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64

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 7, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/16/97 am

The FINANCE Committee considered:

CSSB 64(FIN)

CS FOR SENATE BILL NO. 64(FIN)

SHUYAK ISLAND STATE PARK

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

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

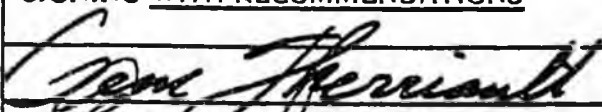

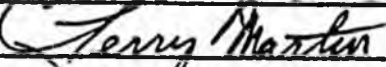


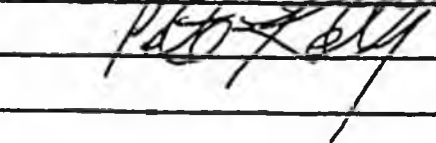
APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) DNR 2/4/97

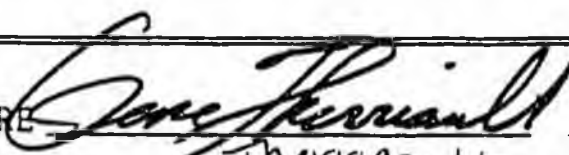
zero fiscal note(s) _____

zero fiscal note(s) DPS 2/4/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Thernault			X	
	Mulder			X	
	Martin	X			
	Bussard	X			
	Moses	X			
	Kelly			✓	

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CHAIR'S SIGNATURE


 Thernault

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB64

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act relating to the Shuyak Island BRU: Parks & Recreation Management
State Park Component: Parks Management
 Sponsor: Mackie
 Requestor: (S)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						
1005 GF/Program Receipts	15.0	13.0	4.0	5.0	5.0	6.0
1037 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 *[Signature]* Phone: 269-8700
 Division: Parks Date: 29-Jan-97
 Approved by Commissioner: *[Signature]* Date: 1-29-97
 Agency: Natural Resources



ALASKA STATE LEGISLATURE

Senate Community & Regional Affairs Committee

State Capitol

Juneau, AK 99801-1182

(907) 465-4969

COMMITTEE PACKET

SB 64, Shuyak Island State Park

1. Sponsor Statement
2. Bill & Amendment
3. Bill Sectional
4. Fiscal Note Analysis
5. Backup: Maps
AS 41.21.174, Management
Responsibilities
Legislative Budget & Audit
Report

SENATOR JERRY MACKIE

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT

SB 64, Shuyak Island State Park

I introduced SB 64 at the request of Mayor Jerome Selby and the Kodiak Island Borough Assembly. It presents one of the final actions of a long and complex effort by state and federal authorities and locally affected municipalities to compensate for the effects of the Valdez oil spill. The bill adds specific land and water areas to the Shuyak State Park. Shuyak Island was the first part of the borough that was heavily impacted by the westward streaming oil patches and tar balls from the 1989 accident.

The two large land owners on Shuyak Island are the state and the Kodiak Island Borough. Previous litigation had 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. 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.

One of the provisions of the spill settlement was the establishment of a joint federal and state council to manage remediation and recovery efforts. These responsibilities include the replacement of lost fish and wildlife habitat with the acquisition and protection of other high value habitat. It is for this purpose that the Oil Spill Trustee Council selected the borough's Shuyak Island lands and purchased them in 1996. The final part of this effort is the consolidation of all public lands under the management of the Shuyak Island State Park. The responsibilities for fish and wildlife management, however, is retained in the department of fish and game.

SB 62 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 allowed uses of the original park.

SENATE DISTRICT C
KODIAK ISLAND
SOUTHEAST ISLANDS



STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925
800 521-4925 (TOLL FREE)
(907) 465-3517 (FAX)

SENATOR JERRY MACKIE

ALASKA STATE LEGISLATURE

SECTIONAL

SB 64, Shuyak Island State Park

Section 1. The purpose section, AS 41.21.170, is amended to broaden the description of lands and waters that constitute the park.

Section 2. The current description of park lands and waters is replaced with a new description that adds new lands and waters to the existing park lands and waters.

Sections 3 and 4. Section 1 conforming amendments.

Section 5. Technical change.

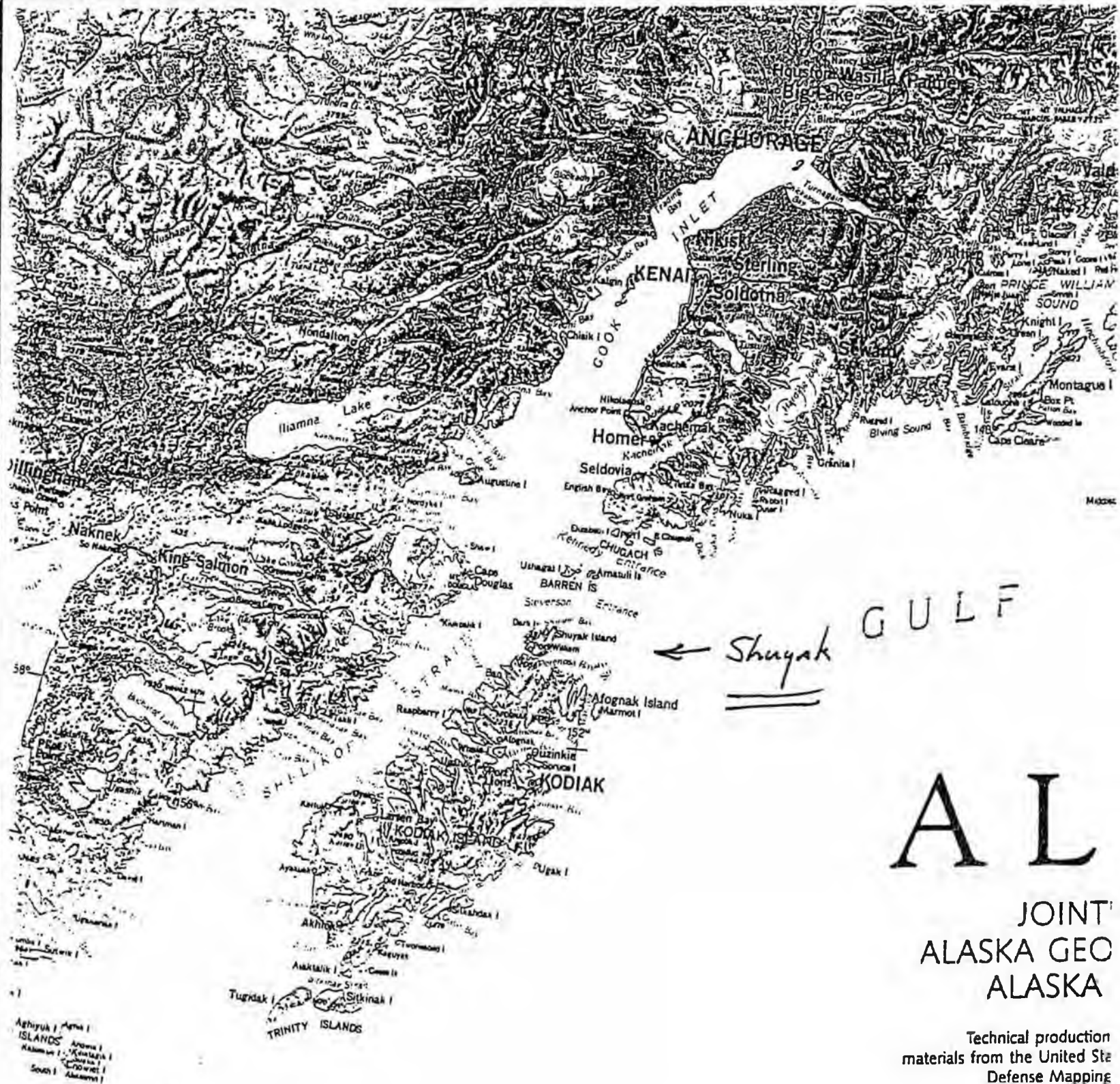
Section 6. Section 1 conforming amendment and restatement of eminent domain prohibition.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 64

- 1 Page 1, line 10, following "fishing,":
- 2 Insert "commercial fishing."



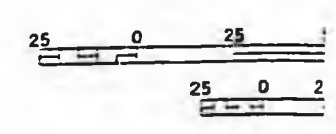
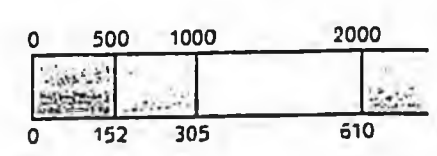
← Shuyak GULF

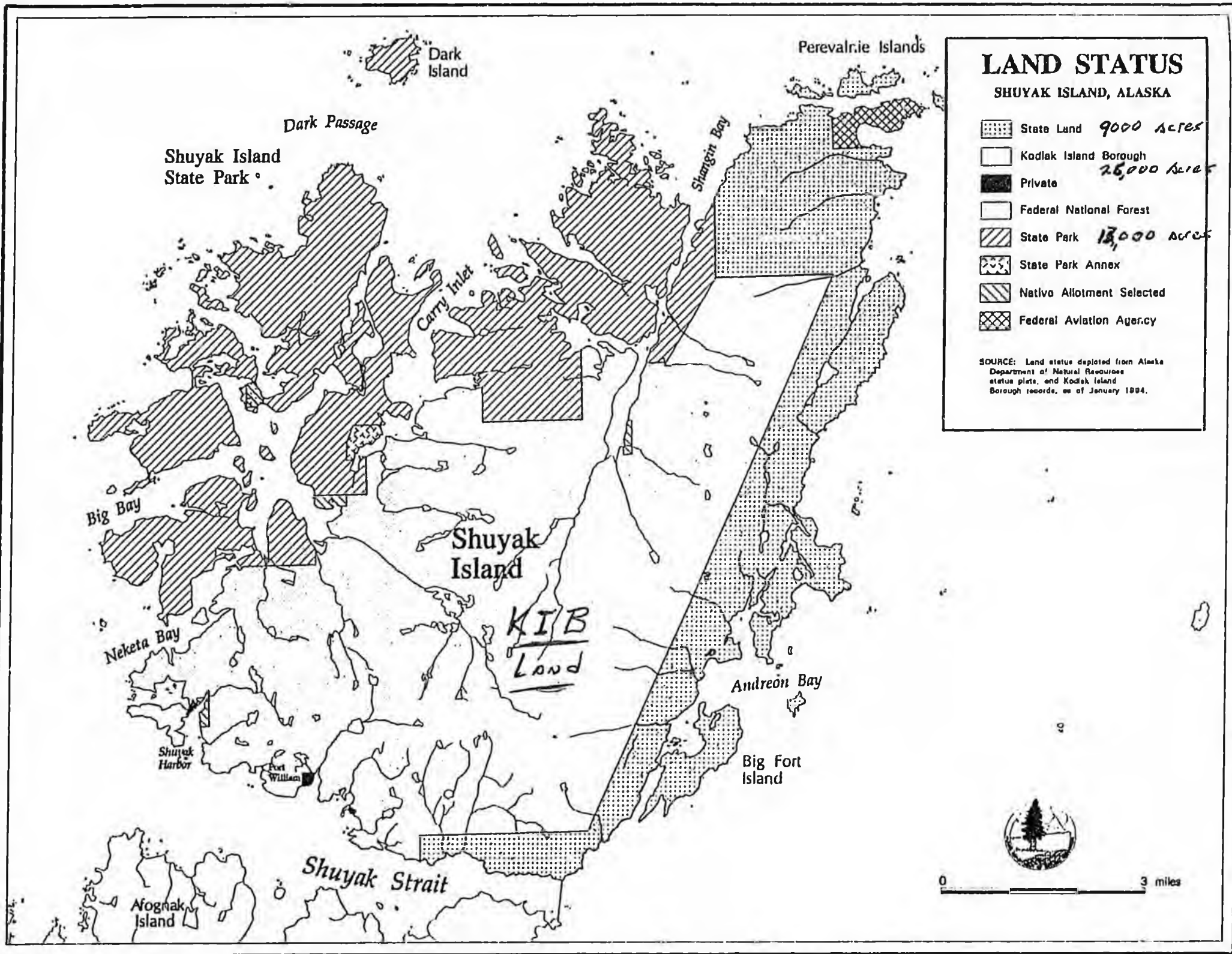
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JOINT
ALASKA GEO
ALASKA

Technical production
materials from the United States
Defense Mapping

Base Map ©





LAND STATUS

SHUYAK ISLAND, ALASKA

-  State Land 9000 acres
-  Kodiak Island Borough 26,000 acres
-  Private
-  Federal National Forest
-  State Park 18,000 acres
-  State Park Annex
-  Native Allotment Selected
-  Federal Aviation Agency

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



S.M.; then east along the N 1/4th line of Sections 32 and 33 approximately 0.3 miles to the NW 1/4th corner of Section 33, T18S, R19W, S.M.; then northeasterly approximately 1.5 miles to the section corner common to Sections 22, 27, 28, and 21, T18S, R19W, S.M.; then north along the west boundary of Sections 22 and 15, T18S, R19W, S.M., to the point of mean high tide in Shangin Bay. (§ 1 ch 167 SLA 1984)

Sec. 41.21.174. Designation of management responsibility. (a) The state 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.

(b) The Department of Fish and Game is responsible for the management of fish and game resources in the Shuyak Island State Park, consistent with the sustained yield principle and the purposes and provisions of this chapter. The Board of Fisheries, the Board of Game and the commissioner of fish and game are responsible for adopting regulations governing uses of fish and game in accordance with AS 16. The fish and game habitat and breeding areas shall be managed to ensure that the fish and game resources of the park continue on a sustained yield basis.

(c) The department shall consult with the Department of Fish and Game before adoption of regulations governing public use of the Shuyak Island State Park.

(d) The Department of Fish and Game shall consult with the department before adoption of regulations governing fish and game management in Shuyak Island State Park.

(e) The regulations established under this section shall be adopted in accordance with AS 44.62 (Administrative Procedure Act).

(f) The commissioner shall permit reasonable camping within the Shuyak Island State Park on an extended basis on request.

(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 under AS 16.05.092 on land within the Shuyak Island State Park.

(h) The Department of Public Safety and the Department of Fish and Game shall have necessary access for fish and game management, research, and enforcement purposes. (§ 1 ch 167 SLA 1984)

Editor's notes. — Section 3, ch. 167, SLA 1984, provides: "Subject to the availability of funds, the Department of Natural Resources shall construct public use cabins within the Shuyak Island State Park."

Section 4, ch. 167, SLA 1984, provides: "The commissioner of natural resources shall identify the

boundaries of the Shuyak Island State Park by posting each inland boundary described in AS 41.21.172 as enacted in sec. 1 of this Act or as added under sec. 2 of this Act at its beginning and its end and not less often than each one-eighth of a mile."

Sec. 41.21.176. Incompatible uses. (a) The commissioner may designate by regulation incompatible uses within the park uplands and freshwater bodies.

(b) Use of a weapon in the Shuyak Island State Park shall be allowed except in unique areas that may be closed for purposes of public safety by regulation by the commissioner.

(c) The regulations governing public use of the Shuyak Island State Park shall provide ample access for legal sport and subsistence hunting and fishing, trapping, and recreational uses. Except to protect public safety the commissioner may not restrict the exercise of sport or subsistence fishing or hunting, or trapping permitted under law or under a regulation of the Board of Fisheries or the Board of Game within the Shuyak Island State Park. (§ 1 ch 167 SLA 1984)

Sec. 41.21.178. Additions to park. Land may be added to the Shuyak Island State Park only by an act of the legislature. The commissioner may not acquire land within the boundaries of the Shuyak Island State Park by eminent domain. (§ 1 ch 167 SLA 1984)

Revisor's no: 1984, the follow Island State Par — 36: T18S, R1

Sec. 41.21.180 — acquired lan purposes of ational and for hunting .

(b) The le the Point Br further reco to the reside private land land to seek

Legislative letter of intent (Res)), see 198

Sec. 41.2 water withi 41.21.182 a

All state Township Section 1 Section 1. Section 1: A-061005

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Sec. 41.. land, the c purchase o or otherwi acquired b State Park

Revisor's Renumbered

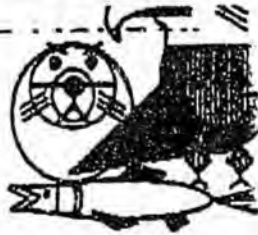
Sec. 41. land and mainten- 41.21.180

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 401, Anchorage, Alaska 99501-3451

Phone: (907) 278-8012 Fax: (907) 276-7178



MEMORANDUM

L.B.A. Request

TO: Nancy Slagle
Director
Division of Budget Review
Office of Management and Budget

FROM: Molly McCammon
Executive Director

DATE: December 20, 1995

RE: Exxon Valdez Oil Spill RPL ¹⁰⁻⁶⁻⁴⁰¹¹ ~~11-6-8893~~

In accordance with Chapter 1, FSSLA 1992, the Department of Natural Resources requests authority to receive and expend \$42,000,000 from Exxon Valdez oil spill settlement trust funds to purchase 26,665.62 acres of surface estate on Shuyak Island from the Kodiak Island Borough.

This parcel of land was evaluated as part of the Trustee Council's Comprehensive Habitat Protection Process - Large Parcel Evaluation and Ranking (November, 1993) and found to be among the highest ranked parcels in the spill area.

This land provides important habitat for several species of fish and wildlife for which significant injury has been documented. These include harlequin ducks, black oystercatchers, marbled murrelets, pigeon guillemots, river and sea otters, harbor seals, Pacific herring, pink salmon, and Dolly Varden. Restoration of these injured species will benefit from acquisition of this important habitat through protection from activities and disturbances which may adversely affect their recovery. The area has exceptional scenic qualities and supports wilderness-based recreation activities including sport hunting and fishing. The area also possesses significant cultural resource values with fifteen documented historical/archaeological sites.

These lands will be managed by the Alaska Department of Natural Resources, with protection of fish and wildlife habitat and populations as the highest management

Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

priority. Under the terms of the agreement, public use of these lands must be allowed and must include sport, personal use, and subsistence hunting, fishing, trapping and recreational uses, consistent with public safety and permitted under law or regulations of the Board of Fisheries and Board of Game. Limited commercial use may be allowed if consistent with state and federal laws and the goals of restoration.

As reflected in the Trustee Council resolution, the Trustee Council's appraisal process resulted in a finding that the Shuyak parcel has a fair market value in the range of \$27 million to \$33.32 million. Taking into account the basis for the various appraisal numbers, the position of the landowner as to its minimum selling price, and given the exceptional restoration values of the Shuyak lands, the Council felt an offer at the upper end of that range was appropriate. The appraised value is based upon a single cash payment of \$33.32 million. Because the payments will be over a period of eight years, in lieu of interest, the purchase price has been adjusted to a total purchase price of \$42 million. It should be noted here that the Kodiak Island Borough commissioned three separate appraisals on their own, and these ranged in value from \$36 million to \$54 million.

There has been widespread support for this acquisition. The Kodiak Island Borough has committed \$6 million to be received through this sale to expand the existing Fisheries Technology Center. This expansion, referred to as the Near Island Research Facility, will provide for the consolidation of federal and state fisheries agencies in Kodiak, which will greatly increase their ability to respond to fisheries management and research needs. Borough Mayor Jerome Selby has provided additional information on this facility in his enclosed letter of endorsement.

Additional documentation supporting this request is also being provided:

- Trustee Council Resolution dated December 11, 1995
- Restoration Benefits Report
- Map
- Appraisal Information (selections)
- Endorsement from Kodiak Island Borough
- Photos
- Letters of support

Since this is a capital project, authority to receive and expend subject to AS 37.25.020 is requested. If you have any questions about this RPL, please do not hesitate to contact me at 278-8012.

Department of Natural Resources

OK - NO OBJECTION

RPL # 10-6-4011

CIP

Exxon Valdez Trustee Council Projects

\$42,000,000 Exxon Valdez Oil Spill Settlement Trust Funds

Statutory Authority: AS 37.14.405

The Department of Natural Resources requests authority to receive and expend \$42,000,000 in EVOSS trust funds for purchase of approximately 26,665.6 acres of surface estate on Shuyak Island from the Kodiak Island Borough.

The Exxon Valdez Trustee Council adopted a resolution in December, 1995 finding that purchase of the Shuyak Island land is consistent with its final restoration plan for natural resources injured by the Exxon Valdez oil spill. The land was found to include habitat for injured species that will benefit from protection from activities that might adversely impact habitat and water quality. In addition, the Trustee Council found that the land has significant scenic, cultural resource, and recreational values.

An appraisal of the land prepared for the Trustee Council determined that the present fair market value was from \$27,000,000 to \$33,320,000. Appraisals prepared for the Kodiak Island Borough determined the fair market value to range from \$36,000,000 to \$54,000,000. The lowest price the Borough will accept is \$33,320,000, based on a single cash payment. A purchase price of \$42,000,000 has been agreed upon which is to be paid over a seven year period, as follows: \$8,000,000 at closing; \$2,194,266 on October 1, 1996; \$4,000,000 on October 1, 1997; \$4,000,000 on October 1, 1998; \$4,000,000 on October 1, 1999; \$4,000,000 on October 1, 2000; \$4,000,000 on October 1, 2001; and \$11,805,734 on October 1, 2002. This payment schedule is predicated on a rate of approximately 6.45% on the unpaid balance due, assuming a closing date of October 1, 1995. The payment schedule will conform with the cash flow requirements of the EVOSS trust fund, which cannot provide a single cash payment of \$33,320,000.

If the sale is completed, the Kodiak Island Borough will use at least \$6,000,000 of the sale proceeds for construction of its proposed Near Island Research Facility. Remaining sale proceeds will be deposited in the Borough's facilities fund, the earnings on which will provide funding for maintenance of Borough facilities.

✓
Legislative Fiscal Analyst's recommendation: Approval of the request.

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To: <i>DeVetoray</i>	From: <i>Carley</i>
Co. <i>1</i>	Co. <i>Leg. Audit</i>
Dept.	Phone #
Fax # <i>3517</i>	Fax #

The meeting
that evening

at 5:00 p.m.

ke.
car

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 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 archepeglio, 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.

1997 LEGISLATIVE SESSION

Revision Date: 3/11/97 Dept. Affected: Public Safety
 Title: An act relating to Shuyak Island State Park Fish and Wildlife Protection
 Component: Detachments
 Sponsor: Rules Committee
 Requestor: S. Resources COMPONENT SERIAL NO. 0490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Capt. Joel Hard Phone: 746-9139
 Division: Fish and Wildlife Protection Date: 3/11/97
 Approved by Commissioner: *Joel Smith* Date: 3/11/97
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSSB64(RES)

1997 LEGISLATIVE SESSION

Revision Date: <u>11-Mar-97</u>	Dept Affected: <u>Natural Resources</u>
Title: <u>An Act relating to the Shuyak Island State Park</u>	BRU: <u>Parks & Recreation Management</u>
Sponsor: <u>Mackie</u>	Component: <u>Parks Management</u>
Requestor: <u>(S)RES</u>	Component Serial No. <u>452</u>

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						
1005 GF/Program Receipts	15.0	13.0	4.0	5.0	5.0	6.0
1037 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: <u>Jim Stratton, Director</u>	Phone: <u>269-8700</u>
Division: <u>Parks</u>	Date: <u>11-Mar-97</u>
Approved by Commissioner: <u>[Signature]</u>	Date: <u>3-11-97</u>
Agency: <u>Natural Resources</u>	

COMMITTEE PACKET

CS SB 64(^{FIN}~~RES~~), Shuyak Island State Park

1. Sponsor Statement
2. Bill Sectional
3. Bill
4. Fiscal Note Analysis
5. Backup: Maps
AS 41.21.174. Designation of
Management Responsibilities
Legislative Budget & Audit
Report

SENATOR JERRY MACKIE

ALASKA STATE LEGISLATURE

SECTIONAL

CS SB 64 (FIN), Shuyak Island State Park

Section 1. The purpose section for the park, AS 41.21.170, is amended to broaden the description of lands and waters that constitute the park. It also acknowledges the covenant and deed restrictions of former Kodiak Island Borough lands being added to the park which protect traditional access and usage of the lands and waters. Sport, commercial, and subsistence fishing are specifically identified as traditional activities that are protected.

Section 2. The current description of park lands and waters is replaced with a new description that adds new lands, waters, and tidelands to the existing park lands and waters, including land previously owned by the Kodiak Island Borough.

Section 3. Section 1 conforming amendments.

