

HB

89

FISCAL NOTE

No. 1
 Bill Version: CSHB 89 (CRA)
 (H) Publish Date: 2/12/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BII

Revision Date: _____ Dept Affected: Natural Resources
 Title: All Act relating to the Shuyak Island BRU: Parks & Recreation Management
State Park Component: Parks Management
 Sponsor: Austerman
 Requestor: (H)CRA Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	5.0	7.0				
TRAVEL	5.0	3.0				
CONTRACTUAL						
SUPPLIES	5.0	3.0	4.0	5.0	5.0	6.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	15.0	13.0	4.0	5.0	5.0	6.0
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						
05 GF/Program Receipts	15.0	13.0	4.0	5.0	5.0	6.0
037 GF/Mental Health						
Other						
TOTAL	15.0	13.0	4.0	5.0	5.0	6.0

Estimate of any current year (FY97) cost: \$ 0.0

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)

Day-to-day management of the expanded park can be handled by existing staff and volunteer levels with some additional supply monies to pay for boat gas and other supplies. These costs are necessary for expanded patrol areas. A new park brochure would need to be designed and printed in FY98.

\$10.0 is needed in FY98 and FY99 to revise the Shuyak Island State Park Master Plan. The first year is \$5.0 each for personnel and travel to gather baseline information on use patterns in the new park area. Second year is \$7.0 for personnel and \$3.0 for travel to prepare the written update and hold the requisite public meetings and public comment period leading to adoption of a revised park plan.

Prepared by: Jim Stratton, Director *Jim Stratton for* Phone: 269-8720
 Division: Parks Date: 28-Jan-97
 Approved by Commissioner: *Jim Stratton for* Date: 1-28-97
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 89

DATE: 2/19/97

Dept. Affected Natural Resources

Title: An Act relating to Shuyak Island

BRU: Parks & Recreation Man.

State Park

Sponsor: Austerman

Components: Parks Management

Requestor: House Resources Committee

Serial # _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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)

See attached analysis

Prepared by:

House Resources Committee

Representative Scott Ogan, Co-Chair

Date: 2/19/97

Phone: 465-3715

Phone: _____


REPRESENTATIVE ALAN AUSTERMAN Alaska State Legislature

P.O. Box 2368, Kodiak, Alaska 99615 (907) 486-5930 • Session: State Capitol, Juneau, Alaska 99801 465-2487

FEB 11 1997

Memorandum

TO: Representative Bill Hudson, Co-Chairman
Representative Scott Ogan, Co-Chairman
House Resources Committee

FROM: Representative Alan Austerman 

DATE: February 11, 1997

RE: HB 89 - Relating to the Shuyak Island State Park

I respectfully request that a hearing for my bill, HB 89, be scheduled in House Resources Committee at your earliest possible convenience.

The Shuyak State Park was established in 1984 from a portion of the state's holdings to protect the area's fish and wildlife habitat and allow public recreation opportunities. Following the Exxon Valdez oil spill the Trustee Council selected additional lands adjacent to the Park for the protection of habitat. This bill completes the land acquisition transaction by formally incorporating all state lands on the island into the Park. We have received only favorable public support of this legislation.

My staff will be providing the referral file which includes backup and a small fiscal note. Your assistance with this matter is appreciated.



SPONSOR STATEMENT

HB 89 Shuyak Island State Park

House Bill 89, and companion Senate Bill 64 have been introduced by the Kodiak delegation at the request of the Kodiak Island Borough Assembly. The bills represent the outcome of a long and complex effort by state and federal authorities along with locally affected entities to compensate for the effects of the Exxon Valdez oil spill. The bill adds specific land and water areas to the Shuyak State Park. Shuyak Island was heavily impacted by pollution streaming westward from the 1989 accident.

In 1984, the Shuyak State Park was established from part of the state's holdings to protect the area's fish and wildlife habitat and public recreation opportunities, while maintaining customary hunting and fishing uses. The two largest land owners on Shuyak Island are the State of Alaska and the Kodiak Island Borough.

One provision of the oil spill settlement was the establishment of a joint federal and state council to manage remediation and recovery efforts. Previous litigation imposed management restrictions that required the state to maintain wildlife habitat and public recreation values while the borough was partially prohibited from commercial or industrial uses on its lands.

It is for this purpose that the Oil Spill Trustee Council, on which I serve, selected the Borough's Shuyak Island lands and purchased them in 1996. Responsibilities of the group include the replacement of lost fish and wildlife habitat with the acquisition and protection of other high value habitat. The final effort is the consolidation of the lands under the protective management of the Shuyak State Park.

HB 89 completes the transaction by formally incorporating all state lands on the island into the Shuyak Island State Park. The expanded park retains the management goals, purposes, and allows uses of the original park.

**HB - 89 *CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE***

**PAGE 1,
LINES 7-11**

Requires that DNR/Division of Parks follow the agreement they reached with the Kodiak Island Borough to keep Shuyak Island traditional uses as management priorities. Adds commercial fishing as one of those traditional uses.

**PAGE 3,
LINES 26-30**

Provides specific language to protect the Department of Fish and Game's management authority within the Park.

**PAGE 4,
LINES 4-7**

Restricts the ability of Parks to prohibit the use of a weapon both in circumstance and time period.

**PAGE 4,
LINE 15**

Adds commercial fishing to protected uses.

**PAGE 4
LINES 18-28**

Requires the commissioner to be specific about any incompatible use which may be disallowed in the Park.

0-LS0382B
Luckhaupt
2/17/97

CS FOR HOUSE BILL NO. 89(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE AUSTERMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Shuyak Island State Park."

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

3 * Section 1. AS 41.21.170(a) is amended to read:

4 (a) The purpose of AS 41.21.170 - 41.21.178 is to establish, subject to valid
5 existing rights, the state-owned or acquired land and water [UPLANDS AND
6 FRESHWATER BODIES] described in AS 41.21.172 as the Shuyak Island State Park.
7 In accordance with the covenants and deed restrictions set by the Kodiak Island
8 Borough that support the basic tenets of the Alaska lifestyle, the [THE] primary
9 purpose [PURPOSES] of establishing the Shuyak Island State Park is [ARE] to
10 preserve, protect, and enhance traditional public access to and use of the area's
11 natural resources for various activities including [THE AREA'S RECREATIONAL
12 AND SCENIC RESOURCES, TO PROTECT THE AREA'S FISH AND WILDLIFE
13 HABITAT, AND TO PRESERVE AND ENHANCE THE CONTINUED USE OF
14 THE AREA FOR] sport and subsistence hunting, sport, subsistence, and commercial
15 [AND] fishing, and trapping [, AND RECREATIONAL ACTIVITIES].

A *

B *

1 * Sec. 2. AS 41.21.172 is repealed and reenacted to read:

2 Sec. 41.21.172. Designated state land and water. The upland, shoreland,
3 tideland, land underlying tidally influenced inland water, and water overlying this land,
4 including both the surface and subsurface estate, owned or acquired by the state within
5 the following described parcels are designated as the Shuyak Island State Park:

6 (1) Township 17 South, Range 19 West, Seward Meridian

7 Section 18

8 Section 19

9 Section 30;

10 (2) Township 17 South, Range 20 West, Seward Meridian

11 Section 24

12 Section 25;

13 (3) Township 18 South, Range 18 West, Seward Meridian

14 Section 6

15 Section 7

16 Section 20

17 Section 28

18 Section 29;

19 (4) Township 18 South, Range 19 West, Seward Meridian

20 Section 1

21 Section 2

22 Section 4

23 Section 5

24 Sections 7 - 36;

25 (5) Township 18 South, Range 20 West, Seward Meridian

26 Section 2

27 Section 3

28 Sections 9 - 11

29 Sections 13 - 17

30 Sections 19 - 36;

31 (6) Township 18 South, Range 21 West, Seward Meridian

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- Section 36;
- (7) Township 19 South, Range 19 West, Seward Meridian
 - Sections 1 - 24
 - Sections 26 - 34;
- (8) Township 19 South, Range 20 West, Seward Meridian
 - Sections 1 - 30
 - Section 32: N1/2
 - Sections 33 - 36;
- (9) Township 19 South, Range 21 West, Seward Meridian
 - Section 1
 - Sections 12 - 14
 - Section 24
 - Section 25;
- (10) Township 20 South, Range 19 West, Seward Meridian
 - Section 4
 - Section 5
 - Section 6: N1/2, N1/2S1/2;
- (11) Township 20 South, Range 20 West, Seward Meridian
 - Section 1: N1/2, N1/2S1/2
 - Section 2: N1/2
 - Section 3: N1/2.

* Sec. 3. AS 41.21.174(a) is amended to read:

(a) The state land and water [UPLANDS AND FRESHWATER BODIES] described in AS 41.21.172 are assigned to the department for control, maintenance, and development consistent with the purposes and provisions of AS 41.21.170 - 41.21.178.

* Sec. 4. AS 41.21.174(g) is amended to read:

(g) Nothing in AS 41.21.170 - 41.21.178 prohibits the Department of Fish and Game from engaging in [STREAM] rehabilitation, enhancement, and development of fish and game habitat under AS 16.05 [AS 16.05.092] on land and water within the Shuyak Island State Park.

* Sec. 5. AS 41.21.176 is amended to read:

c' *

1 Sec. 41.21.176. Incompatible uses. (a) Except as provided in this section,
 2 the [THE] commissioner may designate by regulation incompatible uses within the
 3 land and water of the Shuyak Island State Park [PARK UPLANDS AND
 4 FRESHWATER BODIES].

5 (b) Use of a weapon in the Shuyak Island State Park shall be allowed at all
 6 times for personal protection and may be prohibited only under extraordinary
 7 circumstances and only at such times that public safety is unduly threatened
 8 [EXCEPT IN UNIQUE AREAS THAT MAY BE CLOSED FOR PURPOSES OF
 9 PUBLIC SAFETY BY REGULATION BY THE COMMISSIONER].

10 (c) The [THE REGULATIONS GOVERNING PUBLIC USE OF THE
 11 SHUYAK ISLAND STATE PARK SHALL PROVIDE AMPLE ACCESS FOR
 12 LEGAL SPORT AND SUBSISTENCE HUNTING AND FISHING, TRAPPING, AND
 13 RECREATIONAL USES. EXCEPT TO PROTECT PUBLIC SAFETY THE]
 14 commissioner may not restrict lawful [THE EXERCISE OF] sport, [OR] subsistence,
 15 or commercial fishing, sport or subsistence [OR] hunting, or trapping permitted
 16 under law or under a regulation of the Board of Fisheries or the Board of Game within
 17 the Shuyak Island State Park.

18 * Sec. 6. AS 41.21.176 is amended by adding new subsections to read:

19 (d) The commissioner shall allow traditional access to

- 20 (1) Shuyak Island State Park for recreational purposes and for lawful
- 21 sport, subsistence, and commercial fishing, sport and subsistence hunting, and trapping;
- 22 (2) private land within the park.

23 (e) If the commissioner determines that a use is incompatible with one or more
 24 other uses in a portion of the Shuyak Island State Park, the commissioner shall state

- 25 (1) each determination of incompatibility;
- 26 (2) the specific area where the incompatibility is determined to exist;
- 27 (3) the time within which the incompatibility is determined to exist; and
- 28 (4) the reasons for each determination of incompatibility.

29 * Sec. 7. AS 41.21.178 is amended to read:

30 Sec. 41.21.178. Additions to park. Land and water outside of the
 31 boundaries established in AS 41.21.172 may be added to the Shuyak Island State

1 Park only by an act of the legislature. The commissioner may [NOT] acquire land and
2 water within the boundaries of the Shuyak Island State Park except by eminent
3 domain.

