

SB

1988

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB198

Revision Date: _____ Department Affected: Fish and Game
 Title: An Act Establishing the Homer Airport BRU: Habitat and Restoration
Critical Habitat Area Component: Habitat Protection
 Sponsor: Senator Torgerson
 Requester: Senate Resources COMPONENT SERIAL NO. 2100

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL						

Estimate of any current year (FY96) cost: \$ 0

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: Janet Kowalski
 Division: Habitat and Restoration
 Approved by Commissioner: Frank Rue
 Agency: Fish and Game

Phone: 465-4105
 Date: 1/26/96
 Date: 1-22-96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office




Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

MEMO

TO: George Utermohle, Legal Counsel
via fax: X2029

FROM: Annette E. Kreitzer, Aide to
Senate Resources Committee 

DATE: March 8, 1996

RE: CS SB 198(RES)

Please prepare a Resources Committee Substitute for SB 198 (LS1287F) using the following language. I need the CS by Tuesday at 2:00 p.m. for distribution to Resources Committee members.

1. Delete the legal description of the critical habitat area in the LS1287F draft and use the description as written in your LS11287G draft (I can fax it back to you if this is an attorney/client issue - Mary from Senator Torgerson's office provided me with a copy).

2. Page 1, Line 3:

Insert Purpose and Intent Language:

The purpose of the Homer Airport Critical Habitat Area is to provide an area for enhancing winter browse for the moose herd in the lower Kenai Peninsula area, and for guaranteed public access to and continued public fishing, hunting and trapping activities and opportunities in the area, consistent with maximum sustained yield. It is the intent of the 19th Legislature that the State of Alaska shall not purchase lands which may be required for future development of the Homer Airport.

3. Page 6, Lines 19-20:

Following "management plan for the critical habitat area." Insert:

The plan shall allow guaranteed access to and continued public fishing, hunting and trapping activities and opportunities in the area.

Final version 3/13/96 5/10/96

WORK DRAFT

WORK DRAFT

WORK DRAFT

9-LS1287K

Utermohle

3/11/96

**CS FOR SENATE BILL NO. 198(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION**

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): **SENATOR TORGERSON**

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Homer Airport Critical Habitat Area."**

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

3 • **Section 1. PURPOSE.** The purpose of the Homer Airport Critical Habitat Area is to
4 provide an area for enhancing winter browse for the moose herd in the lower Kenai Peninsula
5 area and for guaranteed public access to and continued public fishing, hunting, and trapping
6 activities and opportunities in the area, consistent with maximum sustained yield.

7 • **Sec. 2.** AS 16.20 is amended by adding a new section to read:

8 **Sec. 16.20.630. HOMER AIRPORT CRITICAL HABITAT AREA**
9 **ESTABLISHED.** (a) The following described area is established as the Homer
10 Airport Critical Habitat Area:

11 **(1) Tract A:**

12 **Township 6 South, Range 13 West, Seward Meridian**

13 **Section 21: that portion of the S1/2NE1/4 upland of the**
14 **ordinary high water line of Beluga Lake, comprising 9.3 acres,**
15 **more or less;**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(2) Tract B:

Township 6 South, Range 13 West, Seward Meridian

Section 21: that portion of the NE1/4 upland of the ordinary high water line of Beluga Lake that is encompassed by a boundary beginning at the section corner common to Sections 15, 16, 21, and 22, Township 6 South, Range 13 West, Seward Meridian; thence proceeding South 00 degrees 01 minute 00 seconds East along the section line common to Sections 21 and 22, Township 6 South, Range 13 West, Seward Meridian, to the point of intersection with a line located 1,520 feet South of and parallel to the northern section line of Section 21, Township 6 South, Range 13 West, Seward Meridian; thence along the line located 1,520 feet South of and parallel to the northern section line of Section 21, Township 6 South, Range 13 West, Seward Meridian, to the point of intersection with the ordinary high water line of Beluga Lake; thence in a northwesterly direction along the meanders of the ordinary high water line of Beluga Lake to the point of intersection with the West boundary line of NE1/4, Section 21, Township 6 South, Range 13 West, Seward Meridian, being common to the center quarter line of Section 21, Township 6 South, Range 13 West, Seward Meridian; thence North 00 degrees 01 minute 00 seconds West along the West boundary line of NE1/4, Section 21, Township 6 South, Range 13 West, Seward Meridian, to the point of intersection with the section line common to Sections 16 and 21, Township 6 South, Range 13 West, Seward Meridian; thence East along the section line common to Sections 16 and 21, Township 6 South, Range 13 West, Seward Meridian, to the point of beginning; comprising 70.4 acres, more or less;

(3) Tract C:

Township 6 South, Range 13 West, Seward Meridian

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Section 15: S1/2SW1/4, comprising 80 acres, more or

less;

(4) Tract D:

Township 6 South, Range 13 West, Seward Meridian

Section 22: that portion of the NW1/4 northwesterly of a line parallel to, northwesterly of, and 750 feet perpendicular from the monumented runway centerline of the Homer Airport, comprising 60 acres, more or less;

(5) Tract E, comprising 74 acres, more or less:

Township 6 South, Range 13 West, Seward Meridian

Section 15: those portions of SW1/4SE1/4 and E1/2SE1/4 northwesterly of a line parallel to, northwesterly of, and 750 feet perpendicular from the monumented runway centerline of the Homer Airport;

Section 22: that portion of the NW1/4NE1/4 northwesterly of a line parallel to, northwesterly of, and 750 feet perpendicular from the monumented runway centerline of the Homer Airport;

(6) Tract F:

Township 6 South, Range 13 West, Seward Meridian

Section 22: those portions of Government Lots 5 and 6 southeasterly of a line parallel to, southeasterly of, and 850 feet perpendicular from the monumented runway centerline of the Homer Airport, comprising 4 acres, more or less;

(7) Tract G, comprising 2.7 acres, more or less:

Township 6 South, Range 13 West, Seward Meridian

Section 22: that portion of Government Lot 9 southeasterly of a line parallel to, southeasterly of, and 850 feet perpendicular from the monumented runway centerline of the Homer Airport;

Section 22: that portion of the NW1/4NE1/4

1 southeasterly of a line parallel to, southeasterly of, and 850 feet
2 perpendicular from the monumented runway centerline of the
3 Homer Airport.