Section 4. The commissioner of fish and game, the Board of Fisheries, and the Board of Game are prohibited from permanently closing hunting, fishing, or trapping activities unless it is necessitated by a biological emergency. The closure can only be maintained as long as the biological emergency exists.

Section 5. The Department of Fish and Game's ability to rehabilitate, enhance, and develop habitat within the park is broadened.

Section 6. Possession and use of weapons in the park is protected and use of weapons can only be restricted in areas where public safety is threatened. In addition, the commissioner of natural resources is prohibited from restricting lawful hunting, fishing, and trapping activities in the park

Section 7. Adds new subsections to the existing statute on incompatible uses which protects public access to park lands and private land in-holdings. The commissioner of natural resources is further required to specifically state and justify any incompatibility determinations.

Section 8. The water estate is included in the prohibition of eminent domain acquisitions.

cc:Mail for: david gray

Subject: Fw: Shuyak mining claims

From: stratto@dnr.state.ak.us at CC2MHS1 3/11/97 3:42 PM

To: David Gray at JNU_CAPITOL

David - here are the descriptions of the two mining claims as provided by Claire.

--- On Tue, 11 Mar 1997 14:44:08 -0800 Kodiak State Parks <kodsp@ptialaska.net> wrote:
Here's the descriptions of the claims, maps are being faxed this afternoon.

The mining claim that is currently within the state park is owned by Knox and Loreena Christie. The ADL # is 320911. the claim was originally made by Loreen's Dad, Willie Lopez, in 1980. The legal description is:
Seward Meridian, T 18S, R 20W, Section 36, a total of 19 acres.

Access to this claim has been via floatplane and skiff from the SE arm of Carry Inlet. The Christies and their friends cross state tidelands for approximately 200 yards to get to the upland trail (which starts at the high tideline) to their claim.

The mining claim on Big Fort Island belongs to Deb Nielsen and the ADL # for that one is 302680. The legal description is T 19S, R 19W, Section 28, a total of 39 acres. This claim was originally made by Red Nieptuski (sp?) in 1977. Access to her claim is across state tidelands and directly onto her acreage.

-----End of Original Message-----

Name: Jim Stratton
E-mail: stratto@dnr.state.ak.us
Date: 03/11/97
Time: 15:42:37

Alaska State Parks
Kodiak District
SR Box 3800
Kodiak, AK 99615

Phone: 907 486-6339
FAX: 907 486-3320

Date: MARCH 12 1997

To: DAVE GRAY % Senator
Machie's
Office

FAX #: 465-3517

From: CLAIRE HOWARD

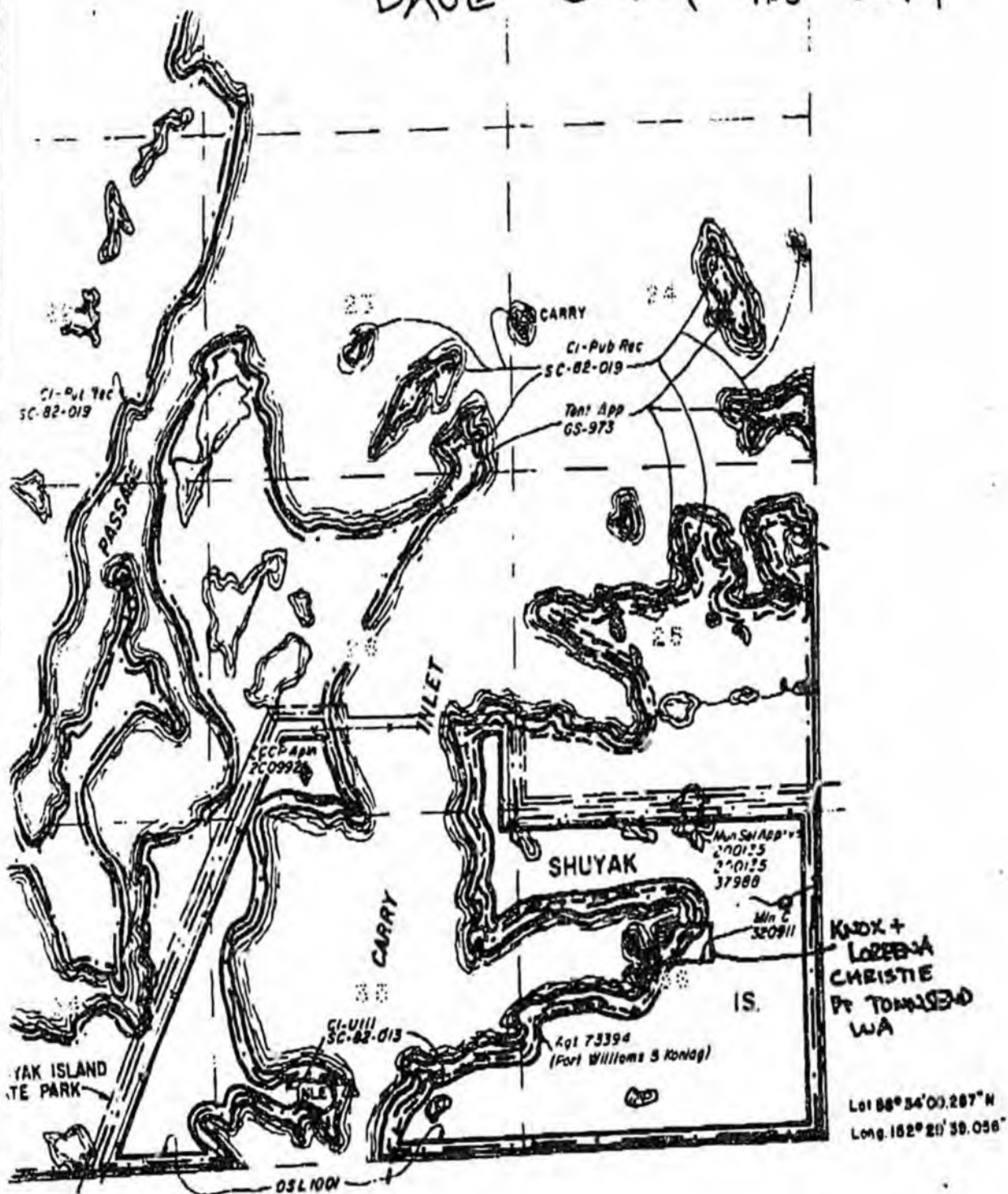


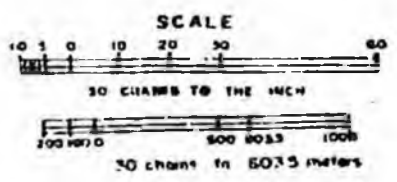
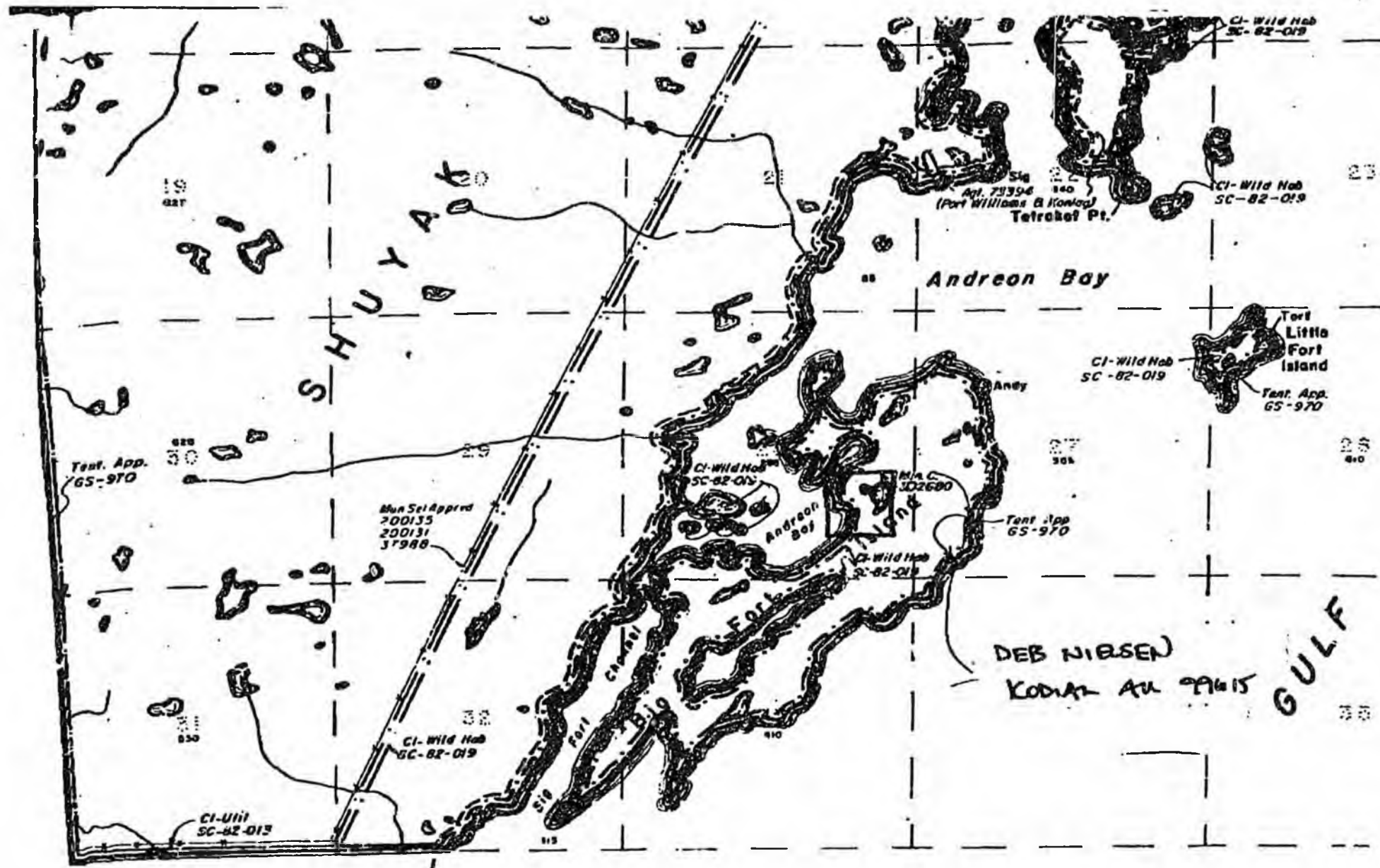
Total # pages (include cover sheet): 4

Message:

Dave - There are two living claims on Shuyah
Island. One is under Knox & Loreena Christie,
who live in Pt Townsend, WA. Their claim
encompasses 19 acres at the head of the
SE arm of Carey Inlet.
The other claim is on Big Fort Island -
39 acres; belongs to Debra Nielsen of
Kodiak.
Call me at 486-6352 if you
have any questions.

DAVE GRAM 465 3517





SENATE FINANCE
COMMITTEE
Amendment Number: 1
Bill Number: CSSB 64 (RES)
Sponsor: Sharp Date:
Logged In By: P. Spindler

0-LS0417AF.1
Luckhaupt
3/13/97

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 64(RES)

- 1 Page 4, line 7, following "emergency.":
- 2 Insert "A closure implemented because of a biological emergency (1) may continue
- 3 in effect only as long as the biological emergency continues to exist, and (2) must be
- 4 reevaluated on a regular basis, not less than annually, to justify that the closure
- 5 continues to be necessary."

AMENDMENT

#2

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 64(RES)

- 1 Page 1, line 1, following "Park":
- 2 Insert "and to the McNeil River State Game Refuge"

- 3 Page 5, following line 15:
- 4 Insert a new bill section to read:
- 5 "* Sec. 9. AS 16.20.041 is repealed."

26' 29'' curve to the right a distance of approximately 201' to the intersection with the section line common to Sections 3 and 4 T1S R1W Fairbanks Meridian, and the start of the easement, the easement being 20' wide entirely to the left of the line being now described: continue easterly on a 2° 26' 29'' curve to the right 272', thence S27° 52' b 30'' W 10', thence S62° 07' 30'' E 275.16', thence on a 2° 17' 26'' curve to the left 402.96', thence N11° 01' E 75.62', thence S71° 38' 30'' E 965.11', thence S89° 52' 58'' E approximately 378.00' to the end of the easement, being a point of the boundary of the land and water described in (a)(1) of this section.

(c) The Creamer's Field Migratory Waterfowl Refuge is established to provide the following:

(1) protection and enhancement of habitat for migratory birds with special emphasis on waterfowl;

(2) opportunity to view, photograph and study various species of plants, wildlife and geological features typical to interior Alaska.

(d) The department shall develop a management plan for the land described in (a) of this section to promote the purposes described in (c) of this section. Recreational and agricultural activity is expressly permitted within the land described in (a) of this section if consistent with the management plan adopted by the department. (§ 1 ch 21 SLA 1979; am §§ 1, 2 ch 7 SLA 1991)

Effect of amendments. — The 1991 amendment, introductory language and paragraphs (1) and (2) and effective May 30, 1991, in subsection (a), rewrote the added paragraph (3); and rewrote subsection (b).

Sec. 16.20.040. [Renumbered as AS 16.20.075.]

Sec. 16.20.041. McNeil River State Game Refuge. (a) The following state-owned land and water, including the tideland but exclusive of marine water and submerged land, lying within the parcels described in this subsection is established as the McNeil River State Game Refuge:

Township 10 South, Range 29 West, Seward Meridian

Section 19: S½

Section 20: SW¼

Section 29: W½

Sections 30 — 31

Township 10 South, Range 30 West, Seward Meridian

Section 3: SW¼

Section 4: SE¼

Sections 10 — 11

Sections 14 — 16

Section 17: E½

Sections 20 — 23

Sections 25 — 29

Section 30: SE¼

Section 31: NE¼, S½

Sections 32 — 36

Township 11 South, Range 29 West, Seward Meridian

Sections 1 — 35

Section 36, except Nordyke Island and its tideland

Township 11 South, Range 30 West, Seward Meridian

Sections 1 — 36

Township 11 South, Range 31 West, Seward Meridian

Sections 1 — 36

Township 11 South, Range 32 West, Seward Meridian

Sections 1 — 36, except land within Katmai National Park and Preserve

95,760 acres

Township 12 South, Range 31 West, Seward Meridian

Sections 1 — 36

Township 12 South, Range 32 West, Seward Meridian

Sections 1 — 36, except land within Katmai National Park and Preserve

Township 13 South, Range 33 West, Seward Meridian

Section 1, except land within Katmai National Park and Preserve.

(b) The McNeil River State Game Refuge is established to

(1) provide permanent protection for brown bear and other fish and wildlife populations and their habitats, so that these resources may be preserved for scientific, aesthetic, and educational purposes;

(2) manage human use and activities in a way that is compatible with (1) of this subsection and to maintain and enhance the unique bear viewing opportunities in the McNeil River State Game Sanctuary established under AS 16.20.160;

(3) provide opportunities that are compatible with (1) of this subsection for wildlife viewing, fisheries enhancement, fishing, hunting, and trapping, for temporary safe anchorage, and for other activities.

(c) The Board of Game shall determine whether hunting of brown bears within the McNeil River State Game Refuge should be prohibited.

(d) The use and enjoyment of valid rights and interests in mineral claims, including the right of access, within the McNeil River State Game Refuge is protected. This subsection does not affect the power of the commissioner of natural resources to open or close land within the McNeil River State Game Refuge to new mineral entry under AS 38.05.185 — 38.05.275.

(e) The department and the Department of Natural Resources

(1) may not enter into sales of land within the McNeil River State Game Refuge;

(2) may enter into leases within the McNeil River State Game Refuge if the commissioner finds that activity conducted under the lease is compatible with the purposes for which the refuge is established.

(f) The commissioner shall prepare a report and notify the legislature of its availability by January 30 of each year on

(1) the status of the brown bears and other fish and wildlife resources within the McNeil River State Game Refuge; and

(2) the effect of hunting, fishing, and trapping, fishery enhancement activity, and mineral resource development on these resources. (§ 2 ch 56 SLA 1991; am § 21 ch 21 SLA 1995)

Delayed repeal. — Under §§ 7 and 9, ch. 56, SLA 1991, this section is repealed upon entry of a final order permanently enjoining the operation of the Paint River fish ladder and the expiration of any time for appeal of the order. The commissioner of fish and game shall certify to the revisor of statutes the date determined under § 9, ch. 56, SLA 1991.

Cross references. — For legislative findings in connection with the enactment of this section, see § 1, ch. 56, SLA 1991 in the Temporary and Special Acts.

Effect of amendments. — The 1995 amendment, effective August 8, 1995, substituted the present introductory language of subsection (f) for "The commissioner shall report to the legislature by January 30 of each year."

Editor's notes. — Under §§ 2 and 8, ch. 56, SLA 1991, this section was to take effect on the date the Paint River fish ladder begins operation. Under § 8, ch. 56, SLA 1991 the commissioner of fish and game was to certify to the revisor of statutes the date the fish ladder began operation. That certification was given on December 29, 1992, and this section took effect on January 1, 1993.

Under § 8, ch. 56, SLA 1991, the enactment of this section by § 2, ch. 56, SLA 1991 was to become effective on the date the Paint River fish ladder began operation. The commissioner of fish and game certified that the fish ladder began operation on January 1, 1993. Consequently, this section became effective on that date.

Sec. 16.20.050. Multiple land use. Where the use, lease, or disposal of real property in state game refuges created by AS 16.20.010 — 16.20.080 is under the control or jurisdiction of the state, whether through federal permit or state ownership, the responsible state department or agency shall notify the commissioner of fish and game

Amendment Number: 2
Bill Number: CSSA No 4 (RES)
Sponsor: Sharp Date: 3/19/17
Logged In By: Pf Jerni

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 64(RES)

Page 4, line 7 following "emergency."

INSERT new language to read:

Insert: " A closure implemented because of a biological emergency (1) may continue in effect only so long as the biological emergency continues to exist, and (2) is submitted to the legislature for approval at the next regular session of the legislature. In no case may the closure be repeated in subsequent years unless the closure is approved by the legislature under (2) of this subsection. If the legislature fails to approve a closure under (2) of this subsection by the last day of that regular session, the closure ends and cannot be enforced after the last day of that regular session.

SENATE DISTRICT C
KODIAK ISLAND
SOUTHEAST ISLANDS



STATE CAPITOL
JUNEAU, ALASKA 99801-4152
907-465-2925
1-800-425-7000 FREE
907-465-3517 FAX

SENATOR JERRY MACKIE

ALASKA STATE LEGISLATURE

March 13, 1997

Mr. John Shively, Commissioner
Department of Natural Resources
400 Willoughby Ave.
Juneau, Ak 99801-1724

Re: SB 64, Shuyak Island State Park.

Dear Commissioner Shively,

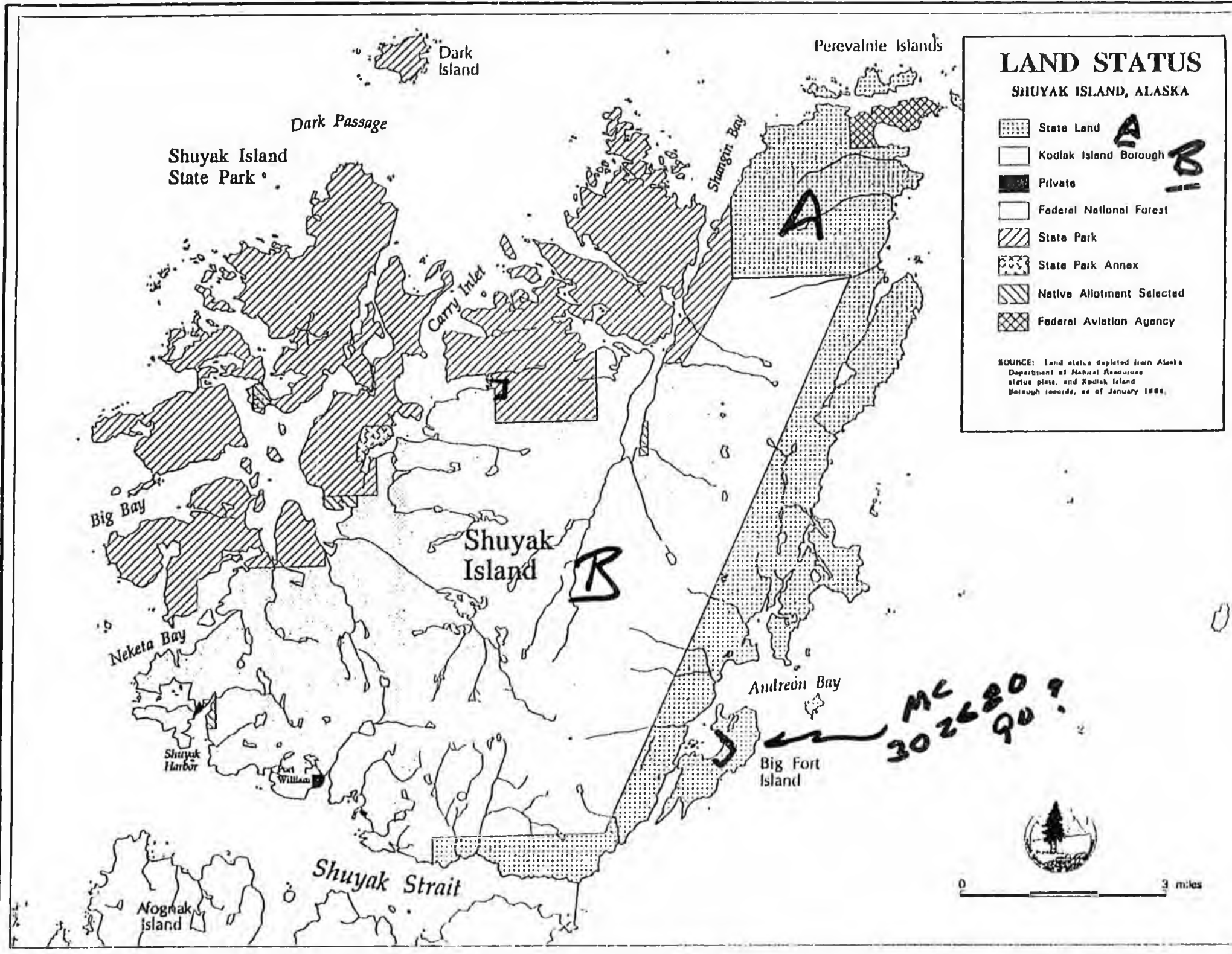
I have had several questions from other senators regarding the proposed additions to Shuyak Island State Park as presented in SB 64. Basically, the bill adds three large blocks of land to the existing state park. They are the Kodiak Island Borough's holdings on the island that were purchased with EVOS funds, approximately 9,000 acres of unreserved state land on the island's east side, and the surrounding state tide lands. The questions concern the subsurface mineral estate of these lands. What is their status if SB 64 is enacted?

Secondly, I believe there are two mining claims in the area. One was grandfathered into the existing park and the other is on the state land that will be added to the park. What is the status of these claims and what is the department's intentions for their future.

Thank you for your prompt response.


Sincerely,


Jerry Mackie



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 plots, and Kodiak Island Borough records, as of January 1988.

MC
302680
90?



0 3 miles

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR TAYLOR

TO: CSSB 64(RES) ("B" Version, Dated 3/6/97)

1 Page 3, following line 25:

2 Insert a new bill section to read:

3 **"* Sec. 4. AS 41.21.174(b) is amended to read:**

4 (b) The Department of Fish and Game is responsible for the management of
5 fish and game resources in the Shuyak Island State Park, consistent with the sustained
6 yield principle and the purposes and provisions of this chapter. The Board of
7 Fisheries, the Board of Game, and the commissioner of fish and game are responsible
8 for adopting regulations governing uses of fish and game in accordance with AS 16.
9 The fish and game habitat and breeding areas shall be managed to ensure that the fish
10 and game resources of the park continue on a sustained yield basis. In managing the
11 fish and game resources of the Shuyak Island State Park and adopting
12 regulations governing uses of the fish and game, the Board of Fisheries, the
13 Board of Game, or the commissioner of fish and game may not close any fishing,
14 hunting, or trapping within the park unless the closure is
15 (1) approved by the legislature; or
16 (2) temporary and implemented because of a biological
17 emergency."

