

**HB**

**203**



Conceptual Amendment #1

Amendment to the CS for HB 203

Section 41.23.240 is amended to read:

(3) Allow for the continued use of this area for grazing uses and operations consistent with state land use plans and other applicable laws and regulations. ~~(added FINJumps)~~

12 (section 3 now becomes (4) allow additional public  
uses of the area in a manner compatible  
13 with the purposes specified in (1) and (2) of this section.

25-LS0732E  
Bullock  
4/2/07

**CS FOR HOUSE BILL NO. 203(RES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE LEDOUX**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act creating the Kodiak Narrow Cape Public Use Area."**

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

3 **\* Section 1.** AS 41.23 is amended by adding new sections to article 1 to read:

4 **Sec. 41.23.240. Purpose of AS 41.23.240 - 41.23.270.** The purpose of  
5 AS 41.23.240 - 41.23.270 is to protect, maintain, enhance, and perpetuate the present  
6 use of the area described in AS 41.23.270 as the Kodiak Narrow Cape Public Use  
7 Area. The Kodiak Narrow Cape Public Use Area is established to

8 (1) protect, maintain, perpetuate, and enhance year-round general  
9 public recreation;

10 (2) protect, maintain, perpetuate, and enhance public enjoyment and  
11 use of fish and wildlife;

12 (3) allow additional public uses of the area in a manner compatible  
13 with the purposes specified in (1) and (2) of this section.

14 **Sec. 41.23.250. Management.** (a) The commissioner is responsible for the  
15 management of the surface and subsurface estate of the Kodiak Narrow Cape Public

1 Use Area. After adequate public hearings, the commissioner may adopt and may  
2 revise a management plan for the Kodiak Narrow Cape Public Use Area. The  
3 commissioner shall provide a copy of the management plan and each revision to the  
4 chairs of the resource committees of the legislature within 30 days after its adoption or  
5 revision. The commissioner shall consult with the Department of Fish and Game in the  
6 adoption and revision of the management plan.

7 (b) Subject to valid existing rights, including existing rights for grazing leases  
8 and operations and the interagency land management agreement between the  
9 department and the Alaska Aerospace Development Corporation for the Kodiak  
10 Launch Complex, the commissioner may not dispose of the surface estate in state land  
11 within the Kodiak Narrow Cape Public Use Area.

12 (c) Grazing and missile launch activity are allowable uses within the Kodiak  
13 Narrow Cape Public Use Area. Consistent with the purposes of AS 41.23.240(1) and  
14 (2), the commissioner shall allow additional uses within the Kodiak Narrow Cape  
15 Public Use Area, including horseback riding, hiking, picnicking, berry picking, fossil  
16 collecting, tide pooling, all terrain and road vehicle driving, bicycling, dog sledding,  
17 cross-country skiing, skijoring, snow machining, camping, surfing, beachcombing,  
18 and other traditional public uses of fish and wildlife populations such as fishing,  
19 hunting, viewing, and photographing of gray whales and waterfowl.

20 (d) The state may not acquire by eminent domain privately owned land within  
21 the boundaries described in AS 41.23.270 but may acquire privately owned land  
22 located within the boundaries described in AS 41.23.270 by purchase, exchange, or  
23 otherwise for inclusion in the Kodiak Narrow Cape Public Use Area.

24 (e) The commissioner may not manage the Kodiak Narrow Cape Public Use  
25 Area as a unit of the state park system.

26 **Sec. 41.23.260. Incompatible uses.** (a) Except as provided in this section, the  
27 commissioner may prohibit or restrict uses determined to be incompatible with the  
28 purposes of the Kodiak Narrow Cape Public Use Area under AS 41.23.240(1) and (2)  
29 within the state-owned land and water described in AS 41.23.270.

30 (b) Consistent with AS 41.23.240 - 41.23.270, the Department of Fish and  
31 Game may engage in rehabilitation, enhancement, and development of fish and

1 wildlife habitat within the area described in AS 41.23.270.

2 (c) The commissioner may not restrict fishing, hunting, or trapping rights  
3 allowed under a regulation of the Board of Fisheries or the Board of Game within the  
4 Kodiak Narrow Cape Public Use Area.

5 (d) The commissioner shall allow access to the Kodiak Narrow Cape Public  
6 Use Area by motorized or nonmotorized means of transportation to private land, to  
7 interests in private land, and for hunting, fishing, trapping, mining, and recreational  
8 purposes in a manner that is compatible with purposes specified in AS 41.23.240(1)  
9 and (2). Existing trails remain open to public use.

