
the Eyak Trail trailhead; thence southwesterly 200' west of the Eyak  
Trail and parallel to it approximately 4 miles to the mean high tide  
line; thence southwesterly along the mean high tide line to Point  
Whitshed; thence northwesterly along the mean high tide line to a  
point of intersection at the west edge of Section 21, T16S, R4W,  
C.R.M. and the mean high tide line at the mouth of Orca Inlet; thence  
westerly a distance of approximately 3 miles to the northeast tip of  
Little Mummy Island; thence southwesterly a distance of approxi-  
mately 4 miles to the intersection of the south edge of Section 33,  
T16S, R5W, C.R.M. and the mean high tide line; thence along the  
mean high tide line on the east portion of Hinchinbrook Island, in-  
cluding Boswell Bay to Point Bentinck; thence S.68°E. approximately  
57 miles to a point of intersection with the protracted boundary line  
common between R4E and R5E, C.R.M.; thence N.13°E. approxi-  
mately 10 miles to Palm Point; thence northwesterly along the mean  
high tide line to a point of intersection with the west boundary line of  
Section 25, T19S, R4E, C.R.M. to a point of intersection with the mean  
high tide line on the north shore of Softuk Bar; thence northwesterly  
to Windy Point; thence due east approximately 1.1 miles to the 200  
foot contour; thence northerly along the 200 foot contour around  
Ragged Mountain, easterly and northerly along the eastern shore of  
Martin and Little Martin lakes to a point 4 miles due south of Bridge  
No. 227 on the Proposed Bering River Highway; thence north to  
Bridge No 227; thence westerly along the south edge of the Bering  
River Highway to its junction with the Copper River Highway; thence,  
westerly along the south edge of the Copper River Highway to the  
point beginning; excluding all areas within the Cordova Airport  
Boundaries. (§ 2 ch 93 SLA 1978)

Revisor's notes. — Formerly AS  
16.20.230(a)(11). Renumbered in 1987.

**Sec. 16.20.605. Anchor River and Fritz Creek Critical Habitat  
Area established.** (a) All state land and water contained in the fol-  
lowing described areas is established as the Anchor River and Fritz  
Creek Critical Habitat Area:

- (1) Township 4 South, Range 13 West, Seward Meridian
  - Section 25
  - Section 35
  - Section 36;

- (2) Township 5 South, Range 12 West, Seward Meridian  
Sections 17 — 20;
- (3) Township 5 South, Range 13 West, Seward Meridian  
Section 2  
Section 3  
Section 4 E<sup>1</sup>/<sub>2</sub>  
Section 8 S<sup>1</sup>/<sub>2</sub>  
Sections 9 — 11  
Sections 13 — 20  
Section 21 W<sup>1</sup>/<sub>2</sub>  
Section 24;
- (4) Township 5 South, Range 14 West, Seward Meridian  
Section 13  
Section 20 NE<sup>1</sup>/<sub>4</sub>  
Sections 21 — 24  
Section 26 N<sup>1</sup>/<sub>2</sub>  
Section 27 N<sup>1</sup>/<sub>2</sub>  
Section 28 N<sup>1</sup>/<sub>2</sub>.
- (b) Notwithstanding AS 16.20.500 and the establishment of the Anchor River and Fritz Creek Critical Habitat Area under (a) of this section,
- (1) the use of and appropriation of water rights from Fritz Creek for a municipal and community water source is protected within the Anchor River and Fritz Creek Critical Habitat Area;
- (2) the possibility of the construction of a dam and reservoir on Fritz Creek is reserved within the Anchor River and Fritz Creek Critical Habitat Area.
- (c) The use and enjoyment of valid existing rights and interests within the Anchor River and Fritz Creek Critical Habitat Area are protected. Future conveyances, including but not limited to rights-of-way, timber sales, municipal entitlements, grazing leases, and oil and gas leases, may occur.
- (d) A management plan for the Anchor River and Fritz Creek Critical Habitat Area shall be adopted and may be revised by the Department of Fish and Game in consultation with the Department of Natural Resources under AS 44.62 (Administrative Procedure Act). The management plan shall reflect the concurrence of the Kenai Peninsula Borough as it applies to land committed by the borough to the Anchor River and Fritz Creek Critical Habitat Area.
- (e) The department shall establish a citizens' advisory committee to work with the department and advise on implementation and revisions of the management plan for the Anchor River and Fritz Creek Critical Habitat Area.
- (f) Appointments to the citizens' advisory committee shall be recommended by the Kenai Peninsula Borough and the City of Homer and shall include representatives from