18 Renumber the following bill sections accordingly.

Carl Resist - 465-4100

Chapter 56

- 1 and educational purposes;
- 2 (2) manage human use and activities in a way that is compatible with (1) of this
- 3 subsection and to maintain and enhance the unique bear viewing opportunities in the McNeil
- 4 River State Game Sanctuary established under AS 16.20.160;
- 5 (3) provide opportunities that are compatible with (1) of this subsection for
- 6 wildlife viewing, fisheries enhancement, fishing, hunting, and trapping, for temporary safe
- 7 anchorage, and for other activities.
- 8 (c) The Board of Game shall determine whether hunting of brown bears within the
- 9 McNeil River State Game Refuge should be prohibited.
- 10 (d) The use and enjoyment of valid rights and interests in mineral claims, including the
- 11 right of access, within the McNeil River State Game Refuge is protected. This subsection does
- 12 not affect the power of the commissioner of natural resources to open or close land within the
- 13 McNeil River State Game Refuge to new mineral entry under AS 38.05.185 - 38.05.275.
- 14 (e) The department and the Department of Natural Resources
- 15 (1) may not enter into sales of land within the McNeil River State Game Refuge;
- 16 (2) may enter into leases within the McNeil River State Game Refuge if the
- 17 commissioner finds that activity conducted under the lease is compatible with the purposes for
- 18 which the refuge is established.
- 19 (f) The commissioner shall report to the legislature by January 30 of each year
- 20 (1) the status of the brown bears and other fish and wildlife resources within the
- 21 McNeil River State Game Refuge; and
- 22 (2) the effect of hunting, fishing, and trapping, fishery enhancement activity, and
- 23 mineral resource development on these resources.
- 24 * Sec. 3. AS 16.20.160 is repealed and reenacted to read:
- 25 Sec. 16.20.160. MCNEIL RIVER STATE GAME SANCTUARY. The following state-
- 26 owned land and water, including the tidelands but exclusive of marine water and submerged land,
- 27 lying within the parcels described in this subsection is established as the McNeil River State
- 28 Game Sanctuary:
- 29 Township 12 South, Range 29 West, Seward Meridian
- 30 Sections 1 - 36

SENATE FINANCE COMMITTEE REPORT

DATE: 3/12/97

FURTHER: _____

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered

SENATE BILL NO. 64

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

and recommends:

- be replaced with _____ CS SB 64 (FIN)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Lyons</i>	✓	<i>Rest of 1900</i>	✓		
		<i>Sean Hannell</i>	✓		
		<i>Debra Donly</i>	✓		✓
		<i>Al Guler</i>	✓		
Co-Chair:		Co-Chair:			
Co-Chair:		Co-Chair: <i>Bar Stang</i>		✓	✓

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

0-LS0417H ✓
Luckhaupt
3/13/97

CS FOR SENATE BILL NO. 64()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR MACKIE

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].

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(b) is amended to read:

(b) The Department of Fish and Game is responsible for the management of fish and game resources in the Shuyak Island State Park, consistent with the sustained yield principle and the purposes and provisions of this chapter. The Board of Fisheries, the Board of Game, and the commissioner of fish and game are responsible for adopting regulations governing uses of fish and game in accordance with AS 16.

1 The fish and game habitat and breeding areas shall be managed to ensure that the fish
2 and game resources of the park continue on a sustained yield basis. In managing the
3 fish and game resources of the park and adopting regulations governing uses of
4 the fish and game, the Board of Fisheries, the Board of Game, or the
5 commissioner of fish and game may not permanently close any fishing, hunting,
6 or trapping within the park unless the closure is implemented because of a
7 biological emergency. A closure implemented because of a biological emergency
8 (1) may continue in effect only as long as the biological emergency continues to
9 exist; and (2) must be reevaluated on a regular basis, not less than annually, to
10 justify that the closure continues to be necessary. This subsection does not
11 restrict the authority of the Board of Fisheries and the Board of Game to engage
12 in the normal process of regulating hunting, fishing, and trapping within the park.

13 * Sec. 5. AS 41.21.174(g) is amended to read:

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

18 * Sec. 6. AS 41.21.176 is amended to read:

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

23 (b) Possession and use [USE] of a weapon in the Shuyak Island State Park
24 shall be allowed at all times and use of the weapon may be restricted only under
25 extraordinary circumstances and only in such areas where public safety is
26 threatened [EXCEPT IN UNIQUE AREAS THAT MAY BE CLOSED FOR
27 PURPOSES OF PUBLIC SAFETY BY REGULATION BY THE COMMISSIONER].

28 (c) The [THE REGULATIONS GOVERNING PUBLIC USE OF THE
29 SHUYAK ISLAND STATE PARK SHALL PROVIDE AMPLE ACCESS FOR
30 LEGAL SPORT AND SUBSISTENCE HUNTING AND FISHING, TRAPPING, AND
31 RECREATIONAL USES. EXCEPT TO PROTECT PUBLIC SAFETY THE]

1 commissioner may not restrict lawful [THE EXERCISE OF] sport, [OR] subsistence,
2 or commercial fishing, sport or subsistence [OR] hunting, or trapping permitted
3 under law or under a regulation of the Board of Fisheries or the Board of Game within
4 the Shuyak Island State Park.

5 * Sec. 7. AS 41.21.176 is amended by adding new subsections to read:

6 (d) The commissioner shall allow traditional access to

7 (1) Shuyak Island State Park for recreational purposes and for lawful
8 sport, subsistence, and commercial fishing, sport and subsistence hunting, and trapping;

9 (2) private land within the park.

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

12 (1) each determination of incompatibility;

13 (2) the specific area where the incompatibility is determined to exist;

14 (3) the time within which the incompatibility is determined to exist; and

15 (4) the reasons for each determination of incompatibility.

16 * Sec. 8. AS 41.21.178 is amended to read:

17 Sec. 41.21.178. Additions to park. Land and water outside of the
18 boundaries established in AS 41.21.172 may be added to the Shuyak Island State
19 Park only by an act of the legislature. The commissioner may not acquire land and
20 water within the boundaries of the Shuyak Island State Park by eminent domain.

the construction would be inconsistent with the manifest intent of the legislature. (§ 1 ch 62 SLA 1962)

NOTES TO DECISIONS

"Laws" refers to statutes and regulations and not the common law. *Perito v. Perito*, 756 P.2d 895 (Alaska 1988).

"Construction". — In normal usage, word "construction" applies to statutes, not common law. *Perito v. Perito*, 756 P.2d 895 (Alaska 1988).

Use in resolving issues relating to AS 01.10.080. — The supreme court is enjoined by the legislature to observe the provisions of this section, in resolving any issue relating to AS 01.10.080 and its

applicability to the five-day recount provision of AS 15.20.430. *Wade v. Dworkin*, 407 P.2d 587 (Alaska 1965).

Section modifies AS 01.10.090. — See *City of Juneau v. Commercial Union Ins. Co.*, 598 P.2d 957 (Alaska 1983); *State, ABC Bd. v. Odom Corp.*, 671 P.2d 375 (Alaska 1983).

Applied in *State v. First Nat'l Bank*, 660 P.2d 406 (Alaska 1982).

Sec. 01.10.030. Constitutionality and severability. Any law heretofore or hereafter enacted by the Alaska legislature which lacks a severability clause shall be construed as though it contained the clause in the following language, "If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be affected thereby." (§ 1 ch 98 SLA 1949)

NOTES TO DECISIONS

Legislative intent. — This section expresses a general legislative intent in favor of severability, albeit a weak one. *Williams v. Zobel*, 619 P.2d 422 (Alaska 1980).

Duty of supreme court to nullify statute or part of statute. — If a statute is susceptible of no reasonable construction avoiding constitutional problems, the supreme court is under a duty to nullify the statute or, if possible, the particular provision found offensive to the constitution. *Bonjour v. Bonjour*, 592 P.2d 1233 (Alaska 1979).

There seems to be little or no authority as to the difference between general and specific severability clauses. *Lynden Transp., Inc. v. State*, 532 P.2d 700 (Alaska 1975).

Whereas a specific severability clause creates a slight presumption in favor of severability, a general clause creates an even weaker presumption. For all practical purposes, the difference between the two is negligible. *Lynden Transp., Inc. v. State*, 532 P.2d 700 (Alaska 1975).

General ruling which states that the invalidation of an exception automatically precludes severability is overbroad. It remains a question of legislative intent and the rule concerning invalidated exceptions is just another aid in determining that intent. *Lynden Transp., Inc. v. State*, 532 P.2d 700 (Alaska 1975).

The test for determining the severability of a statute is twofold. A provision will not be deemed severable "unless it appears both that, standing alone, legal effect can be given to it, and that the legislature intended the provision to stand, in case others included in the act and held bad should fall." *Lynden Transp., Inc. v. State*, 532 P.2d 700 (Alaska 1975); *Williams v. Zobel*, 619 P.2d 422 (Alaska 1980).

Severance of initiative provisions. — Although neither this section nor any analogous section gives courts the authority to invalidate portions of proposed initiatives, courts should be granted such authority, since circumspect judicial exercise of such power will

promote, rather than frustrate, the right of the people to enact laws by initiative. *McAlpine v. University of Alaska*, 762 P.2d 81 (Alaska 1988).

When the requisite number of voters have already subscribed to an initiative, a reviewing court should sever an impermissible portion of the proposed bill when the following conditions are met: (1) standing alone, the remainder of the proposed bill can be given legal effect; (2) deleting the impermissible portion would not substantially change the spirit of the measure; and (3) it is evident from the content of the measure and the circumstances surrounding its proposal that the sponsors and subscribers would prefer the measure to stand as altered, rather than to be invalidated in its entirety. *McAlpine v. University of Alaska*, 762 P.2d 81 (Alaska 1988).

Statutes enacted simultaneously. — The fact that two related statutes, one, the permanent fund statute, which contains an explicit non-severability clause, and the other, a tax exemption statute, which does not contain such a clause are enacted simultaneously, may indicate a legislative intent that the latter be severable. *Williams v. Zobel*, 619 P.2d 422 (Alaska 1980).

Invalid portion of the 1972 amendment to former AS 42.10.130, relating to the granting of permits to carriers, which portion discriminated against nonresidents, was held severable. *Lynden Transp., Inc. v. State*, 532 P.2d 700 (Alaska 1975).

Applied in *State v. Baker*, 393 P.2d 893 (Alaska 1964); *Speidel v. State*, 460 P.2d 77 (Alaska 1969); *Artus v. Alaska Dep't of Labor*, 16 Bankr. 308 (D. Alaska 1981).

Quoted in *Beran v. State*, 705 P.2d 1280 (Alaska Ct. App. 1985); *Fardig v. Municipality of Anchorage*, 803 P.2d 879 (Alaska Ct. App. 1990); *Sonneman v. Hickel*, 836 P.2d 936 (Alaska 1992); *State v. Palmer*, 882 P.2d 386 (Alaska 1994); *Rowe v. Burton*, 884 F. Supp. 1372 (D. Alaska 1994).

Cited in *State v. Campbell*, 536 P.2d 105 (Alaska 1975); *Hicklin v. Orbeck*, 565 P.2d 159 (Alaska 1977).

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STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND

Supplemental Decision
ADL 37988

Kodiak Island Borough
710 Mill Bay Road
Kodiak, Alaska 99615

Pursuant to the terms of the Agreement of Settlement and Consent Decree of the Superior Court, Third Judicial District for the State of Alaska under consolidated case numbers 3AN-80-3070, 3AN-80-5710 and 3AN-81-1385 approved and dated August 12, 1981, and the Department of Natural Resources Division of Land and Water Management Final Decision, dated May 4, 1982, the following land is affirmed for conveyance to the Kodiak Island Borough:

Township 19 South, Range 20 West, Seward Meridian (Protracted)
A-053681 - Bureau of Land Management Case File No. located within protracted
Section 34.

The land described was stipulated in the May 4, 1982, decision to be approved as follows:

In the event that at any time in the future the lands described below are required by the State, the State agrees that it will convey those lands to the Kodiak Island Borough upon receipt of written notice from the Kodiak Island Borough of its election to receive such lands.

The State of Alaska acquired the above described land from the Bureau of Land Management on August 30, 1984, via tentative approval of the State selection A-056369 (GS-971).

The Borough has given written notice electing to receive such land via facsimile dated March 19, 1996.

Therefore, the final decision dated May 4, 1982, is supplemented and the above described land is approved for conveyance to the Kodiak Island Borough under ADL 37988.

Dick Mylius, Chief
Resource Assessment and Development Section

3-20-96

Date 9 6 0 5 3 6

NJC
KODIAK REC
DISTRICT
REQUESTED BY

Jamin, Ebell Bolger & Gentry
'96 MAR 22 PM 3 22

Return to:
Jamin Ebell Bolger & Gentry
323 Carolyn
Kodiak, AK 99615

I am hereby certifying that each of a true and correct copy of the original and file in the office of the Kodiak Island Borough Clerk.

Dated this 21st day of March 1996

Donna F. Smith
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 21ST DAY OF DECEMBER, 1995.



KODIAK ISLAND BOROUGH

Jerome M. Selby
Jerome M. Selby, Borough Mayor

Gary L. Stevens
Gary L. Stevens, Presiding Officer

ATTEST:

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

Kodiak Recording District

Notes from public meeting on proposed additions to Shuyak Island State Park

Recorded by: Claire Holland, Alaska State Park, Kodiak (486-6352)

Alaska State Parks and the Kodiak Island Borough hosted a public meeting on Monday, October 7, 1996 to answer questions and accept comments about the proposed legislation to add land purchased from the Kodiak Island Borough with Exxon Valdez Oil Spill (EVOS) settlement funds to Shuyak Island State Park. The meeting was held in the Kodiak Island Borough conference room, and began at 7:00PM.

Attendees: Craig Tillery (Assistant Attorney General and Trustee on the Exxon-Valdez Oil Spill Council), Jerome Selby (Kodiak Island Borough mayor), Bud Cassidy (Kodiak Island Borough Resource Manager), Jim Stratton (Director, Alaska State Parks), Mark Withrow, Rich MacIntosh, Brian Himelbloom, Linda Himelbloom, Mary Forbes, Barbara Rudio, Neil Sargent, Paul Anderson and Claire Holland (District Ranger, Alaska State Parks). **Note:** *Mike Sirofchuck could not attend the meeting but wrote a letter which he asked be included in the record of this meeting. A copy is attached to these notes.*

Jim Stratton began the meeting by giving a brief overview of Shuyak Island State Park. Legislation passed in 1984 designated approximately 11,000 acres of state land on the northwest side of the island as a state park. In 1995, after about a year of negotiations, the Kodiak Island Borough sold their land on Shuyak Island (approximately 26,000 acres) to the EVOS Trustee Council. The state accepted title to the former Borough land. However, in order for the land to be added to the state park system, the state legislature must pass a law authorizing the addition. The administration is now planning to introduce legislation in January, 1997, to add not only the former Borough lands, but also the approximately 10,000 acres of state land along the eastern side of the island to Shuyak Island State Park.

The meeting then turned into an informal question and answer session. Following is a summary of comments and questions:

Someone asked about the kinds of uses allowed on the state lands on the East side of the island. Uses currently allowed include general public uses such as camping, hunting and fishing. The Kodiak Island Borough (KIB) has zoned these lands 'Natural Use', a designation which prohibits most development and construction activities while allowing for general public uses such as passive recreation, hunting, fishing and trapping.

Rich MacIntosh commented that at a public meeting in 1980 over a hundred people showed up and testified in support of making all of Shuyak Island a park.

Neil Sargent said that because of Shuyak's remoteness, he thinks having state park staff on the island is a "good thing-safety wise."

In response to a question concerning how the state parks staff would deal with the increase in responsibilities, **Jim Stratton** said that the Division would expand its volunteer program on Shuyak.

Bud Cassidy commented on the potential response to extending the park boundary to mean low water. He thinks that the biggest future conflicts at Shuyak will be between

sport and commercial fishing interests. **Claire Holland** noted that she had received a call from Bruce Schactler of the Area K Seiners Association. Bruce said he would not be able to make it to this meeting but that the Area K Seiners supported the proposed addition to the park.

Mary Forbes asked why the administration thought the proposed bill would fare any better than the Channel Island State Marine Park bill, which failed last year. **Jim Stratton** addressed her question by pointing out that the Legislative Budget and Audit committee (which includes a total of ten state senators and representatives) voted unanimously to appropriate the EVOS funds for the Shuyak purchase. However, Jim also stressed that the legislation will have to have broad-based support from the Kodiak community.

Question was asked about what would happen to the former Borough lands if the park addition is not authorized by the state legislature. **Craig Tillery** and **Jim Stratton** explained that because of conservation easements placed on the land, it would be a "virtual park". The easements preclude almost all development, except for mineral entry.

Mary Forbes suggested that it would be beneficial to get local state lawmakers to back the bill. She also suggested that sponsorship from Rep. Alan Austerman would help the bill since he is in the majority. **Jerome Selby** commented that he thought the legislation would see no opposition from local legislators, including Alan Austerman.

Mark Withrow asked about the status of the FAA site at Perevalnie Point on the NE end of the island. **Craig Tillery** explained that the proposed legislation will include a land description of the entire island and that the park will include all those lands within that legal description "owned or acquired by the state." This wording will allow for park additions in the future without legislative action as long as the state acquires the land by means other than eminent domain. The 300-acre FAA site is the most likely future addition, since the federal government no longer uses the Perevalnie area for flight communications.

Brian Himelbloom asked if state park designation would allow for more protection of the area in the event of another major oil spill. **Craig Tillery** said that the area would hold a higher "intrinsic value" to the public based on its designation as a state park.

October 7, 1996

Please read the following letter into the record at the public hearing related to the sale of Borough land on Shuyak Island and adding the land to Shuyak State Park. Thank you.

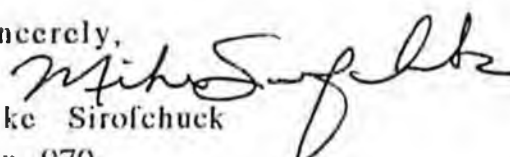
To whom it may concern:

I believe that the sale of Borough land on Shuyak Island and addition of that land to Shuyak State Park is a classic win-win situation. The proceeds from the sale will benefit generations to come in Kodiak if the Assembly approves using the money to create an Education permanent fund. It will establish a base of funding for education that will enable long-term tax relief for Kodiak residents as well as help insure a high quality education for the children of our community.

Furthermore, the importance of Shuyak State Park for bringing tourist income to Kodiak is already established and the addition of the Borough lands will guarantee that this important recreational, hunting, and fishing destination will increase those tourist dollars in our community. Our local outfitters, air services, guides, and lodging operators all benefit from this area. Shuyak is also an important recreation destination for local residents and Kodiak will receive many intangible benefits by the reservation of this area for hunting, fishing, sea kayaking, and wildlife viewing.

I urge the state legislature to approve this sale and land transfer for the long and short term benefits it will provide Kodiak as well as other Alaskan communities and residents.

Sincerely,


Mike Sirofchuck

Box 970

Kodiak, AK 99615

*Kodiak Island Borough
Planning and Zoning Commission*

SUMMARY STATEMENT - September 14, 1994

Meeting of: September 21, 1994

ITEM TITLE: Case 94-036. Request for a rezone, in accordance with Section 17.72.030 C (Manner of Initiation) of the Borough Code, of all Borough and State owned land (approximately 44,000 acres) on Shuyak Island, from C--Conservation to NU--Natural Use Land.

RECOMMENDED ACTION:

Staff recommends that the Commission forward this rezone request to the Kodiak Island Borough Assembly with a recommendation of approval.

APPROPRIATE MOTION:

Move to recommend that the Kodiak Island Borough Assembly approve the rezone of all State of Alaska and Kodiak Island Borough owned land (approximately 44,000 acres) on Shuyak Island from C--Conservation to NU--Natural Use Land, and to adopt the findings in the Staff report dated September 6, 1994 as "findings of fact" in support of this recommendation.



MEMORANDUM

DATE: September 9, 1994
TO: Planning and Zoning Commission
FROM: Community Development Department
SUBJECT: Information for the September 21, 1994 Regular Meeting
CASE: **94-036**

APPLICANT: Kodiak Island Borough & State of Alaska

REQUEST: A rezone, in accordance with Section 17.72.030.C (Manner of Initiation) of the Borough Code, of all Borough and State owned land (approximately 44,000 acres) on Shuyak Island, from C--Conservation to NU--Natural Use Land.

LOCATION: Generally located on Shuyak Island, north of Kodiak and Afognak Islands.

ZONING: C--Conservation

Fifteen (15) public hearing notices were distributed on September 2, 1994.

Date of site visit: No site visit made

1. Zoning History: The 1968 Comprehensive Plan does not identify zoning for this area. All areas of the Borough not previously zoned were zoned C--Conservation by Ordinance 77-15-0.

2. Lot Size: Approximately 44,000 acres

3. Existing Land Use: Four (4) recreational cabins on State land
Two (2) mining claim sites with support structures

4. Surrounding Land Use and Zoning:

North: Stevenson Entrance

South: Principally, Shuyak Strait. Three privately owned parcels are located on Shuyak Strait, one each at Daylight Harbor, Port Williams, and Shuyak Harbor. These are not proposed to be rezoned.

Use: Cabins

Zoning: Conservation

*Kodiak Island Borough
Planning and Zoning Commission*

SUMMARY STATEMENT - September 14, 1994

Meeting of: September 21, 1994

ITEM TITLE: Case 94-036. Request for a rezone, in accordance with Section 17.72.030 C (Manner of Initiation) of the Borough Code, of all Borough and State owned land (approximately 44,000 acres) on Shuyak Island, from C--Conservation to NU--Natural Use Land.

RECOMMENDED ACTION:

Staff recommends that the Commission forward this rezone request to the Kodiak Island Borough Assembly with a recommendation of approval.

APPROPRIATE MOTION:

Move to recommend that the Kodiak Island Borough Assembly approve the rezone of all State of Alaska and Kodiak Island Borough owned land (approximately 44,000 acres) on Shuyak Island from C--Conservation to NU--Natural Use Land, and to adopt the findings in the Staff report dated September 6, 1994 as "findings of fact" in support of this recommendation.

East: Gulf of Alaska
West: Shelikof Strait

5. Comprehensive Plan: The Shuyak Island Comprehensive Plan, adopted by Ordinance No. 86-19-0, is incorporated into the Kodiak Island Borough Comprehensive Plan by KIBC Section 17.02.030. The Shuyak Island Comprehensive Plan characterizes Shuyak Island for recreation and fish and wildlife habitat uses.
6. Applicable Regulations: The following sections of Title 17 (Zoning) of the Borough Code:

17.72.030 Manner of initiation. Changes in this title may be initiated in the following manner:

- A. The borough assembly upon its own motion;
- B. The planning commission upon its own motion;
- C. **By petition of one or more owners of property within an area proposed to be rezoned. A petition shall be in the form of an application for a change in the boundary of a district, shall be filed in the community development office, be accompanied by the required fee and such data and information as may be necessary to assure the fullest practicable presentation of facts and shall set forth reasons and justification for proposing such change.**

17.72.055 Submission to assembly.

- A. Within thirty days after the planning commission has acted favorably upon a proposed zoning change in accordance with the above provisions, a report with recommendations shall be submitted to the assembly together with the proposed ordinance. Such recommendations of the planning commission shall be advisory only and shall not be binding upon the assembly. When an ordinance has been forwarded to the borough assembly, the assembly shall act in

accordance with this chapter and notice shall be issued as provided in Section 17.72.070, by the borough clerk.

- B. If the planning commission recommends denial of any proposed amendment, its action shall be final unless the initiating party, within ten days, files a written statement with the clerk requesting that the commission's action be taken up by the borough assembly.

COMMENTS

The purpose of this request is to rezone all public land on Shuyak Island owned by the State of Alaska and the Kodiak Island Borough, totaling approximately 44,000 acres, from C--Conservation to NU--Natural Use Land. The application was filed jointly by the State of Alaska and the Kodiak Island Borough in anticipation of the disposal, as approved by KIB Resolution 94-05, of approximately 27,000 acres owned by the Borough to the State of Alaska with funding from the Exxon Valdez Trustee Council.

The intent of the disposal is to incorporate the Borough's 27,000 acres into the existing Shuyak Island State Park. Since the NU--Natural Use Land zoning district was established to protect the natural environment, fish and wildlife habitat, and water quality and quantity, while providing for human use of fish, wildlife, and plant resources (KIBC 17.12.010), it is appropriately applied to parks.

The NU--Natural Use Land zoning district is compatible not only with the existing State Park use on Shuyak Island, but also with the habitat restoration/preservation objectives of the Trustee Council. This means that the land will not be disposed to private ownership in the future and will be maintained primarily for habitat and recreational purposes. The Trustee Council decides which resource agency will manage each acquired parcel, with the management policies of the agency chosen ultimately determining the types of uses to be permitted. The NU--Natural Use Land zoning district is consistent with the public recreation management intent of Alaska State Parks.

