

SB

1900

Amendment # 1

*Adopted
w/out
amendments*

OFFERED IN THE House:

To: House CS for CS for SB 190(CRA) – KRSMA

1 Page 5, line 9,

2 following " municipalities", insert "adjacent to the Kenai River"

3

4 Page 5, line 10,

5 Following "groups.", delete "An"

6 insert "Unless appointed as a representative of a user group, resident

7 property owners] a municipality adjacent to the Kenai River, or other interest

8 group, an"

9

10 Page 5, line 12,

11 Following "board", insert "only as an ex officio member serving without a
vote.

12 Page 5, line 12,

13 Following "of the", insert "voting"

ALASKA STATE LEGISLATURE



Official Business

SENATOR THOMAS H. WAGONER

- Co-Chair, Senate Transportation Committee
- Vice-Chair, Senate Resources Committee
- Vice-Chair, Senate Community and Regional Affairs Committee
- Member, Legislative Council

Session: January – May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May – December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-3075

May 5, 2004

MEMORANDUM

To: Representative Norm Rokeberg, Chairman
House Rules Committee

From: Senator Tom Wagoner 

Subject: SB 190 Committee Hearing

I would appreciate your scheduling a meeting with the House Rules Committee to hear Senate Bill 190 Kenai River Special Management Area.

I have attached a packet of information for you, and if you should have any question please contact my aide, Amy Seitz, x3421.

Thank you for your time and consideration.

CHANGES TO SB 190(STA) IN H(CRA)

Page 5, line 9

“adjacent to the Kenai River” was deleted

Page 5, line 11

“as an ex officio member serving without a vote” was deleted

Page 5, line 12

“voting” was deleted after “A majority of the”

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 190(STA)
 (S) Publish Date: 1/21/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title Kenai River Special Management Area RDU Parks & Recreation Mgt.
 Component Parks Management
 Sponsor Sen. Wagoner
 Requester (S) STA Component No. 452

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 Gr						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill adds a number of parcels of land in the lower Kenai River area to the Kenai River Special Management Area (KRSMA). These lands are currently being managed by the Division of Parks and Outdoor Recreation. The proposed additions include a portion of those envisioned in both the 1997 Revised Kenai River Comprehensive Management Plan, adopted by DNR in 1997, and the Kenai Area Plan adopted by DNR in 2000. The bill also excludes state or federal employees from serving as public members of the Advisory Board.

There is no fiscal impact anticipated with implementation of this legislation.

Prepared by: Pete Panarese Phone 269-8700
 Division Parks Date/Time 1/20/04
 Approved by: Thomas Irwin, Commissioner Date 1/20/04
 Agency Natural Resources

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSB 190(STA)
 (S) Publish Date: 1/21/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Kenai River Special Management Area RDU Sport Fisheries
 Component Sport Fisheries Habitat
 Sponsor Senator Wagoner
 Requester Senate State Affairs Component No. 2698

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cos: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would have no fiscal impact.

Prepared by: Kelly Hepler, Director Phone 465-4180
 Division Sport Fish Date/Time 1/16/04 4:18 PM
 Approved by: Commissioner Kevin Duffy Date 1/16/2004
 Agency Alaska Department of Fish & Game

ALASKA STATE LEGISLATURE



Official Business

SENATOR THOMAS H. WAGONER

- Co-Chair, Senate Transportation Committee
- Vice-Chair, Senate Resources Committee
- Vice-Chair, Senate Community and Regional Affairs Committee
- Member, Legislative Council

Session: January – May
State Capitol, #427
Juneau, AK 99801
Phone: 907-465-2828 Fax: 907-465-4779

Interim: May – December
145 Main Street Loop; Suite 226
Kenai, AK 99611
Phone: 907-283-7996 Fax 907-283-3075

Sponsor Statement House CS for CSSB 190(CRA)

“An Act adding certain state-owned land and water to the Kenai River Special Management Area; relating to the mineral estate of the state-owned land and water in the Kenai River Special Management Area advisory board; and providing for an effective date.”

To provide the protection and management of the Kenai River system called for in the comprehensive management plan, certain state-owned land must be Legislatively added to the boundary of the Kenai River Special Management Area (KRSMA). KRSMA is managed as a unit of the Alaska State Parks system in the Department of Natural Resource under AS 41.21.500.

The lands that Senate Bill 190 will add to the Kenai River Special Management Area are primarily the 536 acres acquired as habitat and recreation lands under funds from the Exxon Valdez Oil Spill settlement. There are also a few isolated tracts of state land that had been overlooked during the initial 1984 KRSMA legislation.

Existing park staff assigned to the Kenai River Special Management Area will be adequate to cover additional management responsibilities for these acres.

ALASKA STATE LEGISLATURE



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- Vice-Chair, Senate Community and Regional Affairs Committee
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Sectional Analysis House CS for CSSB 190(CRA)

"An Act adding certain state-owned land and water to the Kenai River Special Management Area; relating to the mineral estate of the state-owned land and water in the Kenai River Special Management Area; relating to the Kenai River Special Management Area advisory board; and providing for an effective date."

Section 1 States that the purpose of SB 190 is to add certain state-owned land and water to the Kenai River Special Management Area

Section 2 Amends AS 41.21.502(a)(4)(L) by adding in the parcels of land that will be in the Kenai River Special Management Area. These are primarily EVOS lands, with a couple parcels that were left out of the original bill.

Section 3 Amends AS 41.21.502(c) by rewording the statute so it reads more clearly.

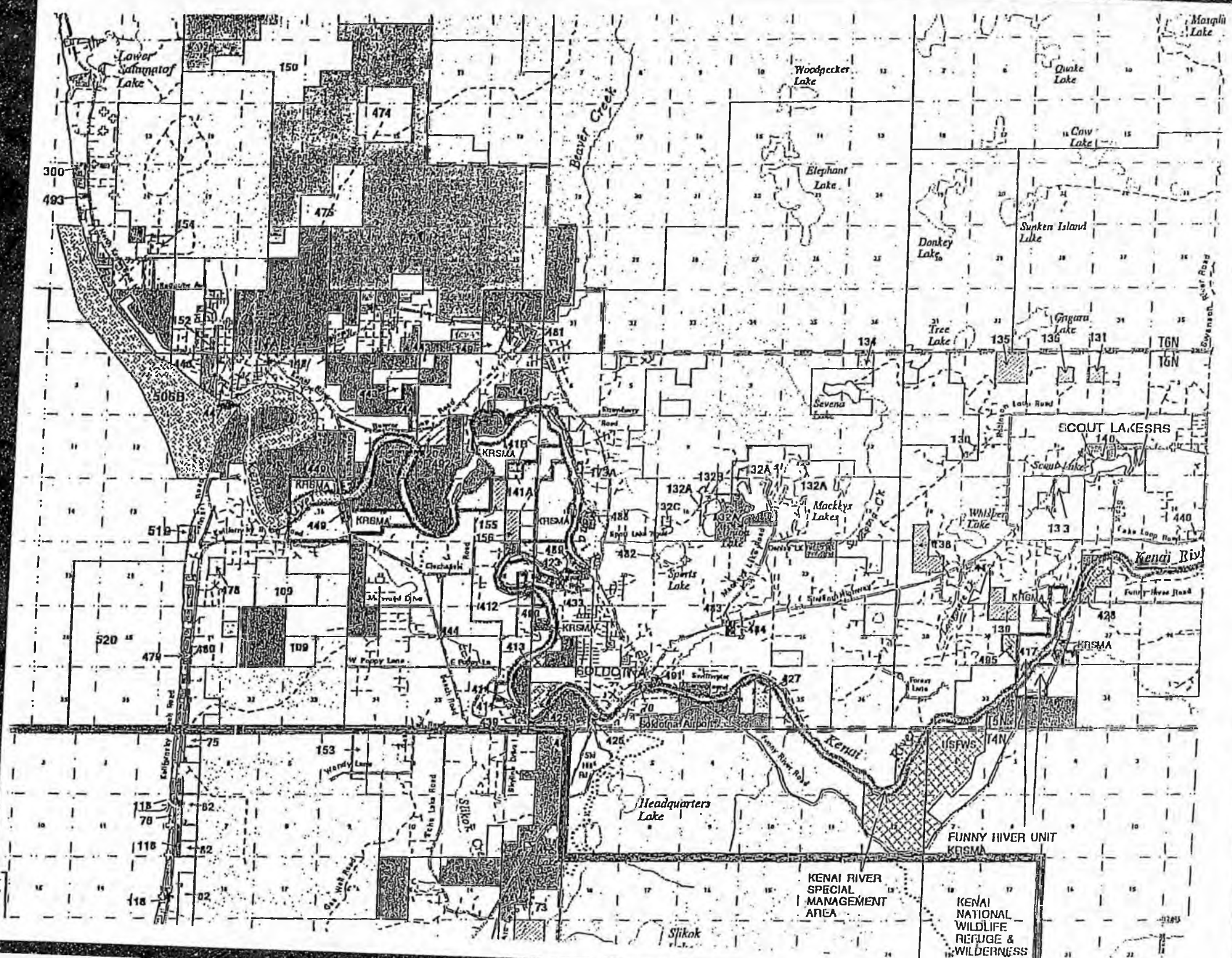
Section 4 Has a language change to AS 41.21.510(b), but does not make any changes to the board.