1711 Mill Bay Road #1
Kodiak AK 99615
907-486-8369

February 20, 1997

House Resources Committee
State Capitol
Juneau AK 99801-1182

Dear Committee Members:

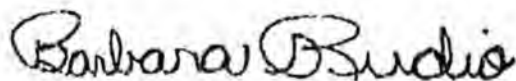
I have asked the Kodiak LIO to forward this letter to you, as I am unable to attend today's committee hearing on HB 89.

The members of the Kodiak State Parks Advisory Board would like to express our support for House Bill 89, dealing with adding acreage to Shuyak Island State Park.

Having essentially all of Shuyak Island under the management of the Division of State Parks is a logical step that will involve a minor, if any, increase in state funding. The additional land will greatly enhance what is already a premiere park.

Visitors to Shuyak Island State Park enjoy kayaking, hunting, fishing, camping, photography, hiking, and solitude, among others. Since the park is about equal-distance between Kodiak and Homer, float plane operators and guides from both communities will gain from the increase in size and use of the park.

Thank you for your consideration of HB 89.



Barbara Rudio
Chairman, Kodiak State Parks Advisory Board

page 2



As the northernmost island of the Kodiak Archipelago, Shuyak is remote even by Alaskan standards. This small island and its surrounding waters are home to sea otters, Sitka black-tailed deer, hump-back whales, brown bear, harbor seals, and at least 121 species of inland and seabirds. Alpine plants usually found in much higher elevations cover the island's windswept and rocky coast. The interior of the island is blanketed with a mature Sitka spruce forest. Archaeological evidence indicates the island's once quite large human population has long known of its productive fish and wildlife resources.



SUPPORT FOR DESIGNATING THE ENTIRE ISLAND A PARK TO PERPETUATE ITS ABUNDANT FISHING AND HUNTING HAS A LONG HISTORY.

1981 - As a result of a consent decree between the State of Alaska and the Kodiak Island Borough settling municipal selections on the island, 9,900 acres of Shuyak's eastern side must be managed by the state for wildlife habitat and public recreation purposes. Proposals in the 1980s to create a state game refuge in this part of the island were never completed.

1984 - The existing 11,000 acre Shuyak Island State Park was legislatively established.

1986 - Kodiak Island Borough Comprehensive Plan for Shuyak Island called for the entire island to be managed as a state park. Eighty-four percent of surveyed Kodiak residents supported park designation.

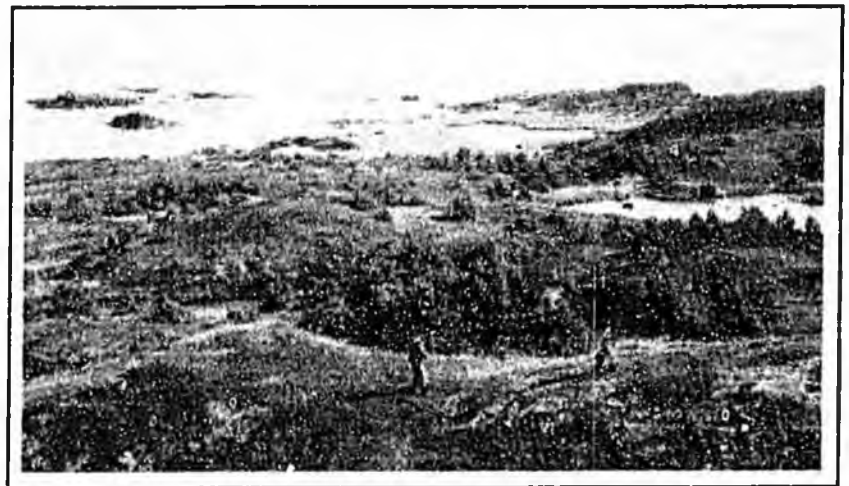
1995 - Kodiak Island Borough sells its rights to 26,000 acres of Shuyak to the State of Alaska. Funds for acquisition were provided by the Exxon Valdez Oil Spill (EVOS) Trustee Council. The Kodiak Borough identified four goals it sought from the sale:

1. To retain Shuyak Island in a natural state;
2. Preserve Shuyak Island for its recreational attributes;
3. Enlarge Shuyak Island State Park; and
4. Replace habitat impacted by the Exxon-Valdez oil spill.

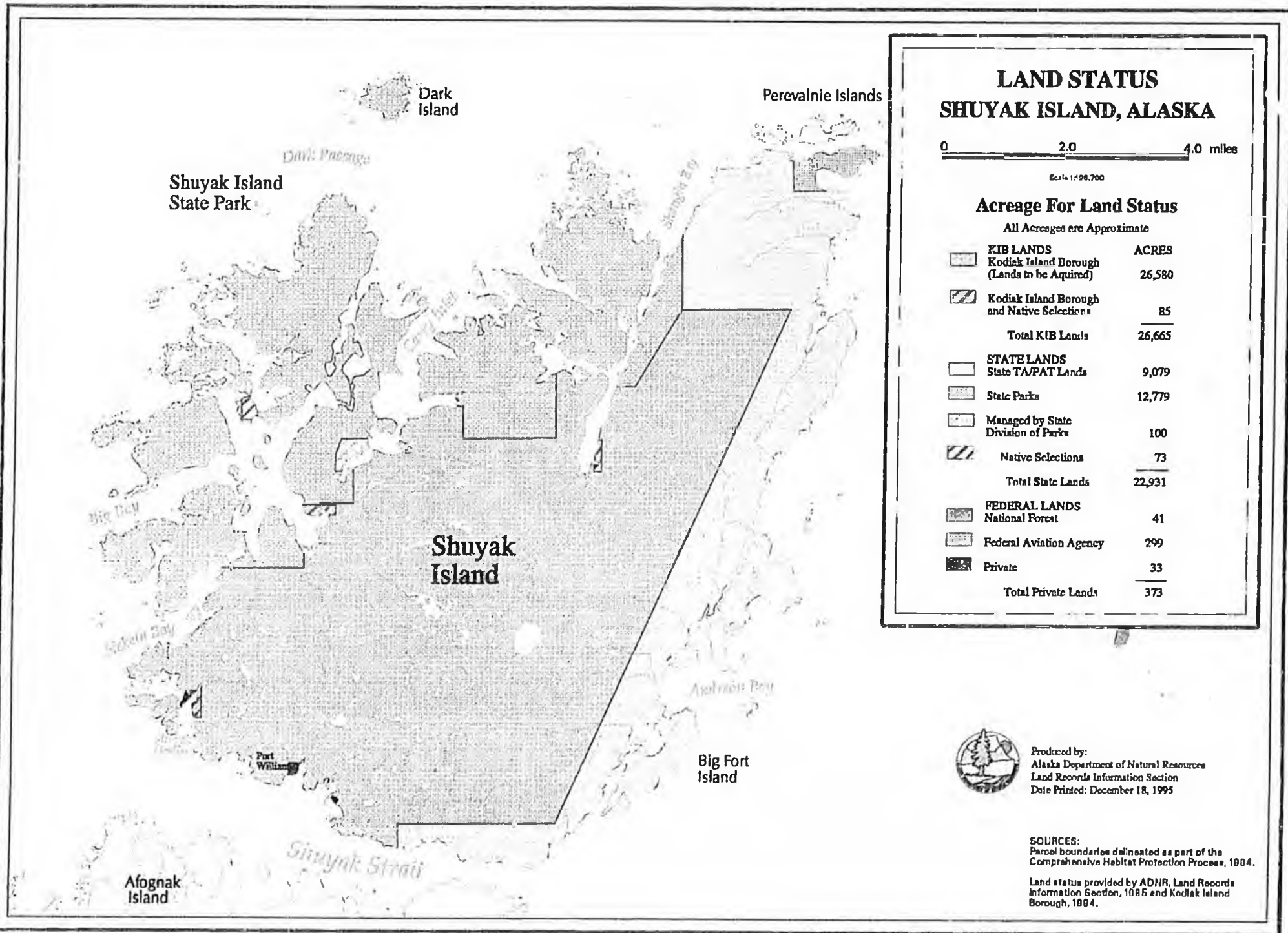
1995 - Lands transferred to the State of Alaska are subject to conservation easements held by the federal government that protect the existing ecological integrity of the island and allow for development of only those facilities determined by the Division of Parks to be necessary for public recreation use. Public use of land shall continue, including sport and subsistence hunting, fishing, trapping and recreational uses.



Proposals before the Alaska legislature would add approximately 36,000 acres to the existing 11,000 acre Shuyak Island State Park, adding to the fishing, hunting, and trapping opportunities available to Alaskans. With an existing State Park Ranger Station on the island, this additional designation will allow for seamless management of the entire island's natural resources with no additional state staffing requirement. In addition to the Ranger Station, State Park staff and volunteers currently manage four public use cabins and two ADF&G fish weirs in the existing state park.



This new park designation will establish State Parks as the only agency for citizens to contact when inquiring about visiting and/or doing business on the island. Given the island's great fishing, hunting, recreational boating, hiking, and wildlife viewing opportunities, park designation will provide the Kodiak and Homer adventure travel businesses with a new world class park destination within an hour's floatplane time. State Parks will include the newly expanded park as one of the Gems of the State Park System, on a par with Chugach, Wood-Tikchik, and Kachemak Bay.



LAND STATUS SHUYAK ISLAND, ALASKA

0 2.0 4.0 miles

Scale 1:128,700

Acreage For Land Status

All Acreages are Approximate

	ACRES
KIB LANDS Kodiak Island Borough (Lands to be Acquired)	26,580
Kodiak Island Borough and Native Selections	85
Total KIB Lands	26,665
STATE LANDS State TA/PAT Lands	9,079
State Parks	12,779
Managed by State Division of Parks	100
Native Selections	73
Total State Lands	22,931
FEDERAL LANDS National Forest	41
Federal Aviation Agency	299
Private	33
Total Private Lands	373



Produced by:
Alaska Department of Natural Resources
Land Records Information Section
Date Printed: December 18, 1995

SOURCES:
Parcel boundaries delineated as part of the
Comprehensive Habitat Protection Process, 1994.
Land status provided by ADNR, Land Records
Information Section, 1085 and Kodiak Island
Borough, 1994.

... This is a true and correct
copy of the original on file in the office of the
Kodiak Island Borough Clerk
Issued this 5th day of MAR. 1996
[Signature] Borough Clerk

Introduced by: Mayor Selby
Requested by: Mayor Selby
Drafted: Borough Attorney
Introduced: 12/08/94
Adopted: 12/08/94

KODIAK ISLAND BOROUGH
RESOLUTION NO. 94-41

A RESOLUTION APPROVING DISPOSAL OF ALL BOROUGH LAND
ON SHUYAK ISLAND TO THE STATE OF ALASKA

- WHEREAS, the Kodiak Island Borough has received title to certain land on Shuyak Island and has an absolute right to receive a patent from the State to other land on Shuyak Island, consisting in total of approximately 26.665 acres more or less (hereinafter "Land"); and
- WHEREAS, the Land has been identified as high value habitat that will benefit the recovery of resources and services injured by the Exxon Valdez oil spill; and
- WHEREAS, the Borough administration has determined that the Land is surplus to the needs of Borough residents, so long as the Land is maintained in public ownership; and
- WHEREAS, the proposed use of the Land to be acquired through the process of the Exxon Valdez Oil Spill Trustee Council is consistent with the goals and objectives of the 1986 Shuyak Island Comprehensive Plan; and
- WHEREAS, compensation for the Shuyak Island Land will benefit all residents of the Kodiak Island Borough consistent with the intent of the State land entitlement at the time of incorporation; and
- WHEREAS, the use of the land for habitat protection and recreation are public purposes that are beneficial to the Borough within the meaning of Kodiak Island Borough Code 18.20.100; and
- WHEREAS, the Assembly has adopted Resolution No. 94-05 approving the disposal of the Land for fair market value, subject to Assembly review and approval of the final settlement agreement; and
- WHEREAS, the Trustee Council, through the USDA Forest Service, has provided an appraisal estimating the market value of the land as of September 1, 1994 to be \$27 million; and

the clerk's copy shall be a true and correct copy of the original as the same is in the office of the Kodiak Island Borough Clerk.