The high recreation and wildlife habitat values recognized by the Trustee Council are also reflected in the 1986 Shuyak Island Comprehensive Plan. An adopted element of the Kodiak Island Borough Comprehensive Plan, the Shuyak Island Comprehensive Plan acknowledges that some of the

commercial uses permitted either outright or conditionally by the existing C--Conservation zoning district may not be consistent with protecting these values.

Toward this end, the Shuyak Island Comprehensive Plan recommends the creation of a new zoning district. As stated on page 3 of the Plan:

Due to the absence of a zoning category that truly conserves and protects lands on Kodiak, a new classification should be devised. The category would be very restrictive in limiting uses that are incompatible with preserving the land's natural state.

This was accomplished with the creation of the NU--Natural Use Land zoning district in 1989. Therefore, a rezone of publicly owned lands on Shuyak Island to NU--Natural Use Land is appropriate and dovetails with the intent of the Trustee Council acquisition to preserve habitat.

Resource development and private ownership, while not preferred uses according to the 1986 Shuyak Island Comprehensive Plan, are discussed as future options for the Borough to consider and, in fact, Shuyak is identified as a potential development area by the Kodiak Island Borough Coastal Management Program. A rezone to NU--Natural Use Land will essentially eliminate these options. However, in a place of unique and pristine natural beauty such as Shuyak Island, selection of a preservation option to the exclusion of all others will ensure that this land, maintained in public ownership, will be available for habitat and recreational use in perpetuity.

Notice of this request was sent to the Alaska Department of Natural Resources and Division of Parks for review and comment. Both responded with no objection.

CONSISTENCY WITH APPLICABLE POLICIES OF THE KIBCMP

This rezone request is consistent with policies of the KIBCMP specifically addressing Recreation, Tourism and Natural Settings and Resource Enhancement and Protection.

Recreation, Tourism, and Natural Setting

1. Balanced Choice

Recreational developments shall provide the local population with a balanced choice of recreation experiences. Public agencies and

private developers should coordinate their plans and activities with the Community Development Department in order to provide a wide variety of recreational opportunities without needless duplication of facilities.

CONSISTENT The rezoning of Shuyak Island will protect the Island for public recreation use. The types of uses on Shuyak Island will help ensure that the local population has a choice of recreational experiences.

2. Water Dependent Facilities

Facilities for water-dependent recreation such as fishing, boating, and other water-oriented recreation should be located near the shoreline, while non-water-related recreation facilities should be located inland.

CONSISTENT Recreational development occurs on Shuyak Island. This policy will be used to show the facility design and siting, through the conditional use process.

3. Compatibility

Recreational facilities shall be located and designed to minimize conflicts with other uses, activities, and user groups not compatible with recreational uses.

CONSISTENT This rezone does not contemplate the development of additional recreational facilities. However, should need facilities be identified, this policy will be used to review the facility design and siting, through the conditional use process.

4. Scenic Views

Recreational developments and public access should, wherever possible, preserve or enhance scenic views and vistas as well as improve the aesthetic value of the area.

CONSISTENT This rezone should provide for preservation of scenic views and vistas, since any recreational development will be reviewed through the conditional use process.

5. State and Federal Programs

The Kodiak Island Borough shall support state and federal efforts to develop marine parks, roadside pullouts, and other recreation facilities on public lands when identified in conjunction with the Kodiak Island Borough.

CONSISTENT This rezone request is a joint effort by both the Borough and the State of Alaska.

Resource Enhancement and Protection

1. Enhancement

The maintenance and enhancement of fish, wildlife, and vegetative resources is a high priority of the Kodiak Island Borough Coastal Management Program.

CONSISTENT This rezone will ensure the maintenance of fish, wildlife and vegetation resources in a particular area of the Borough.

ZONING ISSUES

Issues to be considered in evaluating this rezone request include conformance with the comprehensive plan, land suitability, and recent development trends in the area.

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

As demonstrated in the preceding section, rezoning all State and Borough lands on Shuyak Island from the C--Conservation to the NU--Natural Use Land zoning district is consistent with both the Shuyak Island Comprehensive Plan and the Kodiak Island Borough Coastal Management Program. Such a rezone would both better protect resources identified in the Coastal Management Plan and further the explicit intent of the Shuyak Island Comprehensive Plan to preserve the island's natural state for recreation and wildlife habitat. The stated Environmental Goals of the Plan include:

1. Retain Shuyak Island in a relatively undeveloped state;
2. Retain the natural diversity of the island;
3. Protect the island's natural environment and habitat. (p.8)

LAND SUITABILITY:

Preservation of the pristine environment and natural habitat on Shuyak Island, an intent not only of the Shuyak Comprehensive Plan, but also of the Exxon Oil Spill Trustee Council, will be advanced by a rezone from C--Conservation to NU--Natural Use Land. Because of the recreational opportunities and value associated with wildlife habitat preservation, this land is eminently suitable to the NU--Natural Use Land zoning district.

RECENT DEVELOPMENT TRENDS IN THE AREA:

By Resolution No. 94-05, the Kodiak Island Borough Assembly approved the disposal of all Borough land on Shuyak Island to the Exxon Valdez Trustee Council for inclusion into Shuyak Island State Park.

RECOMMENDATION

Staff recommends that the Commission forward this rezone request to the Kodiak Island Borough Assembly with a recommendation of approval.

APPROPRIATE MOTION

Should the Commission agree with the staff recommendation, the appropriate motion is:

Move to recommend that the Kodiak Island Borough Assembly approve the rezone of all State of Alaska and Kodiak Island Borough owned land (approximately 44,000 acres) on Shuyak Island from C--Conservation to NU--Natural Use Land, and to adopt the findings in the Staff report dated September 6, 1994 as "findings of fact" in support of this recommendation.

FINDINGS OF FACT

Section 17.72.020 states that the Commission shall incorporate the following criteria into their report to the Assembly:

1. Findings as to the Need and Justification for a Change or Amendment.

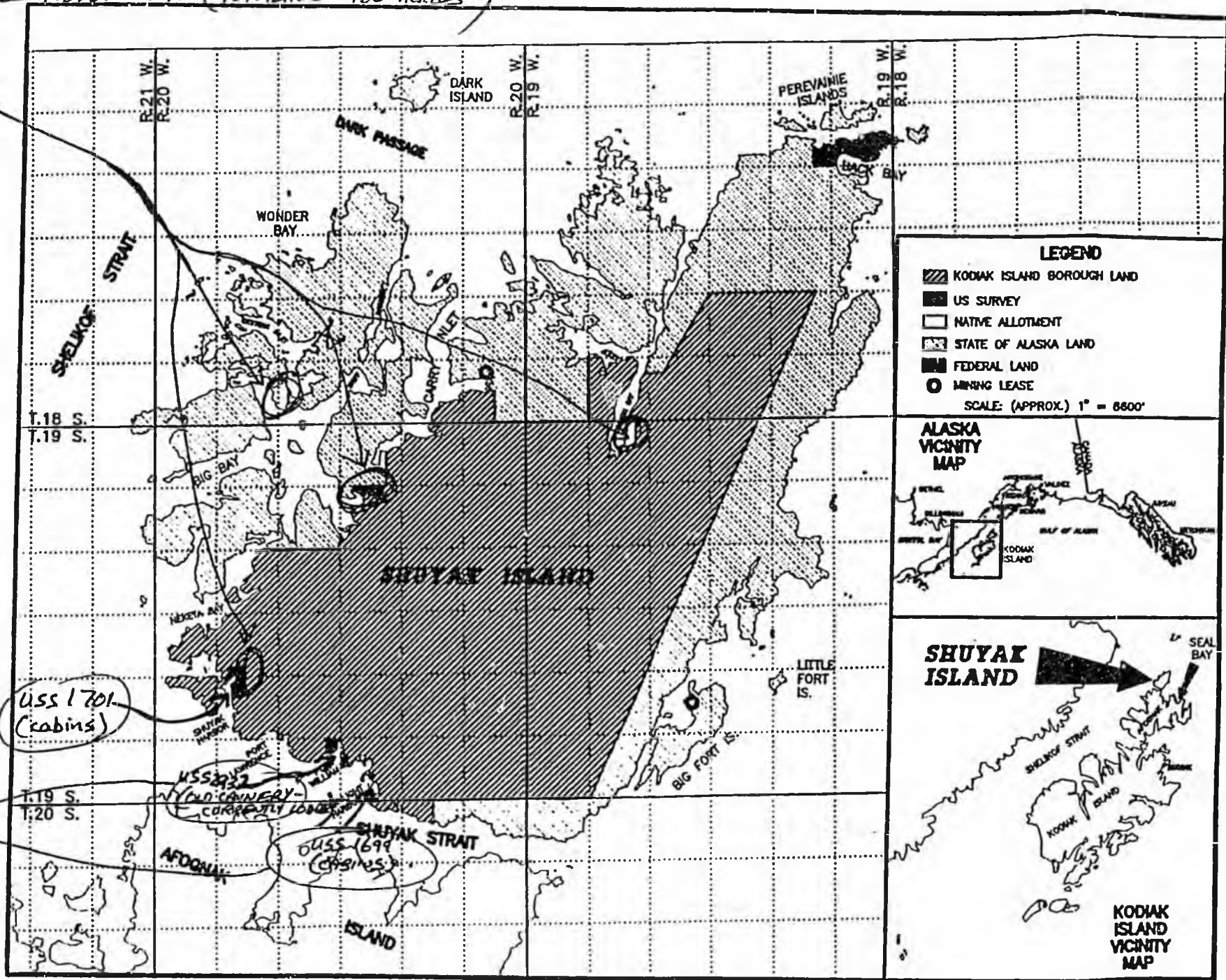
A rezone from C--Conservation to NU--Natural Use Land is needed and justified because the NU--Natural Use Land zoning district:

- A. will better accomplish the specific intent of the Shuyak Island Comprehensive Plan to retain the natural diversity of the Island and to protect the Island's natural environment and habitat;
- B. is consistent with the acquisition objectives of the Exxon Valdez Trustee Council which helped guide the acquisition of 27,000 acres of Borough land on Shuyak Island by the Council;
- C. is consistent with the KIBCOMP; and
- D. will prohibit more intensive land uses permitted in the C--Conservation zoning district that are not compatible with the preservation of habitat and enhancement of recreational value

2. Findings as to the Effect a Change or Amendment would have on the Objectives of the Comprehensive Plan.

Specific goals stated in the Shuyak Island Comprehensive Plan include preservation of habitat, retention of natural diversity, protection of the environment and preservation of recreational opportunities. This intent is more consistent with the description and intent of the NU--Natural Use Land zoning as stated in KIBC 17.12.010. A change of zoning from C--Conservation to the NU--Natural Use Land zoning district is therefore necessary to better achieve the goals of the Comprehensive Plan.

4 NATIVE ALLOTMENTS (TOTALING 160 ACRES)



LEGEND

- KODIAK ISLAND BOROUGH LAND
- US SURVEY
- NATIVE ALLOTMENT
- STATE OF ALASKA LAND
- FEDERAL LAND
- MINING LEASE

SCALE: (APPROX.) 1" = 6600'



3 PRIVATE PARCELS

THESE 7 PARCELS WILL REMAINED ZONED C-CONSERVATION



Kodiak Island Borough

MEMORANDUM

DATE: SEPTEMBER 1, 1994
TO: PLANNING AND ZONING COMMISSION
THRU: BOB SCHOLZE, CDD
FROM: BUD CASSIDY *Bud*
SUBJ: ITEM FOR THE SEPTEMBER 21, 1994 P&Z MEETING
RE: CASE 94-036 - REZONING OF STATE OF AK AND KIB
LAND ON SHUYAK ISLAND

INTRODUCTION

This case requests that all State of Alaska land and Kodiak Island Borough land located on Shuyak Island be rezoned from the C-CONSERVATION zoning district to the NU-NATURAL USE zoning district. The request is being made on the behalf of the State and Borough in preparation for the disposal of Borough land on Shuyak Island. It is anticipated that all public lands on the island will become part of the Shuyak Island State Park. The total acreage of publicly owned land to be considered in this case is approximately 44,000 acres.

Public ownership of land on the island breaks down as follows:

Borough land	26,600 acres
State Park	11,000 "
Other state land	<u>6,400 "</u>
	44,000 "

This request asks that all public land on Shuyak Island be rezoned to a zoning district that is the most compatible with the type uses that are presently occurring there. That is low impact passive recreational uses. For lands include within the Shuyak Island State Park, this rezoning request is consistent with its public recreation management intent of the park. For the public lands outside the park boundary, this request provides the protection needed to keep preserve and protect the land in its existing state until the property is included into this conservation unit.

Creating or enlarging a state park is a legislative function that can only occur with the passage of a bill by the Alaska State Legislature. Because the timetable for the sale of Borough real property could be as early as October or November of this year, but with legislative action enlarging the state park not expected until sometime next year, at the earliest, this rezone request will assure that lands not presently within the boundary of the park are left in their natural state and used in a manner that is consistent with their future status.

HISTORY

As a result of the Exxon Valdez oil spill, money has been set aside to acquire habitat lands in the spill area to replace habitat lost as a result of the spill. Lands purchased under this program will forever remain in a natural state. The Seal Bay purchase and its designation as the North Afognak State Park is an example of a previous acquisition made under this program.

Shuyak Island's narrow, protected bays and dense forests make Borough lands here a high priority for acquisition. Along with the other state lands on the island, it provides the habitat for the species of animals that were impacted by the oil spill. These animals include sea mammals, fish and sea birds. One of the sea birds is known to nest in coastal forests.

KIB has been negotiating for months to dispose of Borough land on Shuyak Island. Rezoning of the property is an important part of the sale process.

ANALYSIS

The rezoning of State and Borough lands on the island is consistent with both the Borough's comprehensive plan and the management of the state park. It is also consistent with the intent of the Exxon Oil Spill acquisition program which is to purchase replacement habitat around the spill area.

Borough's Comprehensive Plan

Rezoning lands to NU-NATURAL USE accomplishes a number of goals, objectives and recommendations identified in the Borough's comprehensive plan for Shuyak Island.

First, the plan states that the island should remain in a relatively undeveloped state retaining its natural diversity (pg. 8). It also recommends that a new zoning district more restrictive in nature than the C-CONSERVATION zoning district (at the time the most restrictive zoning district on the books) be created. A zoning district that conserves and protects lands in their natural state (pg. 3).

The present C-CONSERVATION zoning of the lands on Shuyak does not go far enough in meeting the goals of the plan because it permits activities that are in conflict with conserving lands for recreation use and habitat value. The C-CONSERVATION district allows as permitted activities the construction of lodges for no more than six clients for every five acres, single family houses, every five acres, as well as timber harvesting activities and related utility facilities. The district's conditional uses section lists additional uses that conflict with existing use. These items include airstrips, livestock grazing, lodges for more than six clients, log transfer facilities etc.

State Planning Efforts

Though the State of Alaska does not have a formal parks management plan in place, they have gone through a mandatory land classification process. The state classification process "identifies primary use for which land will be managed." On Shuyak Island, state park lands are classified as PUBLIC RECREATION. State lands that are not state park lands are classified as WILDLIFE HABITAT lands. A rezone to NU-NATURAL USE zoning district as requested by this case parallels the state classification system.

ENCLAVE DEVELOPMENT

The comprehensive plan does identify "nodes" or "enclave" areas in which development can and should occur. This concept suggests that instead of widely dispersed development around the island, a more concentrated compact development scheme is recommended. Such enclaves development concentrates uses in specific areas, leaving those hinterlands vacant. Such a method is appropriate on Shuyak Island because it is small in area, and situated in such a geographic fashion that activities occurring on one part of the island can easily impact other parts of the island.

This enclave concept is being achieved as was aimed for in the Shuyak Comprehensive Plan. That is, development is occurring in the Port Williams Cannery/Shuyak Straits area. Most of the property with the resources to provide habitation; water, beach access, and relatively safe mooring area, are or are being developed into lodges, and recreational cabin sites. Such activities occur along Shuyak Strait in Shuyak Harbor, Port Williams, and Daylight Harbor.

RECOMMENDATION

It is recommended that the Commission rezone all Kodiak Island Borough and State of Alaska land on Shuyak Island from C-CONSERVATION to the NU-NATURAL USE zoning district and forward this recommendation to the Assembly.

DRAFT FACT SHEET

Shuyak Island: Kodiak's State Park Gem

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, humpback 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.

Proposals before the Alaska legislature would add approximately 36,000 acres to the existing 11,000 acre Shuyak Island State Park, resulting in the entire island's designation as a park. 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.

Support for designating the entire island for fish & wildlife habitat, and recreation 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 never succeeded.

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 designated 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 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 - EVOS lands transferred to the State of Alaska subject to the following conservation easements conditions:

1. No commercial timber harvest is allowed and;
2. Public use of land shall continue, including sport and subsistence hunting, fishing, trapping and recreational uses.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: SB 64

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to Shuyak Island State Park BRU: Fish and Wildlife Protection
 Component: Detachments
 Sponsor: Rules Committee
 Requester: S. CRA COMPONENT SERIAL NO. 0490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ -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.)
 This Bill will have no impact on this Department's programs or budget.

Prepared By: Lt. Joel L. Hard Phone: 269-5409
 Division: Fish and Wildlife Protection Date: January 31, 1997
 Approved by Commissioner: *Dee Smith* Date: 11/31/97
 Agency: Ronald L. Otte, Department of Public Safety

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STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

STAR ROUTE BOX 3800
KODIAK, ALASKA 99615
PHONE: (907) 486-6339

DIVISION OF PARKS AND OUTDOOR RECREATION

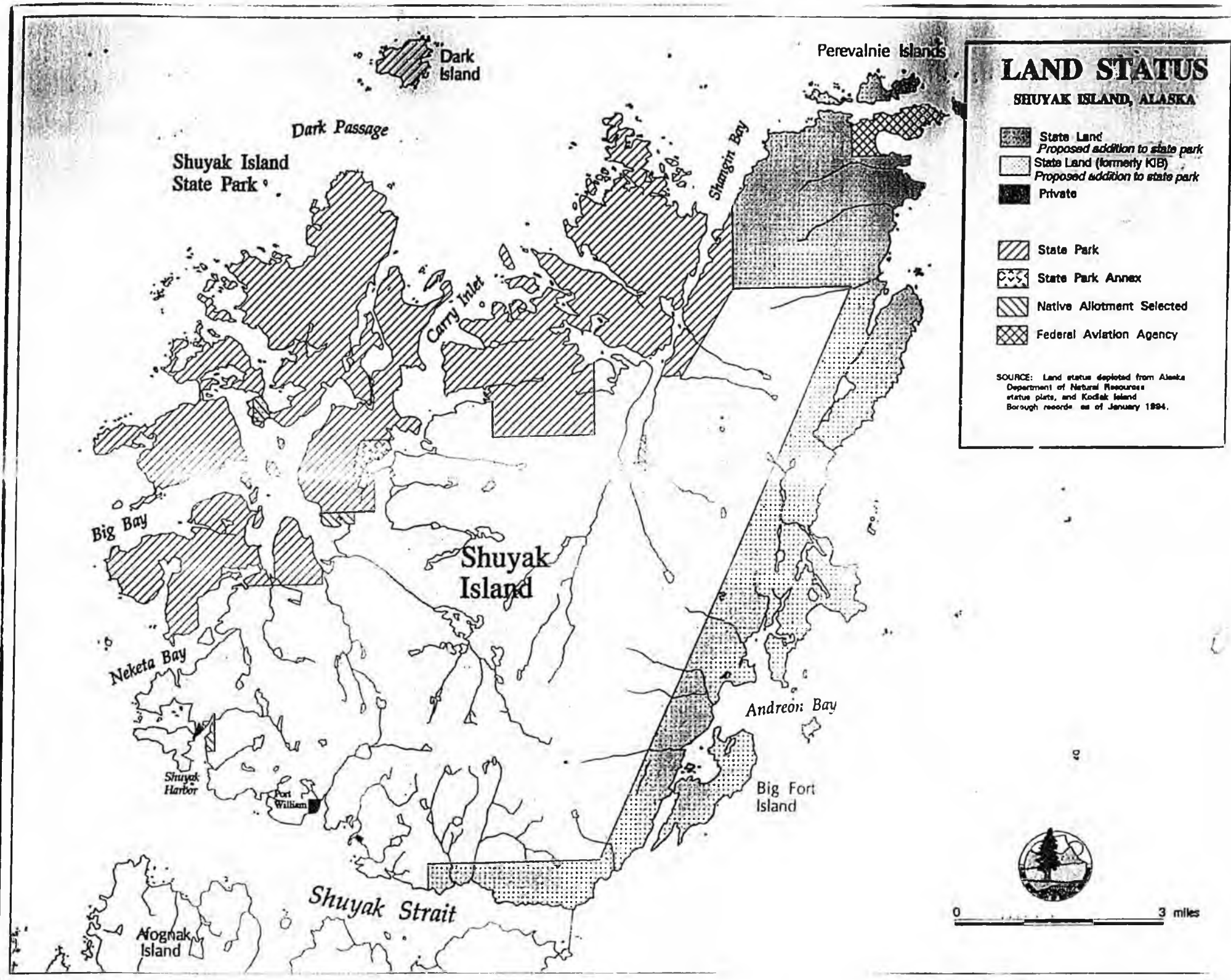
Solicitation of Comments and Notice of Public Meeting on Proposed Additions to Shuyak Island State Park

The Kodiak Island Borough and Alaska State Parks are soliciting comments about proposed legislation to add approximately 36,000 acres to Shuyak Island State Park. The park, which was designated in 1984, currently encompasses about 11,000 acres along the northwestern side of the island. If the proposed additions are approved by the state legislature, most of Shuyak Island will be designated as a state park.

In November, 1995, the Exxon-Valdez Oilspill (EVOS) Trustee Council purchased the Kodiak Island Borough's land on Shuyak Island as part of the Council's habitat protection efforts. The Council will pay a total of \$42 million to the Kodiak Island Borough for the Shuyak parcel, which encompasses 26,665 acres. \$6 million of the purchase price was earmarked for use in building a marine research facility on Near Island, and the remaining \$36 million will be placed in a permanent fund for maintenance of borough facilities. Title to the Shuyak parcel went to the State of Alaska and the State is currently planning to introduce legislation in January, 1997, to add the land to Shuyak Island State Park. In addition to the former Kodiak Island Borough land, about 9,940 acres of state land located along the eastern side of the island will be included in the legislation. See the back of this page for a map of the island showing the proposed additions.

Alaska State Parks and the Kodiak Island Borough will be hosting a **public meeting on Monday, October 7, 1996** to answer questions and accept comments about the proposed additions to Shuyak Island State Park. The meeting will be held in the Kodiak Island Borough conference room, located in the Borough building at 710 Mill Bay Road and will begin at 7:00PM. If you cannot attend the meeting, but would like to discuss the proposed legislation, or submit comments, contact Claire Holland, Alaska State Parks, at 486-6339. The mailing address is: SR Box 3800, Kodiak, Alaska 99615 and e-mail address is: kodsp@ptialaska.net.

10/1/96



LAND STATUS

SHUYAK ISLAND, ALASKA

-  State Land
Proposed addition to state park
-  State Land (formerly KIB)
-  *Proposed addition to state park*
-  Private

-  State Park
-  State Park Annex
-  Native Allotment Selected
-  Federal Aviation Agency

SOURCE: Land status depicted from Alaska Department of Natural Resources status plate, and Kodiak Island Borough records as of January 1994.

0 3 miles





F A X

TRANSMITTAL

TO: Dave Gray

LOCATION: San. Mackay

FAX#: 465-3517 PHONE: _____

FROM: JIM STRATTON

LOCATION: Anchorage

FAX: (907) 269-8907 PHONE#: (907) 269-8700

DATE: _____

TOTAL OF PAGES (INCLUDING COVER SHEET): 3

COMMENTS: Claire said she mailed her package of info to you already, so there will not be another package from her. There is a draft of the fact sheet we are producing. It'll be in Juneau Friday and will stop by.

Alaska Department of
NATURAL RESOURCES



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 FOR FISH & WILDLIFE HABITAT, AND RECREATION 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.

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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.