Section 5 Immediate effective date.

RE: SB 190, Kenai River Special Management Area
Department of Natural Resources
February 27, 2004
Senate Resources Committee

- The subsurface estate is the dominant estate.
- EVOS Conservation Easements only apply to the portion of the estate acquired with EVOS funds.
- The use of lands acquired with EVOS funds is controlled by the terms of the conservation easements on them. The KRSMA designation does not affect the conservation easements.
- Conservation easements associated with EVOS lands apply to the specific land interest acquired. If the subsurface estate was not part of the purchase, the conservation easement cannot limit access to the mineral estate any more than the surface owner of any parcel of land can limit access to the minerals underlying his estate.
- Typically we did not acquire the subsurface estate with EVOS funds. If we did acquire the subsurface estate on any of the EVOS funded parcels, utilization of the minerals on that specific parcel would be limited by the terms of the Conservation Easement.
- Typically the oil and gas rights on many of the EVOS acquired parcels were previously conveyed to the State of Alaska via patent and as such would not be subject to the terms of the Conservation Easement.
- Generally, the Conservation Easement on EVOS acquired parcels is consistent with Parks Management intent and the KRSMA designation.
- The conservation easement has no effect on adjacent parcels.

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KENAI RIVER
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KRSMA

KENAI
NATIONAL
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REFUGE &
WILDERNESS

SCOUT LAKESRS

BOLDOTNA

Headquarters
Lake

Woodpecker
Lake

Elephant
Lake

Quake
Lake

Cony
Lake

Donkey
Lake

Sunken Island
Lake

Tree
Lake

Gargara
Lake

Sevens
Lake

Mackey's
Lake

Kenai Riv

USFWS

BOLDOTNA
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Lake

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Salmonof
Lake

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Lake

Elephant
Lake

Donkey
Lake

Sunken Island
Lake

Tree
Lake

Gargara
Lake

Sevens
Lake

Mackey's
Lake

Headquarters
Lake

Quake
Lake

Cony
Lake

Donkey
Lake

Sunken Island
Lake

Tree
Lake

Gargara
Lake

Sevens
Lake

Mackey's
Lake

Headquarters
Lake

Headquarters
Lake

Headquarters
Lake

Advisory Board Statement of Purpose

The purposes for which this Board is organized are as follows:

1. To provide a forum for the collection and expression of opinions and recommendations on matters relating to State parks and outdoor recreation;
2. To promote protection of the natural and cultural features of State parks and other State lands;
3. To promote communication among the general public, other government agencies, and the administrators of State parks;
4. To inquire into matters of community interest relating to State parks and outdoor recreation; to bring matters of interest to the attention of the public;
5. To appear and testify at public and legislative hearings as representatives of State parks users and neighbors;
6. To make recommendations to the Director of the Division of Parks and Outdoor Recreation concerning, among other things, the following:
 - (a) promoting the protection and enhancement of the State's historic and recreational resources,
 - (b) promoting the interpretation and public presentation of the natural and human history of park lands,
 - (c) increasing public awareness of human impacts on parks,
 - (d) promoting orderly and consistent planning development and management programs for State parks and cultural and outdoor recreation resources,
 - (e) identifying diverse public recreation uses,
 - (f) mitigating conflicts among user groups;

**KENAI RIVER SPECIAL MANAGEMENT AREA
ADVISORY BOARD**

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**KENAI RIVER SPECIAL MANAGEMENT AREA
ADVISORY BOARD**

	Term Expires
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<p>Ted Wellman Davis, Wright, Tremaine 701 West 8th Avenue Suite 800 Anchorage, AK 99501 e-mail: tedwellman@dwt.com</p>	<p>Phone: 257-5300 (W) 345-4654 Fax: 257-5399 10/01/05</p>
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<p>Jim Golden P O Box 1723 Soldotna, AK 99669 e-mail: jbgolden@alaska.net</p>	<p>Phone: 262-7491 (W) 262-7482 (H) 10/01/04 -</p>
<p>David Westerman PO Box 751 Cooper Landing, Alaska 99572 e-mail: David_Westerman@fishgame.state.ak.us</p>	<p>Phone: 595-1576 262-9368 (W) 10/01/05</p>
<p>Roland Maw Box 530 Soldotna, AK 99669 e-mail: ucida@acsalaska.net</p>	<p>Phone: 262-6101 (h) 260-9436 (w) 10/01/04 -</p>
<p>Ken Lancaster, President P O Box 104 Soldotna, Alaska 99669 e-mail: mavor@qci.net</p>	<p>Phone: 262-4591 (h) 260-6727 (w) 10/01/04 -</p>
<p>Richard Hahn P.O. Box 2754 Soldotna, Alaska 99669 e-mail: rdhahn@eagle.ptialaska.net</p>	<p>Phone: 262-8575 (h) 10/01/04 -</p>
<p>Jeff King P.O. Box 2711 Soldotna, Alaska 99669 e-mail: lakerfsh@alaska.net</p>	<p>Phone: 262-4564 10/01/04 -</p>



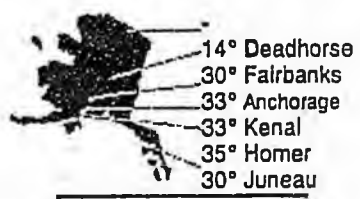
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Web posted Sunday, April 18, 2004

Wagoner bill gets KRSMA backing

By **MATT TUNSETH**
Peninsula Clarion

Something's better than nothing.

The Kenai River Special Management Advisory Board on Thursday endorsed a bill in the Alaska State Senate that would add approximately 536 acres to the Alaska State Parks management area < but not before board members voiced their frustration that the inclusion falls short of what they'd like to see added.

"I find it to be woefully inadequate," said board member Paul Shadura.

"This is another frustrating wall we've hit here," echoed board member Jim Golden.

The board members directed their remarks toward staff members from the office of Sen. Tom Wagoner, R-Kenai, who were participating in the meeting via teleconference. Wagoner is the sponsor of the bill in question < SB 190.

Their comments seemed to strike a nerve with Wagoner's staff, who wondered aloud about board members' assertion that the bill doesn't go far enough to add lands into the special management area.

"If it wasn't worth your trouble, why did you bring it to the senator?" asked Mary Jackson, a member of Wagoner's staff.

Jackson's remarks seemed to cause board members to soften their position.

"That's 500 acres more than we had before," pointed out board member Jeff King.

Another issue for the board to consider regarding the bill had to deal with the provision that state officials not be allowed to serve on the board. Currently, the board includes seats for members of state and federal agencies. Under Wagoner's bill, those seats would remain, but agency officials would be included as ex-officio members without the right to vote.

by topic, or click on the day to see the stories from the past week.

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On that issue, the board seemed to feel that although agency officials provide valuable input, taking away voting privileges was less of an issue than getting at least some land added to the management area.

"To me, the land inclusion < even if it is 500 acres < trumps that," King said.

Shadura, however, said he believes agency representatives provide valuable input and shouldn't be excluded from being full members.

"One of the reasons I come to this board is to be able to sit with federal and state agencies," he said.

Jackson said Wagoner believes agency members do provide valuable input, and that the ex-officio provision would still allow those agency members to lend their expertise to the board.

"It's just flat stupid to turn away talent," she said.

In the end, the board decided the inclusion of the 536 acres was worth its endorsement and voted 10-3 to relay the message to Wagoner that he should continue pushing the bill.

The board, however, did not speak in favor of a potential addition to the bill being pushed by Rep. Kelly Wolf, R-Kenai. Jackson said Wolf is seeking to include a provision that would disallow "derby-style fishing events" that attract large amounts of anglers to the river.

Board members who spoke to Wolf's proposal were unanimous in their belief that the proposal is a thinly-veiled attack on the Kenai River Sportfishing Association's annual Kenai River Classic, and they took issue with Wolf's desire to include a provision that seems to have little to do with the original bill.

"I don't like it to be tagged on to the bill," said board member Ted Wellman, who likened Wolf's proposal to comparing apples and oranges. "I think that's inappropriate."