- (1) industry and commercial users;
- (2) hunters, trappers, fishermen, and recreational users; and
- (3) officials representing the Kenai Peninsula Borough and the City of Homer. (§§ 1, 2 ch 47 SLA 1985; am §§ 1, 2 ch 170 SLA 1990)

**Revisor's notes.** — Formerly AS 16.20.230(a)(12), (b), (c), and (d). Renumbered in 1987.

**Effect of amendments.** — The 1990 amendment, effective June 22, 1990, substituted "adopted and may be revised" for "completed by July 1, 1989" and "under the Administrative Procedure Act (AS 44.62)" for "and the management plan shall be submitted to the legislature for

review" in the first sentence of subsection (d); deleted the former second sentence of subsection (d), which read "The management plan shall take effect when approved by act of the legislature"; and added subsections (e) and (f).

**Editor's notes.** — Section 3, ch. 170, SLA 1990 approves the management plan dated June, 1989, for the Anchor River and Fritz Creek Critical Habitat Area.

**Sec. 16.20.610. Dude Creek Critical Habitat Area.** (a) The purpose of the Dude Creek Critical Habitat Area is the protection and enhancement of the wet meadow habitat that is the key roosting area for migrating lesser sandhill cranes, for the protection of lesser sandhill cranes, and for the continued public use and enjoyment of the area.

(b) The following described area is established as the Dude Creek Critical Habitat Area:

Township 40 South, Range 58 East, Copper River Meridian

Section 2: W<sup>1</sup>/<sub>2</sub>

Section 3

Sections 9 — 10

Section 11: W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>

Section 14: Lot 3, NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>

Section 15

Section 16: N<sup>1</sup>/<sub>2</sub>, SE<sup>1</sup>/<sub>4</sub>.

(c) The Dude Creek Critical Habitat Area described in (b) of this section shall be managed under a management plan prepared and implemented by the department in consultation with the community of Gustavus and the Board of Game.

(d) The department shall allow public uses, including fishing, hunting, trapping, mechanized and nonmechanized public access, grazing, firewood harvesting, wildlife, viewing, hiking, and berry picking under the management plan adopted under (c) of this section to the extent that the activities are compatible with (a) of this section.

(e) The legislature understands that a portion of the state land described in (b) of this section is mental health trust land of the state and the legislature intends that the land retain its status as mental health trust land, notwithstanding its inclusion in the Dude Creek Critical Habitat Area. (§ 1 ch 31 SLA 1988)

**Editor's notes.** — Section 2, ch. 31, SLA 1988 provides that the commissioner of fish and game shall allow public use of the Dude Creek Critical Habitat Area compatible with AS 16.20.610(a) until a management plan has been adopted under AS 16.20.610(c).

**Legislative history reports.** — For legislative letter of intent on ch 31, SLA 1988, see the Senate letter of intent on CSSB 362 (Res), 1988 Senate Journal 2691-2692.

**Sec. 16.20.615. Tugidak Island Critical Habitat Area.** (a) The state land above the mean high tide line within the following described area is established as the Tugidak Island Critical Habitat Area:

- (1) Township 41 South, Ranges 33 — 34 West, Seward Meridian;
- (2) Township 42 South, Range 33 West, Seward Meridian  
Sections 1 — 11  
Sections 14 — 23  
Sections 25 — 36;
- (3) Township 42 South, Ranges 34 — 35 West, Seward Meridian;
- (4) Township 43 South, Ranges 34 — 35 West, Seward Meridian.