4 (b) Notwithstanding AS 16.20.500 - 16.20.530, the land in Township 6 South,
5 Range 13 West, Section 21 described in (a) of this section is subject to the following:

6 (1) the right of unobstructed passage by aircraft over the land;

7 (2) the right of aircraft to use the airspace above the land without
8 restrictions on noise, dust, or fumes, other than those imposed under federal and state
9 laws governing air and water quality;

10 (3) the authority of the Department of Transportation and Public
11 Facilities to

12 (A) prohibit the construction of obstructions and permanent
13 structures on the land;

14 (B) clear the land and keep the land clear, including removal
15 of trees, brush, soil, berms, hills, irregularities in the topography, stockpiles,
16 rocks, buildings, structures, and other obstructions;

17 (C) prohibit or remove an activity, installation, or object on the
18 land that

19 (i) creates electrical interference with radio
20 communication or navigational instruments of aircraft or the Homer
21 Airport;

22 (ii) may enhance bird habitat on or in the vicinity of the
23 Homer Airport;

24 (iii) hinders the ability of pilots to distinguish between
25 airport lights and other lights;

26 (iv) results in glare in the eyes of pilots using the Homer
27 Airport;

28 (v) impairs visibility in the vicinity of the Homer
29 Airport; or

30 (vi) endangers the landing, departure, or maneuvering of
31 aircraft at the Homer Airport;

1 (D) prohibit development on the land for any purpose, other
2 than public access across the land;

3 (E) require

4 (i) approval of the Department of Transportation and
5 Public Facilities for the design and construction of access across the
6 land;

7 (ii) relocation of access across the land as necessary to
8 satisfy applicable standards of airport design, safety, and security;

9 (F) install navigational aids on the land; and

10 (G) enter upon the land for the purpose of enforcing or
11 implementing this subsection.

12 (c) Notwithstanding AS 16.20.500 - 16.20.530, the land in Township 6 South,
13 Range 13 West, Sections 15 and 22 described in (a) of this section is subject to the
14 following:

15 (1) the right of unobstructed passage by aircraft over the land;

16 (2) the right of aircraft to use the airspace above the land without
17 restrictions on noise, dust, or fumes, other than those imposed under federal and state
18 laws governing air and water quality;

19 (3) the authority of the Department of Transportation and Public
20 Facilities to

21 (A) prohibit the construction of obstructions and permanent
22 structures extending above the imaginary surface of the Homer Airport as
23 determined under regulations of the Federal Aviation Administration;

24 (B) clear the land and keep the land clear of obstructions
25 extending above the imaginary surface of the Homer Airport as determined
26 under regulations of the Federal Aviation Administration, including removal of
27 trees, brush, soil, berms, hills, irregularities in the topography, stockpiles, rocks,
28 buildings, structures, and other obstructions;

29 (C) prohibit or remove an activity, installation, or object that

30 (i) creates electrical interference with radio
31 communication or navigational instruments of aircraft or the Homer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Airport;

(ii) may enhance bird habitat on or in the vicinity of the

Homer Airport;

(iii) hinders the ability of pilots to distinguish between

airport lights and other lights;

(iv) results in glare in the eyes of pilots using the Homer

Airport;

(v) impairs visibility in the vicinity of the Homer

Airport: or

(vi) endangers the landing, departure, or maneuvering of

aircraft at the Homer Airport;

(D) enter upon the land for the purpose of enforcing or implementing this subsection.

(d) The Department of Fish and Game shall cooperate with the Department of Transportation and Public Facilities in implementing (b) and (c) of this section.

(e) Neither the Department of Fish and Game nor another person may create, develop, or enhance bird habitat within the Homer Airport Critical Habitat Area.

(f) The state land described in (a) of this section may not be transferred to municipal or private ownership or to another state agency unless covenants or easements in the land, containing provisions substantially similar to (b) and (c) of this section, are reserved to the Department of Transportation and Public Facilities for the benefit of the Homer Airport.

(g) The Department of Fish and Game shall establish and appoint an advisory committee to work with the department and advise on the management of the Homer Airport Critical Habitat Area. If the department develops a management plan for the critical habitat area, the department shall consult with the advisory committee, and the plan must allow guaranteed access to and continued public fishing, hunting, and trapping activities and opportunities in the area. Among appointments to the advisory committee, the department shall include

(1) industry and commercial users and hunters, trappers, fishermen, and recreational users recommended by the City of Homer;

1
2
3

- (2) an official representing the City of Homer; and
- (3) a representative of the Department of Transportation and Public Facilities.

Alaska State Legislature

Committee Chair
Community & Regional Affairs

Committee Vice-Chair
Labor & Commerce

Committee Membership
Legislative Council



District Address:
145 Main St. Loop, Suite 226
Kenai, AK 99611
(907) 283-2690; fax 283-9267

Session Address:
State Capitol, Room 427
Juneau, AK 99801-1182
(907) 465-2828; fax 465-4779

Senator John Torgerson

CSSB 198(RES) Homer Airport Critical Habitat Area

The Work Draft 9-LS128\K, dated 3/11/96, for CSSB 198(RES) does three things.

- (1) Provides a new Purpose section, for moose habitat and for guaranteed public access.
- (2) Minor language revisions in Section 2 to reflect concerns of ADOT Survey Section regarding appropriate language for property descriptions. Affected subsections are (1), (2), (4), (6), and (7).
- (3) New language inserted in Section 2, subsection(g) to reflect stated purpose. Inserted language begins on page 6, line 26 and is

"and the plan must allow guaranteed access to and continued public fishing, hunting, and trapping activities and opportunities in the area."