10 (e) The Department of Public Safety and the Department of Fish and Game  
11 may have necessary access for fish and game management, research, and enforcement  
12 purposes.

13 (f) If the commissioner determines that a use is incompatible with one or more  
14 other uses in a portion of the Kodiak Narrow Cape Public Use Area, the commissioner  
15 shall state in the management plan adopted or revised under AS 41.23.250

16 (1) each determination of incompatibility;

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

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

19 and

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

21 **Sec. 41.23.270. Kodiak Narrow Cape Public Use Area.** Subject to valid  
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24 future that lie within the boundaries described in this section are designated as the  
25 Kodiak Narrow Cape Public Use Area, are reserved for all uses compatible with their  
26 primary function as public use land, and are assigned to the department for control and  
27 management:

28 (1) Township 30 South, Range 20 West, Seward Meridian

29 Section 25

30 Section 36

31 (2) Township 30 South, Range 18 West, Seward Meridian

- 1 Section 19
- 2 Sections 30 - 31
- 3 (3) Township 30 South, Range 19 West, Seward Meridian
- 4 Section 15
- 5 Sections 19 - 36
- 6 (4) Township 31 South, Range 19 West, Seward Meridian
- 7 Sections 1 - 11
- 8 Sections 15 - 22
- 9 Sections 27 - 34
- 10 (5) Township 31 South, Range 20 West, Seward Meridian
- 11 Section 1
- 12 Section 2: all land lying east of Pasagshak Bay Road
- 13 Section 12: E 1/2
- 14 Section 13
- 15 Section 23: SE 1/4
- 16 Sections 24 - 25
- 17 Section 26: Lot 1
- 18 Sections 34 - 36
- 19 (6) Township 32 South, Range 19 West, Seward Meridian
- 20 Sections 3 - 6
- 21 Sections 8 - 10
- 22 (7) Township 32 South, Range 20 West, Seward Meridian
- 23 Sections 1 - 3
- 24 Section 4: SE 1/4
- 25 Sections 9 - 11

**AMENDMENT #1 (conceptual)**

OFFERED IN HOUSE RESOURCES

BY REP. SEATON

March 28, 2007

TO: CSHB 203 ( ), Draft Version "C"

Page 2, line 1:

Delete "shall"

Insert "may"

ADOPTED IN COMMITTEE

25-LS0732C  
Bullock  
3/21/07

**CS FOR HOUSE BILL NO. 203( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVE LEDOUX**

**A BILL**

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# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: HB203-DNR-MLW-03-27-07  
 Bill Version: HB203  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
 Title Kodiak Narrow Cape Public Use Area RDU Resource Development  
 Component Claims, Permits and Leases  
 Sponsor Rep. LeDoux  
 Requester House Resources Component No. 2460

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	68.4	68.4				
Travel	3.0	1.0				
Contractual	10.2	8.2				
Supplies	2.0	2.0				
Equipment	9.5	0.0				
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>93.1</b>	<b>79.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	93.1	79.6	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>93.1</b>	<b>79.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time	1	1				
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

The bill establishes the Kodiak Narrow Cape Public Use Area. The legislation requires DNR to prepare and adopt a land management plan, and manage the area consistent with the purposes established in the legislation and the plan. However, DNR believes that the existing Kodiak Area Plan for State Lands adopted in 2004, in coordination with this legislation, is sufficient to address the current public land use issues in the area. Therefore, a new detailed management plan for the Narrow Cape area may not be required at this time.

Furthermore, the department already has the authority under AS 38.04.065 to develop a separate management plan for Narrow Cape should DNR determine there is a need.

Prepared by: Dick Mylius, Acting Director Phone 269-8600  
 Division Mining, Land & Water Date/Time 3/27/2007  
 Approved by: Tom Irwin, Commissioner Date 3/27/2007  
 Agency Natural Resources

## FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. HB203

### ANALYSIS CONTINUATION

This fiscal note addresses the cost for the department to prepare a land management plan, public notice and review, and adoption and printing of the plan.

#### **Plan Preparation and Adoption**

(We have assumed that this process will take 18 months to complete.)