(b) In addition to the area described in (a) of this section, the water and the land below the mean high tide line in the lagoon at the north-east end of Tugidak Island are included within the Tugidak Island Critical Habitat Area.

(c) The Tugidak Island Critical Habitat Area described in (a) and (b) of this section shall be managed under a management plan prepared by the department.

(d) The department shall permit exiting cabins to remain, subsistence and recreational uses to continue, and commercial uses such as seal hunting and placer mining to continue, if appropriate under the management plan adopted under (c) of this section to the extent that the activities are compatible with the establishment of the Tugidak Island Critical Habitat Area.

(e) The department shall permit entry within the Tugidak Island Critical Habitat Area for the exploration and development of oil and gas resources when compatible with the purposes for which the critical habitat area was established. An oil and gas lease of state land within the Tugidak Island Critical Habitat Area is valid and continues in full force according to its terms. (§ 2 ch 116 SLA 1988)

**Revisor's notes.** — Enacted as AS 16.20.610. Renumbered in 1988.

**Cross references.** — For statement of legislative purpose, see § 1, ch. 116, SLA 1988 in the Temporary and Special Acts.

**Editor's notes.** — Section 3, ch. 116, SLA 1988 provides: "After completion of

plans for the area including the Tugidak Island Critical Habitat Area as enacted in sec. 2 of this Act, the commissioners of natural resources and fish and game may recommend an adjustment in the boundaries of the critical habitat area to the legislature."

**Sec. 16.20.620. Willow Mountain Critical Habitat Area established.** (a) The following described area is established as the Willow Mountain Critical Habitat Area:

- (1) Township 20 North, Range 2 West, Seward Meridian  
Section 7  
Sections 18 — 19;
- (2) Township 20 North, Range 3 West, Seward Meridian  
Sections 1 — 2  
Sections 11 — 14  
Sections 23 — 24;
- (3) Township 21 North, Range 2 West, Seward Meridian  
Sections 4 — 7  
Section 18: W<sup>1</sup>/<sub>2</sub>;
- (4) Township 21 North, Range 3 West, Seward Meridian  
Section 1  
Sections 11 — 14  
Sections 23 — 26  
Sections 35 — 36;
- (5) Township 22 North, Range 2 West, Seward Meridian  
Sections 19 — 21  
Sections 28 — 33.

(b) Notwithstanding AS 16.20.510 — 16.20.530, the commissioner of fish and game, in consultation with the commissioner of natural resources, shall prepare a management plan for the Willow Mountain Critical Habitat Area. The commissioner of fish and game and the commissioner of natural resources shall exercise their respective authorities over the area in a manner consistent with the management plan. (§ 2 ch 28 SLA 1989)

**Cross references.** — For statement of legislative purpose, see § 1, ch. 28, SLA 1989 in the Temporary and Special Acts.

**Editor's notes.** — Section 3, ch. 28, SLA 1989, provides: "Until a management plan is developed under AS

16.20.620(b), enacted by § 2 of this Act, management decisions for the Willow Mountain Critical Habitat Area must reflect the intent of the Willow Mountain Subunit of the Hatcher Pass Management Plan adopted in October, 1986."

**Sec. 16.20.625. Redoubt Bay Critical Habitat Area.** (a) The state-owned land and water above mean lower low water contained in the following described parcels is designated as the Redoubt Bay Critical Habitat Area:

- (1) Township 6 North, Range 16 West, Seward Meridian  
Sections 1 — 12: North of the south bank of Drift River  
Sections 14 — 18: North of the south bank of Drift River  
Sections 20 — 22: North of the south bank of Drift River;
- (2) Township 6 North, Range 17 West, Seward Meridian  
Sections 1 — 6: North of the south bank of Drift River  
Sections 10 — 12: North of the south bank of Drift River;