(JT:maj:CSSB198(RES):3/13/96)

03/01/96

LEGISLATIVE TELECONFERENCE NETWORK

LTN1405

11:52:31 N

CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE

L325

TCN 60421 (S) T/C DATE: 03/01/96 TIME: 11:30 to 12:30 STATUS: 5 IN-PROG

SITE: LIO HOM VTS HOMER

1 MR.	ROY E.	HOYT JR.		T 01 SB 198
	PO BOX 2121	HOMER	AK 99603	(907)235-6387
2 MR.	PAUL	SEATON		T 01 SB 198
	58360 BRUCE DR.	HOMER	AK 99603	(907)235-6342
3 MS.	MARLA	MCPHERSON		T 01 SB 198
	PO BOX 3585	HOMER	AK 99603	(907)235-6109
4 MR.	GINO	DEL FRATE	AD7&G	O 01 SB 198
	3298 DOUGLAS ST.	HOMER	AK 99603	(907)235-8191
5 MS.	DAISY	BITTER		T 01 SB 198
				(907)000-0000

MSG: 1410 NO FURTHER INFORMATION

ENTER Pg# 06 PF2 NextC# ynnnn PF3 Exit PF5 Update PF7 Bwd PF8 Fwd PF12 Quit

SB198

03/01/96

LEGISLATIVE TELECONFERENCE NETWORK

LTN1403

09:09:41 N

CONFERENCE DISPLAY PAGE 03 - PARTICIPATING LIOs

L375

TCN 60421

T/C DATE: 03/01/96 TIME: 11:30 to 12:30

STATUS: 3 ANNOUNCED

LIO	NAME	ROOM	ADDRESS	ROOM#	MODERATOR
CCR	CORDOVA	705	2ND STREET	ZZZ	ZZZ LOCATION STAFF
•	HOM	HOMER	126 W PIONEER #4	ZZZ	ZZZ LOCATION STAFF
	JNU	JUNEAU	CAPITOL	CAP205	ZZZ LOCATION STAFF

MSG: 1410 NO FURTHER INFORMATION

ENTER Pg# 04 PF2 NextC# ynnnn PF3 Exit PF4 Menu PF5 Update PF7 Bwd PF8 Fwd

Alaska State Legislature

Committee Chair
Community & Regional Affairs

Committee Vice-Chair
Labor & Commerce

Committee Membership
Legislative Council



District Address:
145 Main St. Lorp; Suite 226
Kenai, AK 99811
(907) 283-2890; fax 283-9267

Session Address:
State Capitol, Room 427
Juneau, AK 99801-1182
(907) 465-2828; fax 465-4779

Senator John Torgerson

SPONSOR STATEMENT

SB 198 - HOMER AIRPORT CRITICAL HABITAT AREA

The Department of Transportation currently has an interest in 1,042.31 acres of uplands and tide and submerged lands for the Homer Airport. SB 198 would transfer 300.4 acres to the Alaska Department of Fish and Game, to be managed as a critical habitat area. Approximately 741.91 acres of land will continue to be dedicated for airport purposes after the creation of the Critical Habitat Area.

The primary purpose of the CHA is to protect the existing area for wintering and calving moose and nesting waterfowl and shorebirds. However, the legislation specifically restricts enhancement activity for waterfowl and shorebirds. No effort will be allowed to increase existing populations through creation of additional nesting sites, feeding programs, or other enhancement activities. Enhancement for browse area for moose is not restricted, and the areas set aside for the CHA are outside the fenced runway.

Future expansion plans have been reviewed by the Department and the local jurisdiction, the City of Homer. The Department initially recommended an area of about 75 acres in size as future expansion. Concerns were expressed by some local residents about that removal and the issue was brought before the City of Homer. The City Council supported the full 300 acre area, without any removal for future expansion. Given the local government support, the Department then provided the legal description for the full 300 acres.

This legislation provides for an Advisory Committee to work with the department and advise on the management of the Area, including a representative of the Department of Transportation and Public Facilities.

This legislation required substantial interaction with the Department of Transportation, to ensure that their interests in a public improvement were adequately protected. All drafts of the bill has been reviewed by the Department and subsequently corrected as recommended by the Department.

(JT: ma); SB 198: 2/14/96)

MAR-01-1996 14:24

JUNEAU INT'L AIRPORT

907 789 1227 P.01

Post-it™ brand fax transmittal memo 7571		# of pages = 3
To: Annette Kiebo	From: Dave Miller	
Co.	Co.	
Dept.	Phone # 789-7821	
Fax # 465-3810	Fax # 789-1227	