Done this 21st day of MAR. 96

Donna F. Smith Borough Clerk

0196 100

Introduced by: Mayor Selby
Requested by: Mayor Selby
Drafted: Borough Attorney
Introduced: 12/21/95
Adopted: 12/21/95

KODIAK ISLAND BOROUGH
RESOLUTION NO. 95-46

A RESOLUTION APPROVING A PURCHASE AGREEMENT FOR DISPOSAL
OF ALL BOROUGH LAND ON SHUYAK ISLAND TO THE STATE OF ALASKA

WHEREAS, the Assembly previously adopted Resolution No. 94-41 approving disposal of all Kodiak Island Borough lands on Shuyak Island (hereinafter "Land") to the State of Alaska for the purchase price of \$42 million; and

WHEREAS, the Exxon Valdez Oil Spill Trustee Council adopted a resolution on December 5, 1995 to provide the funds for the State of Alaska to offer to purchase the Land in accordance with the Agreement for Sale and Purchase of Interests in Lands on Shuyak Island (hereinafter "Purchase Agreement") for a price of \$42 million payable in installments over a period of seven years; and

WHEREAS, the Kodiak Island Borough Assembly, having reviewed the pertinent facts relating to this land disposal, approves the disposal of the Land for the price of \$42 million in accordance with the Purchase Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH that the disposal of all Kodiak Island Borough lands on Shuyak Island to the State of Alaska for the purchase price of \$42 million is hereby approved on the terms and conditions for the Purchase Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH that the mayor, or his designee, is authorized to execute the Purchase Agreement and all other documents required for the completion of this transfer.

ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS TWENTY-FIRST DAY OF DECEMBER, 1995.



ATTEST:

Donna F. Smith
Donna F. Smith, CMC, Borough Clerk

KODIAK ISLAND BOROUGH

Jerome M. Selby
Jerome M. Selby, Borough Mayor

Gary L. Stevens
Gary L. Stevens, Presiding Officer

Kodiak Recording District

WHEREAS, the Kodiak Island Borough Assembly has enacted an ordinance to establish a Facilities Fund in which the proceeds from the sale of these Lands are to be deposited. As part of this ordinance, funding was authorized by the Assembly for the Kodiak Fishery Industrial Technology Center; and

WHEREAS, the Trustee Council adopted a resolution on December 2, 1994 to provide the funds for the State of Alaska to offer to purchase the Land in accordance with the Agreement for Sale and Purchase of Interests in Lands on Shuyak Island (hereinafter "Purchase Agreement") for a price equal to the final approved appraised fair market value of the land plus 20% of the final approved appraised fair market value, except that the price may not exceed \$42 million; and

WHEREAS, the Kodiak Island Borough Assembly, having reviewed the pertinent facts relating to this land disposal, approves the disposal of the Land for the price of \$42 million in accordance with the Purchase Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: The disposal of all Kodiak Island Borough lands on Shuyak Island to the State of Alaska for the purchase price of \$42 million is hereby approved on the terms and conditions of the Purchase Agreement.

Section 2: The mayor is authorized to execute the Purchase Agreement and all other documents required for the completion of this transfer.

ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS EIGHTH DAY OF DECEMBER, 1994



KODIAK ISLAND BOROUGH

Jerome M. Selby
Jerome M. Selby, Borough Mayor

Mary A. Monroe
Mary A. Monroe, Presiding Officer

ATTEST:

Donna F. Smith
Donna F. Smith, CMC, Borough Clerk

5-11-94

0142 127

WARRANTY DEED

GRANTOR, the Kodiak Island Borough, an Alaska municipal corporation, whose address is 710 Mill Bay Road, Kodiak, Alaska, 99615, for and in consideration of ten dollars (\$10.00) and other good and sufficient considerations received, grants, conveys and warrants to GRANTEE, the State of Alaska, whose address is Department of Natural Resources, 3601 C Street, Suite 960, Anchorage Alaska, 99503, the surface estate of the following described real property situated in the Kodiak Recording District, Third Judicial District, State of Alaska, more fully described as follows:

U.S. Survey 1738, located within Township 19 South, Range 20 West, Seward Meridian. Containing 9.30 acres.

Together with the improvements located thereon.

SUBJECT, however, to:

- (1) Easements rights and reservations of the State of Alaska, and third parties, if any, of record at the Kodiak Recording District, Third Judicial District, State of Alaska; and
- (2) Enforcement Rights of the United States as established by the Conservation Easement granted by Grantor to the United States dated March 27, 1996, attached and incorporated herein, authorizing the United States to enforce on a non-exclusive basis the restrictive covenants set forth therein.

RESERVING to the Grantor the covenant that there shall be no commercial timber harvest on said real property nor any other commercial use of said real property excepting such limited commercial use as may be consistent with State law and the goals of restoration to its prespill condition of any natural resource injured, lost, or destroyed as a result of the *Exxon Valdez* oil spill of March 24, 1989 and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991;

RESERVING to the Grantor the covenant that public use of said real property shall be permitted in perpetuity and shall include sport and subsistence hunting, fishing, trapping, and recreational uses insofar as consistent with public safety and permitted under law or under a regulation of the Alaska Board of Fisheries, Alaska Board of Game or the Division of

0142 130

SPECIAL WARRANTY DEED

GRANTOR, the Kodiak Island Borough, an Alaska municipal corporation, whose address is 710 Mill Bay Road, Kodiak, Alaska, 99615, for and in consideration of ten dollars (\$10.00) and other good and sufficient consideration, grants and conveys to GRANTEE, State of Alaska, whose address is Department of Natural Resources, 3601 C Street, Suite 960, Anchorage, Alaska, 99505, with the special warranties of title noted herein, subject to the conditions, restrictions and limitations noted herein all of GRANTOR'S right, title and interest in the surface estate of the following described property, excepting only those rights specifically reserved in to the GRANTOR by this Special Warranty Deed, situated in the Kodiak Recording District, Third Judicial District, State of Alaska, more fully described as follows:

All uplands within the following described boundaries and in addition includes the island in the SW1/4 of Section 17 of Tract A, T.19S., R.20W., S.M. on the easterly side of Neketa Bay and all islands, islets, pinnacles and rocks within the unnamed bay that connects to Shelikof Strait within Section 19 of Tract A, T.19S., R.20W., S.M. (all sections of land are unsurveyed/protracted): Commencing at the monumented section corner common to Sections 7 and 18 of Tract A, T.19S., R.19W., S.M. and Sections 12 and 13 of Tract A, T.19S., R.20W., S.M.; thence west between Sections 12 and 13, Sections 11 and 14, and Sections 10 and 15 3.0 miles to the corner of Sections 9, 10, 15 and 16 of Tract A, T.19S., R.20W., S.M., the true point of beginning of this description; thence west between Sections 9 and 16 and Sections 8 and 17 crossing over a small lagoon approximately 1.3 miles to the intersection with the mean high water line on the easterly shore of Neketa Bay; thence meandering southerly and westerly along the mean high water line of Neketa Bay and Shelikof Strait to an unnamed bay that connects to Shelikof Strait within Section 19 of Tract A, T.19S., R.20W., S.M. and then continuing easterly, southerly and westerly in a clockwise direction along the mean high water line

SPECIAL WARRANTY DEED

March 26, 1996

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0142 136

All uplands lying within the following described boundaries (all sections of land are unsurveyed/protracted): Commencing at the monumented witness corner to the meander corner of section 35, T.18S., R.20W., S.M. and Section 2 of Tract A, T.19S, R.20W., S.M. on the easterly shore of Carry Inlet; thence west between Section 35 and Section 2, crossing over Carry Inlet approximately 0.45 miles to the intersection with the mean high water line on the westerly shore of Carry Inlet, the true point of beginning of this description; thence meandering westerly along the mean high water line of Carry Inlet within Section 2 approximately 0.05 miles to a point on the line common to Section 35 and Section 2; thence west between Section 35 and Section 2 and between Section 34 and Section 3, crossing over a small lagoon, approximately 0.05 miles to the intersection with the mean high water line on the westerly shore of Carry Inlet; thence meandering southerly and westerly along the mean high water line of Carry Inlet approximately 1.0 miles to a point common to the E-W center 1/4 line of Section 3, T.19S., R.20W., S.M. and on the boundary of the Shuyak Island State Park; thence west, along the boundary of the Shuyak Island State park approximately 0.1 miles on the E-W center 1/4 line of Section 3 to the C 1/4 corner of Section 3; thence north, along the boundary of the Shuyak Island State Park 0.25 miles on the N-S 1/4 line of Section 3 to the C-N 1/16th corner of Section 3; thence north-northeasterly, along the boundary of the Shuyak Island State park, along a line to the C-E-W-SW 1/256th corner of Section 26, T.18S., R.20W., S.M., approximately 0.3 miles to the intersection with the line common to Section 34, T.18S., R.20W., S.M. and Section 3 of Tract A, T.19S., R.20W., S.M.; thence east between Section 34 and Section 3 and between Section 35 and Section 2, crossing over a small lagoon, approximately 0.45 miles to the intersection with the mean high water line on the west shore of Carry Inlet, the point of beginning, all within the Kodiak Recording District, Third Judicial District, State of Alaska. Containing 85 acres more or less.

Containing in sum 26949 acres, more or less.

Together with the improvements located thereon.

SUBJECT, however, to:

SPECIAL WARRANTY DEED
March 26, 1996
Page 7 of 10

0142 137

- (1) Easements, rights and reservations of the State of Alaska, and third parties, if any, of record at the Kodiak Recording District, Third Judicial District, State of Alaska.
- (2) Rights of the United States as established by the Conservation Easement granted by Grantor to the United States dated March 27, 1996, attached and incorporated herein, authorizing the United States to enforce on a non-exclusive basis the restrictive covenants set forth therein.

RESERVING to the Grantor the covenant that there shall be no commercial timber harvest on said real property nor any other commercial use of said real property excepting such limited commercial use as may be consistent with State law and the goals of restoration to its pre-spill condition of any natural resource injured, lost, or destroyed as a result of the Exxon Valdez oil spill on March 24, 1989 and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991;

RESERVING to the Grantor the covenant that public use of said real property shall be permitted in perpetuity and shall include sport and subsistence hunting, fishing, trapping, and recreational uses insofar as consistent with public safety and permitted under law or under a regulation of the Alaska Board of Fisheries, Alaska Board of Game or the Division of Parks, Department of Natural Resources of the State of Alaska;

RESERVING further to the Grantor, the non-exclusive right to enforce the restrictive covenants in the Conservation Easement granted by Grantor to the United States dated March 27, 1996, attached and incorporated herein; except that such reservation shall terminate as to any portion of the land when it is designated a state park.

The GRANTOR hereby covenants to and with the GRANTOR and its successors and assigns, that the Grantor has equitable title in the in the surface estate of the above described real property with a good and lawful right and power to sell and convey the same with the consent of the State of Alaska as noted below, that the same is free and clear of encumbrances, except as noted hereon, and that the Grantor warrants the quiet and peaceable possession of the same, and will defend the title to the same against all persons claiming the same.

TO HAVE AND TO HOLD unto GRANTEE, its successors, and assigns forever.

Dated: 3/26 1996.

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CONSERVATION EASEMENT

THIS Conservation Easement is made this 27th day of MARCH 1996, by the Kodiak Island Borough ("KIB") 710 Mill Bay Road, Kodiak, Alaska 99615-6340 ("Grantor") and the United States of America, ("Grantee") under the authority of Section 1302(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. § 3192(a)), the Fish and Wildlife Act of 1956 (16 U.S.C. § 742f(b)(1)) and the Agreement for Sale and Purchase of Interests in Lands on Shuyak Island between the KIB and the State of Alaska ("State"), dated February 15, 1996 ("Agreement") and the State.

