

SB

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HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: May 8, 2007

FURTHER REFERRALS:

Date of Committee Action: MAY 9, 2007

The RESOURCES Committee considered:

CSSB 111(RES)

CS FOR SENATE BILL NO. 111(RES)

KODIAK NARROW CAPE PUBLIC USE AREA

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

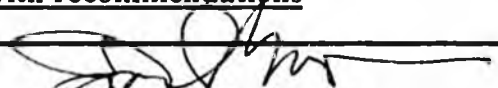
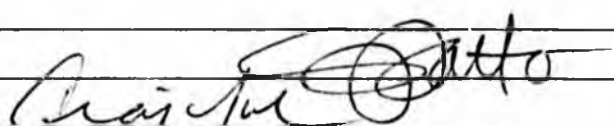
Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DNR	1			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	EDGMON	✓			
Paul Keating	SEATON	X			
Bob Rosen	ROSEN	X		X	
Chair: 	JOHNSON	X			

Edgmon

ALASKA STATE LEGISLATURE



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Senator Gary Stevens Majority Leader

Sponsor Statement for Senate Bill 111

"An Act creating the Kodiak Narrow Cape Public Use Area"

SB 111 proposes the establishment of a new public use area of 46,902 acres for the Narrow Cape area on Kodiak Island.

Located at the end of the Kodiak Island Road System, Narrow Cape 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.

I ask for your support of this important legislation.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

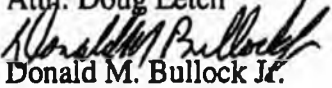
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 16, 2007

SUBJECT: Sectional summary for SB 111 (Work Order No. 25-LS0695\C)

TO: Senator Gary Stevens
Attn: Doug Letch

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Adds four sections to AS 41.23 that create the Kodiak Narrow Cape Public Use Area.

Sec. 41.23.240. States the purpose for creating the public use area.

Sec. 41.23.250. Assigns the management of the public use area to the commissioner of natural resources and requires the commissioner to develop a management plan. Recognizes grazing and missile launch activity as allowable uses within the public use area. Lists specific uses that are consistent with the purpose for establishing the public use area and authorizes the commissioner to allow additional consistent uses. Prohibits the exercise of the power of eminent domain to acquire privately owned land within the boundaries described in AS 41.23.270, but authorizes the acquisition of privately owned land by purchase, exchange, or other means. Prohibits the commissioner from managing the public use area as a unit of the state park system.

Sec. 41.23.260. Authorizes the commissioner of natural resources to prohibit or restrict uses determined to be incompatible with the purposes of the public use area. Allows the Department of Public Safety and the Department of Fish and Game access to the public use area for management of fish and wildlife and for enforcement purposes. Prohibits the restriction of fishing, hunting, or trapping rights. Requires the commissioner of natural resources to allow the use of motorized and non motorized means of transportation. Requires the commissioner of natural resources to explain the basis for finding an incompatible use.

Sec. 41.23.270. Describes the boundaries within which the public use area is created and designates the state land within those boundaries as the Kodiak Narrow Cape Public Use Area.

DMB:ljw
07-142.ljw

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 111(RES)
 (S) Publish Date: 4/25/07

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: Sen. Stevens
 Requester: Senate 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						
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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
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 (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						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