- (3) Township 7 North, Range 14 West, Seward Meridian  
Section 5: S $\frac{1}{2}$   
Sections 6 — 8  
Section 18;
- (4) Township 7 North, Range 15 West, Seward Meridian  
Sections 1 — 21  
Sections 29 — 31;
- (5) Township 7 North, Range 16 West, Seward Meridian;
- (6) Township 7 North, Range 17 West, Seward Meridian  
Sections 1 — 4  
Section 8: E $\frac{1}{2}$   
Sections 9 — 17  
Sections 19 — 27  
Section 30  
Sections 34 — 36;
- (7) Township 8 North, Range 15 West, Seward Meridian  
Section 1: S $\frac{1}{2}$   
Section 2: S $\frac{1}{2}$   
Section 3: W $\frac{1}{2}$   
Sections 4 — 11  
Section 12: N $\frac{1}{2}$   
Sections 13 — 36;
- (8) Township 8 North, Range 16 West, Seward Meridian;
- (9) Township 8 North, Range 17 West, Seward Meridian  
Sections 1 — 17  
Sections 20 — 29  
Sections 32 — 36;
- (10) Township 8 North, Range 18 West, Seward Meridian  
Sections 1 — 12;
- (11) Township 9 North, Range 15 West, Seward Meridian  
Sections 29 — 30;
- (12) Township 9 North, Range 16 West, Seward Meridian  
Sections 19 — 36;
- (13) Township 9 North, Range 17 West, Seward Meridian  
Sections 21 — 36.
- (b) Notwithstanding AS 16.20.500 and the establishment of the Redoubt Bay Critical Habitat Area under (a) of this section, egress and ingress to and from private property within the Redoubt Bay Critical Habitat Area shall be permitted through access corridors established through agreement between the state and the private property owners involved.
- (c) The state may not acquire by eminent domain privately owned land within the Redoubt Bay Critical Habitat Area but may acquire privately owned land within the Redoubt Bay Critical Habitat Area by purchase, exchange, or otherwise for inclusion in the Redoubt Bay Critical Habitat Area.

(d) The department shall permit entry within the Redoubt Bay Critical Habitat Area for the exploration and development of oil and gas resources when it is compatible with the purposes for which the critical habitat area is established. An oil and gas lease of state land and existing oil and gas pipeline rights-of-way within the critical habitat area are valid and continue in full force according to their terms. The commissioner shall permit inspection and maintenance activities necessary to ensure the integrity of oil and gas pipelines on existing leases and pipeline rights-of-way in a manner that is compatible with the purposes for which the Redoubt Bay Critical Habitat Area was established.

(e) The department shall permit uses of the Redoubt Bay Critical Habitat Area in a manner that is compatible with the purposes for which the critical habitat area is established. The department shall permit the following public uses to continue without further approval by the department unless the department determines that the use is not compatible with the purposes for which the Redoubt Bay Critical Habitat Area is established:

(1) hunting, including subsistence hunting, trapping, and subsistence, commercial, and sport fishing, including the continued use of cabins for the purpose of hunting, trapping, and fishing;

(2) hiking, backpacking, and camping, including the use of campfires;

(3) cross-country skiing, snowmachining, boating, and the landing of aircraft; and

(4) other related uses that are temporary in duration and have no foreseeable adverse effects on vegetation, drainage, soil stability, or fish and game and their habitat.

(f) The Kenai Peninsula Borough shall establish a citizens' advisory committee to work with the department and the Department of Natural Resources and advise on the development of policies and regulations that affect the Redoubt Bay Critical Habitat Area.

(g) Appointments to the citizens' advisory committee shall be made by the Kenai Peninsula Borough and shall include representatives from

(1) industry and commercial users including the oil and gas industry, timber, mining, and commercial fishing;

(2) hunters, trappers, fishermen, cabin owners, and recreational users; and

(3) officials representing the Kenai Peninsula Borough. (§ 2 ch 111 SLA 1989)

Revisor's notes. — Enacted as AS Critical Habitat Area, see § 1, ch. 111, 16.20.620. Renumbered in 1989.

Cross references. — For legislative purpose in establishing the Redoubt Bay SLA 1989 in the Temporary and Special Acts.