WHEREAS, Grantor has received title to or has equitable title in the surface estate of certain land on Shuyak Island;

WHEREAS, the real property subject to this conservation easement (the "Protected Property") is a natural area that provides significant habitat for migratory birds and other fish and wildlife and plant species that were injured as a result of the *Exxon Valdez* oil spill;

WHEREAS, the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council") has approved the use of joint settlement funds for acquisition by the State of the protected property, subject to certain third-party rights to be held by the Grantee in order to assure that the restoration objectives for use of the settlement funds are achieved;

WHEREAS, Grantor intends to convey its interest in the surface estate of the Protected Property to the State;

WHEREAS, Grantor desires to provide to the Grantee an independent right in perpetuity to enforce the restrictive covenants as to the surface estate set forth herein;

WHEREAS, the Protected Property is within the Alaska Maritime National Wildlife Refuge;

NOW THEREFORE, pursuant to the laws of Alaska and in particular AS 34.17.010 - 34.17.060 and AS 29.65.070, and in accordance with the provisions of the Agreement, Grantor does hereby grant and convey to Grantee, its successors and assigns, forever, with special warranties of title noted herein, subject to conditions, restrictions and limitations of record, a conservation easement in perpetuity over the Protected Property of the nature and character and to the extent hereinafter set forth (the "Easement"), as to the surface estate of the property described as follows:

U.S. Survey 1738, located within Township 19 South, Range 20 West, Seward Meridian. Containing 9.30 acres.

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miles to a point common to the E-W center 1/4 line of Section 3, T.19S., R.20W., S.M. and on the boundary of the Shuyak Island State Park; thence west, along the boundary of the Shuyak Island State Park approximately 0.1 miles on the E-W center 1/4 line of Section 3 to the C 1/4 corner of Section 3; thence north, along the boundary of the Shuyak Island State Park 0.25 miles on the N-S 1/4 line of Section 3 to the C-N 1/16th corner of Section 3; thence north-northeasterly, along the boundary of the Shuyak Island State Park, along a line to the C-E-W-SW 1/256th corner of Section 26, T.18S., R.20W., S.M., approximately 0.3 miles to the intersection with the line common to Section 34, T.18S., R.20W., S.M. and Section 3 of Tract A, T.19S., R.20W., S.M.; thence east between Section 34 and Section 3 and between Section 35 and Section 2, crossing over a small lagoon, approximately 0.45 miles to the intersection with the mean high water line on the west shore of Carry Inlet, the point of beginning, all within the Kodiak Recording District, Third Judicial District, State of Alaska. Containing 85 acres more or less.

Containing in sum 26,963.3 acres more or less.

The acquiring agency is the Department of the Interior, U.S. Fish and Wildlife Service.

SUBJECT, however, to easements, rights and reservations of the State, and third parties if any, of record.

The Grantee shall be entitled to enforce on a non-exclusive basis the terms of the following restrictive covenants against the Grantor, its successors or assigns:

- (a) The following listed activities are prohibited on the Protected Property except as determined by the State, Department of Natural Resources, Division of Parks and Outdoor Recreation, or its successors in administrative function ("Division of Parks"), to be necessary for either conservation research or management of the subject lands (whether carried out by the Division of Parks, an entity approved by the Division of Parks, or its successors in law or interests), or for conveying information to the public to protect public safety or natural resources:
 - (i) the construction or placing of buildings, fixed or improved camping accommodations or mobile homes, fences, billboards or signs, except that the Department of Natural Resources, with the approval

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of the Division of Parks may construct public use cabins, trails, camping facilities and other facilities for public use as are in keeping with the management of a wilderness state park and do not have a significant negative impact on the restoration objectives of the Trustee Council;

- (ii) the changing of the topography of the Protected Property in any manner except as is reasonably necessary for the actions permitted in paragraph (i);
- (iii) the removal, destruction or cutting of trees or plants except for local subsistence uses or as is reasonably necessary for the actions permitted in paragraph (i);
- (iv) the use of biocides except as necessary to control or remove non-indigenous fish, wildlife or plants;
- (v) the manipulation or alteration of natural water courses, shores, marshes or other water bodies or activities or uses detrimental to water purity on the Protected Property; or
- (vi) the use of motorized vehicles, provided that this provision shall not be construed to prohibit the use of float equipped aircraft on waterbodies within the Protected Property.

(b) The following listed activities by any person are prohibited:

- (i) the introduction of fish, wildlife or plants which are not indigenous to the Kodiak Archipelago, including, but not limited to, the grazing of domestic animals or the introduction of reindeer; and
- (ii) the dumping of trash, garbage, or other unsightly or offensive material.

* * * *

Nothing herein shall be deemed to create in any third party the right to enforce these covenants.

Nothing herein shall be deemed to pertain to, affect, expand or limit the rights of the subsurface owner to utilize that estate in accordance with applicable law.



RECEIVED

FEB 03 1997

Ans'd.....

January 29, 1997

Representative Alan Austerman
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Alan:

On behalf of the Kodiak Island Convention & Visitors Bureau (KICVB) Board of Directors and membership I am writing in support of SB/HB 89 which provides for the addition of 36,000 acres of land to Shuyak Island State Park. By adding these lands to the Park, the State of Alaska will reaffirm its past efforts and ensure the conservation of these lands for wildlife habitat and mixed-use recreational purposes.

Shuyak Island is an increasingly important destination for visitors to the Kodiak area. Expansion of Shuyak Island State Park will ensure the ongoing viability of small-scale, appropriate tourism and recreation in this area. In turn, this demand will necessitate protecting Shuyak's view shed, unique ecosystems and wildlife habitat. The addition of these lands, in a sense, makes Shuyak whole. It will be a coveted, uncrowded wilderness destination.

The best advocates for the Park may be the many Alaskans and visitors from around the world who have had the privilege to experience Shuyak (from the Management Plan for Shuyak Island State Park):

"Shuyak is a gem well worth preserving for its pristineness. A place that should be left ultimately wild as there are fewer and fewer places that offer just that."

"The beauty of Shuyak is in its remoteness and wildness. It is a natural area for kayakers and small boaters. The outer coast should be declared a critical habitat area on the Sbelikof side."

"We came to watch sea otters and other animals, we saw more than we had expected."

"Keep this place natural forever!"

"This is the greatest place. Please continue your effort to maintain this nature."

"This is a very wild and beautiful place . . . I loved being here."

"Like all of Kodiak this park is an undiscovered paradise."

Kodiak Island Convention & Visitors Bureau
100 Marine Way, Kodiak, Alaska 99615 907-486-4782 Fax 907-486-6545

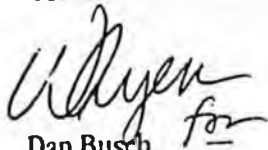
"This was my first visit. It is a very beautiful and wild place . . . I hope it stays a wonderful place to visit."

Preservation and protection of our area's natural resources are critical to our long term viability as a visitor destination. The Kodiak Island Convention & Visitors Bureau and our more than 130 member businesses support SB/HB 89, providing for the addition of 36,000 acres to Shuyak Island State Park.

Thank you for considering these comments during your upcoming deliberations. Should you require any further information or comments, please contact the KICVB at 486-4782.

Sincerely,

KODIAK ISLAND
CONVENTION & VISITORS BUREAU


Dan Busch
President

WAVETAMER KAYAKING

KAYAK KODIAK ADVENTURES
POB 228, KODIAK, ALASKA 99615
PH/FAX: 907-486-2604
e-mail: wavtamer@ptialaska.net

January 29, 1997

Alan
Willie Hensley, Commissioner,
Department of Commerce and Economic Development
Ninth Floor, State Office Building
POB 110800
Juneau, AK 99811-0800

Dear Commissioner Hensley,

In the process of reviewing the State of Alaska *Executive Budget Summary for FY98*, I read the comments about tourism in Alaska. The statement I wish to draw to your attention is: "...and a push for greater access to Alaska's public lands so the effects of tourism can be dispersed."

I encourage you to carefully consider the scope of that "push" and the affects it can have on areas that may not be capable or suitable for expanded or mass tourism efforts. Clearly there are many more opportunities to open areas for increased visitation. However, even those areas may have zones or sub-areas more suitable for mass tourism activities than others.

Currently there are issues in Katmai National Park ^{*Land Kodiak*} directly related to the ever-increasing desire by visitors to view bears in the wild. Some of the issues that are related to this desire are: closing of hunting areas; issuance of mooring buoys in bays to allow for larger ships to anchor; and caps on concession permits in these areas.

Some operators in the state, for many reasons, prefer to be small, eco-sensitive operators who do not want, (nor do a percentage of their clientele want,) mass or developed tourism across the board in these resource areas. Clearly there are access issues that preclude too much mass intrusion. However in those areas where access can be enhanced, I hope the planning effort is particularly sensitive to those areas that may not be compatible with extensive increases in visitations that negatively impact the quality of the experience for other user groups.

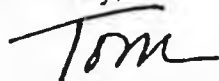
There has been discussions over that past several years to consider zonation as a possible way to sectionalize parks and other resource attraction areas. These zones could provide particular activities only in particular zones. These zones protect the resources and provide levels of activity in stages of impacts that can be more easily contained or mitigated at that level.

Other areas targeted for increased tourism must be review and, if necessary, broken out into different degrees of use. Operators, and the various factions of visitors with different levels of expectation and experiential interests, can all be reasonably assured of a quality experience in Alaska.

I have not seen the most current plans for tourism development in Alaska but know that ATMC, AVA and AWRTA all have agendas, many of which overlap, some of which conflict. Zonation has been discussed in tourism circles for some time now. Hopefully the state will see the need to continue funding at even higher levels so we can attract the visitor, but can also provide all levels of experiences to be enjoyed at optimum levels when and wherever possible.

Thank you for your considerations.

Sincerely,



Tom Watson, Owner
WAVETAMER KAYAKING

cc: Governor Knowles
Sen. Mackie
Rep. Austerman ✓
AWTRA
ATMC
AVA

ACTIVE MEMBER

Trade Association of Sea Kayaking ☞ Alaska Wilderness Recreation & Tourism Association ☞ Kodiak Island CVB

Kodiak Audubon Society
P.O. Box 1756
Kodiak AK 99615

Representative Alan Austerman
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

RECEIVED
FEB 04 1997
Ans'd.....

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January 30, 1997

Dear Representative Austerman,

On behalf of the Kodiak Audubon Society, I would like to thank you for introducing HB 89, adding approximately 36,000 acres of land to Shuyak Island State Park. Preserving all of Shuyak Island has strong broad based support in the Kodiak Island community and your introduction of this legislation is greatly appreciated.

This legislation benefits citizens of the Kodiak Island Borough as well as the State of Alaska in several ways. Preserving Shuyak Island in its natural state will provide hunting, fishing and other recreational opportunities for the people of Alaska and tourists. It will replace habitat that was damaged by the Exxon Valdez Oil Spill. Park designation also satisfies the conditions of the 1981 consent decree requiring the State of Alaska to manage their Shuyak Island lands for wildlife habitat and public recreation purposes.

Once again, thank you for introducing this legislation. Please contact me if there is any way we can help ensure HB 89's passage.

Sincerely,

Mary Forbes

Mary Forbes
President, Kodiak Audubon Society
907-486-2685

Y Knot Charter *Port William Lodge*
P.O. Box 670556
Chugiak, Alaska 99567
(907) 688-2253

January 30, 1997

Rep. Alan Austerman
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Letter of Support

Dear Sir:

This letter is re SB HB 89 which would add approximately 36,000 acres of land to Shuyak Island State Park.

I, along with all partner landowners of Port William on Shuyak Island, support the addition of the rest of Shuyak Island to the Shuyak Island State Park.

Thank you.