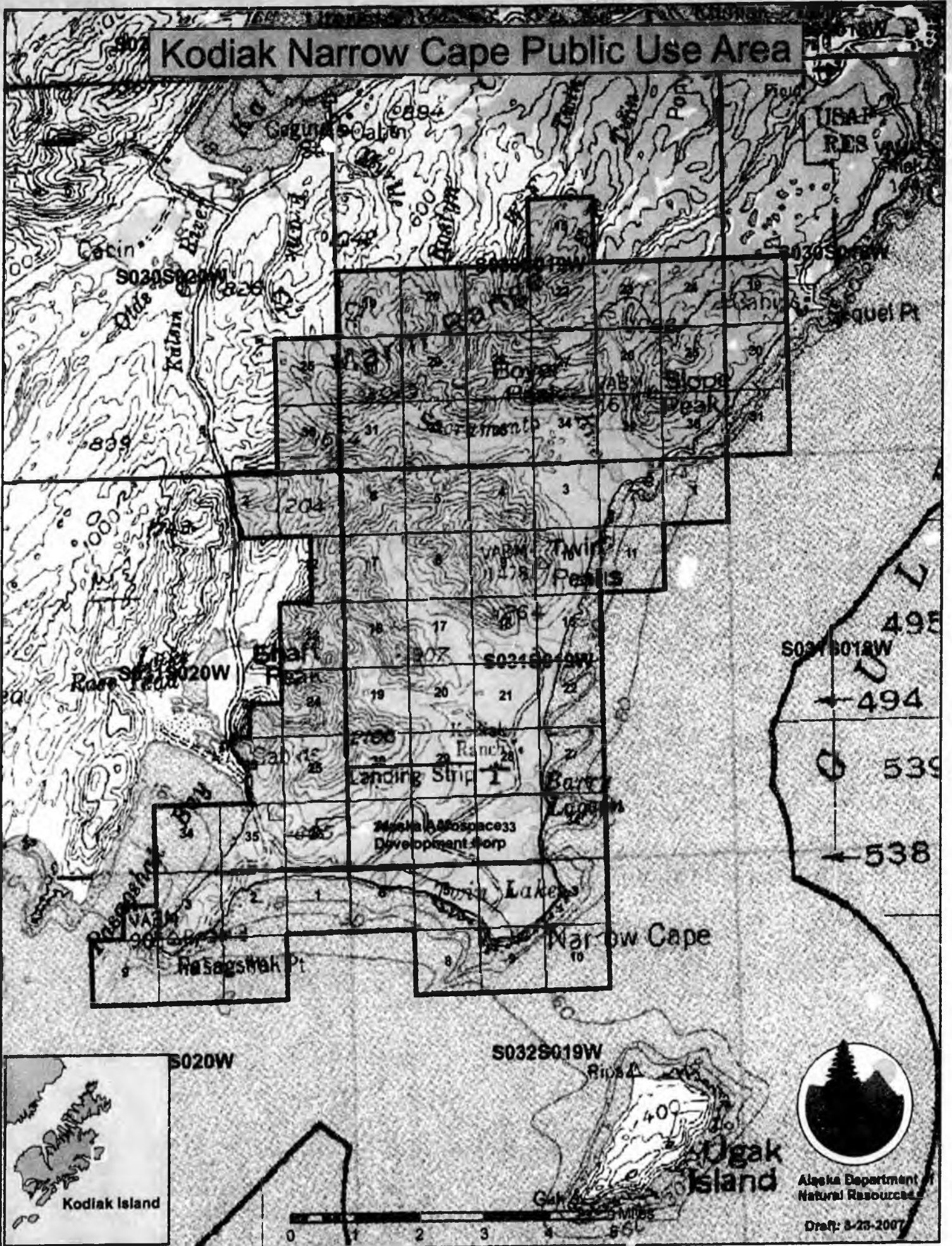
The bill establishes the Kodiak Narrow Cape Public Use Area. The legislation provides that DNR may prepare and adopt a land management plan under the department existing authority (AS 38.04.065) and manage the area consistent with the purposes established in the legislation.

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 will not be required at this time.

Because DNR has no plans to prepare a new management plan specifically for the Kodiak Narrow Cape Public Use Area in the near future it is submitting this "zero" fiscal note.

Prepared by: Dick Mylius, Acting Director Phone 269-8600
 Division: Mining, Land & Water Date/Time 4/24/2007
 Approved by: Tom Irwin, Commissioner Date 4/24/2007
 Agency: Natural Resources