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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

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March 4, 2004

Mona Painter, President
Cooper Landing Community Club
PO Box 508
Cooper Landing, AK 99572

Dear Mrs. Painter:

Thank you for your February 3, 2004 letter concerning your support for adding lands along the shoreline of Kenai Lake to the Kenai River Special Management Area (KRSMA), and your recommendation that these lands be added to SB 190. I understand that there has long been interest in Cooper Landing to see additional lands added to the KRSMA.

This session, Senator Tom Wagoner introduced SB 190 to only add lands in the lower Kenai River watershed to the KRSMA. I am not aware that the upper Kenai River watershed state lands are vulnerable to threats that might warrant their addition to KRSMA, plus the Division of Parks and Outdoor Recreation's operating budget is so limited that it might be difficult for our agency to take on the additional responsibility for new lands added to the park system. We feel it is up to the local community and your legislative delegation to recommend any additional lands to KRSMA.

I recommend that you contact Senator Wagoner to discuss amending SB 190, consistent with the wishes of the local community. Thank you again for taking the time to share your recommendations for the upper Kenai River watershed.

Sincerely,



Thomas E. Irwin
Commissioner

cc: Senator Tom Wagoner
Gary A. Morrison, Director, Parks and Outdoor Recreation

Track # 04-1021

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

STATE OF ALASKA

FRANK H. MURKOWSKI
GOVERNOR

DEPARTMENT OF FISH AND GAME
OFFICE OF THE COMMISSIONER

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

February 20, 2004

The Honorable Thomas Wagoner
Alaska State Senate
Room 427, State Capitol
Juneau, AK 99801

Dear Senator Wagoner,

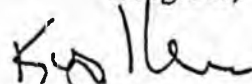
The Alaska Department of Fish & Game supports Senate Bill 190.

Section 2 of this bill adds lands purchased specifically for conservation purposes into the Kenai River Special Management Area (KRSMA). Most of these lands are wetlands not available for other uses, but which are critical habitats, and as such, we support their inclusion into the KRSMA.

Section 4 excludes employees, elected officials, or other representatives of a federal or state governments from being appointed to the Kenai River Special Management Area Advisory Board. Alternatively, it allows such individuals to serve as non-voting advisory members. We support this change. We do not believe it is appropriate for these individuals to hold voting seats, but do feel their input is necessary and valuable.

Please let me know if you have any questions.

With best regards,



Kelly Hepler
Director, Division of Sport Fish
Alaska Department of Fish and Game

Subject: KRSMA board SB190

Date: Sun, 21 Mar 2004 15:03:30 -0900

From: "Mona Painter" <painter@arctic.net>

To: <Mary_SIROKY@legis.state.ak.us>

CC: <cameron_yourkowski@legis.state.ak.us>

Dear Chairman Carl Morgan:

My name is Jim H. Richardson from Cooper Landing, AK. After retirement I served for over five years as a public member from Cooper Landing for the Kenai River Special Management Area Board. This board has been the most effective body for receiving public input and preparing consolidated recommendations to D. N. R. for action that I encountered in my entire 33 year career of natural resource management with B.L.M. Many of the questions or issues brought before the board could be answered or resolved on the spot because all the key agency people were there. The recommendations in the Kenai River Plan were the result of public meetings in Soldotna, Cooper Landing, Anchorage, and elsewhere to gather public comments and formulate them into specific proposals.

I am deeply concerned by the portion of S. B. 190 that would take away the voting rights of agency and other members. This would discourage active agency participation and result in for less useful recommendations.

I recommend that this portion of the bill be deleted and the KRSMA Board be left to operate as t has so effectively in the past.

Jim H. Richardson

P. O. Box 757

Cooper Landing, AK 99572

Email:mrich@alaska.net

STATE OF ALASKA

Cooper Landing Fish & Game Advisory Committee

Frank H Murkowski, Governor

Bill Stockwell, Chair
PO Box 721
Cooper Landing, AK 99572-0721
Phone: 595-1540

March 20, 2004

Honorable Carl Morgan
Chair, House Community and Regional Affairs Committee
State Capitol Building,
Juneau, AK 99801-1182

SENT BY FAX 2 PAGES

SUBJECT: Senate Bill 190

Dear Chairman Morgan and Committee Members

At our meeting of March 18, 2004, the members of the Cooper Landing Advisory Committee voted unanimously to OPPOSE Section 4 of Senate Bill 190, changing the KRSMA Advisory Board Membership, and asked me to relay this opposition to our District Representative Paul Seaton which I did. His office informed me that your House Committee would be holding a hearing on March 23 and suggested that I contact you direct with our concerns.

The Cooper Landing AC SUPPORTS adding Lower River Lands to KRSMA, Section 2 of SB 190, and hope more additions can continue to be added in the future. However, we strongly feel that the proposed change to the voting membership of the KRSMA Advisory Board, Section 4 of SB 190, is certainly not in the best interest of Community of Cooper Landing and is bad policy for all Alaskans. We ask you to OPPOSE this section and AMEND TO REMOVE Section 4 before enactment of SB 190.

Cooper Landing is an unincorporated community whose residents depend on the health of the Kenai River Watershed and its adjacent land for their economic well-being and quality of life. While our voting population is small, much of the river's resources and viable habitat are in our area. The Community has depended for many years on good working relationships with ADF&G, DNR Lands and Parks, the Kenai National Wildlife Refuge, and the Forest Service for the management of our area's most vital resources. As proposed in Section 4 of SB 190, these land managers and resource experts would no longer vote on Kenai River issues vital to Cooper Landing while leaving the Municipalities of Soldotna, Kenai and the Borough as voting members. This change would shift the power to manage the Kenai River to the population base at the mouth of the river and be to the detriment of the residents of the Upper Kenai River and all Alaskans and other users in general.

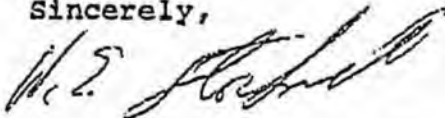
PAGE 2 COOPER LANDING ADVISORY COMMITTEE MARCH 20, 2004

We believe that the changes proposed in Section 4 of SB 190 violate the original intent of the 1984 KRSMA Act. In Section 1, Findings, of the 1984 Act it states: "A multitude of state and federal agencies with jurisdiction over various aspects of the river and adjacent public lands creates a labyrinth of regulation without effectively preventing the river's deterioration. The river's fishery and wildlife are its most important resources. The highest priority uses of the river and its adjacent land derive from its fishery and wildlife which must be protected and preserved to ensure their renewability and continued usefulness. To solve the river's problems a need exists for a comprehensive management plan for the river and its adjacent land and for coordinated management."

Coordinated management of the Kenai River Watershed requires that all land and water managers, resource managers, users and the public have equal seats at the table and that all have an equal voice and vote. To do otherwise violates the original findings of the act. Depriving all governmental entities except municipalities from vote is both unwise and poor public policy. While the health the Kenai River is of importance to adjacent municipalities, their expertise is not in management of fish and wildlife habitat and resources but in the development of land for growth and tax purposes. To leave the municipalities adjacent to the Kenai River as the only governmental entities with vote certainly seems to violate the finding that "The river's fishery and wildlife are its most important resources."

Thank you for allowing us this opportunity to provide testimony on Senate Bill 190 and thank you for examining our concerns and comments. We ask that Section 4 of SB 190 be removed in fairness to all Alaskans. If you need more information or have any questions, please contact Bill Stockwell by phone or fax at 595-1540.

Sincerely,



Bill Stockwell, Chair

cc: Representative Paul Seaton
ADF&G Board Support

**ADVISORY BOARD**

February 20, 2004

The Honorable Tom Wagoner
Alaska State Legislature
State Capital
Juneau, AK 99801

Dear Senator Wagoner:

During the February 19th meeting of the Kenai River Special Management Area Advisory Board, a discussion of SB 190 was held. As you are aware, the KRSMA Board has long advocated for additional lands being added to the KRSMA, so that lands important for fish and wildlife resources and habitat and for recreation are protected for the benefit of all.

We support the addition of the 550 acres of land in the lower river that are identified in SB 190. We decided to offer no comments on the section of the bill relating to the Advisory Board makeup with the exception that we recommend that the wording be changed to permit a public member to serve as a voting member, even if they happen to be an employee of a state or federal agency. That person would not be serving as an agency representative, and under the current wording, one of our board members who was recommended by the community of Cooper Landing would be unable to serve as he also happens to be an employee of the state. We don't believe that it was your intention to prevent this type of service, and urge you to amend this section accordingly.

Thank you for the opportunity to comment on this bill.

Sincerely,

Ken Lancaster
President, KRSMA Advisory Board





February 20, 2004

CITY OF KENAI

" Oil Capital of Alaska "

210 FIDALGO AVE., SUITE 200 KENAI, ALASKA 99511-7794
TELEPHONE 907-283-7535
FAX 907-283-3014



Senator Thomas H. Wagoner
State of Alaska
State Capitol, #427
Juneau, AK 99801

RE: **SENATE BILL 190 - LETTER OF SUPPORT**

Senate Bill 190 has been crafted to add certain state-owned lands into the Kenai River Special Management Area (KRSMA), as well as change the membership of the Board, identifying agency representatives as ex-officio non-voting members.