**PERSONAL SERVICES COST - \$136.8 total (for 18 months)**

One Natural Resource Specialist (NRS) III (range 18C) - 9 Mo. FY08 (68.4), 9 Mo. FY09 (68.4) - total 18 months at \$7.6/month = \$136.8 - for plan preparation, review and adoption.

#### **TRAVEL, CONTRACTUAL, SUPPLIES**

Travel would be minimal at \$3.0 in FY08 and \$1.0 in FY09 as most of the public meetings would be in the Kodiak Island Borough.

Contractual costs in FY08 would be for a scoping and draft plan ads, public notice printing, room rentals, and the preparation and distribution of news letters and a draft management plan (\$4.0).

Contractual costs in FY09 would be for follow up public meetings room rental, printing and distribution of the final adopted plan (\$2.0).

Other contractual costs include \$6.2 for office space, telephones, core service charges and related expenses for the new position in FY08, and \$6.2 in FY09.

Supplies are budgeted at \$2.0 per year. FY08 includes one-time start-up costs for computer and office equipment of \$9.5.



# *Alaska State Legislature*

Representative Gabrielle LeDoux  
*House District 36*

## **Sponsor Statement** **House Bill No. 203**

### **“An Act creating the Kodiak Narrow Cape Public Use Area.”**

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.

There are currently four public use areas recognized in state law: (1) the Ernie Haugen Public Use Area created in 1988; (2) the Goldstream Public Use Area created in 1990; (3) the Hatcher Pass Public Use Area created in 1986; and (4) the Nelchina Public Use Area created in 1985. These units are designated legislatively 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.

House Bill No. 203 proposes the establishment of a new public use area of 52,057 acres for the Narrow Cape area on Kodiak Island. Narrow Cape is located on the very southern end of Kodiak Island. It is an important public use and recreational area, used for a wide range of activities including hiking, picnicking, berry picking, fossil collecting, surfing, horseback riding, all terrain vehicle driving, beachcombing, and other traditional public uses of fish and wildlife populations such as fishing, hunting, viewing and photographing of gray whales and waterfowl. This area is also subject to existing grazing leases and an interagency land management agreement with the Alaska Aerospace Development Corporation for the Kodiak Launch Complex.

Creation of a public use area for Narrow Cape recognizes the special multiple use activities within this area, and increases the protection to ensure continued public use is allowed. At the same time, valid existing rights are protected. Explicit language is included in Sec. 41.23.250(c) listing grazing and missile launch activity as allowable uses.

Additional protection is afforded under Sec. 42.23.250(b) by not allowing the commissioner of natural resources to dispose of the surface estate in state land within the public use area. This provision means that any disposal of the surface estate will require approval by a future legislature.

Creation of a public use area triggers a requirement to adopt and maintain a management plan for the area, which should help to manage any use conflicts and ensure the important multiple uses are managed in an active manner.

Recent initiatives such as the proposal a few years ago to transfer this land to the University of Alaska triggered a review of possible steps to recognize and protect the important public use values of this land. This move is a reasoned, time-tested approach to manage multi-use activities, while providing more assurance that a range of public uses will not be diminished or eliminated.

## Suzanne Hancock

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**From:** Hans-Ulrich Tschersich [xrayhans@yahoo.com]  
**Sent:** Thursday, March 15, 2007 12:27 PM  
**To:** Suzanne Hancock  
**Subject:** Re: HB 203/SB 111

Dear Representative Le Doux,

I strongly support the provisions of HB 203, regarding the lands at Narrow Cape in Kodiak. I have hiked along the beautiful bluffs many times and enjoyed the interesting beach with the spectacular fossil cliffs. I led several hikes during the whale migration, an annual event enjoyed by many local residents and visitors to the island. It is very important to preserve this land for public use since it is one of the most popular recreational areas on the Kodiak road system.

Sincerely,

Hans Tschersich  
Kodiak, Alaska

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Don't get soaked. Take a quick peek at the forecast with the Yahoo! Search weather shortcut.