Kodiak Narrow Cape Public Use Area



USAR
RES

Sequel Pt

Boyer
Peak

Sacramento

Twine
Peak

Sharp
Peak

Landing Strip

Maska Aerospace
Development Corp

Narrow Cape

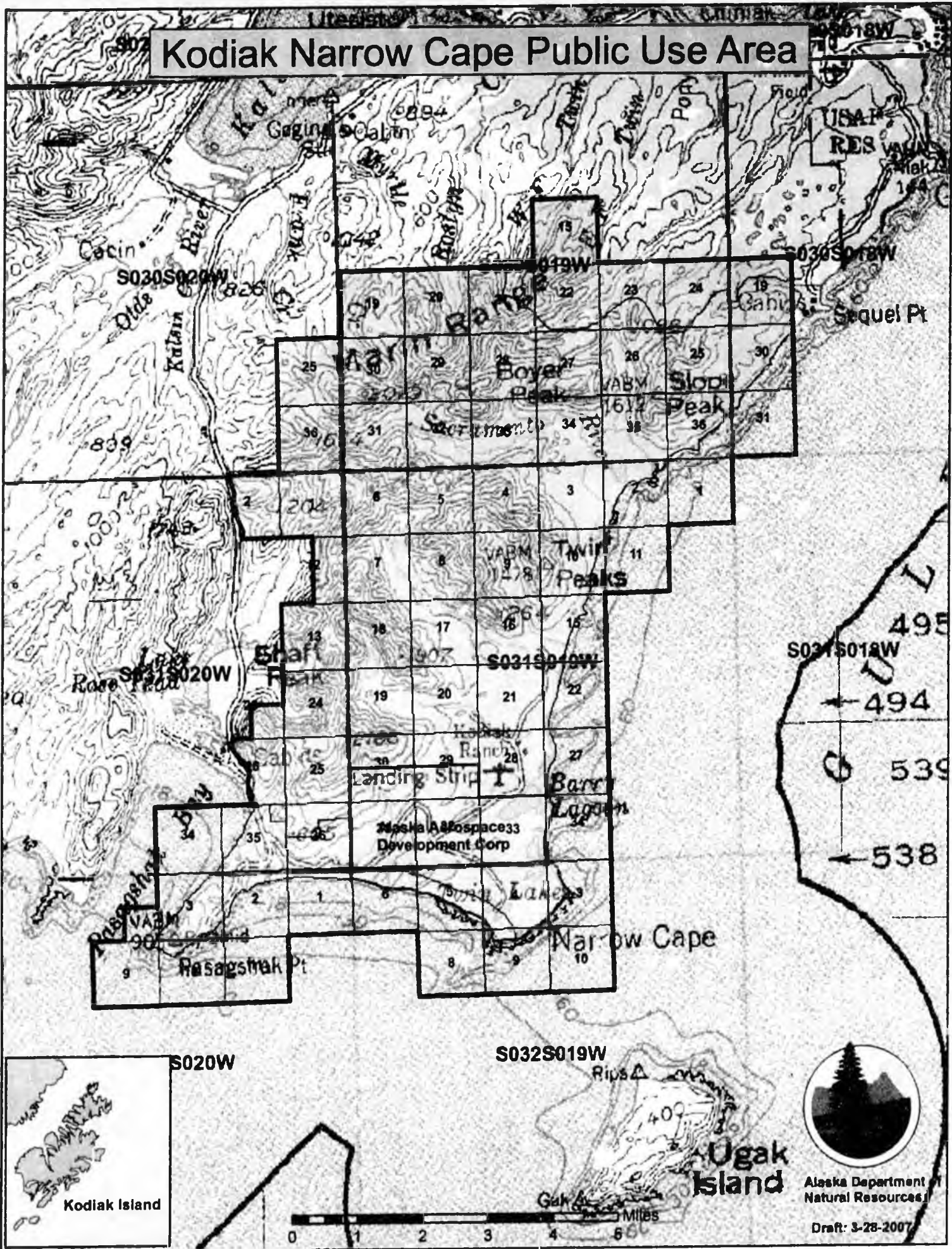
Ogak
Island



Alaska Department
of Natural Resources

Draft: 8-23-2007

Kodiak Narrow Cape Public Use Area



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Senator Gary Stevens
Senate Majority Leader

Memo

To: Representative ~~Craig Johnson~~, Co-Chair, House Resources Committee
From: Senator Gary Stevens
Date: May 8, 2007
Re: CS for SB 111 Hearing Request

I respectfully request a House Resources Committee hearing on CS for SB 111 (RES): "An Act creating the Kodiak Narrow Cape Public Use Area" at your earliest convenience. The bill is identical to HB 203, which your committee previously advanced.

In the enclosed packet are the sponsor statement, copy of the current version of the bill, a sectional analysis, a map from the Departments of Natural Resource, resolutions of support from the Kodiak Island Borough and City of Kodiak, and support from constituents.

I would like to request the Kodiak Legislative Information Office be added as a teleconference site. I also expect testimony from the DNR and possibly the Alaska Aerospace Development Corporation through the off-net teleconference line.

At this time, I do not anticipate the need for any special audio or video equipment.

Thank you for your consideration of this request. Please contact myself, or my aide Doug Letch at extension 1283 with any questions you may have.