AVIATION SAFETY IN ALASKA

Safety Study

Safety Study NTSB/SS-95/03
Nocion 6465A

National Transportation
Safety Board



Washington, D.C.
November 1995

Contents

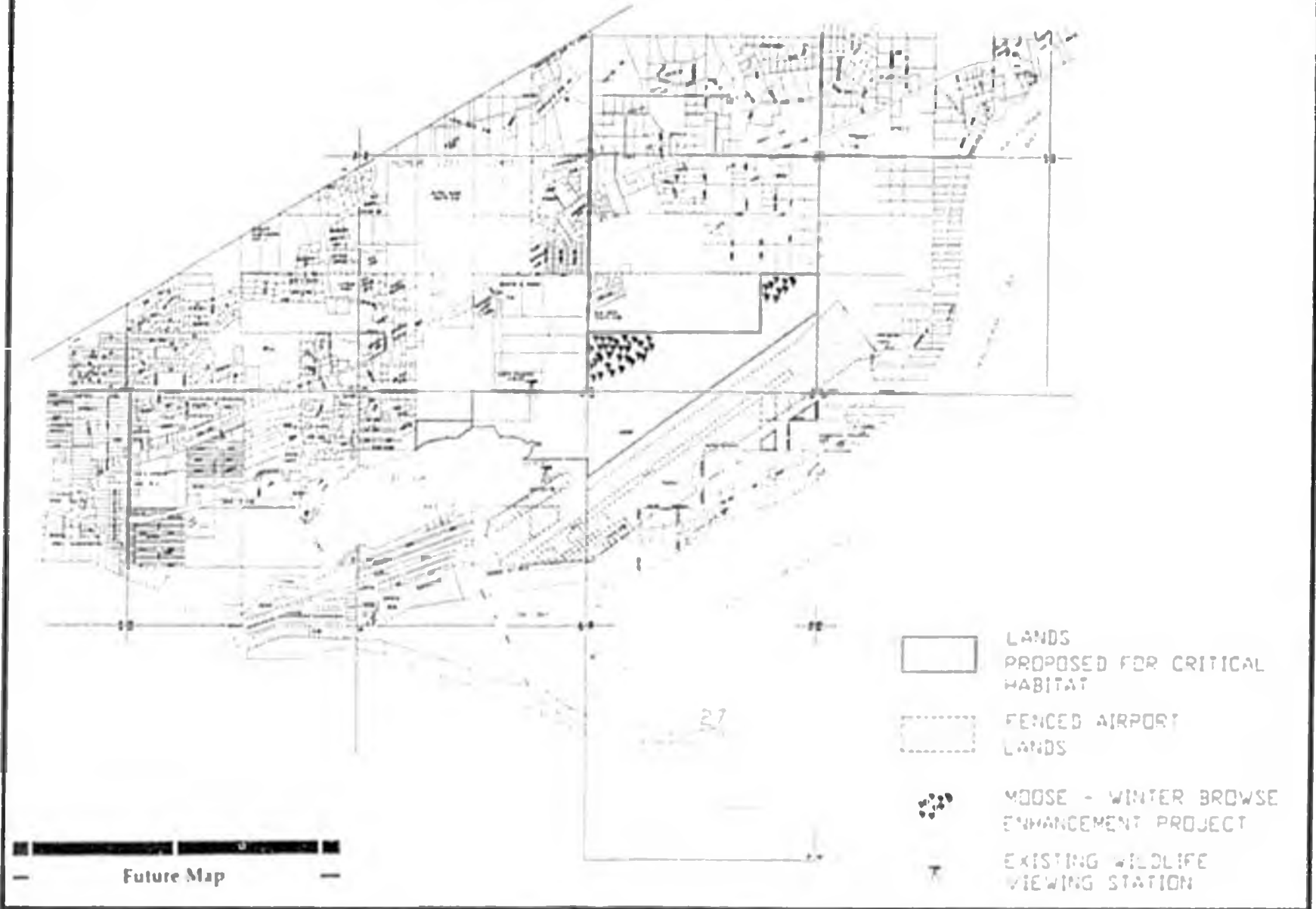
Executive Summary	vii
Chapter 1: Introduction	1
Chapter 2: Methodology	3
Accident/Incident Data Base	3
Accident Investigations	3
Survey of Alaska Commercial Pilots and Operators	4
Description of the Survey	4
Demographics of the Participants	6
Interviews With Personnel From Alaska's Aviation Infrastructure	6
Public Forums	7
NASA Survey	7
Chapter 3: Alaska's Aviation Environment	9
Geography	9
Climate	9
Special Aviation Requirements	10
Chapter 4: Alaska's Aviation Operations and Accidents	13
Operator Types and Their Accident Rates	13
Commuter Airlines	13
Air Taxis	15
General Aviation	20
Comparison of Two Accident Types	22
Accidents Related to VFR Flight Into IMC	22
Accidents During Takeoff and Landing	24
Chapter 5: Factors Affecting the Safety of Takeoffs and Landings in Alaska	27
Airport Facilities	27
FAA Airport Inspection Programs	31
Airport Condition Reporting	32
Chapter 6: Factors Affecting the Safety of VFR Operations in Alaska	35
Risk-Taking in Alaska's Aviation Operations	35
Operational Pressures	36
Pressures Reported by Pilots and Managers	36
Pressures From U.S. Postal Service Policies	36
Pilot Decisionmaking	39
Management Attitudes	40
FAA Safety Programs	41
Pilot Flight, Duty, and Rest Time	42

iv Contents

Navigation Aids for VFR Flying	44
Observations of Weather Conditions	46
Automated Surface Weather Observing Systems	47
Video Camera Observations	50
Dissemination of Weather Information	51
Flight Service Facilities	51
Communications With Flight Service Facilities	52
Mike-In-Hand Weather Updates	54
Graphical Weather Products for Aviation in Alaska	54
Chapter 7: Enhancing the Low Altitude IFR System To Fulfill Alaska's Air Transportation Requirements	57
Alaska's Infrastructure	58
Navigation Aids	58
Air Traffic Surveillance	59
The Need for an Enhanced Low Altitude IFR System in Alaska	59
Emerging Technologies	60
Navigation	60
Communications	61
Traffic Control	61
Regulatory Changes Needed	63
Single-Engine IFR	63
Commercial IFR Operations in Uncontrolled Airspace	64
Weather Reporting for Instrument Approaches	64
Demonstrating the Benefits of an Enhanced IFR System	65
Chapter 8: Special Aviation Operations in Alaska	67
Air Tours	67
Aerolodge/Guide Services	68
Aerologging	69
Oversized (Tundra) Tires	70
Findings	73
Recommendations	77
Appendixes	83
A: Survey Questions for Part 135 Pilots and Operators	83
B: Accidents, Flight Hours, and Accident Rates, 1986 through 1994	116

THE FOLLOWING DOCUMENT
HAS NOT BEEN FILMED
BUT IS AVAILABLE IN THE
ORIGINAL FILE

PROPOSED HOMER AIRPORT CRITICAL HABITAT AREA



Omni/Heard

FEB 19 1996

Nancy Lord
P. O. Box 558
Homer, Alaska 99603

(907) 235-8252 phone
(907) 235-8253 fax

Feb. 16, 1996

Senator Loren Leman, Chair
Senate Resources Committee
Alaska Legislature
Juneau, AK 99811
FAX 465-3810

Dear Loren:

I'm pleased to hear that SB 198, establishing the Homer Airport Critical Habitat Area, has been scheduled for a hearing by your committee next Wed., Feb. 21.

Protection of moose winter habitat around the Homer airport has long been of high interest to the people of Homer, and proposals to establish some sort of protective designation go back many years. Since the completion of the Homer Airport Plan, it has been possible to say with some certainty which lands are non-essential to airport operations and future growth--this is the bill before you. The specific proposal was developed by an ad hoc task force of Homer-area folks over the course of several years, with a great deal of input from the community and the Departments of Transportation and Fish and Game. As one member of this task force, I can vouch for the large amount of community-spirited volunteerism by a variety of people that went into the effort. We all very much appreciate Senator Torgerson's sponsorship.

SB 198 has received resolutions of support from both the Homer City Council and the Kenai Peninsula Borough Assembly (unanimous in both cases.) Many other groups, organizations, etc. have also formally endorsed the bill; I'm sure Sen. Torgerson will supply you with this information.

This letter is simply to thank you for taking up SB 198 and to encourage you to pass the bill from committee just as soon as possible. We are, of course, very eager to see the bill move through both houses by May. If you have any questions or desire any more information, please don't hesitate to call me. I wish you a good year in Juneau and thank you for all your hard work on resource issues.

Sincerely,


Nancy Lord

cc: Sen. John Torgerson



ROY E. HOYT JR.

PO BOX 2121
HOOPER A, AK 99501-2121

492 HOOPER ST RD
PO BOX 2121

HOMER AIRPORT CRITICAL HABITAT AREA

To give you insight into my aviation background, I commenced flying in January 1942 and have been a military, commercial, executive or pleasure pilot and closely associated aviation ever since. I was an air traffic controller for more than thirty years, all in Alaska, and an air traffic facility manager for over twenty of those years. I was the manager at the Homer FSS for 9½ years prior to retirement in June 1991. I have a detailed knowledge of the Homer airport and its surroundings.