At their regular meetings of January 21 and February 18, 2004, the Kenai City Council reviewed Senate Bill 190 and the properties to be added to the Management Area.

Addition of Properties: Of those properties proposed to be added to the Management Area, two are situated inside the boundaries of the City of Kenai -- Government Lot 9 and Tract A-1B. The Kenai City Council voiced no objections to these properties being added to the Management Area.

Board Restructuring: Though voting privileges will be removed, the proposed amendments continue to acknowledge the importance of inclusion of agency representation and participation on the Board. The Kenai City Council voiced no objections to these proposed amendments.

The Kenai City Council supports the proposed amendments to AS 41.21.502 and AS 41.21.510 included in Senate Bill 190. The Council also emphasizes the importance of the amendment to AS 41.21.501(b) to ensure the representation of user groups, resident property owners, and municipalities are those who are "adjacent to the Kenai River."

If you have any questions, please contact us at 283-8231.

CITY OF KENAI

A handwritten signature in black ink that reads "James C. Bookey, III".

James C. Bookey, III
Vice Mayor

JCB/clf

Subject: SB190 Resources Committee Testimony

Date: Mon, 16 Feb 2004 14:39:40 -0900

From: <akscitec@alaska.net>

To: Senator_Thomas_Wagoner@legis.state.ak.us

Dear Senator Wagoner,

This is testimony of the Friends of Cooper Landing (FOCL), for the Senate Resources Committee hearing on SB 190, Monday, February 16, 2004.

We are a broad-based community organization, which understands from long experience how important a healthy Kenai River and watershed are to the life and economy of people living on the Kenai Peninsula. For that reason FOCL supports adding critical parcels of land to the Kenai River Special Management Area.

Unfortunately we cannot support SB 190 in its current form, because it will negatively impact river management. State and Federal agencies are responsible for maintaining the health of the Kenai River System. Removing State and Federal agency voting memberships will simply politicize the KRSMA Board, and potentially allow special interests to dominate. That would be very unwise, as well as be inappropriate for a management board. We strongly oppose this section of SB 190, which is unacceptable as written.

Thank you,

Bob Baldwin, President
Friends of Cooper Landing
akscitec@alaska.net



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 98689-7699
BUSINESS (907) 262-4441 FAX (907) 262-1892

**DALE BAGLEY
MAYOR**

VIA FAX: 907 465-4779

Senator Tom Wagoner
State Capitol, Rm. 427
Juneau, AK 99801-1182

Dear Senator Wagoner:

I support the provisions of Senate Bill 190 that provides for more local control of the Kenai River Special Management Area Advisory Board by making state and federal agency representative ex-officio members of the board.

I strongly oppose having any additional land added to the Kenai River Special Management area.

Sincerely,

A handwritten signature in cursive script that reads "Dale L. Bagley".

Dale Bagley
Kenai Peninsula Borough Mayor

January 30, 2004

Honorable Tom Wagoner
Senator, Alaska State Legislature
State Capitol
Juneau, Alaska, 99801-1182

Dear Senator Wagoner,

I met you and your wife, Dorothy, at Diana and Jim Zirul's party this past New Year's Eve. We talked a short time about your home dry wall needs, SBS being closed on Sundays, and our new Home Depot being open.

I hear you have a keen interest in the long term health and well being of the Kenai River and are sponsoring SB-190 to legislatively add State-owned public lands to the Kenai River Special Management Area Plan (KRSMA). I strongly support your leadership in doing this. Even though I'm a member of the KRSMA Advisory Committee, I'm writing to you as a very interested private property owner and stakeholder in the economy of the Kenai Peninsula. I believe aggressive management of the Kenai River and Kasilof River watersheds is vital to the long term prosperity of our community. However, I would like to try to convince you to strengthen SB-190 by adding the state-owned public lands and waters in the upper Kenai River watershed, as listed in CS HB-165. Those lands and waters provide a significant portion of habitat and spawning areas for Kenai River sockeyes. I worry that leaving these upper River State-owned lands and waters in limbo risks sale and development or uncontrolled impacts on these habitats, to the detriment of the watershed and our economy. As you may know, CS HB-165 passed the House in 2001 essentially on a unanimous vote. For reasons unknown to me, CS HB-165 "died" in committee in the Senate in 2001 because of objections raised by your predecessor, John Torgerson. Since he is apparently no longer a factor in this matter, it seems likely that SB-190, if supplemented by the additional public land tracts listed in CS HB-165, with one possible exception, would be a non-controversial bill in both the Senate and the House. That possible exception could be the tract of land along the SW shore of Kenai Lake, which contains the Chugach Electric Association (CEA) aqueduct from Cooper Lake to CEA's power generating station. Since it seems that CEA could be concerned that designating this land as KRSMA might impact their re-licensing process, it

might be prudent to set that tract aside for now and concentrate on the rest of the upper watershed lands and waters that are not controversial.

For your information, I have sent a letter to US Senator Ted Stevens requesting he personally endorse SB-190, and a similar letter, with the recommendations and rationale above, to Senator Gary Stevens and suggested he join you in sponsoring SB-190. I have also sent similar letters to Representatives Mike Chenault, Kelly Wolf and Paul Seaton requesting they support your (hopefully supplemented) bill in the House. If all the pertinent State-owned lands are legislatively added to the KRSMA through SB-190, there is no doubt in my mind it would be a key milestone in contributing to the health and well being of the Kenai River, and provide long lasting economic benefits to the Peninsula.

Thank you for any response or action you may take on these requests. I have included a separate, short biographical sketch to help you understand my interest and involvement in the requests in this letter.

Sincerely,



Richard Hahn

P.O. Box 2754

Soldotna, Alaska, 99669

907-262-8575

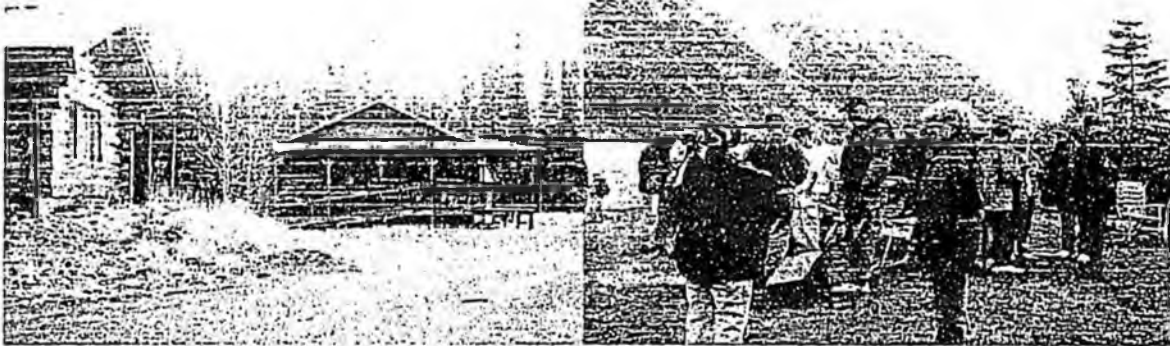
email rdhahn@ptialaska.net

Cooper Landing Community Club

Since 1949---community center park, cemetery, rifle range recreation property, museum property,
Helen Rhode Memorial Park permit, ambulance and fire department property lease...

PO Box 508 Cooper Landing, AK 99572

February 3, 2004



At community center park, Bean Creek Road

At Snail-a-thon Beach (KAP Unit 390)

Tom Irwin, Commissioner
Department of Natural Resources
400 Willoughby Avenue, Suite 500
Juneau, AK 99801

Dear Commissioner Irwin:

After receiving several emails and two phone calls regarding Senate Bill 190, I brought this matter before the Cooper Landing Community Club members at the Jan. 29, 2004 meeting. I read the letter the CLCC wrote to Commissioner Shively Jan. 30, 2000 (copy enclosed) during discussion. The CLCC passed a motion to once again confirm our belief in the Cooper Landing Advisory Planning Commission's comments regarding the Kenai Area Plan included in the 1996 Cooper Landing Land Use Classification Plan For Borough-Owned and Borough Selected Lands. I will enclose a copy of that section of the plan. The focus of the attention was on section c on page 31 of 35 recommending that shoreline lands along Kenai Lake be included in the Alaska State Park System... These lands were not included in SB 190.

Sincerely,

Mona Painter, President

(907) 595-1248
painter@arctic.net

copies:
State Parks Kenai Area Supt. Degernes,
Kenai Pen. Borough Mayor Bagley,
Senator Tom Wagoner
Senator Gary Stevens
Representative Dan Ogg



COOPER LANDING COMMUNITY CLUB, INC.