[http://tools.search.yahoo.com/shortcuts/#loc\\_weather](http://tools.search.yahoo.com/shortcuts/#loc_weather)

**Suzanne Hancock**

---

**From:** bookmatch@acsalaska.net  
**Sent:** Sunday, March 25, 2007 9:02 AM  
**To:** Suzanne Hancock  
**Subject:** Greg D'Elia's Fossil Beach Essay

**Dear Suzanne:**

**Greg's essay is below. Greg entered the "National Geographic Everyday Explorer Challenge Photo/Essay Contest" back in October, 2005. His task was to take a picture of a place in his community and write how he actively explores it and tell about the most interesting things he found there. Greg was one of 15 national winners between the ages of 9-14 that won a ten day expedition to the Galapagos Islands in May, 2006. His Mom, who homeschools Greg, accompanied him on the trip. I am forwarding you Greg's award winning Fossil Beach photo in a separate e-mail. Hope this helps in your efforts to protect the Narrow Cape area.**

**Joe D'Elia**

I live in Kodiak, Alaska. Fossil Beach is my favorite place on the island. Fossils, birds, whales, maybe even gold, Fossil Beach has it all.

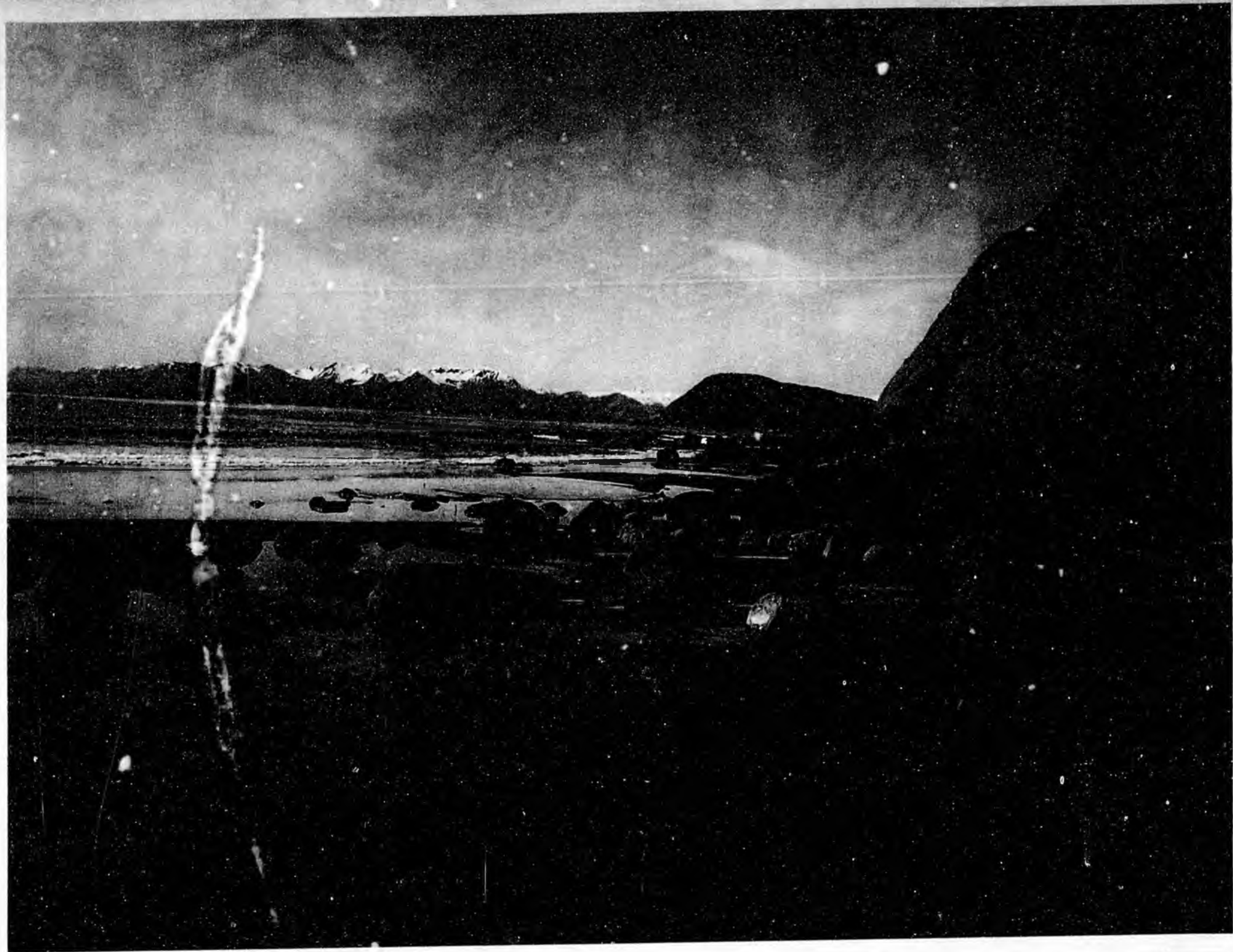
Fossil Beach is covered with rocks shaped like cannon balls. I've dug up many fossils in the cliffs. My most exciting discovery was a fossil shaped like a unicorn's horn. There are rumors of gold, but I've never found any gold. Still, there are treasures more important than gold here.