It was I who, with the help of FAA Flight Standards and Airports Divisions, insisted the perimeter fence around the airport be constructed some two years prior to when Alaska DOT had planned it. I initiated the suspension of the Homer airport certification a year later because airport tenants and DOT employees would not keep the fence gates closed and secured, allowing moose, sandhill cranes and just about anything else to freely roam the airport confines.

Some forty two years ago, in the military, I was involved in an aircraft accident caused by a canadian goose coming through the windshield. I was giving night flying instruction. It was just turning dark or dusk. The goose hit my student in the head breaking his neck and killing him. Had I not been very close to an airfield at the time of the bird strike and a highly proficient pilot I never would have been able to get the airplane on the ground. I too would have been a fatality. You don't see bird prior to a strike you hear or feel it when it happens. The recent accident at Elmendorf AFB where 24 lives were lost due to ingestion of birds should give you cause for thought and the front page of Sunday's Anchorage Daily News should really scare you.

Historically there have been problems with all kinds of birds at the Homer airport. I contend that it is irresponsible to have this critical habitat area adjacent to the airport. It is impossible to enhance the area for moose without enhancing it for birds. A sign that says "BIRDS PROHIBITED" will not be very effective. By creating this critical habitat area the state is certainly increasing their liability for any aircraft accident caused by a bird strike. If it inflicts death, injury or property damage to any degree it could precipitate lawsuits of unlimited damages. The area ties up some property that could be used for industrial development later on without any danger to present moose habitat. Since this area is entirely within the city limits of Homer the residents deserve the right to vote on its establishment.

I was in hopes that perhaps logic, common sense and good judgement would prevail somewhere along the line concerning this legislation. I as well as a number of others are fed up with those that are putting our four legged and feathered friends ahead of the lives of humans.

Roy E. Hoyt Jr



Alaska State Legislature

Please enter into the record my testimony to the S/Resource
 committee name
 committee on Senate Bill 198 dated March 1, 1996
 bill/subject

Homer's economy is based in large part on its tourism industry. People visit, and live in Homer because of the natural values which provide a higher quality of life.

I believe that creation of a critical habitat area encompassing the area of Pelego wetlands is important to the community of Homer and to the moose herd which relies on it for its very survival. I'd also like to note that there will not be increased risk to aircraft from bird activity because this area is a critical habitat area. In fact, the bird populations are in decline now, and even when they were thriving, there was no significant danger. Please protect this prime

Signed: Palmas Semina / moose habitat!
 Testifier

Representing (Optional)
PO Box 210, Homer AK 99635-0210
 Address
735-7186
 Phone No

e-mail from George West - paraphrase his comments regarding bird populations and the aircraft hazard issue at Beluga Wetlands Critical Habitat Area

At the time when the BWCHA task force was formed, there was a healthy colony of 40 pairs of Arctic and Aleutian Terns nesting in the marsh. Since that time, the number of nesting terns has dwindled to 2 or 3 pairs. A few pairs of Mew Gulls currently nest on the islands, and several species of ducks (wigeon, mallard, and shoveler) may also nest there, as do a couple pairs of Sandhill Cranes. During the period when there were more nesting birds in this area, the task force was not aware of any problems with aircraft.

Dr. West would like to assure Senator Torgerson that, even with critical habitat status, there will continue to be increased pressure on the habitat and birds - from surrounding urbanization and from recreational use - mainly people, kids and dogs. So there will be fewer, not more birds to present a hazard to aircraft in the years to come. The effect of designating critical habitat status to Beluga Wetlands will be to benefit the moose more than the birds, and should not pose an increased hazard to aircraft.



HOMER SOCIETY OF NATURAL HISTORY
PRATT MUSEUM
3779 Bartlett Street
Homer, Alaska 99603
(907)235-8635



March 21, 1995

Derek Stonorov
Co-Chair, Beluga Wetlands Task Force
51795 East End Road
Homer, Alaska 99603

Dear Derek:

The Board of Directors of the Homer Society of Natural History, representing about 800 members, reviewed the proposal for formation of a critical habitat area for the Beluga Wetlands at their meeting on March 7, 1995. Board members were unanimously in favor of the proposal.

It is gratifying to see a proposal such as this which can provide so many benefits and for which there does not seem any reason for rejection. Many thanks to you and other task force members for all your work on this.

Sincerely,

Jack W. Lentfer
President, Board of Directors



Alaska State Legislature

(Senate Resources)

Please enter into the record my testimony to the Tolson
 committee name
 (SBRP)
 committee on Beluga Wetlands . dated March 1 '96
 bill/subject

*I am in support of preservation
 of the Beluga Wetlands
 Critical Habitat Area.*

Signed: *[Signature]* Suzanne Tormin

Testifier
self

Representing (Optional)
PO Box 3162

Address
235 - 1052

Phone No.

AK copy

February 21, 1996

Senator Loren Lehman, Chair
Senate Resources Committee
Room 113
State Capitol
Juneau, Alaska 99801

Re: Resources Committee hearing this afternoon
concerning S.B. 198, Homer Airport Critical
Habitat Area

Dear Senator Lehman,

I had hoped to visit with you personally about the above bill, however, our schedules appear to preclude that. In as much as I am unable to testify this afternoon, I herewith share some thoughts.

Establishment of this Critical Habitat Area has been a desire of the greater Homer community for many years. The need for was driven home during the winter of 91-92 when we lost over 60 moose to starvation due to deep snows.

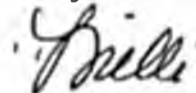
This bill is the culmination of over 10 years of work, it enjoys the support both the City of Homer, the Borough Assembly, eleven groups, DOT and DNR. It is compatible with airport use, it will not inhibit future airport expansion and it will ensure a food source for our beloved local moose herd. It certainly will be a plus for the tourism industry on which Homer is more and more relying. Establishment of this critical habitat area is very important to the people of Homer.

It is our hope that this bill will find its way through the Legislature this year. In order for that success it must move in a timely fashion through the committee process. I appeal to you to aid us in this endeavor.

Your assistance and support in passing this bill along today will be very greatly appreciated.