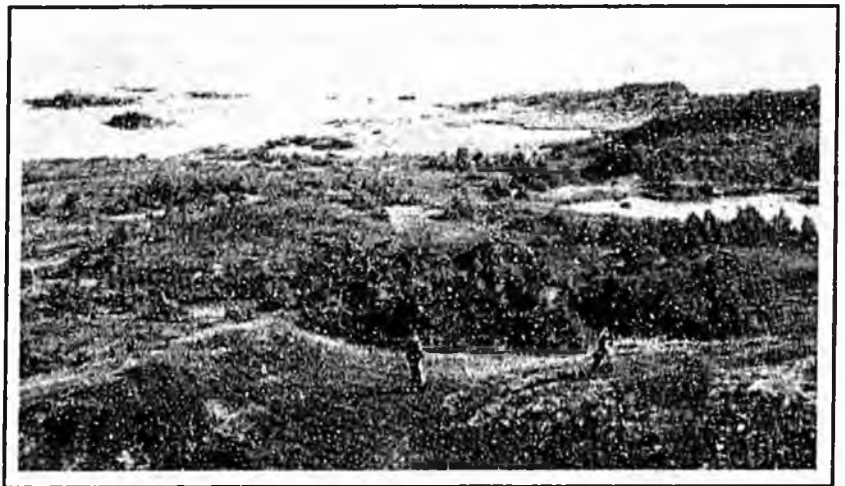
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1. To retain Shuyak Island in a natural state;
2. Preserve Shuyak Island for its recreational attributes;
3. Enlarge Shuyak Island State Park; and
4. Replace habitat impacted by the Exxon-Valdez oil spill.

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, resulting in the entire island's designation as a park. 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 wiers in the existing state park.



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To: Senator-elect Jerry Mackie/Dave Gray

From: Claire Holland, Kodiak District Ranger, Alaska State Parks 

Date: December 10, 1996

Re: Background information on Shuyak Island State Park and proposed legislative addition

At Dave's request, I am sending you background information about Shuyak Island State Park and the proposed additions to the park. As I mentioned earlier, the Kodiak State Parks Citizen's Advisory Board had hoped to meet with Senator-elect Mackie before the session started for a slideshow and informational session on Shuyak Island. I hope the information enclosed will allow both of you to get a good sense of the place as well as the history and process of the state's acquisition of the Borough's land through the Exxon-Valdez Oil Spill Trustee Council. At the October state parks advisory board meeting, Representative Alan Austerman expressed an interest in sponsoring the Shuyak legislation in the House during the next session.

If you have any questions about the park or the information I've sent here, please call me at 486-6352. We are also on-line now and our e-mail address is: kodsp@ptialaska.net.

In order, the enclosed includes:

-Acquisition of Kodiak Island Borough Lands on Shuyak Island, September 17, 1993: This document was prepared by KIB Resource Manager Bud Cassidy when the Borough first went to the Exxon-Valdez Oil Spill (EVOS) Trustee Council to propose the sale of Borough lands on Shuyak Island as part of the Trustee Council's habitat protection program.

-Kodiak Island Borough Planning and Zoning Commission Case #94-036: Re - zone of all public lands on Shuyak Island to Natural Use : This is the packet of information prepared for the public hearing on September 21, 1994 for this case.

-Public Notice and Meeting Notes from October 7, 1996 public meeting on proposed additions to Shuyak Island State Park

-Shuyak Island State Park Management Plan, March, 1995 : Chapters 1-3 provide good background information on the park as well as the island's physical characteristics, land ownership history and history of human use.



**ACQUISITION OF
KODIAK ISLAND BOROUGH
LANDS ON SHUYAK ISLAND**

SEPTEMBER 17, 1993

I. SUMMARY OF FACTS ABOUT KODIAK ISLAND BOROUGH LAND ON SHUYAK

- 26,620 ACRES OF UPLAND
- 158,318.75 FT OF COASTLINE
- 4,798 OCEAN ACRES OF UPLAND
- VALUE \$32,236,820
(APPROXIMATELY \$1,200 PER ACRE)
- SCENIC WILDERNESS
- OLD GROWTH FOREST
- WORLD CLASS RECREATIONAL DESTINATION
- THE "ASPEN" FOR KAYAKERS
- REPLACEMENT HABITAT FOR EXXON VALDEZ OIL
SPILL

II. GOAL OF SALE

1. TO RETAIN SHUYAK ISLAND IN A NATURAL STATE.
2. PRESERVE SHUYAK ISLAND FOR ITS RECREATIONAL ATTRIBUTES.
3. ENLARGE SHUYAK ISLAND STATE PARK BY ADDING BOROUGH OWNED LAND ON SHUYAK INTO THE STATE PARK SYSTEM. THE ENTIRE ISLAND WOULD BE OWNED BY THE STATE.
4. REPLACE HABITAT IMPACTED BY THE EXXON VALDEZ OIL SPILL WITH SIMILAR HABITAT FOUND IN THE AREA OF DAMAGE. (ON-SITE MITIGATION)

III. PHYSICAL ATTRIBUTES

Shuyak Island's physical attributes are world class in their offering. The entire package of scenic wilderness and natural diversity are found here. The island is low in profile and thickly forested. The forest landscape is broken only by the hundreds of small potholes and lakes. Views of snow covered volcanos on the Alaska Peninsula dominate the skyline. The coast is irregular in shape, with a number of bays and harbors. Shuyak Island is 69 square miles in area. The interconnecting system of bays, sloughs, and inlets create a web of corridors that allow easy travel from one side of the island to the other and dictates activities that are water borne.

The island can be broken down into a number of physiographic units.

- A. **Outer West Coast Islands** - This area is known for alpine vegetation that is found at sea level.
- B. **Large Protected Bays** - These deep water bays provide anchorage for boats, and safe landing locations for sea planes. Numerous salmon streams are found here.
- C. **Inland Waterways** - Because of a number of sloughs, portages, and deeply incised bays, the northern and western coasts of the island are interconnected allowing safe protected interior access though this part of the island.
- D. **Southern Coast** - Separated from Afognak Island by Shuyak Strait, settlement has historically occurred here. This area provides small harbors for boat anchorage.
- E. **Eastern Coast** - Exposed to the warmer ocean currents that limit severe winter conditions, this area provides important winter habitat for upland animals.
- F. **Island Interior** - Little is known about the island's interior as it is thickly forested and because most activity occurs along the coasts. It is here that the island reaches any elevation.

IV. WILDLIFE

BIG GAME

There are a limited number of big game animals on Shuyak. These include bear, deer and an occasional elk. Of these, there are hunting seasons on bear and deer.

SMALL GAME

Land otter, beaver and muskrat are known to be present on Shuyak. Little is known about the populations of these fur bearers as trapping here occurs infrequently.

BIRD LIFE

Bird life on and around Shuyak is displayed on the attached maps. Numerous eagle nesting sites have been identified on Shuyak as well as abundant sea bird colonies.

Fresh water habitat supports large numbers of ducks and geese.

MARINE MAMMALS

Seals, Sea Lions and Sea Otter numbers are substantial along the coast of Shuyak.

FIN FISH

Silver Salmon are found in great numbers, enough to attract sports fishermen from the Kenai Peninsula. The numbers of fish are sufficient enough to permit commercial fishing. All salmon streams cataloged by the Alaska Department of Fish and Game originate on Borough owned property. All but two streams enter saltwater on KIB owned property. Pink salmon and Dolly Varden are lesser known fish that occur here.

MARBLE MURRELET

Though not verified, the island's forest is thought provide coastal habitat for this species.

V. RECREATION

The single most important use of the uplands of Shuyak Island is for recreation. The appeal of Shuyak Island, regardless of the type of recreation, is certainly in its wilderness value. With the crowded conditions on the Kenai Peninsula, Shuyak is being eyed as the next stopping off place for recreation

WORLD CLASS KAYAKING

Shuyak has been termed the "Aspen" of kayaking. The many indented bays and inlets are a natural for boating. The primitive setting makes the kayak a perfect watercraft. In past years two commercial ventures have flown to Shuyak Island and provided recreational kayaking opportunities.

SPORT FISHING

The abundant number of silver salmon attract fly fisherman. These individuals make Shuyak Island part of their circuit "fly in". They start by fishing on the Kenai Peninsula, fly to streams on Shuyak Island, then to lakes and streams on the Alaska Peninsula, and complete their journey by returning to Kenai.

SPORT HUNTING

Hunters from the Kenai Peninsula travel to Shuyak Island by boat to hunt deer.

PHOTOGRAPHERS

State Park cabins provide the base for commercial and amateur photographers to take wilderness pictures.

VI. VALUE

A. Fair market value of Shuyak Island as of 03/23/89 is:

- **\$32,236,820**

- **\$1,200 per acre**

The value is derived from modeling performed for all Borough lands in the Borough's litigation with Exxon. An updated appraisal for Shuyak Island will be required. Values may change due to more recent sales data such as Seal Bay and Katchemek Bay acquisitions.

- EXHIBIT A -

PROPERTY DESCRIPTION

SHUYAK ISLAND

Legal Description and Location

This tract includes a fractional portion of Section's 13,14,15,23,28,29,33 Township 24 South, Range 24 West, and all of Section's 16,24,25,26,27,34,35,36, Township 24 South, Range 24 West.

Access

Access to this area is by float plane and vessel.

Topography and Shape

Shuyak is probably one of the prettiest areas on Kodiak Island with large stands of old growth Sitka Spruce on the majority of the island. The topography is rolling hills and large areas of fairly flat terrain. The area is good for recreational purposes and is considered one of the best areas for kayaking and canoeing due to the large amount of protected water. Anchorages are good and are all around the parcel in the passages in and around the island and bays.

EXHIBIT 'A'

-33-

Kodiak Island Borough Assessors Office

AX 23011

VALIDATION

SALE #	SALE DATE	SPER ACRE	SIZE ACRE	TIME ADJ.	SIZE ADJ.	LOC	PHY	O/F	TPG	NET ADJ	NET VALUZ
SHUYAK ISLAND			26,620								
N1	5/89	\$3,831	273	.99	1.00					0	\$3,793
N2	6/87	\$8,746	3	1.11	.40					0	\$3,883
N3	7/89	\$7,880	3	.99	.40					0	\$3,120
N4	4/90	\$5,000	5	.99	.50	1		1		2	\$2,725
N5	11/90	\$5,727	6	1.01	.50					0	\$2,892
N6	11/90	\$4,799	6	1.01	.50					0	\$2,423
N7	11/90	\$5,204	5	1.01	.50					0	\$2,628
N8	11/90	\$5,682	5	1.01	.50					0	\$2,869
N9	11/90	\$6,333	7	1.01	.55					0	\$3,518
										OCEAN ACRE VALUE=	\$3,000

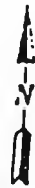
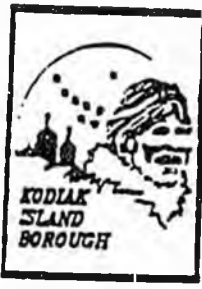
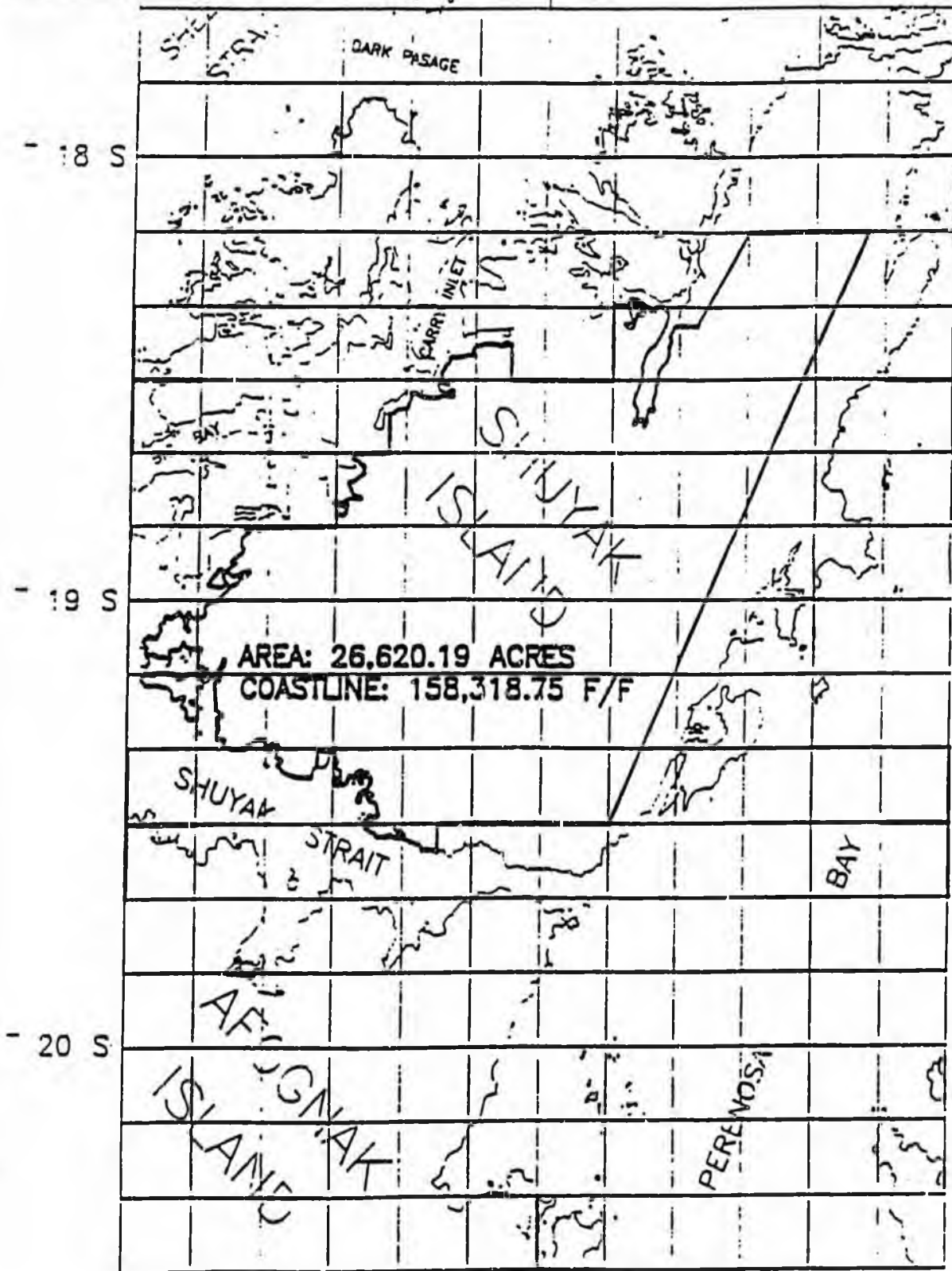
CONCLUSION

OCEAN FRONTAGE= 158,319' OCEAN ACRES=4,798 EXCESS ACRES=21,823

OCEAN FRONT VALUE=\$14,392,614 EXCESS LAND VALUE=\$17,676,348

Value as of March 23, 1989 = say \$32,229,300

Gross value per acre= \$ 1,211



SCALE: 1" = 10,000'

SECTION NUMBERING SCHEME

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

KODIAK ISLAND
BOROUGH
PROPERTY ON
SHUYAK ISLAND.

PLX 25013

- EXHIBIT B -

coastal areas of
particular
concern
recreation, scenic and heritage
resources



**kodiak
archipelago**

EXHIBIT 'B'

Recreation, Scenic and Heritage
Areas of Particular Concern:
Kodiak Archipelago

A Report by
Alaska Division of Parks
Department of Natural Resources

Kathryn A. Troll
with initial research by
Pete Martin and
Jo Antonson Mohr

This project was supported through funds provided by the Coastal Zone Management Act of 1972, as amended through the Coastal Energy Impact Program, administered by the Office of Coastal Zone Management, National Oceanographic and Atmospheric Administration U. S. Department of Commerce and administered for the State of Alaska by the Department of Community and Regional Affairs.

August 1980

A CRITICAL AREA OF PARTICULAR CONCERN

1) Name of Area: Shuyak Island

2) Value Classification

• Primary: Recreation, Wildlife

• Associated: Scenic, Historic

3) Location

• Region/Subregion: Southcentral Region/Kodiak Archipelago

• Latitude/Longitude: 58° 32' N, 152° 30' W

• Community/Orientation/Distance: Shuyak Island is 56 air miles north of the City of Kodiak (a 30-minute flight).

• Topographic Quad/ 1:63,360: Afognak C-1 and C-2, C-2 and C-3

4) Upland Acres (Hectares): 46,600 acres (18,640 hectares)

5) Seaward Distance for Protection: Three miles

6) Existing Ownership: The state owns the entire island but the Kodiak Island Borough, Koniag, Inc. and Shuyak, Inc., a contested village, have filed selections over large portions of the island, some of which overlap Private lands.

7) Existing Management: The entire island is managed by the Division of Lands and classified timber. The extreme northeastern tip of the Island was an FAA communication site.

8) Adjoining Ownership/Management There are no adjoining lands but all tidelands are owned and managed by the Division of Lands.

9. Area Description

• Dominant Physical/Biological Features: Shuyak Island is a low island (high point 700 feet). Shuyak has two distinct characters: the quiet protected inlets and the exposed outer coast. The quiet protected inlets and the interior of the island is covered by an old growth virgin forest of Sitka spruce, while the exposed outer coast has dry tundra as the predominant vegetation. Animal life on Shuyak Island is rich and bountiful. For instance harbor seals, sea otters, and sea birds (over 27 rookeries for gulls, kittiwakes, terns, tufted puffins, etc.) can be found in high densities along the island's coast. Small offshore islands north of Shuyak provide habitat for a sizeable sea lion rookery. Whales and porpoises are commonly seen foraging in the nearshore waters. Further attestation to the

enriched productivity of the shores is the common occurrence of clam, kelp beds and phosphorent plankton which blooms in late August. Both pink and silver salmon spawn in the island's many streams. Other sport fish include steelhead trout and Dolly Varden char. When hiking across the island Sitka black-tailed deer and brown bear are very frequently encountered. Bald eagles nest here in relatively high concentrations. Likewise, waterfowl nesting and molting occurs all along Shuyak's protected bays and the numerous inland lakes. Small mammals common to the island include land otter, beaver, muskrat, and red fox.

•Recreation, Scenic, Heritage or Wilderness Significance: Shuyak's recreation use has been primarily low, due to lack of awareness. However, deer and duck hunters do visit the area each fall. There are a few individuals who seek out Shuyak for saltwater kayaking and they report that size for size, Shuyak Island offers the finest kayaking/wilderness experience in Alaska. A state-wide wilderness outfitter is now offering kayak trips to Shuyak. Because of its complex structure of bays and its dense forests, Shuyak Island is capable of absorbing a large number of wilderness and recreational users without infringing upon the recreational enjoyment. Shuyak Island offers the recreationists sportfishing, crabbing, clamming, hunting, kayaking, camping, beachcombing, and hiking along the outer coast. Shuyak Island offers a rich array of outstanding scenery. The surf (cont'd)

•Other Significant Resource/Land Use Values: Most of the timber on Shuyak Island is of commercial value. The entire eastern and southern shores of Shuyak Island are a major purse seining area for salmon. In response to the commercial value of the offshore fisheries there was once a cold storage facility at Port Williams. There are a few private individuals who live on the island and trap and guide for a living. No known mineral deposits or mineral claims can be found on the island, however, it is thought that parts of Shuyak Island may lie in a band of mineralization. If oil and gas leasing does occur in the Shelikof Straits some areas of Shuyak Island may be considered suitable for an OCS terminal site. Site suitability studies have yet to be conducted at this time. Soils and slopes are generally favorable for development.

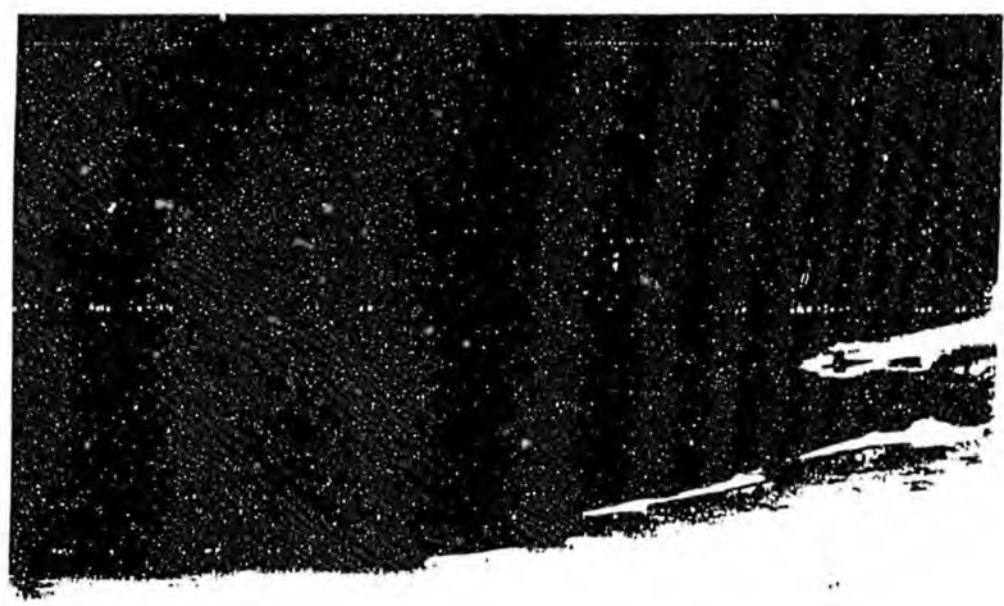
10) Recommended Management: The western portion around Big Bay and extending to Cary Inlet (see map) should be considered for a potential state park if the state retains ownership or as a regional park by the Kodiak Island Borough wherein the Division of Parks could provide assistance. Recreation management in this area should emphasize water-oriented recreation. The remaining portion should be further evaluated cooperatively by the Kodiak Island Borough and state resource agencies as a potential "Natural Area", "Forest Reserve", or as part of a park for resource management.

11) Allowable Uses In that portion where recreation, scenic and marine wildlife values are high (western portion) compatible uses, such as hunting, trapping, sport and commercial fishing should be allowed. For the remaining portion of Shuyak Island allowable uses should be determined commensurate with the management evaluation.