Since 1949---Library, Park, Cemetery, Ambulance Squad, Dall Homemakers, Gun Club
P.O. Box 508 Cooper Landing, AK 99572

John Shively, Commissioner
Department of Natural Resources
400 Willoughby Avenue, 5th Floor
390

Juneau, AK 99801

January 30, 2000

re: Kenai Area Plan, particularly Unit 390

Dear Commissioner Shively:

We reaffirm the Cooper Landing Advisory Planning Commission's comments regarding the Kenai Area Plan in the Cooper Landing area which were written to Bruce Talbot and Nancy Pease of the Department of Natural Resources on May 11, 1995. These comments are included in our Cooper Landing Land Use Classification Plan For Borough-Owned and Borough Selected Lands adopted by the Kenai Peninsula Borough via Ordinance 96-37: An Ordinance Incorporating The 1996 Cooper Landing Land Use Plan Update as an Element of the Kenai Peninsula Borough Comprehensive Plan.

Unit 390, which includes lands between Snug Harbor Road and Kenai Lake in which our Snail-a-thon beach/community picnic site is located, is of particular concern to us since Kenai Peninsula Borough Mayor Dale Bagley has requested this state land be available for Kenai Peninsula Borough selection. We want this area kept for public access recreation, scenic value, and habitat protection. We do not want this land developed. The annual Snug Harbor Snail-a-thon is the biggest community fund raiser for support of the community park and the Cooper Landing Elementary School bringing in over \$45,000. through the years. Approximately 100 people gather annually on that beach for this one event.

Cooper Landing residents enjoyed the use of the Snail-a-thon beach/community picnic site even before the Snug Harbor Snail-a-thon began in 1980. This is one place on the Cooper Landing end of Kenai Lake that people can access without going through private property, a USFS campground, or through the power transmission line right-of-way. Residents who cannot walk from the Snug Harbor Road can be driven to the beach so that even physically challenged folks can enjoy this beautiful site.

Our affirmation comes to you through a motion which passed unanimously at our regularly scheduled meeting January 27, 2000. The meeting and agenda were publicized in advance.

Sincerely,

CC: DNR Talbot, DNR Loeffler, DNR Degernes,
Senator Torgerson Representative Davis
K. P. Borough Mayor Bagley
CLAPC Wilson

Mona Painter, President
(907) 595-1248
painter@arctic.net

V. STATE LAND

1. Recommendations to the State re: State Lands

Although this plan (1996 Cooper Landing Land Use Plan Update) applies to land which has all ready been selected by the Borough, significant consideration was given to the Kenai Area Plan as set forth by the State of Alaska Department of Natural Resources because of the likelihood of selection of these lands by the Borough in the future.

On May 11, 1995, the CLAPC forwarded a letter to DNR outlining the Commission's concerns and recommendations for the lands in the Cooper Landing area addressed in the Kenai Area Plan. Appendix #3 is a copy of this letter.

Map "D", in the back of this document, shows some of the Kenai Area Plan Recommendations.

In cases where the State is still considering the Borough's selections, Unit Numbers have been assigned to these areas and are being discussed as part of the Kenai Area Plan. A Final Decision issued by the State of Alaska gives the Borough management authority on those lands and issuance of a Patent may or may not include certain conditions on the transfer of ownership and/or changes in the amount of acreage conveyed.

The following is a brief summary of the recommendations forwarded to the State DNR:

- a. The CLAPC considers Units numbered 388, 389, 390, 391, 393A, 393B, 394A, 394B, 395, and 396 as falling within the planning area, and/or having a significant affect on the community of Cooper Landing.
- b. That the Kenai Area Plan Planning Team consider certain portions of the 1992 Community Recommendations On A Land Use Plan for Borough Lands; specifically, the portion beginning "Land Status and Existing Land Use" and the Survey Results (of) Cooper Landing Community Goals. The directions for community growth and expansion expressed in this document reflect our goals for both state and borough lands. The plan should be useful to State Land Management Planners in formulating State Land Use Decisions in the Cooper Landing area.
- c. The CLAPC recommends that the state shoreline lands along Kenai Lake and its tributary streams be included in the Alaska State Park System for habitat protection, scenic value, and public access as specified in Kenai River Special Management Area, 1986. These

Cooper Lake Roads are appropriate per Section 1A of Cooper Landing community Goals Survey, August 1991.

GENERAL COMMENT: While the CLAPC supports traditional firewood and house-log use of Units 388 and 389, we question the utility of sales like the current hemlock rich, 240 acre Cooper Lake sale. We oppose extensive permanent road construction in this area and support the State's designation of winter removal on proposed sales. The community would rather limit permanent roads to planned development projects.

The Commission is concerned with the broad commercial leasing guidelines for Unit 388 and would like to work with the state on more refined designations with greater protection of habitat and recreation values around Cooper Lake. The community recommendations for borough-selected lands were crafted during the winter of 1995-1996. It is the intention of the Commission members to continue working with the state on Cooper Lake designations and guidelines to balance community expansion needs with retention of current recreation values. Future commercial and residential land disposals in Unit 388 and 389 must be coordinated with development plans on borough-selected lands and must be subject to community comment and approval.

VI. POTENTIAL NEW SELECTIONS UNDER AS 29.65

1. Recommendations to the Borough re: State and Borough Lands.

Although the above recommendations were addressed to the State, the following sections are included herewith as recommendations for selection/classification process (and other suggestions) to be considered by the Kenai Peninsula Borough.

- a. The selection of the 1,138-acre Unit 395 for community expansion as a residential subdivision with consideration for the integrity of the Resurrection Pass Trail System and surrounding fish and wildlife habitat. Also, all residential recommendations are contingent upon the ability of the developer to provide adequate road access, adequate sewage disposal facilities, and a potable water supply.

The commission recommends a 200 foot preservation greenbelt along either side of the Juneau Bypass state right-of-way, with limited access, and no roadside commercial development.

- b. The selection of the 523-acre Unit 394B for community expansion as commercial and residential subdivision. The northeast corner of this parcel where the Sterling Highway runs directly along the Kenai River to the south of Cooper Creek Campground is an important bald eagle winter feeding area and should be protected either by inclusion in State

- b. There is to be NO access to or from the new alignment other than the departure from the existing road at either end of the bypass. The NO ACCESS issue is not a matter taken lightly by the community

Diverting traffic away from the business district could be damaging to the community's economic base. Most businesses rely heavily on tourism and it is difficult enough to operate on a seasonal basis. It is important to the residents that Cooper Landing remain a viable, thriving community.

VII. IMPLEMENTATION

While this 1996 Update to the 1992 CLLUP provides recommendations to the KPB on the classification of its land, it is not a revision of the 1992 CLLUP. The CLAPC is encouraged to update the 1992 CLLUP to address the many significant issues affecting the Cooper Landing community as mentioned in the introduction.

KPB 17.10.080(l) states that "classification or reclassification shall be compatible with any land use plan adopted under the borough comprehensive plan or another plan approved the assembly. If a proposed classification or reclassification is not compatible with an approved land use plan, a plan revision shall be necessary before the classification or reclassification is adopted." Classifications are general land use recommendations. Within each classification definition there is significant latitude to implement the classification. It is not until KPB land is disposed or developed for a public purpose that classification is ultimately implemented. Prior to development, large tracts of KPB land need to be, at a minimum, surveyed, soil tested, and subdivided. This could cause the modification of classification boundaries. Specific decisions on items such as lot size and alignment of roads can only be decided during the subdivision planning and development stage.

Certain preexisting land uses have been determined through filing of subdivision plats and reservations in conveyance instruments. Specifically, land that has been subdivided has established or dedicated access, easements, and, in some cases, development setback and non-development buffer areas. Where these decisions have been made through the platting process, classification recommendations do not supersede the subdivision plat. Additionally, land use plans and KPB classifications are subject to any restrictions and reservations imposed on the property by patent or conveyance documents from the State of Alaska, the United States or the Kenai Peninsula Borough.

The Southern Intertie Route Selection Study Phase 1, dated May 3, 1996 shows Cooper Landing as being affected by one of the alternate corridors. The alternate alignment generally parallels the existing Quartz Creek transmission line. Should this alignment be selected the right-of-way for the intertie would be an additional 150 feet.