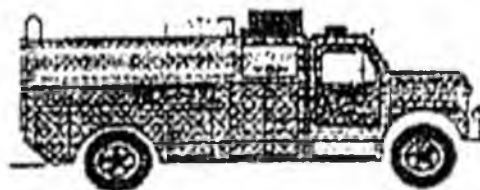
With best regards to you.

Very sincerely,



Mildred "Milli" Martin
P.O. Box 2652
Homer, AK 99603
907-235-6652 phone/FAX

*State of Alaska D.O.T.
Homer Airports & Highways*



*2336 Kachemak Drive
Homer, Alaska 99603
907-235-5217 or 235-8872
Fax: 907-235-2498*

FAX TRANSMISSION COVER SHEET

Date: 1-18-96

*To: Harry Gregoire
Mayor*

Subject: HABITAT AREA

Fax: 235-3140

Sender: Mike Moran-DL

YOU SHOULD RECEIVE 3 PAGE(S). INCLUDING THIS COVER SHEET.

MEMORANDUM

STATE of ALASKA

D.O.T & P.F. Homer

TO: Mr. Harry Gregoire
Homer City Mayor

DATE: 1/18/1996

FILE NO:

THRU:

PHONE NO: 235-5217 or 8872

SUBJECT: Airport Wetlands

FROM: Mike Morawitz
Homer Airport Manager

On reviewing the proposal for beluga wetland habitat area, I find it lacking important facts, and seems to be a very one sided proposal. Following are some of the facts from working around airports and wild life.

1. First and foremost. Wild life, animals or fowl, do NOT mix with airports. It has been proven time and time again, many people have paid that price with their lives. The Federal regulations at a certified airport strictly govern an agency, like the state, in keeping wildlife off of the runway, and airport area. Control is even down to dogs. While on an airport, they are required to be on a leash.

The numerous man hours and expense, at this little airport, it takes to keep the wild live off of the runway, airport area, is staggering at times.

So, to quote the task force committees statement, "ESTABLISHMENT OF THE BELUGA WETLANDS CRITICAL HABITAT AREA WILL NOT INTERFERE WITH AIRPORT OPERATIONS OR SAFETY." This comment is completely, unsubstantiated and false, in all forms, past, present or future.

2. The arctic terns on Lampert lake are just a few foot away from the airport runway, eagles and other fowl are becoming more and more of a frequent concern at the airport. Encouraging more wild life and fowl around an airport is simply asking for a major disaster.

3. During the fall, winter and spring the moose beat a path around the entire airport, about 3 to 4 foot outside of the fence. There are numerous gates in the fence for the public and tenants. Some of these gates are on a security card system. They open with a card and close automatically with a timer, which is set at 30 to 60 seconds. The moose have gotten so use to the traffic and people they enter while the gate is open, after the traffic goes through.

Then the massive expense and man-hours begin to try to get the moose out of the fenced area. Helicopters have been hired in the past, at \$500 per hr. to help in assisting in herding the moose out.

Luring more moose into this area will cause more hazards and cost to the airport, along with the additional road, car hazards, which has been proven.

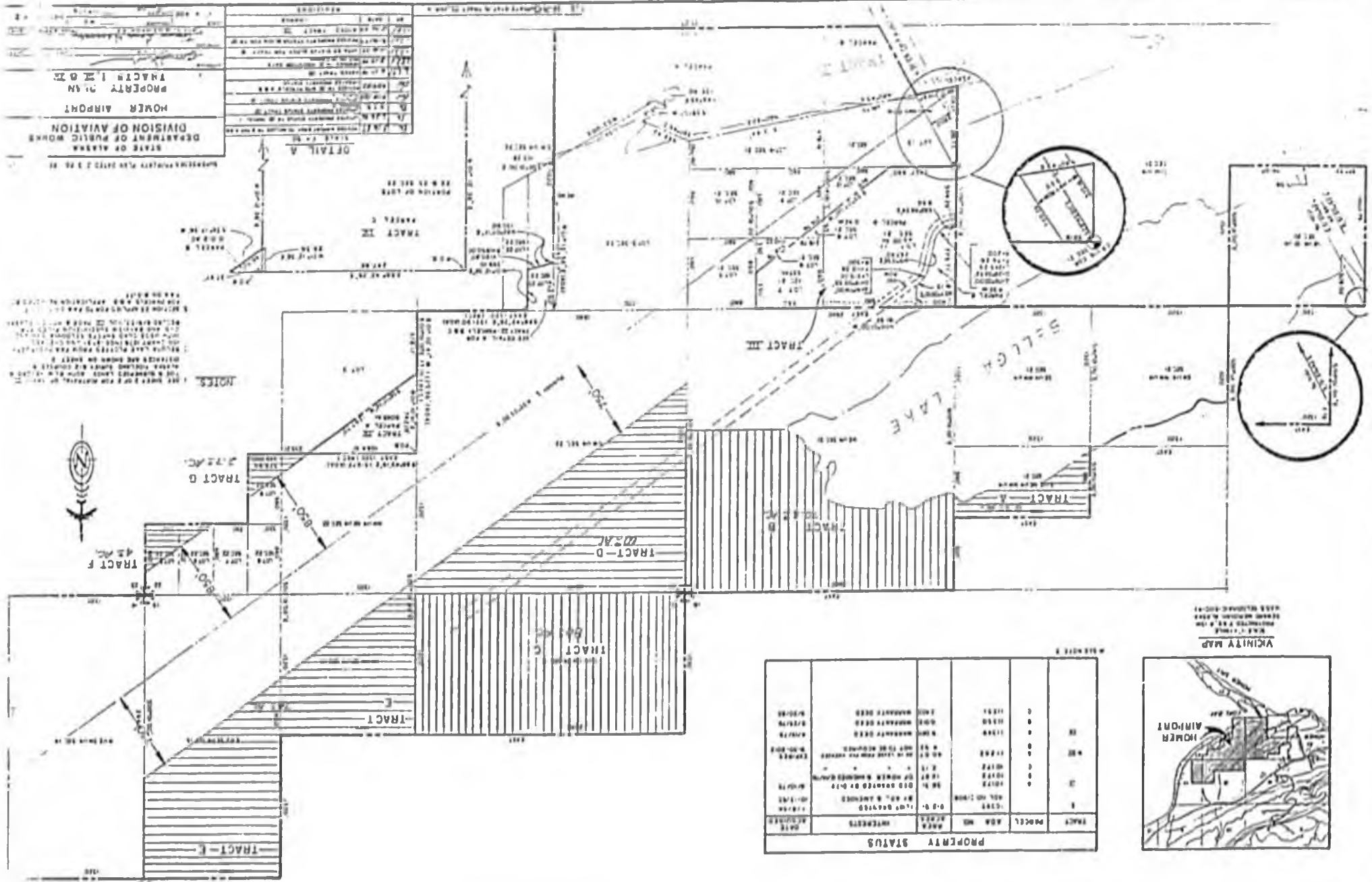
4. The fish and wild life agency has been called in the past to kill coyotes that have been on the runway. A major problem to aircraft. An airplane hit and killed a coyote on the Homer runway. The wild life is nice to look at, but is deadly to aircraft.