Sincerely,


H. Bruce Cooper

cc: Barbara Rudio

cc: file

Community and Regional Affairs Committee
Alaska State Legislature
State Capitol
Juneau, AK
99801

February 10, 1997

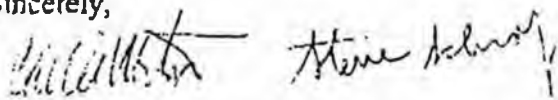
Dear Representatives,

I am writing you to testify in support of House Bill No. 89, "An act relating to the Shuyak Island State Park".

My husband and I have been residents in Kodiak for several years and have spent a lot of time on Shuyak Island. Shuyak Island State Park has become an important recreational, hunting, and sport and commercial fishing area for many people from Kodiak, Anchorage and Kenai Peninsula. There is an abundance of wildlife on the island and in the area, from deer and bears to salmon and halibut. It's well known in Kodiak as the ideal place for kayaking due to its unique inlets and bays. Because of its remote location it is only accessible by boat or floatplane. The popularity of this place brings economic benefit to charter businesses. The expansion of Shuyak State Park would only mean an increase in these tourism and business activities and help increase the economic diversity that is needed in Kodiak.

This legislation gives you the unique opportunity to preserve the present state of this Island in its entirety and make Shuyak Island a renowned state park in Alaska. I'd like to thank Representative Alan Austerman for sponsoring this bill and urge you to pass this bill.

Sincerely,


Carrie Worton and Steve Schrof
P.O. Box 1614
Kodiak, AK
99615

xe.
car

The meeting
that evening

To <i>Lovelorn</i>	From <i>Cartney</i>
Co. <i>1</i>	Co. <i>Leg. Budget</i>
Dept.	Phone #
Fax # <i>3517</i>	Fax #

at 5:00 p.m.

Chairman Terry Martin RECONVENED the January 8, 1996 meeting of the Legislative Budget and Audit Committee at approximately 5:02 p.m.

REVISED PROGRAMS

10-6-4011 Natural Resources Requesting \$42,000,000 of EVOS Trust Funds to Purchase Shuyak Island. Approved

Sen. Adams MOVED to approve the action and discussion ensued.

Sen. Zharoff explained that the project would entail one month and that the EVOS Trustee Counsel had completed a number of appraisals and approved of the investment for the State. Sen. Zharoff described the area as rich in fish and wildlife. Chairman Martin requested clarification regarding the agreement with the Trustee Counsel, in view that a number of special interest groups in the past have requested State monies to purchase land, and then have subsequently resold the land to another special interest group. Sen. Zharoff expressed his concern that the agreement would also allow for public use to continue.

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JEROME SELBY, Mayor of the Kodiak Island Borough, expressed his view that the land acquisition is the best land purchase that the Exxon Valdez Trustee Counsel will consider, and the best investment that the State of Alaska could make with the \$900 million settlement. He further explained that the State of Alaska owns the rest of Shuyiak Island, with the exception of the parcel in question; with the acquisition of the parcel, the State of Alaska will own the entire island, enabling the implementation of a comprehensive land management plan.

In terms of land restoration, Mr. Selby described the parcel as a prime habitat in terms of impact on species damaged by the Exxon Valdez oil spill, thereby maximizing the opportunity for recovery. The parcel is also a heavily used recreational property for the State of Alaska, with a great deal of hunting and fishing activity on Shuyiak Island from residents of Anchorage, the Kenai Peninsula, and Kodiak. Therefore, the acquisition presented a unique opportunity whereby the State may forward the recovery of fish and wildlife species, while encouraging public activities, and implement land management. One third of the island is a state park; one quarter of the island is a state wildlife refuge. The parcel is situated to the southwest of those two parcels and completes the island.

Mr. Selby expressed his view that the acquisition is in full keeping with the Municipal Lands Act as a means to convert a capital asset. He further explained that \$6 million of the funds will be used to develop the Near Island Research Facility, which is a part of a \$16 million dollar facility planned to provide fisheries research in the Gulf of Alaska. Scientists from Federal National Fisheries, Alaska Fish and Game, and the University of Alaska will be co-located into the facility, where they will share research efforts to produce "world class" fisheries data to be used to managed fisheries in the Gulf of Alaska. Mr. Selby expressed his concern that if a research project was not implemented, fisheries in Alaska would face long-term jeopardy. The Near Island facility would be completed at no additional cost to the State. The balance of the funds would then be placed in a Facilities Fund by the Kodiak Island Borough, in order to maintain school facilities, thereby preventing future appropriation requests for the purpose. Mr. Selby reiterated that the acquisition would convert a capital asset, an island parcel worth \$42 million, into programs which would benefit the State in many areas.

Sen. Frank recalled an earlier purchase of property of the Exxon Valdez Trustee Counsel that required its conversion into a State Park, and questioned if there were any such restrictions placed on the State in the current acquisition agreement.

MOLLY MC CAMMON, Executive Director of the Exxon Valdez Oil Spill Trustee Counsel, explained that the current acquisition proposal contained no such language as was put forth in the Seal Bay Acquisition, to which Sen. Frank referred. Ms. McCammon explained the intent of the Department of Natural Resources to manage the Shuyak Island parcel as State land for recreation and wildlife habitat, with no "blackmail clause" stating that if it is not placed in a State Park that it will be reverted to the Nature Conservancy or the Federal Government. In response to a question by Sen. Phillips, Ms. McCammon explained that the current acquisition proposal takes into account the legislature's response to language in the prior agreement.

Sen. Davis requested clarification as to whether there was written agreement guaranteeing that the balance of the funds, minus \$6 million for fisheries research, will be placed in a facilities fund, and whether annual earnings on the fund will be known to the public. Mr. Selby explained that the fund has already been established to manage the \$36 million, and that an ordinance restricted spending to interest only for the following uses: maintaining existing facilities, renovating existing facilities, and repaying bonded debt on existing facilities. In addition, he explained that 15% of the interest would return to the principal each year to keep the fund up with inflation. Responding to a question by Sen. Phillips, Mr. Selby explained that the ordinance required a public bill in order to be changed.

In response to a question by Sen. Phillips, Ms. McCammon pointed out that the Counsel was currently committed to spend approximately \$450 million, roughly half of the total settlement. Of that expenditure, close to \$200 million was spent on land acquisition. She further noted that in September, during her presentation on the Counsel's overall work plan, it was discovered that many people desired to spend the entire \$900 million on land acquisition, while others wanted to spend the entire amount on research projects. The Counsel adopted a plan three years ago committing approximately one third of the funds toward habitat protection. Following the commitment, they met with Federal counterparts to determine the priorities for Federal and State acquisitions. She explained that the Counsel continues to proceed according to the restoration plan.

Providing further clarification for Sen. Phillips, Ms. McCammon explained that approximately 60% of the settlement funds would be placed in research efforts. The Counsel has adopted a restoration reserve, in anticipation of further development over the next 15 to 20 years; currently \$36 million are placed in the restoration reserve earning interest, with a commitment of to place \$12 million in the reserve. By the year 2000, this amount would reach a total of \$150 million, and, if inflation-proofed, could provide \$5 to \$6 million a year of revenue for the Counsel.

Addressing Sen. Phillips' concern that the Counsel would once again approach the Legislature to request funding for land acquisition, Ms. McCammon confirmed the Counsel's intention to request a state, joint venture acquisition of a large parcel on Frog Neck Island. In addition, she explained that there are smaller, discreet areas which the Department of Natural Resources would like to use for marine parks and recreation. She also referenced the small parcel program for lands under one thousand acres, through which the Counsel has authorized agencies to make offers on approximately \$16 million's worth of small properties, in areas such as Seward, Palmer, and other locations along the Kenai River, which are key habitat areas. As the transaction progress, the Counsel intends to approach the Legislature for approval.

In response to a question by Sen. Bunde, Ms. McCammon explained the restrictions on the use of the land acquisition. Since the main purpose for the acquisition was to ensure protection of habitation, commercial timber harvest is restricted. Other activities on State Lands, such as hunting and fishing, would still be allowed.

CRAIG TILLERY, Assistant Attorney General, Civil Division, Environmental Section, Alaska Department of Law, responded to Sen. Halford's question about the language of these restrictions by referring to the Conservation Easement, on page 9 of Exhibit B. He also referenced the Warranty Deeds themselves, containing a covenant which states that "public use of land shall

be so guaranteed: hunting, fishing, trapping' etc. Mr. Tillery explained that all the language was subject to existing rights.

In response to a concern voiced by Sen. Phillips regarding restriction of motorized vehicles, Ms. McCammon clarified the use of motorized boats or planes was not prohibited. Mr. Tillery explained that the tide lands are not part of the acquisition, and therefore airplanes or boats would not be able to reach the acquired parcel. All access to the island is salt water borne; no ATV's or snow machines have ever gained access to the area.

Sen. Rieger raised a question as to how heavily the Near Island fisheries research project figured into the Trustees justification for the \$42 million acquisition. Mr. Tillery confirmed that the \$6 million for fisheries technology was a consideration in deciding to proceed with the current acquisition, since the State trustees viewed the research as a valid restoration benefit. Regarding the Federal Trustees, Ms. McCammon explained that they considered the fisheries facility as an added benefit, and not a driving factor in the acquisition. Mr. Tiller noted that the resolution adopted by all EVOS Trustees contains a statement that the Near Island Research Facility will have a positive benefit on natural resources injured by the Exxon Valdez oil spill.

Rep. Bunde expressed his concern regarding inflated appraisals which occurred in the past, and their reflection on future land acquisitions proposals. Rep. Bunde questioned whether the Conservation Easements applied to other state land already in the state park, and Mr. Tiller explained that it the defined terms applied only to the land transferred from the Kodiak Islands.

Chairman Martin raised a concern regarding the cost of managing these lands, and requested a list of long range and immediate cost to the State of land management. Ms. McCammon explained that the majority of current land acquisitions exist within Federal or State land holdings, thereby facilitating better quality and ease of land management. State Trustees believe that the proposed acquisition should be managed by personnel currently managing adjacent state lands, and would not increase management costs.

In response to Chairman Martin's suggestion that a portion of settlement funds be set aside for land management costs, it was pointed out that during 1995 such a motion was made regarding Seal Bay State Park, and was defeated; Federal Trustees did not agree to allocating such funds. The Department of Natural Resources do not believe that there will be any additional management costs with the proposed acquisition. Mr. Tiller agreed to inquire about language which would guarantee that, in the case that management costs did increase in the future, these monies would come from the settlement fund and not from the state.

In response to a question by Sen. Frank, Jerome Selby clarified that it was a unanimous decision by the Kodiak Island Assembly to approve the acquisition plan. He went on to explain that they did not consider a local designation of the land, because Shuyak is

not located near enough to Kodiak Island in order to adequately manage the land, making it more effective to delegate the management to state park personnel. Sen. Adams questioned whether current cash flow necessitated the payment plan proposed in the RPL, and it was explained that it was difficult to ascertain cash flow demands over the next eight years, and payment over time appears to be a more conservative course. Funds are currently earning interest, and there are plans to move them to a higher interest bearing account.

Rep. Kohring expressed concern over the intent behind the proposed acquisition, whether that be to assist programs for Kodiak Island or for the benefit of the entire State, and questioned whether there was an impending threat to the land or resources of the island that necessitated the proposed purchase. Mayor Selby pointed out that some of the greatest bird losses resulting from the oil spill occurred on the Barons Island to the north of Shuyak Island, making it critical habitat for these bird species, as well as for sea mammals in that area which were hard hit by the spill. From the standpoint of restoration of species damage, the area is a priority.