There are many living treasures that one can come across. Once a year the whales go by on their migration. If you're lucky you might see sea lions. Once, two sea lions followed me down the beach. You can see birds like seagulls, eagles, oystercatchers and cormorants at Fossil Beach.

When the tide goes out I go tide pooling between the boulders and find hermit crabs, anemones, starfish, and sculpins. Sculpins are quick stealthy fish. If you try to catch one, be my guest, but heed my warning, their fins are sharp as knives.

One can do many things at Fossil Beach like fossil hunting, wildlife viewing, and tide pooling. Bring your shovel, bucket and, most of all, an appetite for adventure.

Gregory D'Elia



## Suzanne Hancock

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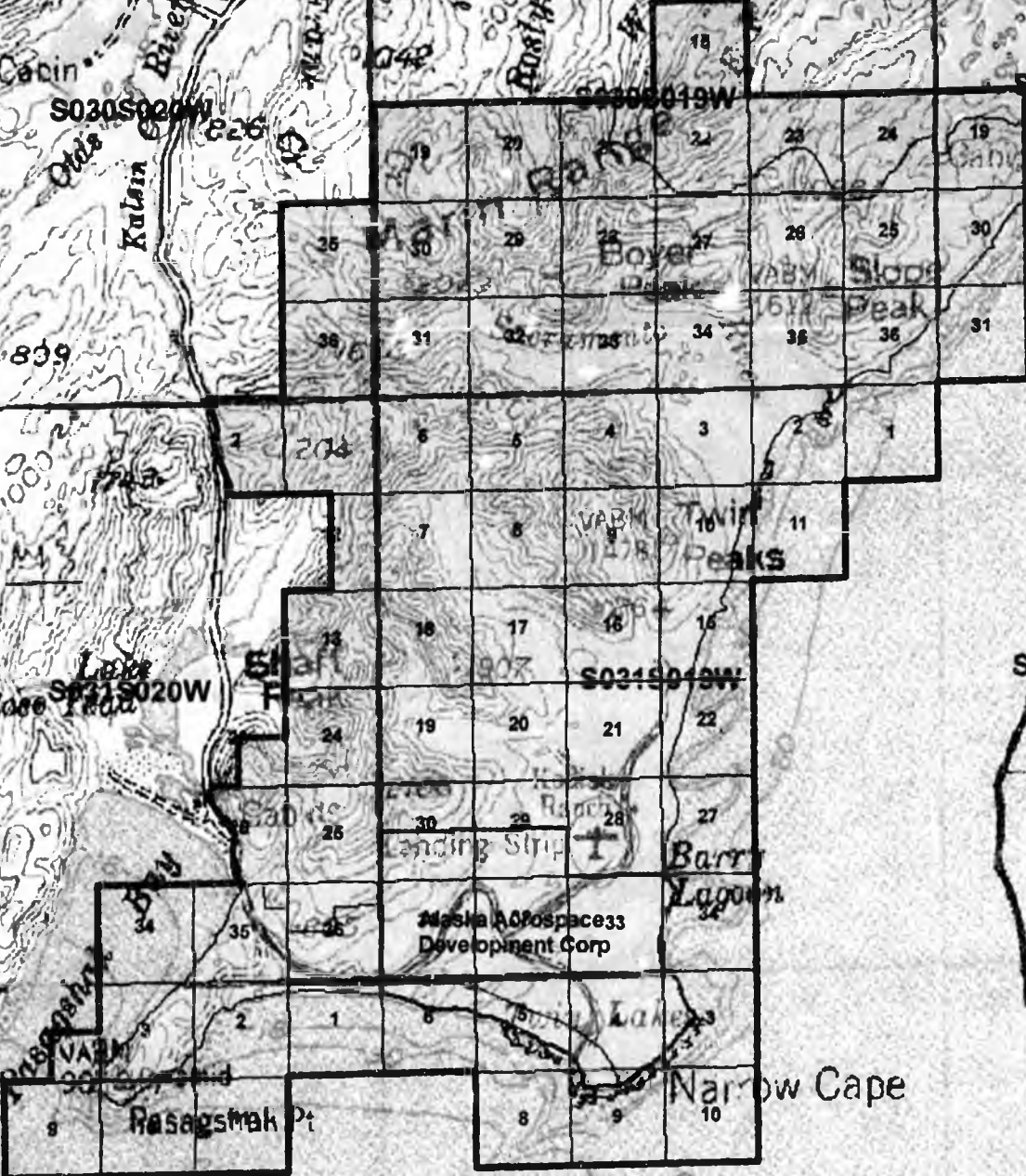
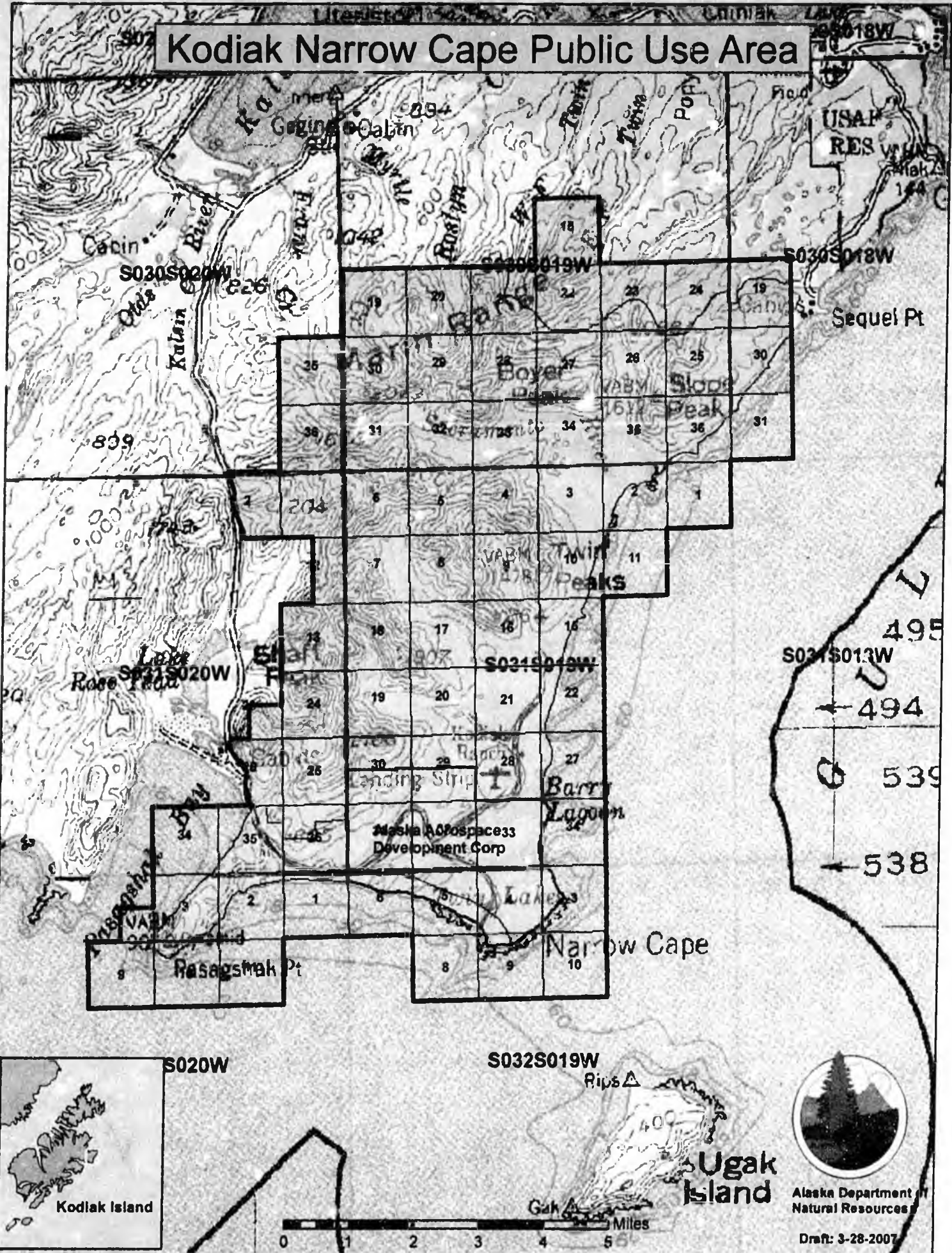
**From:** Pat Ladner [pat.ladner@akaerospace.com]  
**Sent:** Thursday, March 29, 2007 5:14 PM  
**To:** Rep. Gabrielle LeDoux  
**Subject:** HB 203