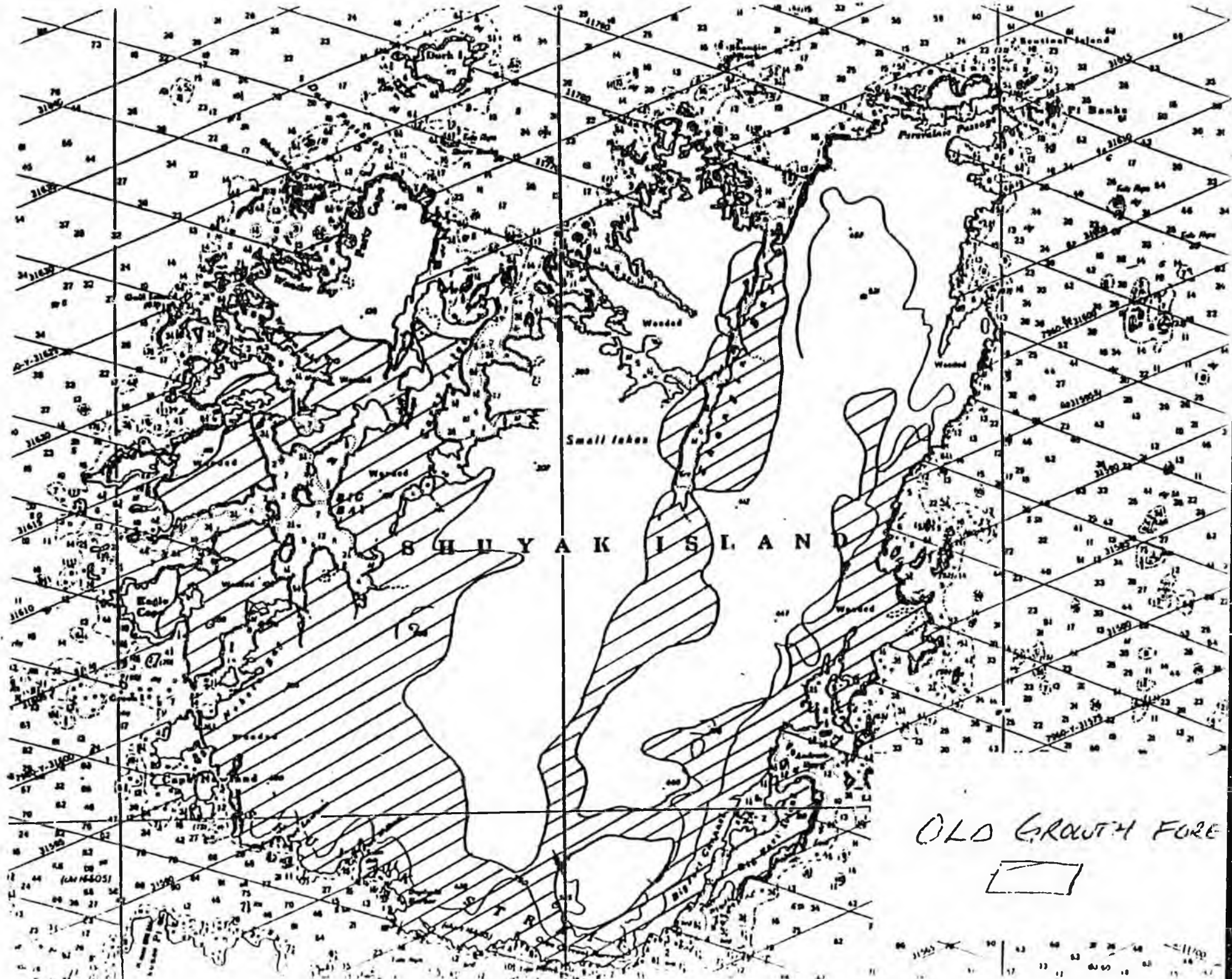
- EXHIBIT C -

SOUTHWEST SHLYUK ISLAND
VOLCANOS IN THE BACKGROUND

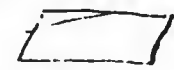
EXHIBIT 'C'



- EXHIBIT D -



OLD GROWTH FORE



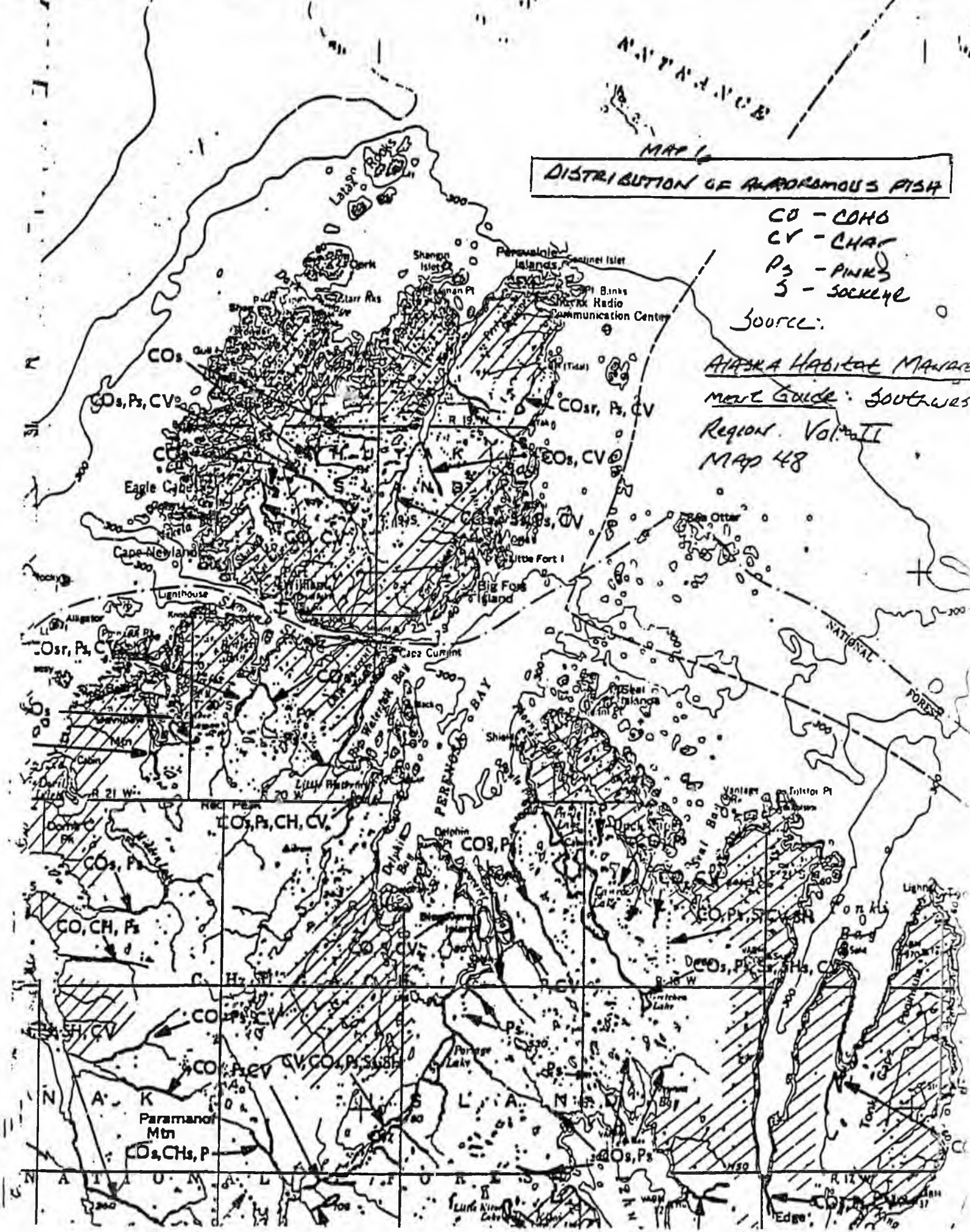
MAP 1

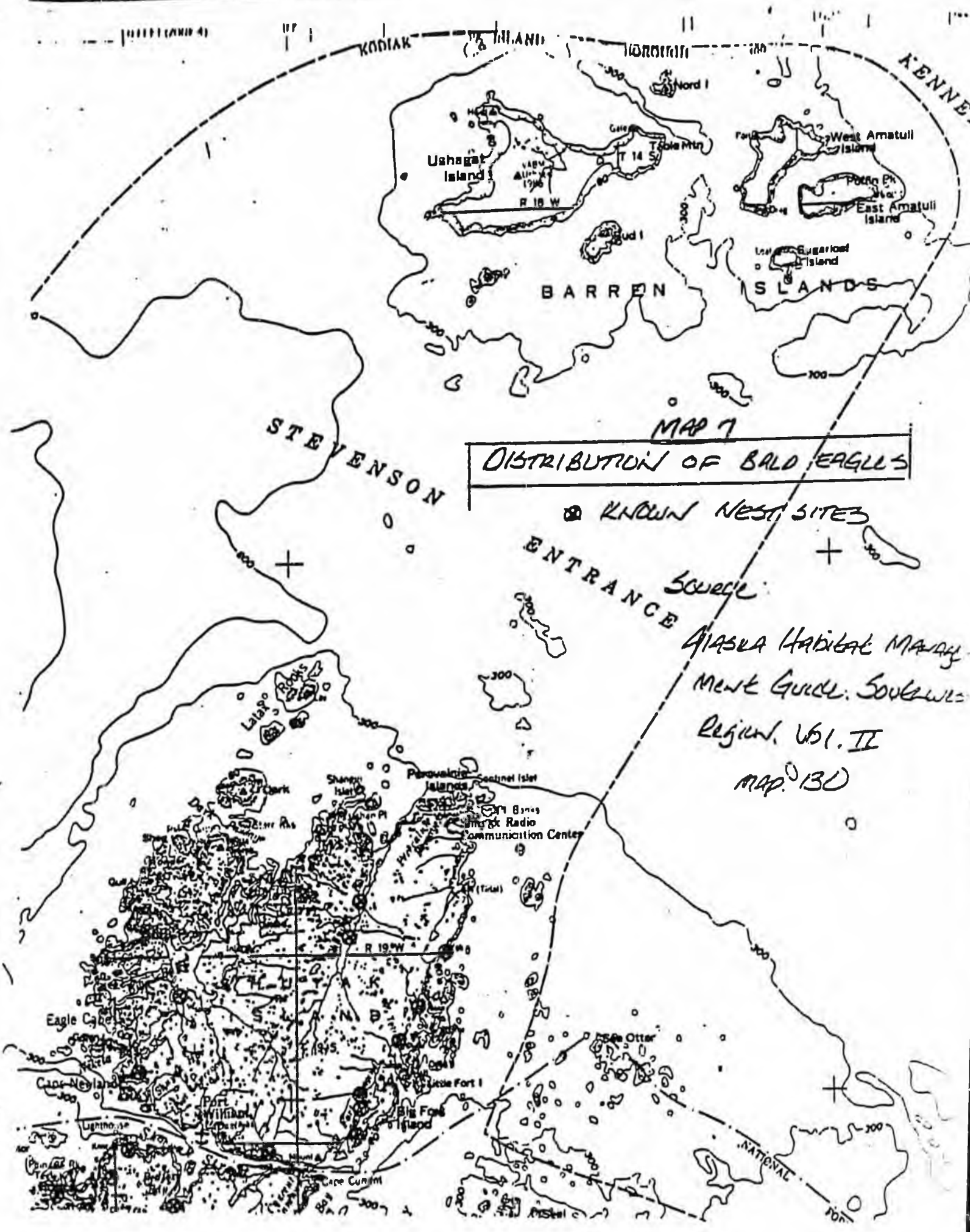
DISTRIBUTION OF ANADROMOUS FISH

- CO - COHO
- CV - CHAT
- P₂ - PINK₂
- S - SOCKEYE

SOURCE:

ALASKA HABITAT MANAGE-
MENT GUIDE: SOUTHWEST-
ERN REGION. VOL. II
MAP 48





DISTRIBUTION OF BALD EAGLES

● KNOWN NEST SITES

ENTRANCE SOURCE

ALASKA HABITAT MANAGEMENT GUIDE, SOURCE: REGION, VOL. II, MAP 130

KODIAK ISLAND

KENNEL CREEK

Ushagak Island

BARREN ISLANDS

West Amatuli Island
East Amatuli Island

STEVENSON

MAP 7

Parqueiro Islands
Sentinel Islet
Cape Barrow
Communication Center

NATIONAL

Eagle Cay
Cape Newland

Capitola

Cape Curlew

Cape Otter

Big Fox Island

R 19 W

(Total)

Shank Island

Lalap Rocks

100° 15' W

107

11

110

113

Source

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VABM

Altitude

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R 14 S

R 10 W

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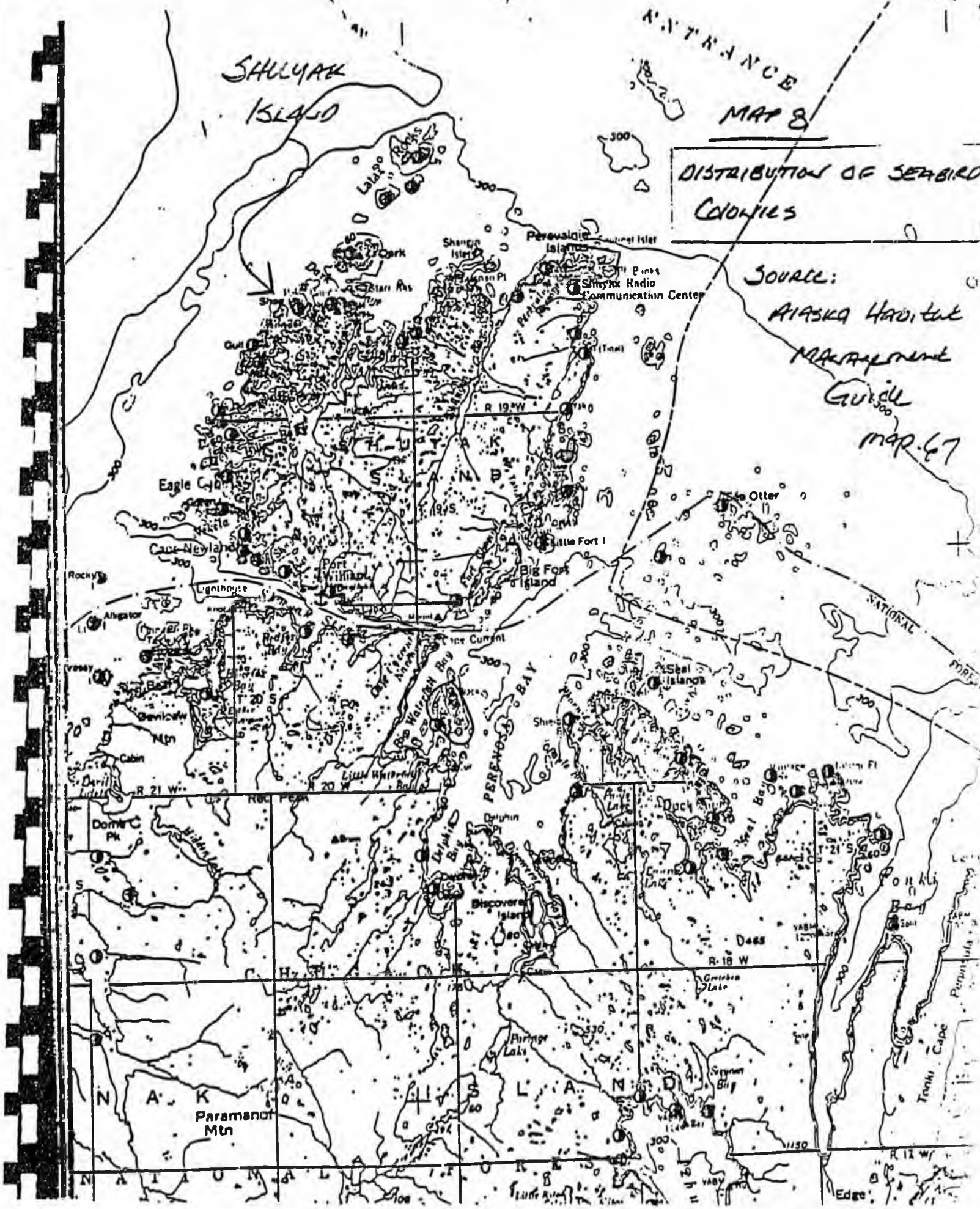
R 10 W

SHULYAK
ISLAND

ALASKA
MAP 8

DISTRIBUTION OF SEABIRD
COLONIES

SOURCE:
ALASKA HABITAT
MANAGEMENT
GUIDE
map. 67



MAP 9

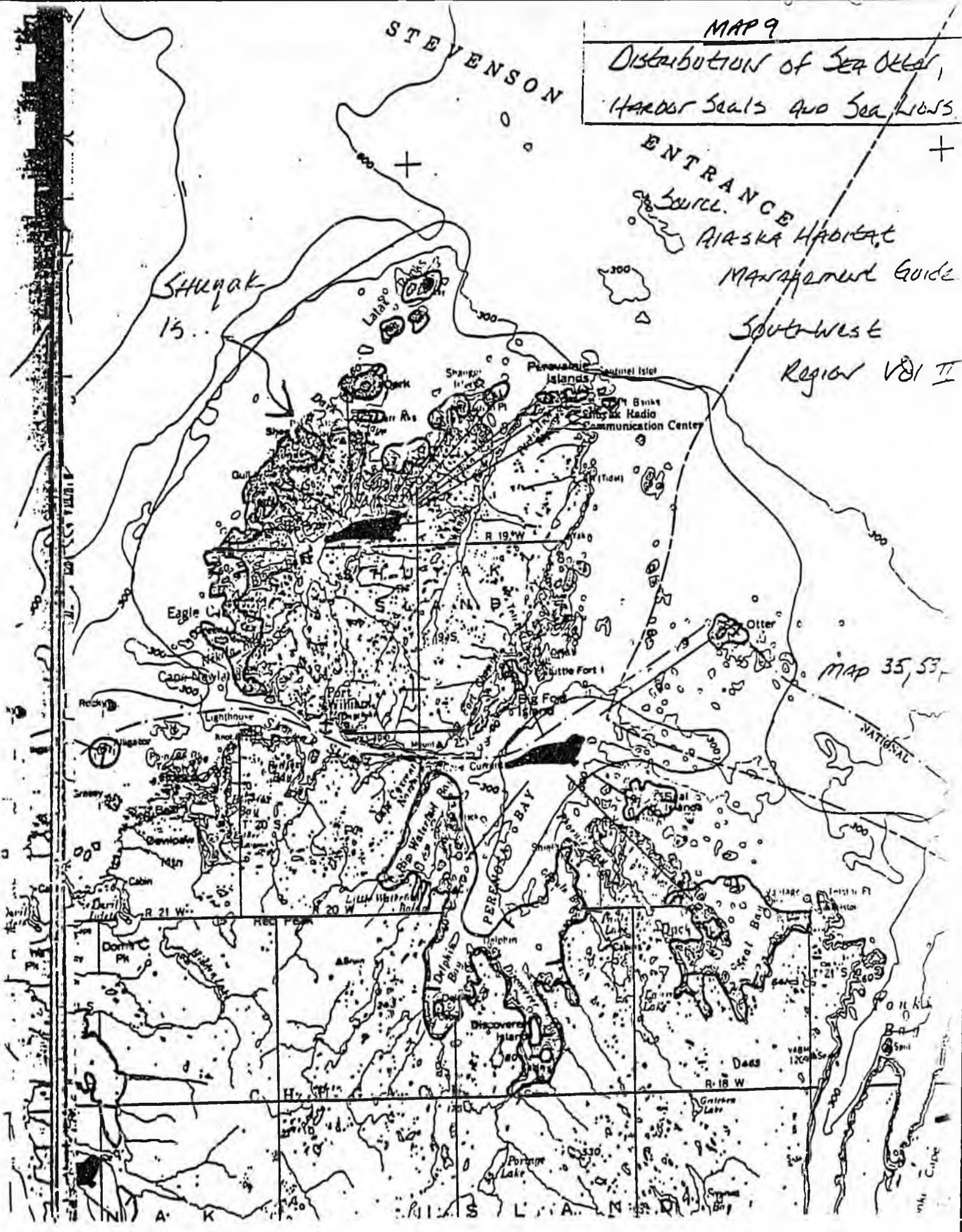
Distribution of Sea Otter,
Harbor Seals and Sea Lions

ENTRANCE
SOUK.
ALASKA HABITAT
MANAGEMENT GUIDE
Southwest
Region VIII II

STEVENSON

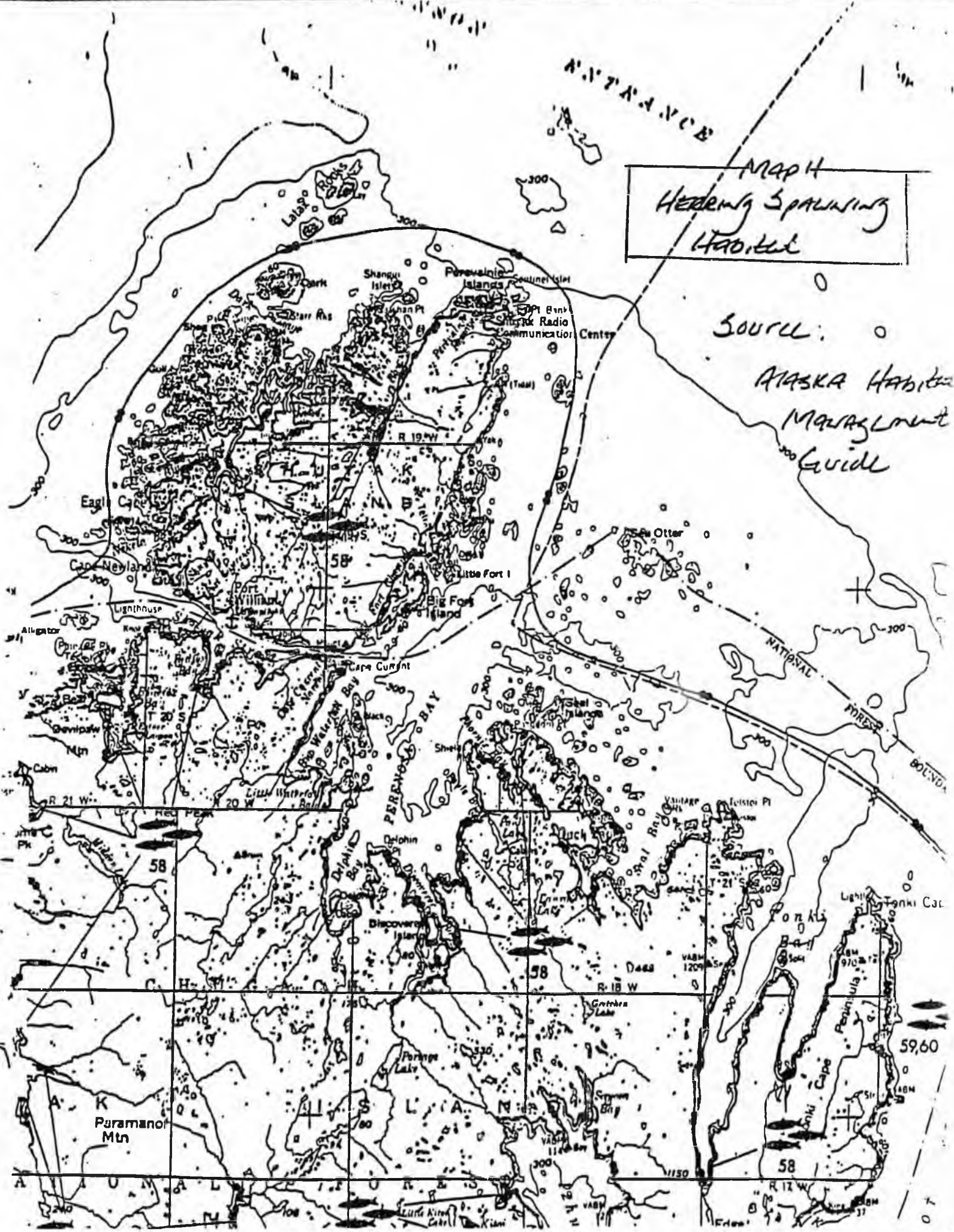
SHUYAK
15

MAP 35, 53



MAP 4
Herring Spawning
Habitat

SOURCE:
ALASKA HABITAT
MANAGEMENT
GUIDE



Knox and Lorena Christie . 324 Wilson Street . Port Townsend, Washington 98368

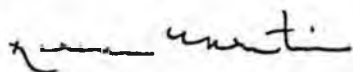
Senator Jerry Mackie
State Capital
Juneau, Alaska 99801-1182

Re: Proposed addition to Shuyak State Park & access to ADL 320911

Dear Sir:

Access to our mining claim has never been restricted by state park activites or personnel since the creation of Shuyak Island State Park in 1984 and we have no reason to believe that it will. We would like to add that we have been very impressed with Claire Holland, Kodiak District Ranger.

Sincerely,



Lorena Christie

CC: Jim Stratton, Director - Alaska Division of Parks and Outdoor Recreation

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

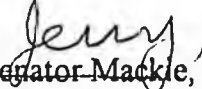
TONY KNOWLES, GOVERNOR

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

3601 C STREET, SUITE 1210
ANCHORAGE, ALASKA 99503-5921
PHONE: (907) 762-2483
FAX: (907) 562-4871

March 17, 1997

The Honorable Jerry Mackie
Alaska State Senate
State Capitol, Rm #427
Juneau, AK 99801


Dear ~~Senator Mackie,~~ 

I am in receipt of your letter with questions about the status of the subsurface mineral estate within the proposed Shuyak Island State Park. All subsurface rights are and will be owned by the Department of Natural Resources for the citizens of the State of Alaska. If the proposed park bill passes, the mineral rights will continue to be held by DNR.

The two existing mining claims will remain in effect as long as the permittees maintain valid and current permits for their activities. The proposed park will have no adverse impact on these claims.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,


John Shively
Commissioner

0-1.S0690V.4
Chenoweth
4/4/97

AMENDMENT #1

OFFERED IN THE SENATE

BY SENATOR GREEN

TO: CSSB 109(FIN)

1 Page 7, lines 13 - 24:

2 Delete all material and insert:

3 "(e) A landowner may subdivide land classified for agricultural use and for
4 which the landowner obtained a patent under a homestead entry permit issued under
5 AS 38.09, and may subdivide land as authorized under (d)(3)(C) of this section. If
6 subdivision of land authorized by this subsection would result in one or more parcels
7 of less than 640 acres, the landowner may subdivide only if the landowner first
8 tenders payment to the department for the fair market value of the interest in each
9 subdivided parcel of less than 640 acres exclusive of the value of the rights for
10 agricultural purposes. For purposes of this subsection, fair market value of the
11 interest in a parcel exclusive of the value of the rights for agricultural purposes

12 (1) is \$6,000 for the parcel, subject to adjustment under (h) of this
13 section; or

14 (2) shall be determined by an appraisal by an appraiser under contract
15 to the owner of the rights for agricultural purposes in the parcel; the appraisal must

16 (A) be based upon the value of the parcel at the time of the
17 original state conveyance of the agricultural rights, subject to adjustment under
18 (h) of this section; and

19 (B) include the fair market value, determined as of the date of
20 subdivision, of the interests in land based on the value, if any, of the
21 additional rights that are confirmed in the landowner under (d)(3)(A) of this
22 section."