Regarding the fishing industry, it was pointed out that the area contains excellent salmon streams for preservation. Mayor Selby conceded that while Kodiak Island stood to benefit from the acquisition, the benefits clearly impact the entire state of Alaska. He also pointed out the opportunity for tourism development in the Kodiak archeopglio, which would benefit the economy of Kodiak and the State. In addition, Mayor Selby reiterated the benefit of adequate facilities to fisheries researchers in the State and University. Molly McCammon pointed out that the Seward research facility would be used predominantly for marine mammals, sea bird and fisheries genetics, while the facility in Kodiak is oriented toward commercial fisheries technology, byproducts, processing techniques, etc. Rep. Zharoff pointed out that the research facility in Kodiak is one of only five of its kind in the nation.

Molly McCammon explained that the Trustees have examined the expenditure of funds in order not only to address restoration needs, but to leave lasting benefit to communities within the spill area. Therefore, any major acquisitions and research projects implement not only restoration benefits, but also community benefits.

CARL ROSIER, retired Trustee Member and member of the Alaska Outdoor Council, explained that the Council believes there to be many benefits from the land acquisition. The benefits include state management of lands, hunting and fishing resources, restoration of wildlife species, and conservation of habitat. The Council believes that the benefits will be clarified during the years to come and strongly supports passage of the RPL.

Sen. Adam's MOTION on RPL 10-6-4011 to approve appropriation of \$42 million for the purchase of Shuyak Island was continued. No

objections being raised, the motion was APPROVED by unanimous consent.

Discussion Regarding Anchorage Data Center

Motion to Conduct Special Audit of Department of Information Systems, Amended to include Statewide Analysis of customer service.

Approved.

MARK BOYER, Commissioner, Department of Administration, supported by KAREN MORGAN, Deputy Director of Division of Information Services, and RON HENSLING, addressed concern over the decision to realign data processing in the State of Alaska. He explained that the realignment was a business decision, based on economics, and referenced two studies conducted relating to state data processing, pointing to the direction of consolidating into one center that utilized a client/server format for accessing data.

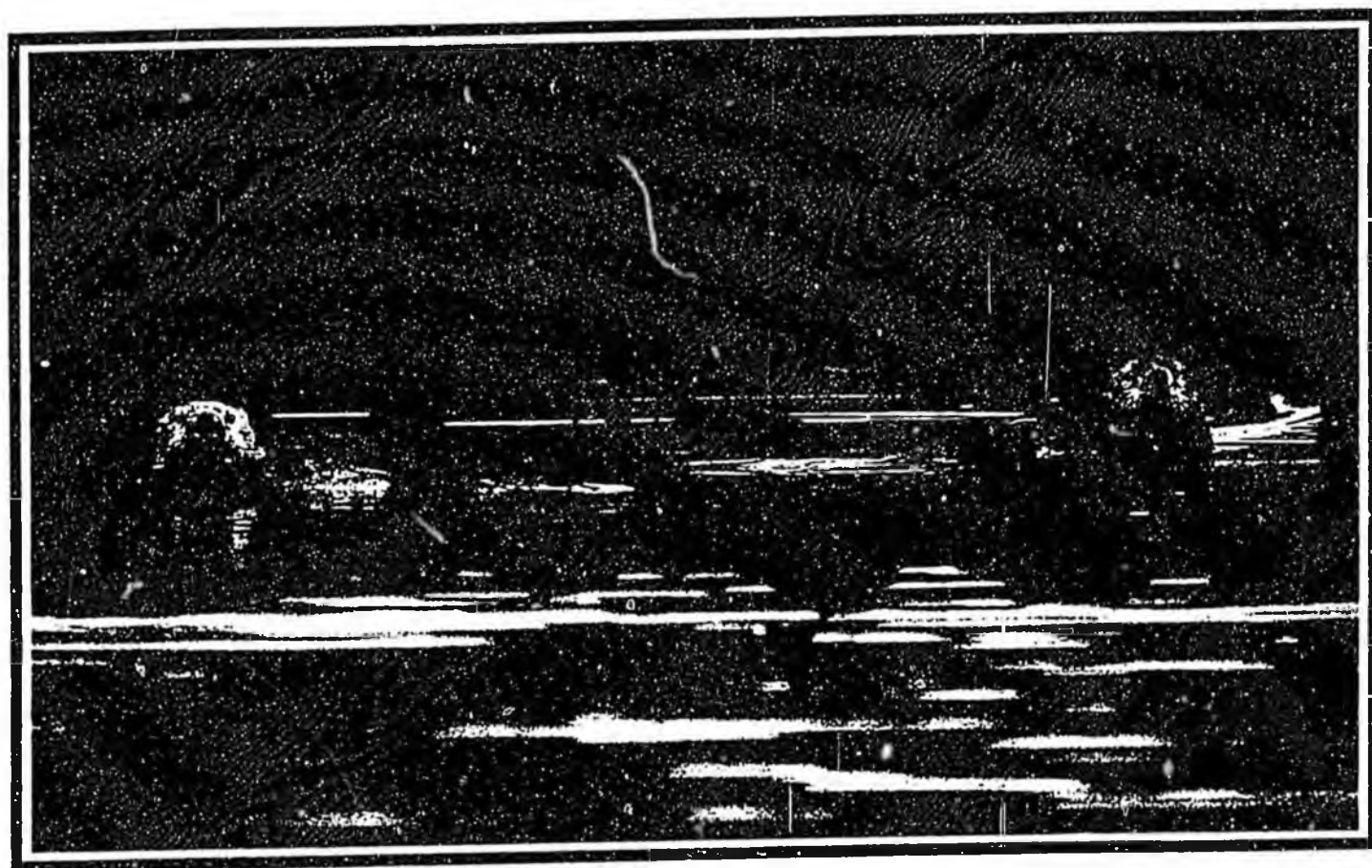
Mr. Boyer referred to a study reportedly done by an earlier administration, which indicated that a shift away from Anchorage to Juneau would cost millions of dollars; he and his staff have been unable to locate such a study in their research. Rep. Bunde requested that the search for the study be continued and offered the assistance of an outside auditor, questioning the long term operating expense involved in the realignment.

Mr. Boyer pointed out cost savings in the near term, stating that the long term situation was difficult to determine due to the nature of change in the computer industry. In the next fiscal year, the Department of Administration (DOE) anticipates cost savings of nearly \$1 million, manifested through a combination of factors -- not purchasing duplicate licenses, nor additional software caused by redundant operations in Anchorage, in addition to reducing four vacant PCNs in the 1997 budget. A total \$925,000 in anticipated savings would be reflected in the budget introduced by the Governor.

In addition to direct savings, Mr. Boyer noted costs avoided by a change in business methods, such as adding additional disc drive space which would cost \$250,000, and adding uninterrupted power supply to the Anchorage facility which would cost \$150,000, as well as ongoing hardware maintenance costs of \$21,000 per month, and \$48,000 per month of software expenses.

Rep. Bunde expressed concern over the Governor's increase in the budget of \$5.8 million for telecommunications. Chairman Martin clarified that the figure refers to the Department of Administration's increase of software and enhancement of telecommunication.

Shuyak Island State Park Management Plan



March 1995



Alaska Department of
**NATURAL
RESOURCES**



"... use levels do not diminish the values of the park's resources. Manipulation of the natural environment within a state park shall be limited to the immediate vicinity of a development."

OVERVIEW AND HISTORIC BACKGROUND OF THE PARK

Shuyak Island lies at the northern tip of the Kodiak Archipelago, about 50 miles north of the town of Kodiak. The island is small, with only about 44,000 acres of uplands, and a high point of 660 feet. Shuyak Island State Park encompasses approximately 11,000 acres in the northwestern part of the island. The most recent glacial recession, which occurred about 10,000 years ago, carved Shuyak's coastline into an intricate maze of protected bays and passages. Because the island is so small and much of the land area is connected through this series of bays and passes, activities occurring in one portion of the island can affect the whole island. A mature Sitka spruce forest blankets most of the island. This unique single species coniferous forest occurs on all forested islands of the Kodiak Archipelago. An exception to Shuyak Island's forested areas is the outer coastline of the north and west sides of the island, which have an alpine vegetation similar to that found at much higher elevations.

Shuyak Island has been used by humans for thousands of years. The earliest evidence of human use are village sites occupied by natives of the "Ocean Bay" tradition. Remnants of the "Koniag" and "Kachemak" native traditions can also be found on the island. Russian fur traders were probably the first non-natives to interact with the native people of Shuyak Island. The Russians arrived in search of trade goods in the 1700s and enlisted or coerced many natives to hunt sea otters for them. The subjugation of the area's residents by the fur traders led to the nearly complete disappearance of native people from Shuyak Island. Human activities around Shuyak increased again from the 1920s through the late 1960s and revolved around commercial fishing for salmon and herring. Pt. Williams cannery, active during this period, stopped canning in the 1960s and is now a wilderness lodge. A handful of people took up residence around the island during the 1970s and early 1980s, living a subsistence lifestyle. The island's protected bays are popular with the Kodiak area commercial seine fleet, especially during the silver salmon season. Shuyak Island has been a popular sport hunting and fishing destination over the past several decades.

Legislation was first introduced to create a state park on Shuyak Island in 1982. The state park was widely supported by Kodiak area residents and in 1984 the legislature passed the law that established Shuyak Island State Park.

Chapter 1: Introduction

PLAN PURPOSE

The purpose of this plan is to provide general guidance for management of Shuyak Island State Park. After public review and adoption of the plan, it will serve as a guide for anyone involved in the park, either as a visitor, commercial operator, local parks advisory board member or area manager. Background material included in this document will serve as a comprehensive source for information on the park. The plan will be useful only if reviewed carefully, read frequently and revised on an as needed basis to include any changes that may occur in the park or in the way it is used by the public.

ESTABLISHMENT OF THE PARK

Alaska's laws, as created and approved by the state's legislative and executive branches, provide the framework for management of the state's resources, including state parks. State parks that are larger than 640 acres are called "legislatively designated areas," because an act of the legislature is required to establish them. Each legislative act, or statute, that created a park lists the specific purposes for which the park was created. AS 41.21.170-178 established Shuyak Island State Park and lists the following as its purposes:

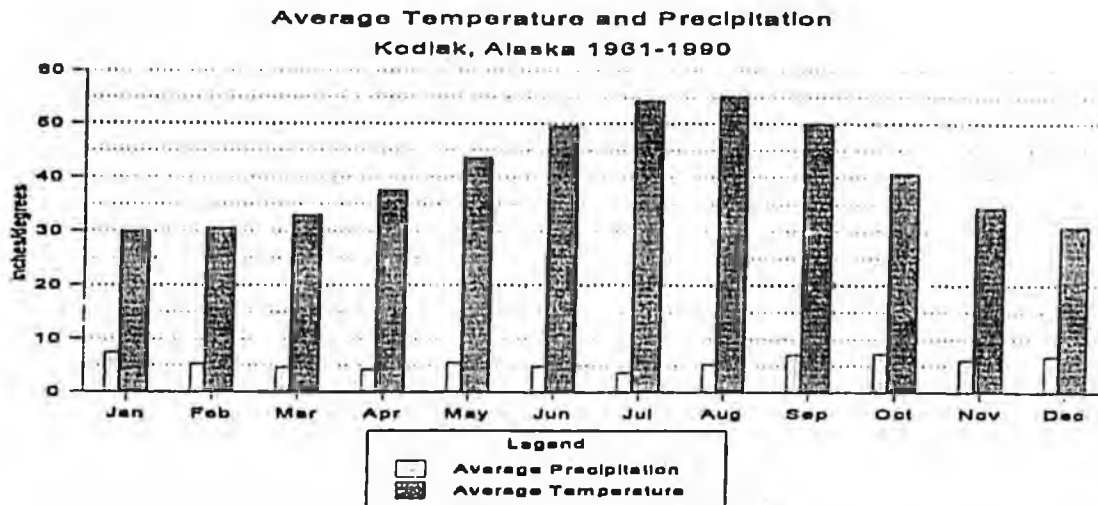
- protect the area's recreational and scenic resources;
- protect the area's fish and wildlife habitat; and
- preserve and enhance the continued use of the area for sport and subsistence hunting and fishing, trapping and recreational activities.