It is my understanding that this bill will be heard again on next week. I will make every effort to testify via telecon in support of this bill. However, if for whatever reason I cannot participate, please read the following testimony to the committee:

I am Pat Ladner, President and CEO of Alaska Aerospace and we own and operate the Kodiak Launch Complex located at Narrow Cape for the State. I would like to go on record supporting HB203. I interpret the language to mean that the launch operations will not be impacted by this bill. If I Alaska Aerospace fully supports recreational opportunities at Narrow Cape and this legislative action. Narrow Cape is a great recreational place and should be enjoyed by all. Please accept this as my formal testimony on support of HB203.

Pat Ladner  
Pres and CEO  
Alaska Aerospace

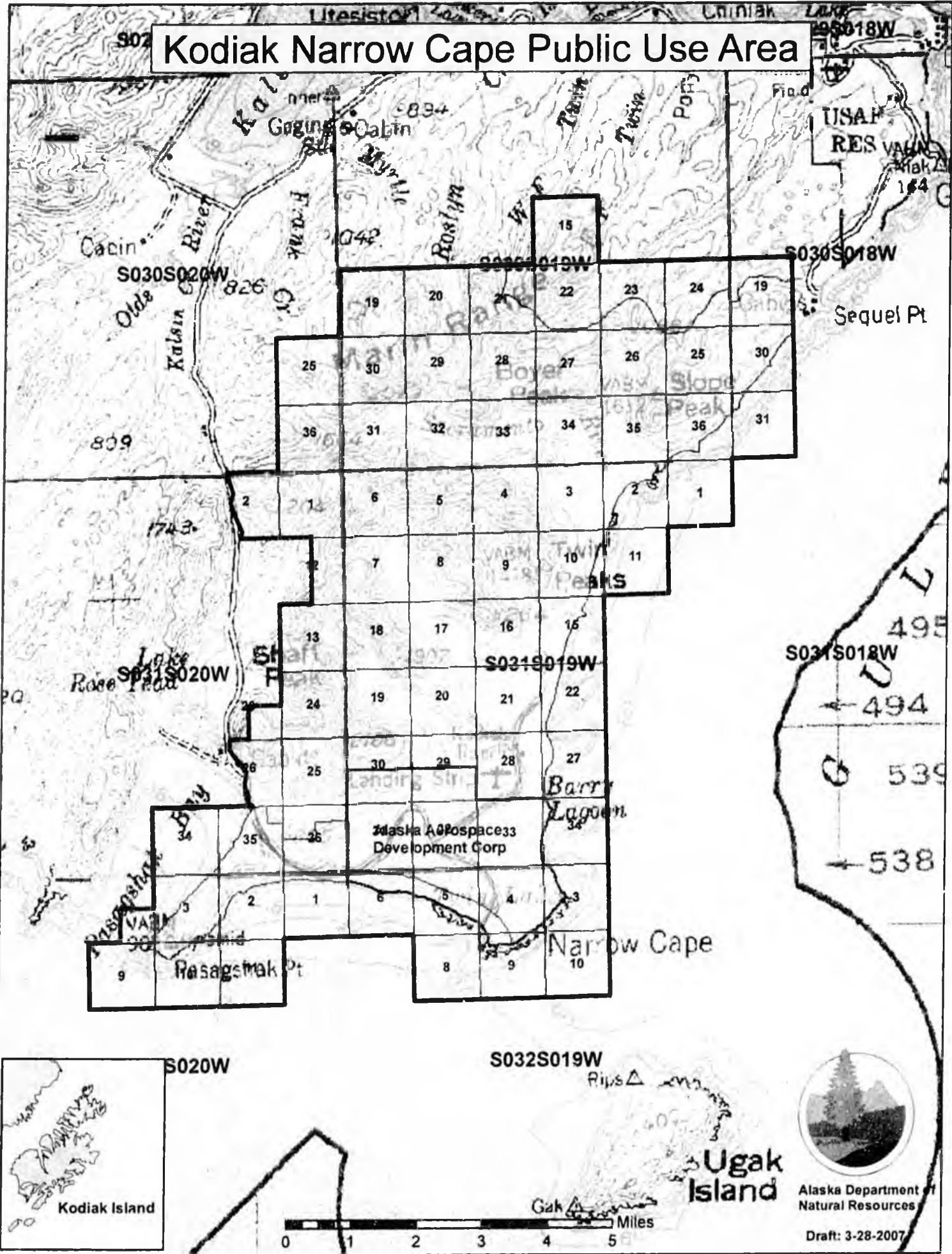
# Kodiak Narrow Cape Public Use Area



Alaska Department of Natural Resources

Draft: 3-28-2007

# Kodiak Narrow Cape Public Use Area



Alaska Department of Natural Resources  
Draft: 3-28-2007

ALASKA STATE LEGISLATURE  
House Resources Committee

**Carl Gatto, Co-Chair**

State Capitol Building, Room 108  
Juneau, AK 99801-1182  
(907) 465-3743  
FAX (907) 465-2381  
Rep\_Carl\_Gatto@legis.state.ak.us



**Craig Johnson, Co-Chair**

State Capitol Building, Room 126  
Juneau, AK 99801-1182  
(907) 465-4993  
FAX (907) 465-3872  
Rep\_Craig\_Johnson@legis.state.ak.us

**FAX**

To: DON BULLOCK, LEG. LEGAL From: DEBBIE HIGGINS  
Fax: 2029 Phone: 3715  
Date: 4/02/07 CC:  
Re: CS FOR HB 203 (RES), W.P. 25-LS07327E  
Pages With Cover: 2

Urgent     For Review     Please Comment     Please Reply     Please Recycle

**•Comments:**

DON,  
HOUSE RESOURCES MOVED CS FOR HB 203 (RES), VERSION E  
AS AMENDED. PLEASE SEE ATTACHED CONCEPTUAL  
AMENDMENT THAT REP. LEDOUX REQUESTED.

THANKS  
Debbie

Amendment to the CS for HB 203 (RES)

W.O.: 25-LS07321E