There is a lot more information on this subject of wild life and fowl at or around airports. The vast majority is NOT conducive to airport safety. There are many liabilities safety issues and FAA regulations to consider before these lands are made a critical habitat area.

In closing, I support wild life habitat areas. I do not support these areas when they are only a few hundred feet from the flying public. This would be a form of RUSSIAN ROULETTE.

Extensive studies and input from all parties involved, need to be incorporated before this Habitat area is finalized.

ADOT Map



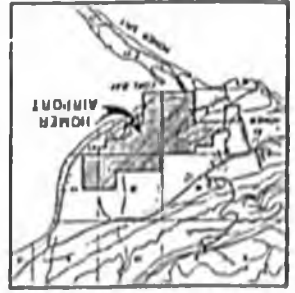
NO.	DESCRIPTION	DATE
1
2
3
4
5
6
7
8
9
10

NOTES:

1. THE TRACTS ARE SHOWN ON MAPS...
2. THE TRACTS ARE SHOWN ON MAPS...
3. THE TRACTS ARE SHOWN ON MAPS...
4. THE TRACTS ARE SHOWN ON MAPS...
5. THE TRACTS ARE SHOWN ON MAPS...
6. THE TRACTS ARE SHOWN ON MAPS...
7. THE TRACTS ARE SHOWN ON MAPS...
8. THE TRACTS ARE SHOWN ON MAPS...
9. THE TRACTS ARE SHOWN ON MAPS...
10. THE TRACTS ARE SHOWN ON MAPS...

TRACT	ACRES	AREA	PERCENTAGE
TRACT A	12.2	...	...
TRACT B	4.2	...	...
TRACT C	4.2	...	...
TRACT D	4.2	...	...
TRACT E	4.2	...	...

TRACT	ACRES	AREA	PERCENTAGE
TRACT A	12.2	...	...
TRACT B	4.2	...	...
TRACT C	4.2	...	...
TRACT D	4.2	...	...
TRACT E	4.2	...	...



Alaska State Legislature

Committee Chair
Community & Regional Affairs

Committee Vice-Chair
Labor & Commerce

Committee Membership
Legislative Council



District Address:
145 Main St. Loop; Suite 220
Kenai, AK 99611
(907) 283-2690; fax 283-9207

Session Address:
State Capitol, Room 427
Juneau, AK 99801-1182
(907) 465-2828; fax 465-4779

Senator John Torgerson

Sectional Analysis

SB 198 - HOMER AIRPORT CRITICAL HABITAT AREA

Section 1. New section AS 16.20.630,

subsection (a) setting forth legal description for included properties, Tract A through and including Tract G;

subsection (b) specific restrictions applicable to Tracts A and B;

subsection (c) specific restrictions applicable to Tracts C, D, E, F, and G;

subsection (d) language requiring ADF&G cooperation with ADOT in implementing restrictions set forth in subsection (b) & (c);

subsection (e) language prohibiting bird habitat enhancement, development, and creation within the C.H.A.;

subsection (f) protective covenant and easement language for land transfers which may be needed to implement the C.H.A.;

subsection (g) establishes an advisory committee for management of the C.H.A.;

(JT: maj; SB 198: 2/14/96)

Alaska State Legislature

Committee Chair
Community & Regional Affairs

Committee Vice-Chair
Labor & Commerce

Committee Membership
Legislative Council



District Address:
145 Main St. Loop, Suite 226
Kenai, AK 99611
(907) 283-2690; fax 283-9267

Session Address:
State Capitol, Room 427
Juneau, AK 99801-1102
(907) 465-2828; fax 465-4779

Senator John Torgerson

Support Summary

SB 198 - Homer Airport Critical Habitat Area

1. Letters of Support: Support letters have been received from numerous individuals, from petitions circulated on the area, and the following groups.

Homer Charter Association	National Wildlife Federation
North Pacific Fisheries Association	Cook Inlet Seiners Association
U.S. Fish and Wildlife Service	Homer Society of Natural History
Kachemak Bay Conservation Society	Paul Banks Elementary School
South Peninsula Sportsmen's Association	
Kachemak Bay State Park Citizen's Advisory Board	
Homer Fish and Game Advisory Committee	

2. Public Meetings: The City of Homer has had the issue before them at both City Council meetings and Planning and Zoning Commission meetings four times in the past year. At each meeting, the overwhelming public comment has been in support of the concept. Senator Torgerson held a meeting in Homer in October of 1995 and again the predominant public comments were in favor of the concept.

3. Local Government Support: Both the Kenai Peninsula Borough Assembly and the Homer City Council have passed resolutions supporting the Critical Habitat Area Concept.

(JT: maj: SB 198: 2/14/96)

Alaska State Legislature

Committee Chair
Community & Regional Affairs

Committee Vice-Chair
Labor & Commerce

Committee Membership
Legislative Council



District Address:
145 Main St. Loop, Suite 220
Kenai, AK 99611
(907) 283-2690; fax 293-9267

Session Address:
State Capitol, Room 427
Juneau, AK 99801-1182
(907) 465-2828; fax 465-4779

Senator John Torgerson

SB 198 - Narrative

HOMER AIRPORT CRITICAL HABITAT AREA

The Department of Transportation currently has an interest in 1,042.31 acres of uplands and tide and submerged lands for the Homer Airport. SB 198 would transfer 300.4 acres to the Alaska Department of Fish and Game, to be managed as a critical habitat area. Approximately 741.91 acres of land will continue to be dedicated for airport purposes after the creation of the Critical Habitat Area.