Management of Shuyak Island State Park must conform not only with the purposes set by the law that created the park, but also with the statutes that describe the purposes of Alaska State Parks (AS 41.21.010-040).

A management plan for the entire state park system, titled the "Statewide Framework," was adopted in 1982, based on AS 41.21.010-040 and states the following as purposes of Alaska's parks:

- providing for outdoor recreational needs of present and future generations;
- reserving and protecting areas of natural significance;
- preserving and interpreting Alaska's cultural heritage;
- protecting and managing areas of significant scientific or educational value; and
- providing support to the state's tourism industry.

The "Statewide Framework" also defined eight park unit classifications, such as state recreation sites, state historic parks, state trails and state parks. Park units like Shuyak Island State Park that are classified as "state parks" are managed to insure that:



Storms occur throughout the area frequently. February storms are the most frequent and intense while July offers calmer weather with the lowest frequency and intensity of storms.

Foggy conditions prevail from July through September when the air contains the most moisture and is warmer than the ocean. Clouds obscure an average of 70% of the sky throughout the year in Kodiak. Complete overcast conditions occur slightly less than half of the time.

The prevailing winds around Shuyak Island are northeast except in spring and late summer when they shift to southwest and west. Sustained, extreme wind speeds at weather reporting stations around the Kodiak Archipelago range from 50-75 knots with gusts as high as 100 knots.

To time recreational activities for the best possible weather, most people visit the park during the summer months. Few people venture to Shuyak between January and March, when fierce storms mean travel to and from the island can be restricted for weeks. However, any visitor, whether they arrive by boat or plane, must plan for weather delays due to the unpredictable nature of the area's weather.

GEOLOGY AND SOILS

Shuyak Island's substrate is comprised mainly of rock from either volcanic or marine sedimentary origins. A small band of intrusive granitic rock runs from the northern part of the island near Carshan Point to the southwest corner near Shuyak Harbor.

Shuyak Island was covered by glaciers until about 10,000 years ago. The island's intricate coastline is a result of the presence of these glaciers.

Chapter 2: Natural Environment and Cultural Resources

TOPOGRAPHY

Shuyak Island is the seventh largest island in the Kodiak Archipelago and has 69 square miles of uplands. The tallest point on Shuyak Island is 660 feet and is located in the southeastern corner of the island. Stevenson Entrance lies to the north of Shuyak Island, Shelikof Strait to the west and the Gulf of Alaska to the east. A narrow pass called Shuyak Strait separates Shuyak from Afognak Island to the south. Most of the island is covered with a dense growth of Sitka spruce and dotted with hundreds of lakes, ponds and small creeks.

Heavy currents and tide rips are found along the north coast of Shuyak Island and at Cape Current Narrows at the east end of Shuyak Strait, creating hazardous conditions for all boaters. Shuyak Island forms a pivot point between the currents of the Gulf of Alaska and those of the Shelikof Strait. The mixing of currents at the north end of Shuyak Island creates a nutrient rich environment for sea mammals, seabirds and other marine life.

Shuyak Island State Park encompasses uplands and freshwater bodies in the northwestern portion of the island. The highest elevation in the park is 258 feet. The intricate coastline in this part of Shuyak Island consists of outer cape areas with elevations of about 50 feet and gravel beaches of various lengths. Big Bay, the largest bay in the northwestern part of the island, has five arms, including its western-facing entrance. Western Inlet, Neketa Bay and Carry Inlet are all connected to Big Bay via short overland portages. Neketa Bay is actually connected to the southwest arm of Big Bay during high tides of nineteen feet or more. Skiff Passage can be negotiated by small boats at high tides of 17 feet or greater and connects the northeast arm of Big Bay to Carry Inlet and the northern coastline of the island.

CLIMATE

Shuyak Island's maritime climate is similar to that found throughout the Kodiak Archipelago. Cool temperatures, moderate precipitation and cloudy skies are typically experienced year-round.

The following graph depicts monthly averages for temperature and precipitation in Kodiak, as collected by the National Weather Service at the Kodiak airport. Annual precipitation averages 67 inches at the Kodiak weather station. Data collected at the Big Bay ranger station from June through September 1991-1993, indicates that Shuyak Island is generally cooler and wetter than Kodiak is during those months.

ago. Shuyak and Afognak Islands have the oldest trees, while much of Kodiak Island remains treeless. Thick layers of moss and a variety of shade tolerant shrubs make up the understory of Shuyak's mature spruce forests.

The state originally classified land on Shuyak as "timber lands." In 1968 the state scheduled a timber sale in Big Bay. Five qualified bidders responded to the sale and one was selected. However, the sale did not go through because the bid price was below the appraised value of the timber.

Botanists refer to studying the vegetation of the park's outer coast as "alpine botany at sea level." The alpine species are well suited for the exposure to the area's brutal storms. These small, ground-hugging plants probably established themselves shortly after the glaciers retreated. The outer coast areas are not exclusively the domain of a pine plants, however. Some small and sturdy Sitka spruce trees grow in protected areas of the outer coast and a few plant species that are tolerant of saltwater grow near the high tideline and along shallow estuaries.

WILDLIFE

Four of the six land mammals native to the Kodiak Island group are found in the park. These are the brown bear, little brown bat, tundra vole and river otter. In addition to the native species, a number of mammals introduced to the Kodiak Archipelago are found in the park. These are: the Sitka black-tailed deer, muskrat, red squirrel, Arctic ground squirrel and beaver. The Arctic ground squirrel has only been observed on Dark Island.

While the boundaries of the park do not include saltwater habitats used by seas mammals, these animals are commonly encountered during a visit to the park. The most common sea mammal observed around Shuyak Island, the sea otter, was almost completely removed from the Kodiak area by hunting pressure during the 1800's and early 1900's. Subsequent protection through federal law has resulted in a population rebound for the otter. An estimated 13,200 occupy waters in the Kodiak Island area. It is believed that because otters were not as heavily hunted in the North Afognak and Shuyak area, this population served as the source from which the pods are slowly repopulating areas to the south.

Other sea mammals that spend all or part of the year in the saltwater surrounding the park are: harbor seals, sea lions, dall and harbor porpoises, and minke, fin, killer, gray and humpback whales. Harbor seals regularly haul out in the northwest corner of Big Bay and along a line of rocks east of Green Island.

BIRDS

One hundred twenty-one species of birds have been observed in the northern portion of the Kodiak Archipelago, which includes Raspberry, Afognak, Shuyak, and Marmot Islands. Shorebirds and seabirds migrate to this area during the summer months to breed and make

Soils on Shuyak, as throughout the rest of the Kodiak area, are shallow and low in organic materials. An average cross section of soil would show a thin, slightly decomposed layer of organics at the top, followed by a thick layer of ash. The ash is a result of the eruption of Novarupta in 1912 that showered the Kodiak area with up to 18 inches of ash. Following the ash layer there is usually a deep layer of decomposed organics followed by a layer of weathered rock or unconsolidated materials.

The portion of Shelikof Strait between the Alaska Peninsula and Shuyak/Afognak Islands has potential for petroleum production. This petroleum province is considered a continuation of the oil-and-gas producing Cook Inlet basin.

Shuyak Island lies within a copper/chromium belt that stretches along the western side of the Kodiak Archipelago. There are several historic mining sites in the park. Two active gold mining claims are located within the park and are considered recreational claims.

EARTHQUAKES AND TSUNAMIS

Shuyak Island lies within a continuous, seismically active area that encompasses most of the Pacific region and is known as the "Ring of Fire." Eighty percent of the world's earthquakes occur within the Ring of Fire. A number of active volcanoes can be seen from Shuyak Island, including Augustine, Iliamna and Redoubt. Earthquakes, such as the huge 1964 quake centered near Valdez, can physically change coastal areas through the creation of tsunamis, large ocean waves caused by a sudden change in the ocean floor and the huge displacement of water. The tsunami created by the 1964 earthquake displaced a navigation aid in Shuyak Straits and damaged portions of the eastern coast of Shuyak Island. The 1964 earthquake also caused about four feet of subsidence in the western area of the island. Areas of subsidence can be identified easily by standing dead spruce trees located within the slumped areas.

Scientists predict the next major earthquake in Alaska will occur in one of three "gaps" in the North Pacific plate located along the coastline between the tip of the Aleutians and Southeast Alaska. These gaps are areas that have not produced any large earthquakes in recent decades. Any earthquake produced in one of the gaps would likely affect Shuyak Island either through the direct shocks of the quake or by triggering a large tsunami.

VEGETATION

Shuyak Island's plant communities are best described in two general forms:

- forested areas dominated by mature Sitka Spruce stands; and
- the outer coast, dominated by a variety of alpine plants associated with much higher elevations.

A total of 238 plant species representing 54 families has been recorded within the park.

Forested areas are located inland and along protected waterways. Sitka spruce may have spread to Shuyak and/or Afognak Islands from the Kenai Peninsula about eight hundred years

CULTURAL RESOURCES

Shuyak Island's native populations, both historic and prehistoric, left behind many clues about their love of the island. Many archaeological sites located within the park have been described and documented. By law, the location and details of these sites must remain confidential. Some excavations have been conducted in the park, most recently in 1991 to study impacts on cultural sites due to the Exxon-Valdez oil spill.

Like the rest of the Kodiak Archipelago, the size and density of prehistoric archaeological sites found in the park are greater than in most other areas in Alaska. Sites located in the park have changed little since the native people who lived on Shuyak Island first built their homes, or barabaras. Besides natural phenomena such as earthquakes and volcanic eruptions, the landscape remains unchanged.

Archaeological sites are most valuable if they remain undisturbed until scientific exploration and interpretation prove desirable. The "context" or placement of artifacts both vertically within the soil profile and laterally along the surface is as important as the actual artifact actually. An artifact's specific location within the context of a particular site helps portray the story of the people who used that place. Many of the island's archaeological sites are suffering from damage caused by natural erosion and by people illegally looting and digging. According to local archaeologist Rick Knecht "we're in a race against time."

use of the great amount of food available in the ocean currents at the north end of the island. Many upland birds encountered in the old-growth Sitka spruce forest are resident species. Yellow-billed, common and pacific loons reside in the park. Fifty species of birds were observed in the park by local birder, Richard MacIntosh, from May 13-15, 1992.

In July of 1986, the Alaska Department of Fish and Game transplanted 110 Vancouver Canada geese from Southeast Alaska to Shuyak Island. Biologists studying the geese in July, 1993 observed a total of 20 geese, some with young. One bird observed was a banded bird from the 1986 release. Biologists believe the Vancouver Canada geese are residents of the island and hope to map which locations they are using for nesting, feeding, and other activities.

Islands and islets located along the western and northern coastline of the park are used as nesting sites by gulls, kittiwakes, puffins, cormorants, and other seabirds. Four larger islands, Green, Shag, Gull, and Dark are also important avian habitat, especially for shorebirds such as black oystercatchers, sandpipers, and plovers. Dark Island has the largest population of nesting shorebirds, possibly because it is less accessible to one of the birds' major predators, the river otter.

A number of the bird species that suffered injury and/or decline in population due to the Exxon-Valdez oil spill are found in large numbers in and around the park. These include: bald eagles, harlequin ducks, black oystercatchers, pigeon guillemots, common murre, and marbled murrelets. The park's old growth forest provides prime nesting habitat for marbled murrelets.

FISH AND FRESH WATER

Shuyak Island's uplands include hundreds of small lakes and beaver ponds fed from runoff, springs, and seeps. These lakes in turn feed many small creeks and streams that serve as habitat for many fish species. Of the 18 anadromous streams identified on Shuyak Island, 15 of them are located either within or immediately adjacent to the park. These 15 streams are mainly located in four distinct areas which are utilized for sport, commercial and subsistence fishing. These areas are: the southeast and southwest arms of Big Bay, the southeastern portion of Carry Inlet, and Shangin Bay.