Thanks for SB 190

Subject: Thanks for SB 190

Date: Thu, 22 Jan 2004 17:27:21 -0800

From: "Wellman, Ted" <tedwellman@DWT.com>

To: "'Senator_Thomas_Wagoner@legis.state.ak.us'" <Senator_Thomas_Wagoner@legis.state.ak.us>

Thanks for introducing SB 190. I would like to encourage you to consider adding other lands in the upper part of the river to KRSMA that are equally or more critical to the health of the river in future legislation. The original bill Ken introduced contained the main tributaries of the river such as Trail River and areas around Trail Lake, Funny River, Quartz Creek, a few parcels around Kenai Lake, Cooper Landing and other other similar areas. If memory serves me correctly, none of the land had to be purchased. If there is controversy, affected parcels could be left out. What I would like to see is the salmon streams be protected before development makes a mess of the rearing habitat as has been done on the Lower Kenai. . I would happy to show you on the map these other lands when convenient for you. Thanks again for your help

Ted Wellman<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Davis Wright Tremaine, LLP

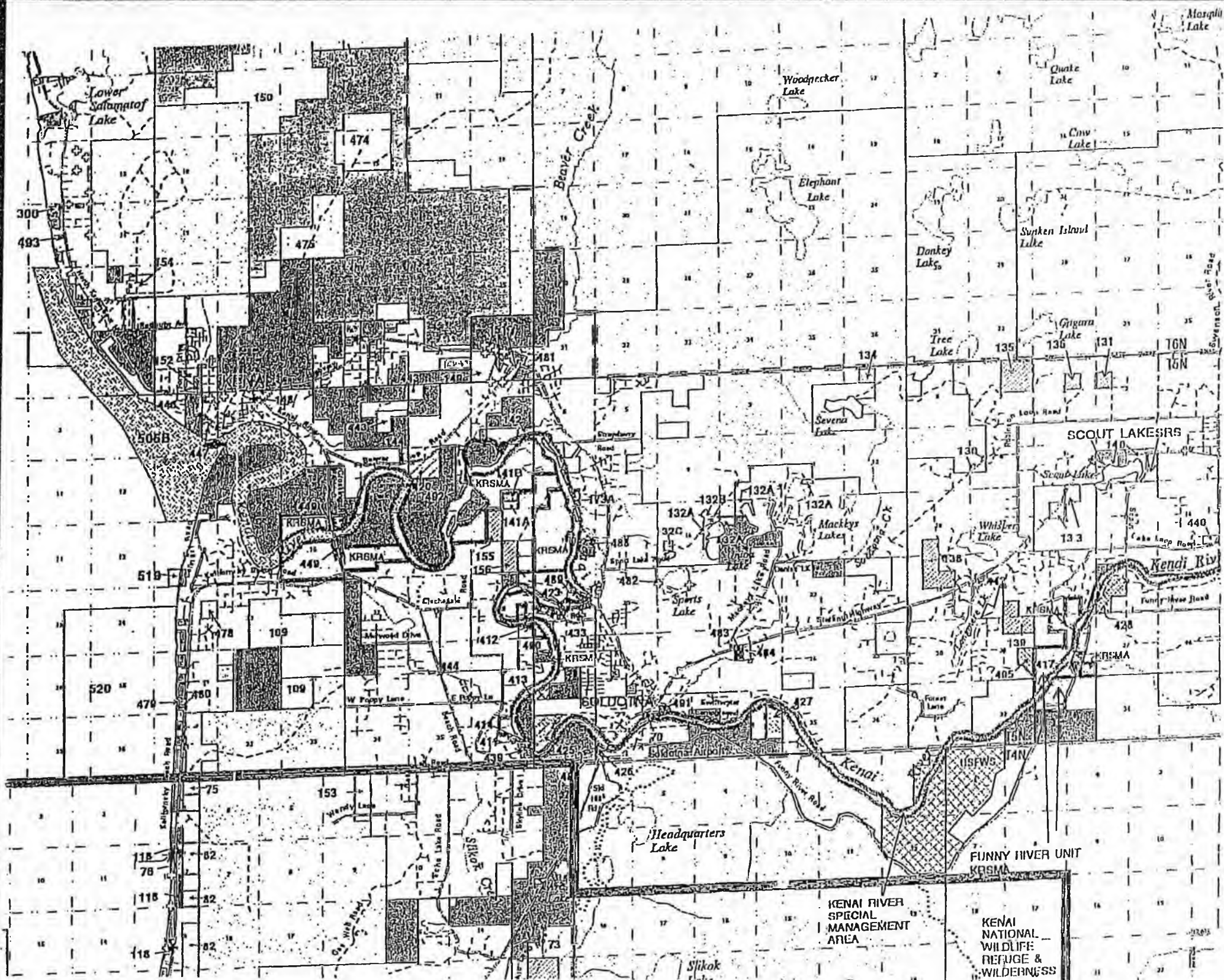
tedwellman@dwt.com

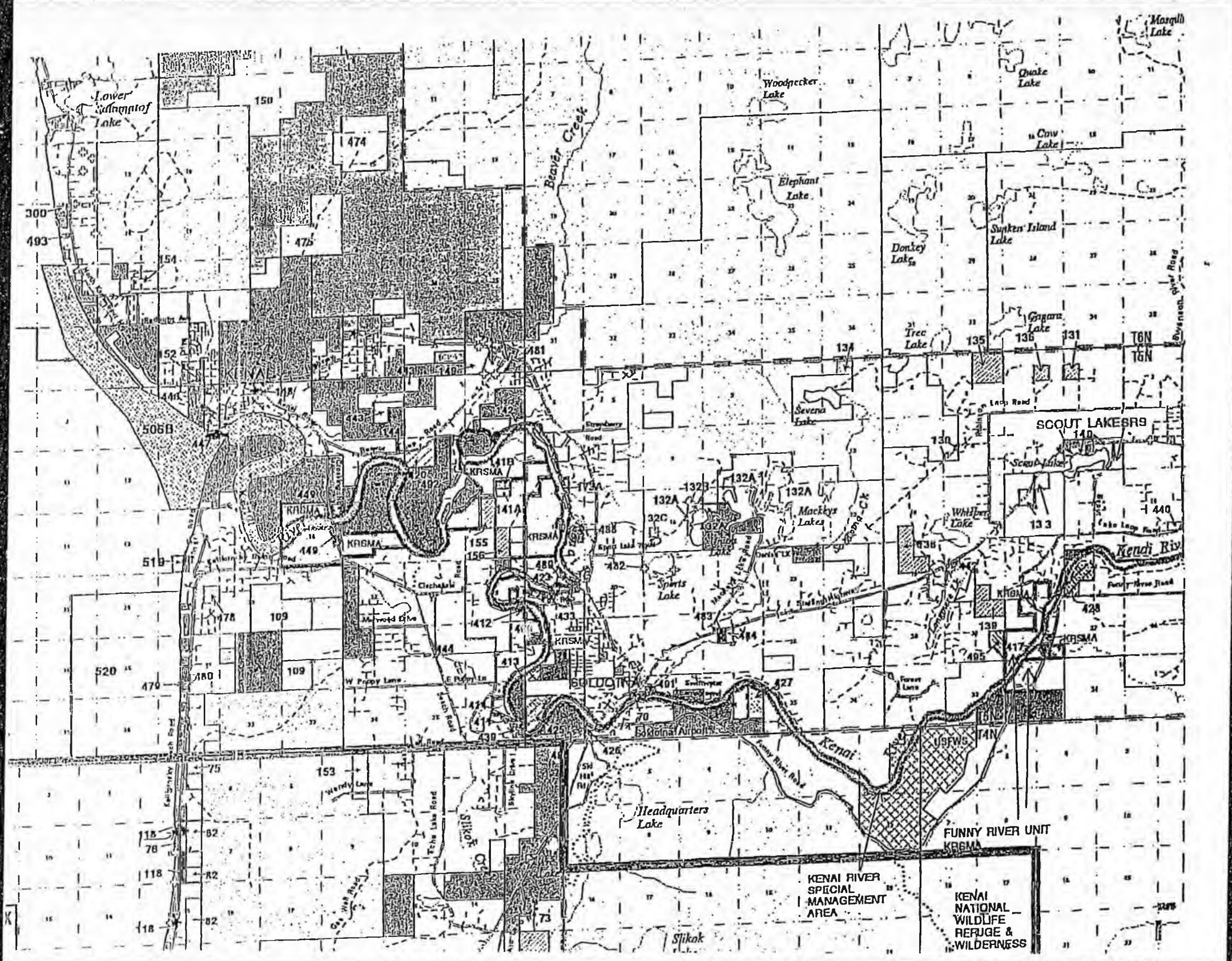
(907) 257-5326

Fax (907) 257-5399

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*Called
507 3:30*





KENAI RIVER
SPECIAL
MANAGEMENT
AREA

KENAI
NATIONAL
WILDLIFE
REFUGE &
WILDERNESS

FUNNY RIVER UNIT
KRSMA

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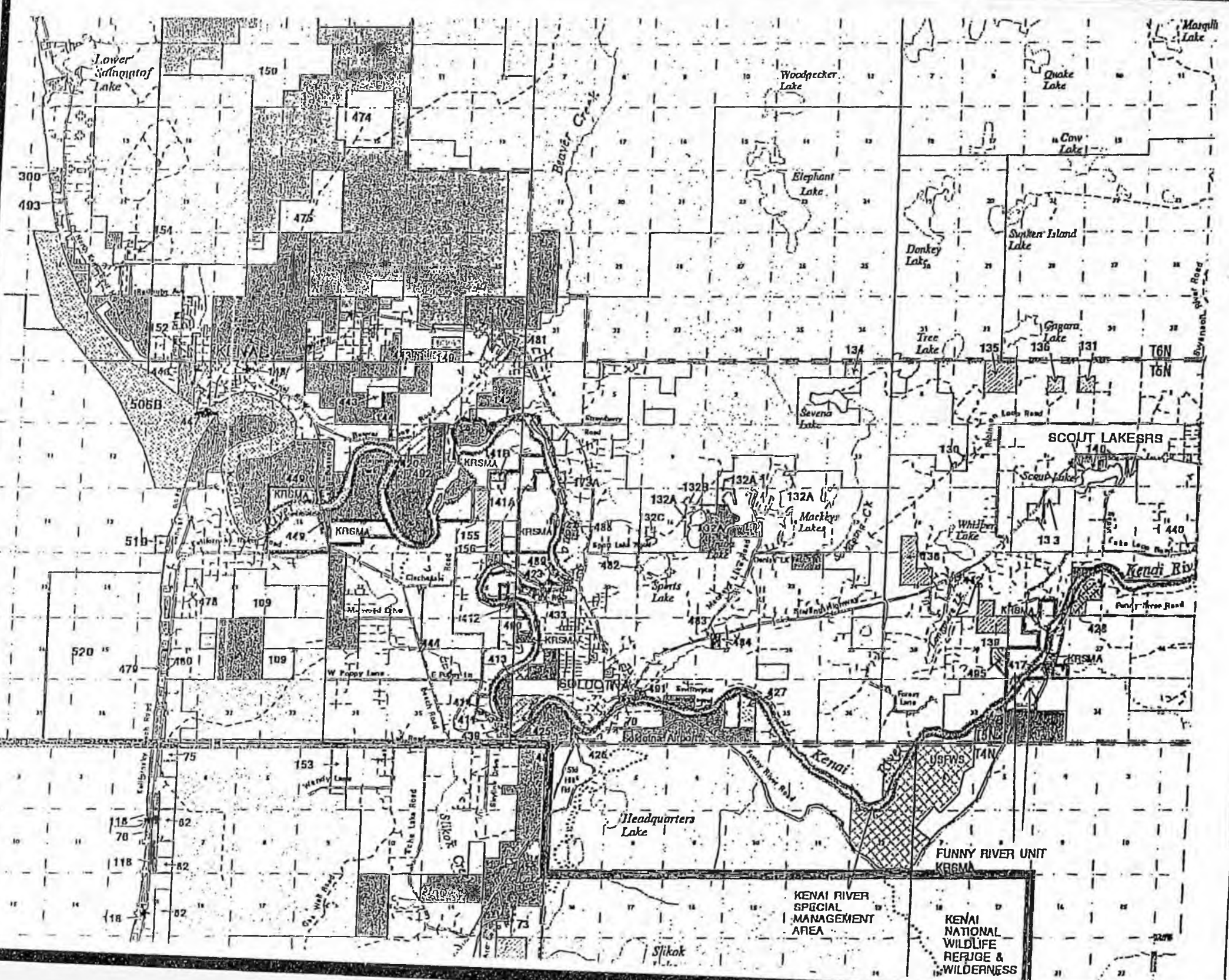
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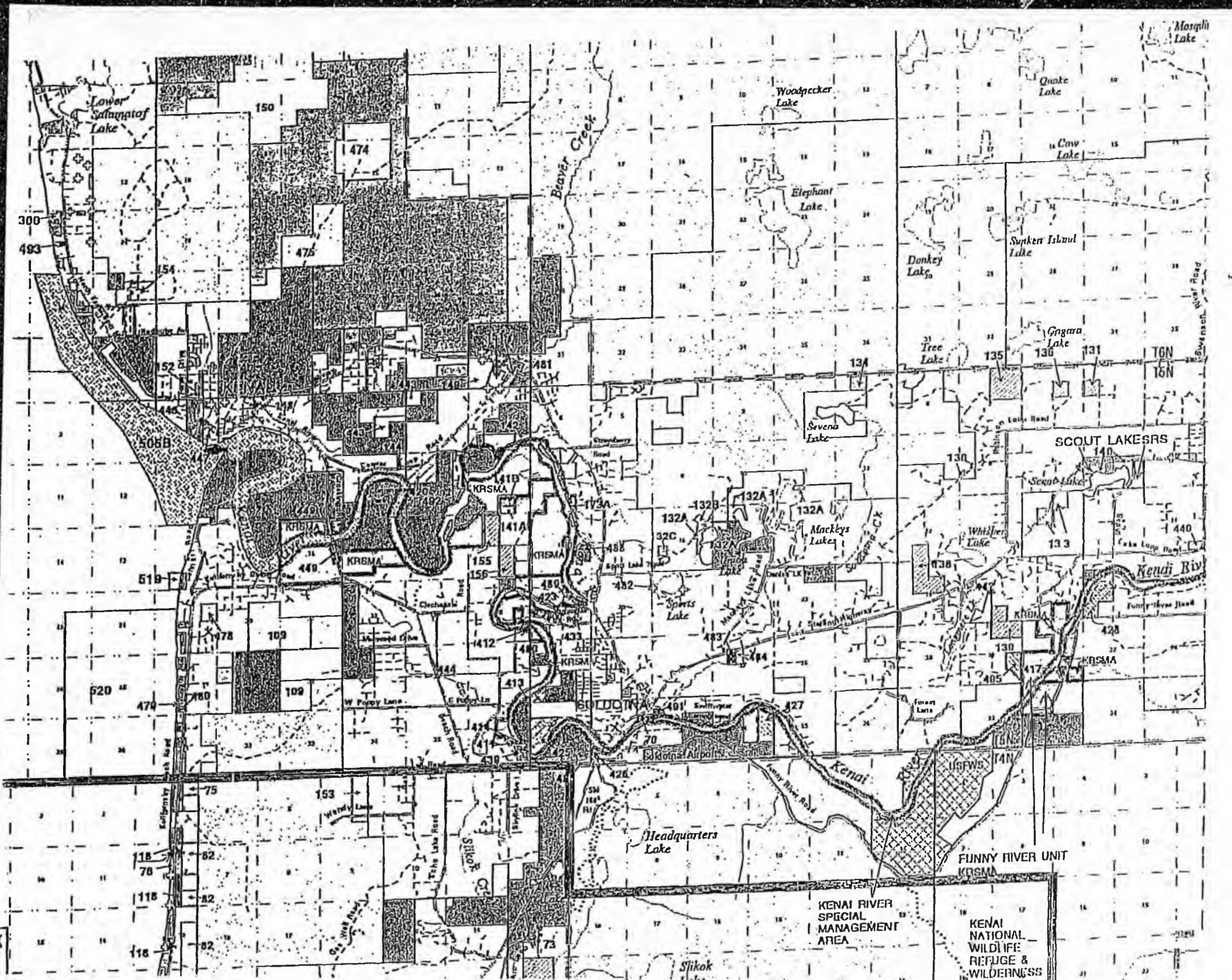