23 Page 7, line 25:

24 Delete "(e)(1)"

0-LS0690\F.4

1 Insert "(e)"

2 Page 8, following line 15: .

3 Insert a new subsection to read:

4 "(h) The value of the rights for agricultural purposes determined under (c)(1)
5 or (c)(2)(A) of this section shall be adjusted to correspond with the change in the
6 consumer price index for all urban consumers for the Anchorage Metropolitan Area
7 compiled by the Bureau of Labor Statistics, United States Department of Labor. The
8 base year for the computation shall be the calendar year in which the process of
9 conveyance of state land authorized by (a) of this section is initiated under this
10 section."

11 Reletter the following subsections accordingly.

AMENDMENT # 1

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 64(FIN)

1 Page 1, line 1, following "Park":

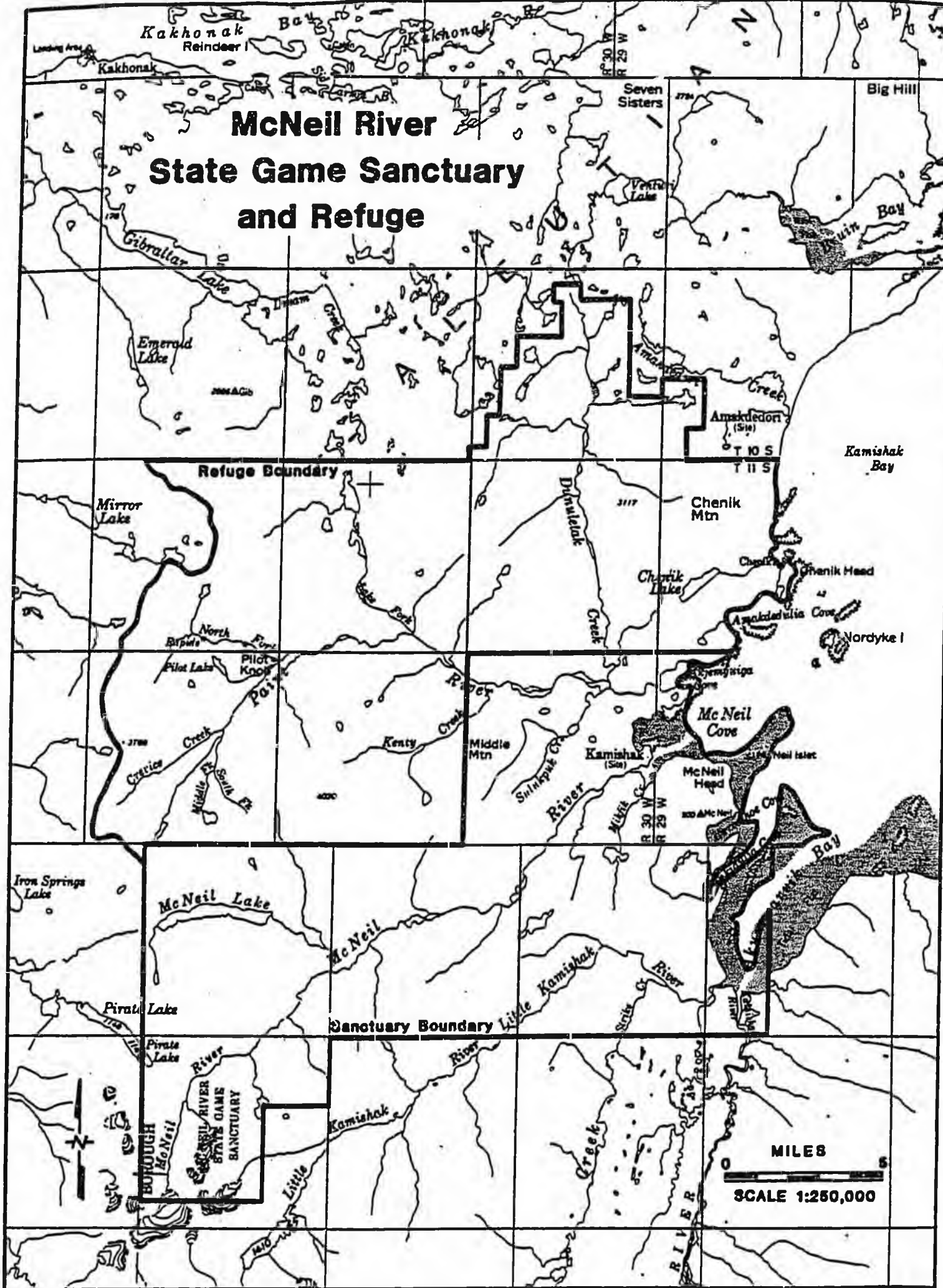
2 Insert "and to the McNeil River State Game Refuge"

3 Page 5, following line 18:

4 Insert a new bill section to read:

5 "** Sec. 9. AS 16.20.041 is repealed."

McNeil River State Game Sanctuary and Refuge



CSSB 64(FIN) Shuyak Island State Park

Excerpts from Reports to the Legislature by the Department of Fish & Game as required by AS 16.40.021(f):

1991 "700 sockeye returned to the ladder in 1991; 20,000 are expected in 1992."

1992 In 1992, only 300 of an anticipated 20,000 sockeye salmon returned to the Paint River fish ladder. ... In both 1991 and 1992, 750,000 sockeye fry were stocked in the Paint River lakes.

1993 "Construction of the Paint River fish ladder was completed in October 1991. However, only ... 800 sockeye salmon returned in 1993. Consequently, the structure was not open to allow water to flow and fish to pass upstream ... The low returns may be related to the low productivity potential and high predation within both lake systems. Since 1991, approximately 750,000 sockeye fry ... have been stocked annually in the Paint River Lakes."

1994 "Approximately 600 red salmon returned to the Paint River in 1994. CIAA determined that this was not a large enough return to warrant opening the fish ladder at the mouth of the Paint River."

1995 "Sockeye salmon returns to the Paint River enhancement project in 1995 were again poor, ... only 250 fish returned."

1996 "This marks the seventh straight year the McNeil River chum salmon run has failed to meet the desired escapement level ... the number of returning adults has only ranged from 200 to 800 fish."

Recently, the Commissioner of Fish & Game, who certified the fish ladder said -- based on what he knows now -- he supports repealing the REFUGE.

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSSHB 58(FIN) am

1 Page 1, following line 7:

2 Insert a new paragraph to read:

3 "(1) ensure that this Act does not apply to or in any way have an effect on
4 existing litigation or a civil cause of action that accrues before the effective date of this Act;
5 it is the specific intent of the legislature that this Act not apply to or in any way have an
6 effect on In Re Exxon Valdez, A89-0095 Civ. (D.Alaska);"

7 Renumber the following paragraphs accordingly.

Alaska State Senate
Twentieth Legislature
First Session

RCS# 230
Item 3

04-04-97
13:12:05

CSSB 64 (FIN)
Second Reading
Amendment No. 2

Yeas:	7	Green, Halford, Miller, Pearce, Sharp, Taylor, Ward
Nays:	13	Adams, Donley, Duncan, Ellis, Hoffman, Kelly, Leman, Lincoln, Mackie, Parnell, Phillips, Torgerson, Wilken
Excused:	0	
Absent:	0	

Alaska State Senate
Twentieth Legislature
First Session

RCS# 229
Item 3

04-04-97
12:58:54

CSSB 64 (FIN)
Second Reading
Amendment No. 1

Yeas:	8	Green, Halford, Leman, Miller, Pearce, Sharp, Taylor, Ward
Nays:	12	Adams, Donley, Duncan, Ellis, Hoffman, Kelly, Lincoln, Mackie, Parnell, Phillips, Torgerson, Wilken
Excused:	0	
Absent:	0	

Alaska State Senate
Twentieth Legislature
First Session

RCS# 231
Item 4

04-04-97
13:19:33

CSSB 64 (FIN)
Third Reading - Final Passage

Yeas:	17	Adams, Donley, Duncan, Ellis, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Mackie, Miller, Parnell, Phillips, Torgerson, Ward, Wilken
Nays:	3	Pearce, Sharp, Taylor
Excused:	0	
Absent:	0	

AMENDMENT

#2

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 64(FIN)

DRAFT

Page 1, lines 5 - 6:

Delete "land and water [UPLANDS AND FRESHWATER BODIES]"

Insert "uplands and freshwater bodies"

Page 2, lines 2 - 4:

Delete all material and insert:

"Sec. 41.21.172. Designated state land and water. The uplands and freshwater bodies owned or acquired by the state within"

Page 3, line 23:

Delete "land and water [UPLANDS AND FRESHWATER BODIES]"

Insert "uplands and freshwater bodies"

DRAFT

CSSB 64(FIN) Shuyak Island State Park

This amendment will limit the amount of land added to the Shuyak Island State Park to the 26,580 acres purchased with the Exxon Valdez oil spill settlement money (EVOSS).

Shuyak Island State Park & Annex.....12,779 acres
Lands purchased by EVOSS.....43,580 acres
Total land in park with this amendment.....56,359 acres

According to the terms of Settlement Agreement, "these lands shall at all times be managed by the State in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes" whether or not they are included by legislation in the Shuyak Island State Park!

For your information, I have distributed an inventory of all the legislatively designated areas in the state. By category, we have already restricted the use of ~~xxxx~~ acres: of state land

State Wildlife Areas.....3,193,560 acres
State Park Areas.....3,303,290 acres
State Forest Areas.....2,243,100 acres
Other Multiple use Areas.....2,598,430 acres
Total Acreage..... 11,338,380 acres

In addition, large areas are subject to Federal restrictions.

Fact sheet:



Alaska Department of
**NATURAL
RESOURCES**

State of Alaska Legislatively Designated Areas

Division of Support Services
Land Records Information Section
December 1996

The legislature may designate an area for special uses. Areas designated by the legislature may include refuges, sanctuaries, critical habitat areas, ranges, special management areas, forests, parks, recreation areas, preserves, public use areas, recreation rivers, and recreational mining areas.

The acreage figures below are only approximations and may include tide and submerged land. Consult the referenced Alaska Statutes to determine the legal description and special management intent of any particular area. Many areas also have regulations and plans that govern uses within their boundaries.

State Wildlife Areas

Total Acres (excluding State/National Refuges): 3,193,560

The following legislatively designated areas were established under Title 16, Chapter 20 of the Alaska Statutes to protect and preserve the natural habitat and game population or to enhance habitat for particular wildlife species. Most of these areas are managed by the Alaska Department of Fish and Game.

	<u>Statute</u>	<u>Effective</u>	<u>Amended</u>	<u>Acres</u>
<u>Sanctuaries</u>				
McNeil River State Game Sanctuary	AS 16.20.160-170	07/18/1967	01/01/1993	113.100
Walrus Island State Game Sanctuary	AS 16.20.090-140	04/13/1960		162.200
Stan Price State Wildlife Sanctuary	AS 16.20.150	06/15/1990		610
			Total:	275.910
<u>State Range Areas</u>				
Delta Junction Bison Range Area	AS 16.20.300-320	08/01/1979		89.700
Matanuska Valley Moose Range	AS 16.20.340-360	08/30/1984		131.900
			Total:	221.600
<u>Critical Habitat Areas (CHA)</u>				
Anchor River & Fritz Creek CHA	AS 16.20.605	08/28/1985	06/22/1990	18.600
Chilkat River CHA	AS 16.20.585	09/24/1972		4.730
Cinder River CHA	AS 16.20.560	09/24/1972		25.800
Clam Gulch CHA	AS 16.20.595	03/31/1976		3.820
Copper River Delta CHA	AS 16.20.600	09/28/1978		615.900
Dude Creek CHA	AS 16.20.610	05/13/1988		4.080
Egegik CHA	AS 16.20.565	09/24/1972		8.250
Fox River Flats CHA	AS 16.20.580	05/13/1988		6.780
Homer Airport	AS 16.20.630	08/21/1996		29.4
Kachemak Bay CHA	AS 16.20.590	09/24/1972	04/14/1993	228.800
Kalgin Island CHA	AS 16.20.575	09/24/1972		3.520
Pilot Point CHA	AS 16.20.570	09/24/1972		46.600
Port Heiden CHA	AS 16.20.555	09/24/1972		72.100
Port Moller CHA	AS 16.20.550	09/24/1972		131.300
Redoubt Bay CHA	AS 16.20.625	06/15/1989		164.400
Tugidak Island CHA	AS 16.20.615	06/07/1988		53.600
Willow Mountain CHA	AS 16.20.620	05/12/1989		22.500
			Total:	1,411.074

State Wildlife Areas (continued)

<u>Refuges</u>	<u>Statute</u>	<u>Effective</u>	<u>Amended</u>	<u>Acres</u>
Anchorage Coastal Wildlife Refuge	AS 16.20.031	02/27/1988		33,800
Creamer's Field Migratory Waterfowl Refuge	AS 16.20.039	07/18/1979		1,770
Goose Bay State Game Refuge	AS 16.20.030(c)	05/30/1975		11,000
McNeil River State Game Refuge	AS 16.20.041	01/01/1993		141,100
Mendenhall Wetlands State Game Refuge	AS 16.20.034	05/01/1976		3,600
Minto Flats State Game Refuge	AS 16.20.037	04/13/1988		497,800
Palmer Hay Flats State Game Refuge	AS 16.20.032	05/30/1975	05/31/1985	28,000
Susitna Flats State Game Refuge	AS 16.20.036	09/06/1976	07/03/1984 01/01/1986	301,400
Trading Bay State Game Refuge	AS 16.20.038	09/22/1976	01/01/1986	162,700
Yakataga State Game Refuge ¹	AS 16.20.033	08/15/1990		80,300
Total:				1,261,470

State/National Refuges²

Aleutian Islands Refuge	AS 16.20.030(a)(1)	04/12/1960	----- ³
Bering Sea Refuge	AS 16.20.030(a)(2)	04/12/1960	86,000
Bogoslof Island Refuge	AS 16.20.030(a)(3)	04/12/1960	180
Chamisso Island Refuge	AS 16.20.030(a)(4)	04/12/1960	3,000
Forrester Island Refuge	AS 16.20.030(a)(5)	04/12/1960	20,600
Hazen Bay Refuge	AS 16.20.030(a)(6)	04/12/1960	8,800
Hazy Islands Refuge	AS 16.20.030(a)(7)	04/12/1960	1,900
Kenai National Moose Range	AS 16.20.030(a)(8)	04/12/1960	2,048,000
Kodiak National Wildlife Refuge	AS 16.20.030(a)(9)	04/12/1960	1,717,000
Nunivak Island Refuge	AS 16.20.030(a)(10)	04/12/1960	3,267,000
St. Lazaria Island Refuge	AS 16.20.030(a)(11)	04/12/1960	620
Semidi Islands Wildlife Refuge	AS 16.20.030(a)(12)	04/12/1960	257,000
Tuxedni Refuge	AS 16.20.030(a)(13)	04/12/1960	15,400
Izembek Refuge	AS 16.20.030(a)(14)	09/24/1972	488,000 ⁴
Cape Newenham National Wildlife Range	AS 16.20.030(a)(15)	09/24/1972	435,000 ⁵
Clarence Rhodes National Wildlife Range	AS 16.20.030(a)(16)	09/24/1972	2,886,000
Arctic National Wildlife Range	AS 16.20.030(a)(17)	09/24/1972	----- ⁶

1. The Yakataga Special Management Area, created per Section 9, Chapter 143, SLA 1990, expired when the Yakataga Area Plan was approved on 04/03/95. See the LAS file number AS S9C143SLA90.
2. These lands within the National Wildlife Refuge System were designated as State Game Refuges under Alaska Statute 16.20.030. Except for tide and submerged lands within Izembek Refuge and Cape Newenham National Wildlife Range, these areas are managed by the U. S. Fish & Wildlife Service.
3. Total acreage calculation pending file audit.
4. Tideland and submerged land = 156,400 acres.
5. Tideland and submerged land = 3,450 acres.
6. Total acreage calculation pending file audit.

State Park Areas

Total Acres: 3,303,290

The following legislatively designated areas were established under Title 41, Chapter 21 of the Alaska Statutes to foster the growth and development of a system of parks and recreational facilities and opportunities in the state, for the general health, welfare, education and enjoyment of its citizens and for the attraction of visitors to the state. Most of these areas are managed by the Department of Natural Resources, Division of Parks and Outdoor Recreation.

<u>Parks</u>	<u>Statute</u>	<u>Effective</u>	<u>Amended</u>	<u>Acres</u>
Afognak Island State Park	AS 41.21.185-189	08/24/1994		48.750
Chilkat State Park	AS 41.21.110-120	05/06/1975		10.450
Chugach State Park	AS 41.21.120-125	08/06/1970	06/09/1987	502.450
Denali State Park	AS 41.21.150-152	09/21/1970	09/06/1976	323.200
Kachemak Bay State Park	AS 41.21.130-134	05/09/1970	09/12/1989	197.550
Kachemak Bay State Wilderness Park	AS 41.21.140-143	05/25/1972	09/12/1989	208.950
Point Bridget State Park	AS 41.21.180-183	07/01/1988		2.880
Shuyak Island State Park	AS 41.21.170-178	07/12/1984		11.950
Wood/Tikchik State Park	AS 41.21.160-167	06/29/1978	12/14/1985	<u>1,547.600</u>
			Total:	2,853.780

Marine Parks

Bettles Bay State Marine Park	AS 41.21.304(1)	07/16/1983		680
Beecher Pass State Marine Park	AS 41.21.304(17)	07/01/1986		660
Big Bear/Baby Bear Bays State Marine Park	AS 41.21.304(33)	06/14/1990		2.040
Boswell Bay Beaches State Marine Park	AS 41.21.304(20)	06/14/1990		2.950
Canoe Passage State Marine Park	AS 41.21.304(21)	06/14/1990		2.520
Chilkat Islands State Marine Park	AS 41.21.304(7)	07/16/1983		6.560
Dall Bay State Marine Park	AS 41.21.304(18)	07/01/1986		960
Decision Point State Marine Park	AS 41.21.304(22)	06/14/1990		800
Driftwood Bay State Marine Park	AS 41.21.304(23)	06/14/1990		1.480
Entry Cove State Marine Park	AS 41.21.304(24)	06/14/1990		1.200
Funter Bay State Marine Park	AS 41.21.304(14)	07/01/1986		1.180
Granite Bay State Marine Park	AS 41.21.304(25)	06/14/1990		3.270
Horseshoe Bay State Marine Park	AS 41.21.304(9)	07/16/1983		1.190
Jack Bay State Marine Park	AS 41.21.304(27)	06/14/1990		1.560
Joe Mace Island State Marine Park	AS 41.21.304(15)	07/01/1986		60
Kayak Island State Marine Park	AS 41.21.304(26)	06/14/1990		5.160
Magoun Islands State Marine Park	AS 41.21.304(32)	06/14/1990		2.360
Oliver Inlet State Marine Park	AS 41.21.304(2)	07/16/1983		560
Safety Cove State Marine Park	AS 41.21.304(28)	06/14/1990		960
Saint James Bay State Marine Park	AS 41.21.304(12)	07/16/1983		10.360
Sandspit Point State Marine Park	AS 41.21.304(29)	06/14/1990		560
Sawmill Bay State Marine Park	AS 41.21.304(3)	07/16/1983		2.320
Security Bay State Marine Park	AS 41.21.304(19)	07/01/1986		1.960
Shelter Island State Marine Park	AS 41.21.304(11)	07/16/1983		2.560
Shoup Bay State Marine Park	AS 41.21.304(4)	07/16/1983		4.560
South Ester Island State Marine Park	AS 41.21.304(5)	07/16/1983		3.280
Sullivan Island State Marine Park	AS 41.21.304(10)	07/16/1983		2.620
Sunny Cove State Marine Park	AS 41.21.304(30)	06/14/1990		950
Surprise Cove State Marine Park	AS 41.21.304(6)	07/16/1983		2.240
Taku Harbor State Marine Park	AS 41.21.304(13)	07/01/1986		1.270
Thoms Place State Marine Park	AS 41.21.304(16)	07/01/1986		1.840
Thumb Cove State Marine Park	AS 41.21.304(31)	06/14/1990		720
Zeigler Cove State Marine Park	AS 41.21.304(8)	07/16/1983		<u>720</u>
			Total:	72.110

Recreation Areas

Caines Head State Recreation Area	AS 41.21.430-445	05/16/1971	08/17/1975	6.250
Captain Cook State Recreation Area	AS 41.21.410-425	08/17/1969		2.900
Chena River State Recreation Area	AS 41.21.470-490	06/18/1967	08/11/1975	252.800
Nancy Lake State Recreation Area	AS 41.21.450-465	07/06/1966	04/22/1970	22.600
Willow Creek State Recreation Area	AS 41.21.491-495	06/07/1987		<u>3.620</u>
			Total:	288.170

State Park Areas (continued)

	<u>Statute</u>	<u>Effective</u>	<u>Amended</u>	<u>Acres</u>
State Preserve				
Alaska Chilkat Bald Eagle Preserve	AS 41.21.610-630	07/01/1982	05/26/1986	44,350
			Total:	44,350
Special Management Areas (SMA)				
Business Park Wetlands SMA	AS 41.21.518	Pending ^a		30
Kenai River SMA	AS 41.21.500-514	06/02/1984		44,850
			Total:	44,880

7. Originally designated as Battery Point State Recreation Area, effective 04/22/1970.

8. Takes effect when an initial agreement is reached between the Commissioner of the Department of Natural Resources and the Business Park Wetlands Coalition concerning the maintenance of the state land and water within this designation.

State Forest Areas

Total Acres: 2,243,100

The following legislatively designated areas were established under Title 41, Chapter 15 or Chapter 17 of the Alaska Statutes primarily for management of forest resources. These areas are managed by the Department of Natural Resources, Division of Forestry.

	<u>Statute</u>	<u>Effective</u>	<u>Amended</u>	<u>Acres</u>
State Forest				
Tanana Valley State Forest	AS 41.17.400	07/23/1983	06/02/1988 05/12/1990	1,822,100
Resource Management Area (RMA)				
Haines State Forest RMA	AS 41.15.300-330	07/01/1982		421,000

Other State Multiple Use Areas

Total Acres: 2,598,430

The following legislatively designated areas were established under Title 41, Chapter 23 of the Alaska Statutes for special multiple use management of state public land and water resources by the Department of Natural Resources, and management of public wildlife resources by the Department of Fish and Game.

	<u>Statute</u>	<u>Effective</u>	<u>Amended</u>	<u>Acres</u>
Public Use Areas				
Ernie Haugen Public Use Area	AS 41.23.050-080	06/07/1988		420
Goldstream Public Use Area	AS 41.23.140-170	08/12/1990		3,030
Hatcher Pass Public Use Area	AS 41.23.100-130	09/01/1986		5,200
Nelchina Public Use Area	AS 41.23.010-040	08/28/1985		2,326,300
			Total:	2,334,950
Recreation Rivers (RR)				
Alexander Creek State RR	AS 41.23.500(1)	06/09/1988	04/14/1993	22,900
Kroto & Moose Creek State RR	AS 41.23.500(2)	06/09/1988		74,800
Lake Creek State RR	AS 41.23.500(3)	06/09/1988		64,100
Little Susitna River State RR	AS 41.23.500(4)	06/09/1988		17,800
Talachulitna River State RR	AS 41.23.500(5)	06/09/1988		53,000
Talkeetna River State RR	AS 41.23.500(6)	06/09/1988		30,600
			Total:	263,200
Recreational Mining Area				
Caribou Creek Recreational Mining Area	AS 41.23.600-620	08/14/1990		280
			Total:	280

DRAFT

SHUYAK STATE PARK

New Section:

Neither the Commissioner nor the Board of Fisheries nor the Board of Game may close the Park to hunting, fishing and trapping, other than the minimum area and time necessary to protect public safety, unless the closure has been approved by the legislature. This does not affect the authority of the Commissioner of Fish and Game to implement temporary closures for biological emergencies.