Three species of salmon utilize the island's anadromous streams: silver, red, and pink salmon. In addition, Dolly Varden and rainbow trout also inhabit these freshwater systems. Sport and commercial salmon harvest and timing are regulated by the Alaska Department of Fish and Game. Alaska State Park manages two fish weirs, one at Big Creek and one at Bear Creek, through a cooperative agreement with the Alaskan Department of Fish and Game.

The 1984 legislation that created Shuyak Island State Park called for an amendment to the consent decree between the Kodiak Island Borough and the state. As part of this amendment, the state relinquished title on about 1400 acres of land along the east side of Neketa Bay to the borough. In return, the borough relinquished title to approximately 1400 acres located between Carry Inlet and Shangin Bay.

Maps on the opposite page show the existing land ownership boundaries on Shuyak Island.

LAND STATUS WITHIN THE PARK

Native allotments: There are four native allotments totalling approximately 160 acres on Shuyak Island. Two are located within the state park boundaries. All four allotments have received tentative approval. One of the allotments located inside the park has a small cabin and sauna, and the owner spends part of each summer at the site.

Mining Claims: A 19-acre mining claim staked in 1980 is located near Carry Inlet and within the boundaries of the park. A small cabin and outbuildings are located on the claim. The claim is visited often during the summer and occasionally during other seasons.

Other private development within the park: A cabin and outbuildings were built at the northern end of the island near the entrance to Carry Inlet and before the park was created. Immediately following the passage of the Shuyak Island State Park legislation, a special use permit was issued to an individual who had used the site before the park was established. The use permit was granted based on the occupant's continued traditional use of the land, cabin and outbuildings. However, the permittee did not comply with the stipulations of the permit and in 1988 the yearly permit was not reissued.

A small cabin was built during the 1970s near Carry Inlet. The owner of the cabin applied for a trapping cabin construction permit which was denied. No other claims have been made on the cabin and when Shuyak Island State Park legislation passed, the cabin came under management of Alaska State Parks. The Alaska Department of Fish and Game and state park employees have used the cabin as a base of operations for their work on the north side of the park.

LANDS ADJACENT OR NEAR THE PARK

Most of Shuyak Island is in public ownership. Uplands adjacent to or near the boundaries of the park are owned and/or managed by the Federal Aviation Administration, the Kodiak Island Borough, the Division of Land or Alaska State Parks. All of the tidelands adjacent to the park are managed by the Department of Natural Resources, Division of Land.

Chapter 3: Land Ownership and Management

HISTORY OF LAND OWNERSHIP

As part of the Statehood Act, the newly created State of Alaska selected lands on Shuyak Island in December, 1961. The state received tentative approval to these selections from the federal government two years later.

As an incentive to organize under the laws of the State of Alaska, each new borough was entitled to select a certain acreage of "vacant, unappropriated or unreserved" land from the state. The intent of the land grant was to create a local economic base for the boroughs. The Kodiak Island Borough selected lands on Shuyak Island in 1968 because of the economic potential of the island's forests.

The state did not recognize the Kodiak Island Borough's selections on Shuyak Island, contending that the lands were not "vacant, unappropriated, or unreserved" as required by state law. The State of Alaska asserted that lands on Shuyak Island should be retained for public use. The Kodiak Island Borough challenged the state's decision in court and the two parties finally reached a negotiated out-of-court settlement in August, 1981. This agreement, called the "Agreement of Settlement and Consent Decree," required the state to relinquish title to certain lands on Shuyak Island and in the Kodiak area to the borough and required the borough to relinquish title to land in the Pillar Creek area on Kodiak Island to the state. In addition, the settlement placed a number of requirements on both the Kodiak Island Borough and the state concerning how land on Shuyak Island was to be managed, including:

- The Kodiak Island Borough would "obtain introduction and support passage" of legislation creating a state game refuge on state land located on the east side of the island and a state park on state land located in the northwest area of the island.
- Should state lands on Shuyak Island not become either a state park or a state game refuge, "such lands shall be at all times classified and managed by the state in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes." If not managed in this manner, the Kodiak Island Borough would be able to select these lands away from the state.
- The Kodiak Island Borough is prohibited from allowing heavy industrial use of borough land located adjacent to Big Bay near the creek known as "Big Creek" (section 10, T 19S, R 20 W). The Kodiak Island Borough also agrees to guarantee "reasonable public access" through its land near Big Creek for "the purpose of utilizing adjacent park lands."
- The state would allow for public easements, 200 feet in width, giving access across state lands to borough lands on the east side of Shuyak Island.

Federal Aviation Administration: One small parcel of land located near the northeast park boundary was a General Aviation Administration site until the early 1960s. Remains left behind when the Federal Aviation Administration closed down this site include batteries, collapsed buildings and a large amount of debris. Probable hazardous and chemical contamination of the area poses a threat to wildlife and to visitors.

Kodiak Island Borough: The Kodiak Island Borough owns approximately 25,000 acres of land on Shuyak Island.

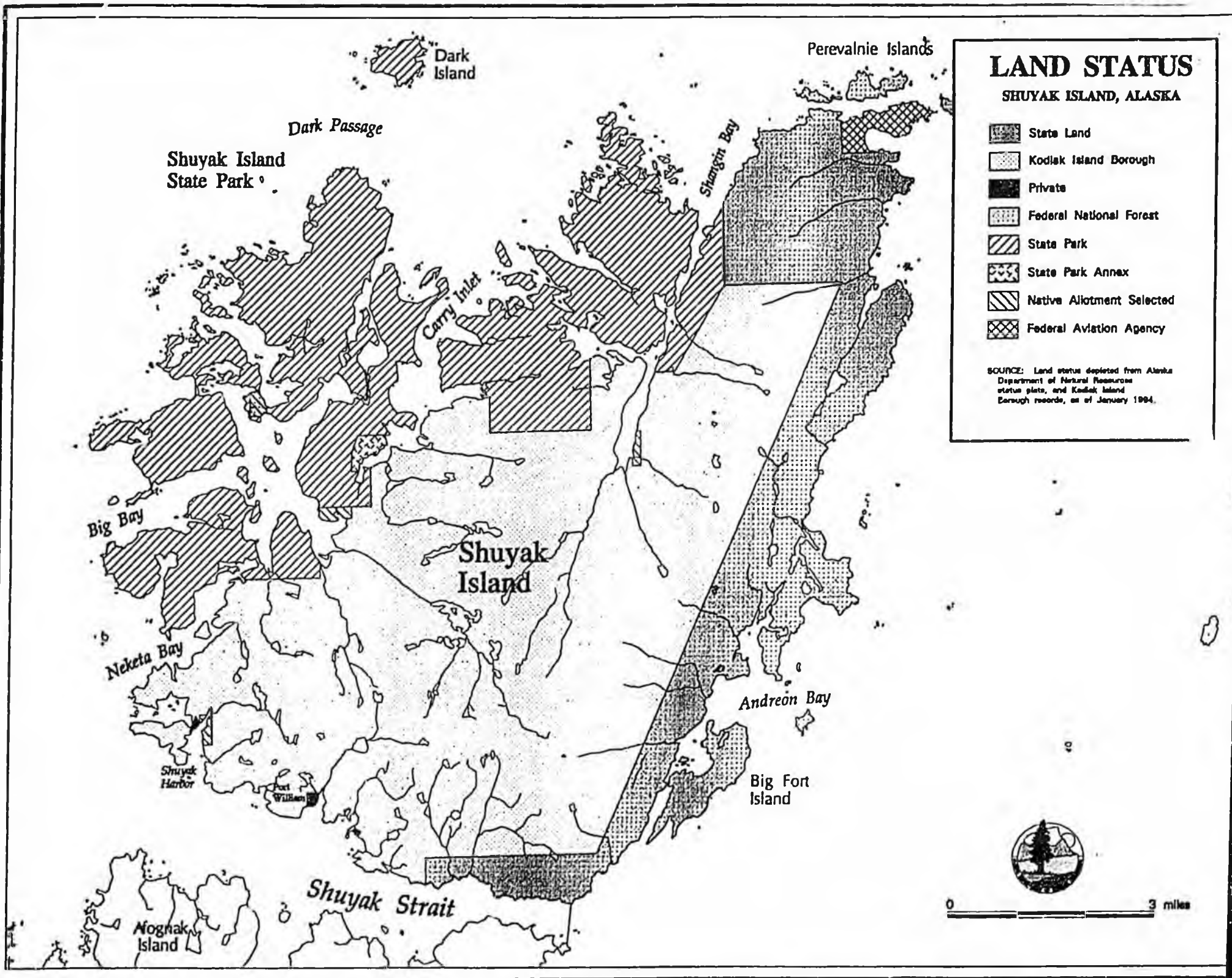
The Kodiak Island Borough Assembly passed a comprehensive plan for borough land located on Shuyak Island in 1986. Because of Shuyak Island's small size the plan recommends that the island be "managed as a whole and not along political boundaries." The plan further recommended:

- any proposed borough land disposal programs be limited to the Pt. Williams/Shuyak Straits area;
- acquisition of/or land exchange for native allotments;
- development of a comprehensive recreation plan;
- creation of a new zoning district to reflect proposed limits on uses allowed on Shuyak Island;
- a joint management agreement with the State of Alaska;
- mineral closure for the entire island;
- creation of a Shuyak Island Advisory Board; and
- encourage scientific research to fill resource information gaps.

No land disposal programs have been initiated for any borough land on Shuyak Island and there is no comprehensive recreation plan for the island yet. In 1989, the Kodiak Island Borough assembly adopted a limited use zoning district called "Natural Use." The assembly is currently considering an ordinance to rezone all public lands on Shuyak Island to Natural Use. The state and borough do not have any formal management agreement concerning Shuyak Island lands. While the borough has a Parks and Recreation Committee, there is no advisory board that specifically deals with Shuyak Island.

Discussions have occurred between the Kodiak Island Borough and Alaska State Parks to trade state land on the Kodiak Island road system for the borough's land on Shuyak Island so that most of Shuyak would be managed by one entity. In November, 1993, the Exxon-Valdez Oil Spill Trustee Council voted to pursue negotiations with the Kodiak Island Borough for the purchase of the Kodiak Island Borough's land on Shuyak with funds from the oil spill civil settlement. The borough would probably require that the lands be added to the state park system or to some other conservation designation.

Division of Land: The northeast boundary of the park at the entrance to Shangin Bay borders state lands which are classified as "wildlife habitat" and managed by the Department of Natural Resources, Division of Land. Legislation to create the "Alexander Baranov State



LAND STATUS

SHUYAK ISLAND, ALASKA

-  State Land
-  Kodiak Island Borough
-  Private
-  Federal National Forest
-  State Park
-  State Park Annex
-  Native Allotment Selected
-  Federal Aviation Agency

SOURCE: Land status depicted from Alaska Department of Natural Resources status plats, and Kodiak Island Borough records, as of January 1984.

0 3 miles



Game Refuge" in this area was introduced in the state legislature in the early 1980s, but it never passed.

All tidelands and submerged lands to three miles offshore of Shuyak Island are managed by the Division of Land. While most state park units located on saltwater include some tidal and submerged lands, such lands were specifically left out of Shuyak Island State Park. This was mostly to respond to commercial fishermen's concerns that inclusion of these lands in the state park may restrict their access to fisheries.

Alaska State Parks: Alaska State Parks manages a small parcel of state land adjacent to the park in the Carry Inlet area. This 85-acre area was part of the 1400 acres that the Kodiak Island Borough deeded to the State of Alaska as a result of the 1985 amendment to the Consent Decree. Since the parcel is outside the legislative boundary of the park, it cannot be added to the park without legislative action. However, according to the deed that transferred the land for the Kodiak Island Borough to the state, the land must be used for "park purposes." Alaska State Parks received management rights for this land from the Division of Land.