This legislation is the direct result of constituent interest, dating back to the mid 1980's. When the Anchor River-Fritz Creek Critical Habitat Area was formed in May of 1985, this area was reviewed for potential inclusion. At that time, the expansion needs of the Homer airport were uncertain and so consideration of the area was dropped.

The primary purpose of the CHA is to protect the existing area for wintering and calving moose and nesting waterfowl and shorebirds. However, the legislation specifically restricts enhancement activity for waterfowl and shorebirds. No effort will be allowed to increase existing populations through creation of additional nesting sites, feeding programs, or other enhancement activities.

The proposed acreage is a prime winter range for moose. From November to April, up to 100 moose feed on willows and other browse (from a Homer bench population of 200-400). These lowlands provide moose with a food supply, resting and hiding cover, and an environment in which snow accumulations are normally very small.

Willows in the Homer area have been greatly over browsed and many moose have not survived the winters. In 1992, at least 48 moose died from starvation in the Homer area. A key component of this legislation is to allow moose habitat enhancement by willow planting or other manipulation of the browse.

This legislation also serves to enhance the economic opportunities for the area. "Watchable wildlife" is a tremendous tourism inducement. People enjoy walking the beaches of the Homer Spit and will also welcome the opportunity to explore the habitat area. Recreation and viewing can be enhanced with signage, platforms, trails, and additional educational activities. Wildlife viewing in the area has its greatest potential in the fall, winter and spring, and so this proposal offers the opportunity to extend the tourism season.

Adjacent to the proposed area is the Paul Banks Elementary School. This location provides a ready opportunity for the students to visit the area and study the habitat. Interest has already been expressed for their participation in activities like a willow planting program.

The Homer Airport Master Plan (1985) designated the area as "non-essential lands", noting specifically:

"The area of the Beluga Lake wetlands and associated woodlands outside the developed area or extended building restriction line are non-essential for aviation-related uses." ... "Therefore, it is recommended that the area shown on the Land Use Plan as non-essential be transferred to the State of Alaska Department of Fish and Game or other appropriate State of Alaska agency for management as open space for the purpose of preserving wetlands and wildlife habitat values. Restrictive covenants or other requirements should transfer with title restricting land use to open space, prohibiting construction of structures, and preserving an aviation easement for floatplanes using Beluga Lake and other aircraft operating in the vicinity of the Homer Airport. "

In terms of capital improvements, activity is underway or is soon expected, on projects that include extending the runway safety and overrun areas, improved taxiways, and road access to Beluga Lake. An environmental assessment for those projects was completed in 1992. The assessment specifies conducting construction activities at times and in a manner which will minimize disturbance to wildlife and habitat. Significant wetland habitat will be lost by the development, and so a mitigation plan is required by federal law.

An appropriate mitigation measure is protection of the remaining wetlands as a critical habitat area. The Department has recognized the benefit of such mitigation and has formally requested this office's assistance in the process.

SB 198 Narrative
Page Three of Three

A new terminal and parking area was constructed in 199_. Future expansion plans have been reviewed by the Department and the local jurisdiction, the City of Homer. The Department initially recommended an area of about 75 acres in size as future expansion. Concerns were expressed by some local residents about removal and the issue was brought before the City of Homer. The City Council subsequently supported the full 300 acre area, without any removal for future expansion.

Given the local government support, the Department then provided the legal description for the full 300 acres, commenting specifically about the unavailability of State funds for land acquisition for future expansion.

Finally, this legislation provides for an Advisory Committee to work with the department and advise on the management of the Area, including a representative of the Department of Transportation and Public Facilities.

This legislation required substantial interaction with the Department of Transportation, to ensure that their interests in a public improvement were adequately protected. All drafts of the bill has been reviewed by the Department and subsequently corrected as recommended by the Department.

7
Homer Airport Master Plan
prepared for ^{H12} DOT. 11/85

Public ice skating that occurs adjacent to the Beluga Lake city park should be restricted to that portion of the lake surface outside the State airport boundaries. No official recreational use of any portion of the designated floatplane landing basin should be allowed, in the interest of public safety.

2. NON-ESSENTIAL LANDS

The existing and proposed facilities shown on the revised Airport Layout Plan will be sufficient to meet all forecast demand to the year 2000, given current projections. The area of the Beluga Lake wetlands and associated woodlands outside the developed area or extended building restriction line are non-essential for aviation-related uses.

The Alaska Aviation System Plan establishes statewide policy regarding development, operation, and management of airport facilities. It indicates that where land on airports is determined by a master plan to be non-essential and not likely to be needed in either the short or long term, the DOT&PF should initiate action to dispose of such land as soon as practical, provided certain criteria are met, and following established state procedures.

Among those criteria are that the land is evaluated by other State of Alaska natural resource agencies to determine if economically valuable or environmentally sensitive resources exist on the property. In the Homer case, this airport master plan has identified the non-essential lands as having high quality for protection of wetlands and wildlife habitat value.

Therefore, it is recommended that the area shown on the Land Use Plan as non-essential be transferred to the State of Alaska Department of Fish and Game or other appropriate State of Alaska agency for management as open space for the purpose of preserving wetlands and wildlife habitat values. Restrictive covenants or other requirements should transfer

with title restricting land use to open space, prohibiting construction of structures, and preserving an aviation easement for floatplanes using Beluga Lake and other aircraft operating in the vicinity of the Homer Airport. The transfer should take place as soon as practical, provided the guidelines for nonessential lands in the Alaska Aviation System Plan are first met.

3. OFF-AIRPORT LAND USE RECOMMENDATIONS

The following recommendations address potential land use conflicts that have been identified in the master plan.

- (a) Encourage the City of Homer to acknowledge and plan for noise emissions from seaplane activity on Beluga Lake. As new residential development occurs along the uplands both north and south of Beluga Lake, the potential for noise conflicts between residential areas and floatplane operation can be expected to increase. Because no alternative floatplane landing basin exists in Homer, Beluga Lake must be protected as a public floatplane basin.
- (b) Discourage the development of the proposed Homer Spit Camp-ground within or adjacent to the designated approach zone to Runway 3, adjacent to the airport, based on the interest of public safety.
- (c) The City of Homer should be encouraged to control the location of noise-sensitive land uses within the extended approach zone to Runway 27, adjacent to the airport. While no runway extension is planned, this area will be subject to increasing noise emissions as aviation activity levels increase.
- (d) Support the City of Homer objective of encouraging commercial and industrial land use and discouraging residential or other