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PROPOSED CONCEPTUAL AMENDMENT #1 - BY REP. SEATON  
ADOPTED BY COMMITTEE, 4/02/07

ALASKA STATE LEGISLATURE  
House Resources Committee

**Carl Gatto, Co-Chair**

State Capitol Building, Room 108  
Juneau, AK 99801-1182  
(907) 465-3743  
FAX (907) 465-2381  
Rep\_Carl\_Gatto@legis.state.ak.us



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FAX (907) 465-3872  
Rep\_Craig\_Johnson@legis.state.ak.us

**FAX**

To: Don Bullock From: Debra Higgins  
Fax: 2029 Phone: 3715  
Date: 3/29/07 CC:  
Re: CS FOR HB 203, WD. 25-LS0732/C  
Pages With Cover: 2

Urgent     For Review     Please Comment     Please Reply     Please Recycle

**•Comments:**

THE HOUSE RESOURCES COMMITTEE ADOPTED BLANK  
CS FOR HB 203 WITH ONE AMENDMENT. ON  
PAGE 2, LINE 1, after "the COMMISSIONER"  
delete: "shall"  
insert: "may"

PLEASE SEE ATTACHED PAGE 2.

THANKS,

Debbie

**AMENDMENT #1 (conceptual)**

OFFERED IN HOUSE RESOURCES

BY REP. SEATON  
March 28, 2007

TO: CSHB 203 ( ), Draft Version "C"

Page 2, line 1:

Delete "shall"

Insert "may"

ADOPTED IN COMMITTEE

# ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

## MEMO

**DATE:** 3/20/2007  
**TO:** HOUSE RESOURCES  
REPRESENTATIVE CARL GATTO, CO-CHAIRMAN  
REPRESENTATIVE CRAIG JOHNSON, CO-CHAIRMAN  
**FROM:** REPRESENTATIVE GABRIELLE LEDOUX  
**RE:** HEARING REQUEST FOR HB 203, AN ACT CREATING THE KODIAK  
NARROW CAPE PUBLIC USE AREA

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I respectfully request that House Bill 203 be scheduled for a House Resources hearing.

Attached you will find:

- Current version of House Bill 203
- Sponsor Statement
- Additional documentation relating to the bill; more backup will be forthcoming
- There will be people from Kodiak testifying from the LIO and perhaps some calling in off site
- My staff member assigned to this legislation is Suzanne Hancock, direct line 465-4230.