SCOUT LAKESRS

FUNNY RIVER UNIT
KRSMA

KENAI RIVER
SPECIAL
MANAGEMENT
AREA

KENAI
NATIONAL
WILDLIFE
REFUGE &
WILDERNESS



Mosquito Lake

Quake Lake

Woodpecker Lake

Cow Lake

Elephant Lake

Sunken Island Lake

Dankey Lake

Grigara Lake

Tree Lake

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Sevona Lake

SCOUT LAKESRS

Scout Lakes

Whisper Lake

Kenai Riv

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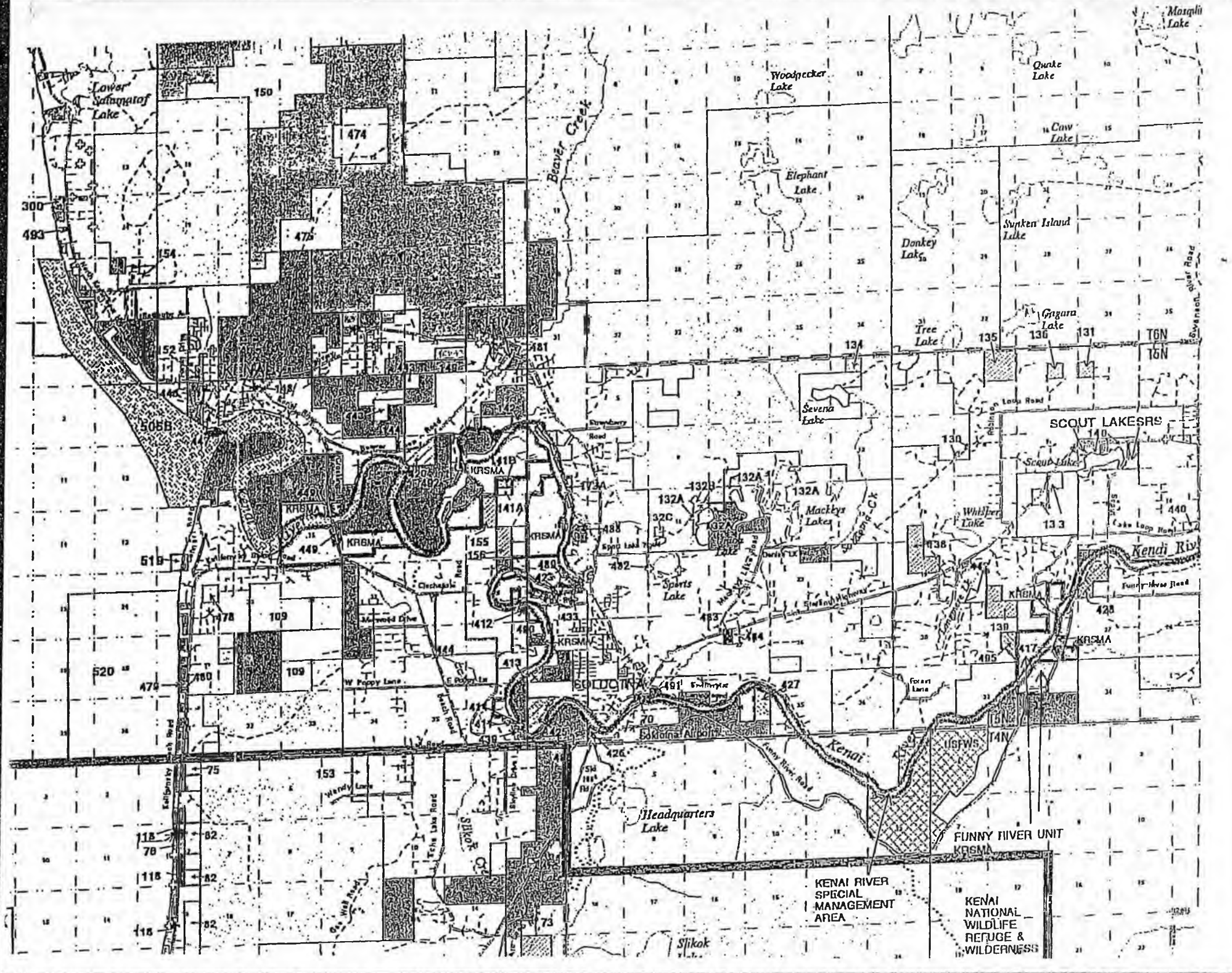
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Lower Saganafos Lake

Woodpecker Lake

Quake Lake

Marqli Lake

Cow Lake

Elephant Lake

Sunken Island Lake

Donkey Lake

Gigara Lake

Tree Lake

Sevens Lake

SCOUT LAKESRS

Scout Lakes

Macklys Lakes

Whisper Lake

Kendi River

Sports Lake

505B

KRBSMA

KRBSMA

KRBSMA

132A

132B

132A

KRBSMA

KRBSMA

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Headquarters Lake

KENAI RIVER SPECIAL MANAGEMENT AREA

FUNNY RIVER UNIT

KENAI NATIONAL WILDLIFE REFUGE & WILDERNESS

Slikok



43961 Kalifornsky Beach Road • Suite F • Soldotna, Alaska 99669
(907) 262-2492 • Fax: (907) 262-2898 • E Mail: kpfa@alaska.net

May 7, 2004

State of Alaska
Speaker of the House
Representative Pete Kott
State Capitol, Rm. 208
Juneau, AK 99801-1182

Dear Representative Kott,

The Kenai River Special Management Advisory Board has been in existence since 1984. The purpose of the statute (41.21.500 to 41.21.514); is to protect and perpetuate the fishery and wildlife resource and habitat in the unit and adjacent area and to manage recreational uses and development activities in the unit and adjacent area.

Members of the House should be aware that in the 20 year history of actions from this board there has been no known contention to state, federal or other agency representative's votes made that changed or dominated the will of the public members.

In the meeting of April 15th 2004, the KRSMA board voted to support the inclusion of 500 acres included in the advisory boards management area. However, board members felt that this was a fraction of the total of 8,000 acres that were identified in the original bill. Some also noted that this land was already purchased by EVOS trust funds and adoption of this bill would change or protect nothing that is not in the states control at present.

The discussion of changes in the voting status of members of the board was viewed by all as an unnecessary amendment to the bill. Many were mystified as to the reason for the change in the makeup of the board. When questions were asked of Division of Parks and Recreation Director at a previous KRSMA meeting, it was noted that this legislation was not supported by the division and that they had not been consulted on the reasons of this action. The board either did not support or were indifferent about this part of SB 190.

It was noted on the meeting of April 15th, 2004 that the sponsor of this bill did not consult with or ask the board if this legislation fulfilled the intent of the initial board's recommendations. The sponsor's staff did not ask this question at this meeting or at any other time.

KPFA and its Board of Directors are confused as to the necessity of this legislation. We believe that this bill falls extremely short in accepting 6% of the total requested land in the original bill. What protection does this afford the states resource and to the resource users of the Kenai River drainages? What will happen to the other 94% of recommended territory?

On the question of changing the representation and voting status of the members, we find that this action is unnecessary and possibly unethical. No action from the board initiated this legislation. State and federal representatives work with the public to advise the Department of Natural Resources on many Kenai River watershed issues. It is the applied consent of all the different governing entities that make the actions of the board useful to the local community and the people of the state and the country as a whole. Without these agency and community volunteers, this board would have little validity. It is extremely rare that federal, state, borough and local governing bodies can work together to build consensus on a variety of issues. Restricting the vote for these individuals will not improve this process, it will only hinder progress.

What is the real reason for this legislation? We request that our honorable legislators take a hard look to determine if this is good for the people or is it just a mechanism to distort the will of many for the personal agenda of a few.

The Kenai Peninsula Fishermen's Association believe strongly that our state government should be, for the people, by the people.

Respectfully,



Paul A. Shadura II
President

cc Senator Tom Wagoner, Senator Gary Stevens, Representative John Coghill Jr., Representative Ethan Berkowitz, Representative Kelly Wolf, Representative Mike Chenault, and Representative Paul Seaton

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ALASKA STATE LEGISLATURE



Official Business

SENATOR THOMAS H. WAGONER

- Co-Chair, Senate Transportation Committee
- Vice-Chair, Senate Resources Committee
- Vice-Chair, Senate Community and Regional Affairs Committee
- Member, Legislative Council

Session: January - May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May - December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907--283-3075

In response to Paul Shadura's May 7th letter:

Senate Bill 190 protects properties on the lower Kenai River acquired as habitat and recreation lands through the Exxon Valdez Oil Spill funds. These lands are critical habitat areas.

Ken Lancaster, the KRSMA board president and former Representative who sponsored the KRSMA bill during the 22nd Legislature, requested that I sponsor SB 190. My office has worked with Ken, Chris Degernes, the Peninsula Area superintendent of the Division of Parks and Outdoor Recreation, the Department of Natural Resources, and the Department of Fish and Game. Before introducing SB 190 last year, my office had multiple contacts with Ken and Chris.

A concern was raised, just before SB 190's first hearing in January of this year, that by not having the state and federal agency representatives on the board, the board would lose the valuable information they provide. I addressed the concern and amended the bill adding language that would allow agency representatives to hold a seat as an ex officio member. The Department of Fish and Game stated in a letter they "do not believe it is appropriate for these individuals to hold voting seats".

The agency representatives will still be working with the board and the public. They will attend the meetings as nonvoting members, but will still take part in the discussions, answering questions, and providing pertinent information.

Tom Wagoner

To: Kelly Wolf

From: Roland R. Maw

Date: May 6, 2004

RE: SB 190 KSRMA

As a public member of the Kenai River Special Area Advisory Board, I enjoy working with the board members representing both the state and federal agencies. At no time have either the state or federal agency members been a deciding vote on any issue. I fully support both the state and federal agency representatives to be voting members. It is difficult at the best of times to get public, state, and federal individuals to mutually work toward common goals. The KRSMA Board is unique and works together very well.

Sincerely,

Roland R. Maw, PhD
KRSMA Board member