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR TAYLOR

TO: CSSB 64(RES) ("B" Version, Dated 3/6/97)

1 Page 3, following line 25:

2 Insert a new bill section to read:

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

4 (b) The Department of Fish and Game is responsible for the management of
5 fish and game resources in the Shuyak Island State Park, consistent with the sustained
6 yield principle and the purposes and provisions of this chapter. The Board of
7 Fisheries, the Board of Game, and the commissioner of fish and game are responsible
8 for adopting regulations governing uses of fish and game in accordance with AS 16.
9 The fish and game habitat and breeding areas shall be managed to ensure that the fish
10 and game resources of the park continue on a sustained yield basis. In managing the
11 fish and game resources of the Shuyak Island State Park and adopting
12 regulations governing uses of the fish and game, the Board of Fisheries, the
13 Board of Game, or the commissioner of fish and game may not ^{perm} close any fishing,
14 hunting, or trapping within the park unless the closure is

15 ~~(1) approved by the legislature; or~~

16 ~~(2) temporary and implemented because of a biological~~
17 emergency."

18 Renumber the following bill sections accordingly.

FAX TRANSMISSION
DIVISION OF WILDLIFE CONSERVATION
ADF&G
P.O. BOX 25526
JUNEAU, AK 99802-5526

PHONE: (907)465-4190
FAX: (907)465-6142

TO: Dave Gray

FROM: Phil Koehl

DATE: 3/13 NUMBER OF PAGES TO FOLLOW: 6

MESSAGE: Info' on critical habitat
areas and controlled use areas



Facts Pertaining to State Game Refuges, Critical Habitat Areas, and Game Sanctuaries.

DESIGNATIONS	APPROXIMATE ACREAGE	YEAR ESTABLISHED	PURPOSE PROTECT & PERPETUATE	LANDS INVOLVED
<u>REFUGES</u>				
1. Potter Point	2,600	1971	waterfowl habitat & hunting	uplands, tidal & submerged
2. Gause Bay	13,262	1975	waterfowl habitat & hunting	uplands, tidal & submerged
3. Palmer Hayflats	21,040	1975	waterfowl habitat & hunting	uplands, tidal & submerged
4. Susitna Flats	301,950	1976	waterfowl & big game habitat & hunting	uplands, tidal & submerged
5. Trading Bay	168,930	1976	waterfowl & big game habitat & hunting	uplands, tidal & submerged
6. Hendenhall Wetlands	3,600	1976	waterfowl habitat & hunting	uplands, tidal & submerged
7. Izembek	169,600	1972	waterfowl habitat & hunting	tidal & submerged
8. Cape Newenham	7,040	1972	waterfowl habitat & hunting	tidal & submerged
<u>CRITICAL HABITAT AREAS</u>				
1. Port Muller	123,520	1972	waterfowl habitat	tidal & submerged
2. Port Heiden	65,560	1972	waterfowl habitat	tidal & submerged
3. Cinder River	25,280	1972	waterfowl habitat	tidal & submerged
4. Igeyik	8,320	1972	waterfowl habitat	tidal & submerged
5. Pilot Point	46,720	1972	waterfowl habitat	tidal & submerged
6. Kalyin Island	2,800	1972	waterfowl & big game habitat	tidal & submerged
7. Fox River Flats	6,720	1972	waterfowl habitat	tidal & submerged
8. Chilkat River	4,900	1974	eagle nesting & feeding habitat	uplands
9. Kachemak Bay	215,000	1974	shellfish, crab & fish	tidal & submerged
10. Clam Gulch	30,000	1976	razor clam habitat	tidal & submerged
11. Copper River Delta	458,240	1978	shorebird & waterfowl migration & staging area	uplands, tidal & submerged lands & waters
<u>GAME SANCTUARIES</u>				
1. Walrus Islands	8,000	1960	walrus & other wildlife	uplands, tidal & submerged
2. McMill River	95,760	1967	brown bear & other big game	uplands, tidal & submerged

Hunting Areas With Access Restrictions

Controlled Use Area	Eff. Date*	Restriction
Chichagof CUA (4) 5 AAC 92.540(1)	1989	closed to use of any motorized vehicle for brown bear hunting
Delta CUA (13B & 20A) 5 AAC 92.540(2)	1971	closed to use of any motorized vehicle or pack animal for hunting from 8/5-25
Sourdough CUA (13B) 5 AAC 92.540(2)	1971	closed to use of any motorized vehicle for hunting (except designated highways)
Clearwater Creek CUA (13B) 5 AAC 92.540(2)	1971	closed to use of any motorized vehicle for hunting (except designated highways)
Tonsina CUA (13D) 5 AAC 92.540(2)	1975	closed to use of any motorized vehicle or pack animal for hunting from 7/26-9/30
Glacier Mountain CUA (20E) 5 AAC 92.540(2)	1971	closed to use of any motorized vehicle for hunting from 8/5-9/20 (except designated highways)
Wood River CUA (20A) 5 AAC 92.540(2)	1976	closed to use of any motorized vehicle except aircraft for big game hunting and transportation of game
Macomb Plateau CUA (20D) 5 AAC 92.540(2)	1974	closed to use of any motorized vehicle for hunting or transportation of game from 8/10-9/30 (except some aircraft)
Yanert CUA (20A) 5 AAC 92.540(2)	1973	closed to use of any motorized vehicle except aircraft for big game hunting and transportation of game
Ladue River CUA (20E) 5 AAC 92.540(2)	1994	closed to use of any motorized vehicle except aircraft for big game hunting and transportation of game (except designated highways)
Nenana CUA (20A & C) 5 AAC 92.540(2)	1996	closed to use of airboats for hunting moose, transporting moose hunters or their gear
Kenai CUA (15A) 5 AAC 92.540(3)	1982	closed to use of aircraft during moose season until 9/11 (except at airports)
Lower Kenai CUA (15C) 5 AAC 92.540(3)	1985	closed to use of any motorized vehicle except aircraft or boat for hunting 9/11-14 and 9/17-20 (except designated highways)
Kulskag CUA (18) 5 AAC 92.540(4)	1977	closed to use of aircraft for hunting big game, transporting hunters or game (except from public airport)

*effective date of access restriction, not when the area was established

Controlled Use Area	Eff. Date*	Restriction
Upper Kuskokwim CUA (19D) 5 AAC 92.540(5)	1981	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Holitna-Hoholitna CUA (19A & B) 5 AAC 92.540(5)	1992	closed to use of boats equipped with motors over 40hp for big game hunting, transporting hunters and game from 8/1-11/1
Koyukuk CUA (21 & 24) 5 AAC 92.540(6)	1978	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Kanuti CUA (24) 5 AAC 92.540(6)	1979	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Paradise CUA (21) 5 AAC 92.540(6)	1977	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Noatak CUA (23) 5 AAC 92.540(7)	1988	closed to use of aircraft for hunting big game, transporting hunters or game (except from public airport)
Upper Mulchatna CUA (17B) 5 AAC 92.540(8)	1990	closed to use of any motorized vehicle except aircraft or boat for hunting big game (except vehicle in camp)
GMU 26A CUA 5 AAC 92.540(9)	1990	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts from 8/1-31 and 1/1-3/31 (except from public airport)
Naknek CUA (9C) 5 AAC 92.540(10)	1991	closed to use of any motorized vehicle except aircraft, boat or snowmobile for hunting from 8/1-11/30 (except designated areas)
Izembek CUA (9E) 5 AAC 92.540(10)	1993	closed to use of any motorized vehicle except boats for hunting, transporting hunters or game

*effective date of access restriction, not when the area was established

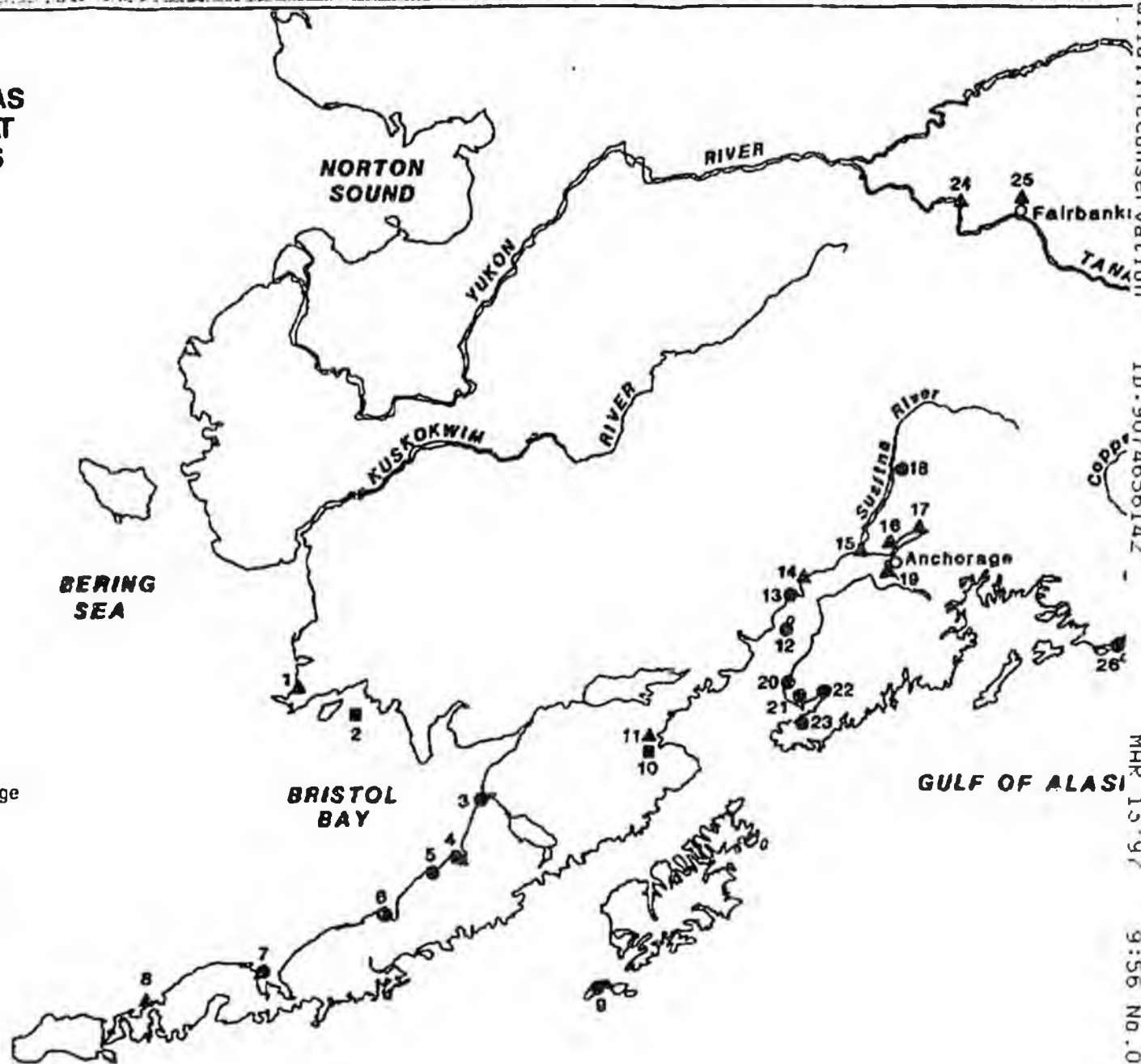
Management Areas	Eff. Date*	Restriction
Dalton Highway Corridor MA 5 AAC 92.530(7)	1987	no motorized vehicles, except aircraft, boats and licensed highway vehicles may be used to transport game or hunters
Minto Flats MA (20B) 5 AAC 92.530(8)	1995	aircraft and airboats may not be used for moose hunting or to transport moose, moose hunters or their equipment
Northwest Alaska Brown Bear MA 5 AAC 92.530(16)	1992	aircraft (except regularly scheduled flights) may not be used in any manner for brown bear <i>registration permit</i> hunts
Lake Louise MA (13A)**	1971 Repealed 1979	closed to use of any motorized vehicle for hunting and transportation of game (except designated roads)
Alaska Peninsula MA (9)**	1973 Repealed 1986	closed to use of any motorized vehicle for big game hunting (except boats and aircraft)
Lime Village MA (19A)	1985 Repealed 1986	closed to use of aircraft during moose season (except at airports)
West Chugach MA (14)**	1968 Repealed 1979	closed to motorized transport (except boats) for hunting (except established roads and public airports) from 8/1-11/30

*effective date of access restriction, not when the area was established

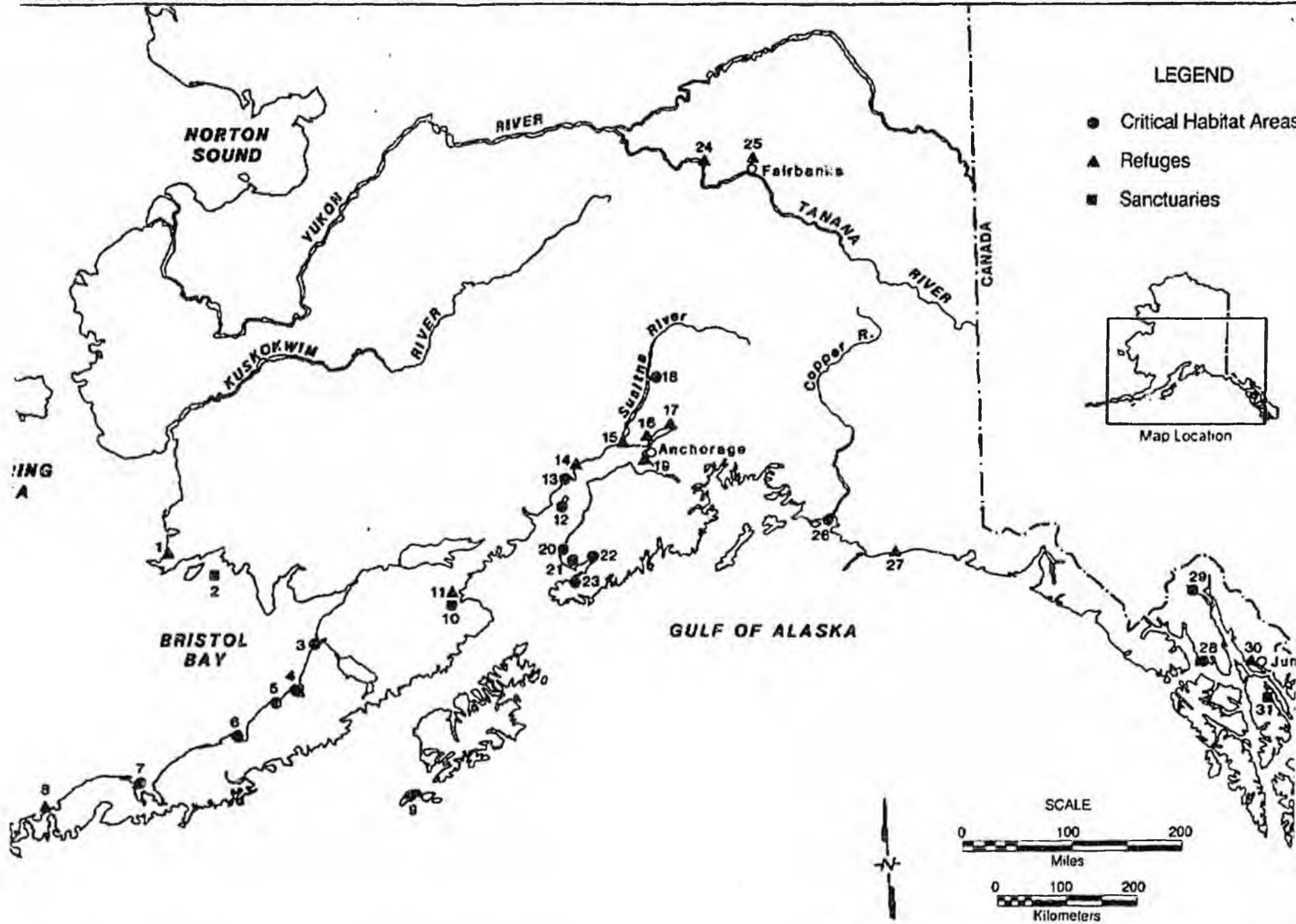
**although designated as "management areas" when they were established, if created now, these areas would be "controlled use areas."

STATE LANDS DESIGNATED AS REFUGES, CRITICAL HABITAT AREAS, AND SANCTUARIES

1. Cape Newenham State Game Refuge
2. Walrus Islands State Game Sanctuary
3. Egegik Critical Habitat Area
4. Pilot Point Critical Habitat Area
5. Cinder River Critical Habitat Area
6. Port Heiden Critical Habitat Area
7. Port Moller Critical Habitat Area
8. Izembek State Game Refuge
9. Tugidak Island Critical Habitat Area
10. McNeil River State Game Sanctuary
11. McNeil River State Game Refuge
12. Kalgin Island Critical Habitat Area
13. Redoubt Bay Critical Habitat Area
14. Trading Bay State Game Refuge
15. Susitna Flats State Game Refuge
16. Goose Bay State Game Refuge
17. Palmer Hay Flats State Game Refuge
18. Willow Mountain Critical Habitat Area
19. Anchorage Coastal Wildlife Refuge
20. Clam Gulch Critical Habitat Area
21. Anchor River and Fritz Creek
Critical Habitat Area
22. Fox River Flats Critical Habitat Area
23. Kachemak Bay Critical Habitat Area
24. Minto Flats State Game Refuge
25. Creamer's Field Migratory Waterfowl Refuge
26. Copper River Delta Critical Habitat Area
27. Yakataga State Game Refuge
28. Dude Creek Critical Habitat Area
29. Chilkat River Critical Habitat Area
30. Mendenhall Wetlands State Game Refuge
31. Stan Price State Wildlife Sanctuary

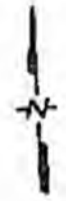
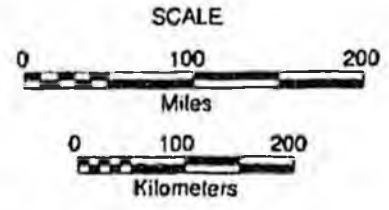


U.S. GEOLOGICAL SURVEY
 WATER RESOURCES DIVISION
 ALASKA DIVISION
 10-2011-400B147
 MHR 10'9"
 9:56 No. 007 P. 03



LEGEND

- Critical Habitat Areas
- ▲ Refuges
- Sanctuaries



STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

TONY KNOWLES, GOVERNOR

3601 C STREET, SUITE 1200
ANCHORAGE, ALASKA 99503
PHONE: (907) 762-2600

March 18, 1997

Knox and Lorena Christie
324 Wilson Street
Port Townsend, WA 98368

Re: Access to ADL 320911

Dear Mr. & Mrs Christie:

Thank you for your recent e-mail correspondence with my staff in Kodiak, regarding continued access to your mining claim on Shuyak Island. I understand that access to your claim, located in Carry Inlet, has never been restricted by state park personnel or activities since the creation of Shuyak Island State Park in 1984. Our current and future intent as land managers is to provide legal access to all private lands on Shuyak Island, including valid mining claims.

I appreciate your concern regarding future access to your mining claim and if you have further questions please contact me at (907) 269-8700.

Sincerely



Jim Stratton
Director

1970 - 1995
Celebrating 25 Years of Alaska State Parks

 printed on recycled paper by G.D.

CS FOR SENATE BILL NO. 64(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR MACKIE

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].

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

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

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

23 (a) The state land and water [UPLANDS AND FRESHWATER BODIES]

24 described in AS 41.21.172 are assigned to the department for control, maintenance, and

25 development consistent with the purposes and provisions of AS 41.21.170 - 41.21.178.

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

27 (b) The Department of Fish and Game is responsible for the management of

28 fish and game resources in the Shuyak Island State Park, consistent with the sustained

29 yield principle and the purposes and provisions of this chapter. The Board of

30 Fisheries, the Board of Game, and the commissioner of fish and game are responsible

31 for adopting regulations governing uses of fish and game in accordance with AS 16.

1 The fish and game habitat and breeding areas shall be managed to ensure that the fish
 2 and game resources of the park continue on a sustained yield basis. In managing the
 3 fish and game resources of the Shuyak Island State Park and adopting regulations
 4 governing uses of the fish and game, the Board of Fisheries, the Board of Game,
 5 or the commissioner of fish and game may not permanently close any fishing,
 6 hunting, or trapping within the park unless the closure is implemented because
 7 of a biological emergency.

8 * Sec. 5. AS 41.21.174(g) is amended to read:

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

13 * Sec. 6. AS 41.21.176 is amended to read:

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

18 (b) Possession and use [USE] of a weapon in the Shuyak Island State Park
 19 shall be allowed at all times and use of the weapon may be restricted only under
 20 extraordinary circumstances and only in such areas where public safety is
 21 threatened [EXCEPT IN UNIQUE AREAS THAT MAY BE CLOSED FOR
 22 PURPOSES OF PUBLIC SAFETY BY REGULATION BY THE COMMISSIONER].

23 (c) The [THE REGULATIONS GOVERNING PUBLIC USE OF THE
 24 SHUYAK ISLAND STATE PARK SHALL PROVIDE AMPLE ACCESS FOR
 25 LEGAL SPORT AND SUBSISTENCE HUNTING AND FISHING, TRAPPING, AND
 26 RECREATIONAL USES. EXCEPT TO PROTECT PUBLIC SAFETY THE]
 27 commissioner may not restrict lawful [THE EXERCISE OF] sport, [OR] subsistence,
 28 or commercial fishing, snort or subsistence [OR] hunting, or trapping permitted
 29 under law or under a regulation of the Board of Fisheries or the Board of Game within
 30 the Shuyak Island State Park.

31 * Sec. 7. AS 41.21.176 is amended by adding new subsections to read:

1 (d) The commissioner shall allow traditional access to

2 (1) Shuyak Island State Park for recreational purposes and for lawful
3 sport, subsistence, and commercial fishing, sport and subsistence hunting, and trapping;

4 (2) private land within the park.

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

7 (1) each determination of incompatibility;

8 (2) the specific area where the incompatibility is determined to exist;

9 (3) the time within which the incompatibility is determined to exist; and

10 (4) the reasons for each determination of incompatibility.

11 * Sec. 8. AS 41.21.178 is amended to read:

12 Sec. 41.21.178. Additions to park. Land and water outside of the
13 boundaries established in AS 41.21.172 may be added to the Shuyak Island State
14 Park only by an act of the legislature. The commissioner may not acquire land and
15 water within the boundaries of the Shuyak Island State Park by eminent domain.

COPY

AMENDMENT

COPY

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: SB 64 Shuyak Island State Park

The following conceptual amendments are requested to the Resources CS, currently in the Senate Finance Committee:

Section 4. Amend to ensure that a closure does not continue any longer than the biological emergency that caused the closure.

One approach would be to require reevaluation and justification, on an annual basis, for continuing the closure. Any suggestions you have for other approaches would be welcome.

Section 2. Amend the property descriptions so that only the 26,665.2 acres of surface estate on Shuyak Island purchased from the Kodiak Island Borough by the Exxon Valdez Oil spill settlement trust are made part of the Shuyak Island State Park. Amend other sections, if necessary, to conform to this change.

It is the desire of the Committee to hear SB 64 on Wednesday, March 19, 1997, at 9:00 a.m.

Please advise.



DAVE/MACKIE
FAX: 3517

CS FOR SENATE BILL NO. 64(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR MACKIE

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 The primary purposes of establishing the Shuyak Island State Park are to protect the
8 area's recreational and scenic resources, to protect the area's fish and wildlife habitat,
9 and to preserve and enhance the continued use of the area for sport and subsistence
10 hunting and fishing, commercial fishing, trapping, and recreational activities.

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

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

- 1 (1) Township 17 South, Range 19 West, Seward Meridian
 2 Section 18
 3 Section 19
 4 Section 30;
 5 (2) Township 17 South, Range 20 West, Seward Meridian
 6 Section 24
 7 Section 25;
 8 (3) Township 18 South, Range 18 West, Seward Meridian
 9 Section 6
 10 Section 7
 11 Section 20
 12 Section 28
 13 Section 29;
 14 (4) Township 18 South, Range 19 West, Seward Meridian
 15 Section 1
 16 Section 2
 17 Section 4
 18 Section 5
 19 Sections 7 - 36;
 20 (5) Township 18 South, Range 20 West, Seward Meridian
 21 Section 2
 22 Section 3
 23 Sections 9 - 11
 24 Sections 13 - 17
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 27 Section 36;
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 29 Sections 1 - 24
 30 Sections 26 - 34;
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 5 Section 1
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 7 Section 24
 8 Section 25;
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 28 regulation by the commissioner.

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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.