

**SB**

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**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
MAY 04 2007  
SENATE FINANCE COMMITTEE

DATE: 4/25/07

FURTHER:

DATE TURNED  
IN TO OFFICE: 5/4/2007

Finance Committee considered      SENATE BILL NO. 111

## SB 111 KODIAK NARROW CAPE PUBLIC USE AREA

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

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS SB 111 (RES)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

**SENATE BILL:**  
 Same Title  
 New Title

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**HOUSE BILL:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

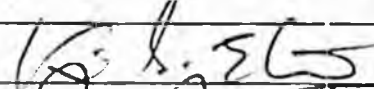
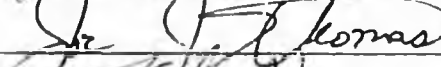
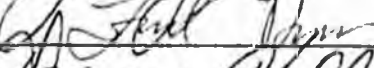

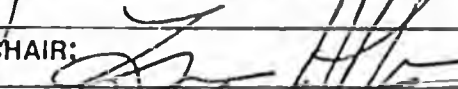

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
DNR	4/24			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓			
	Dyson	✓			
	Olson	✓			
CO-CHAIR: 	Hoffman	✓			
CO-CHAIR: 	Stedman	✓			

# FISCAL NOTE

REPORTED OUT  
**MAY 04 2007**  
 SENATE FINANCE COMMITTEE

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</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						
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  
 Division: Mining, Land & Water  
 Approved by: Tom Irwin, Commissioner  
 Agency: Natural Resources

Phone: 269-8600  
 Date/Time: 4/24/2007  
 Date: 4/24/2007

# ALASKA STATE LEGISLATURE



SESSION ADDRESS  
Alaska State Capitol  
Juneau, AK 99801-1182  
(907) 465-4925  
Fax (907) 465-3517

INTERIM ADDRESS  
112 Mill Bay Road  
Kodiak, AK 99615  
(907) 486-4925  
Fax (907) 486-5264

## Senator Gary Stevens Majority Leader

### **Sponsor Statement for CS for Senate Bill 111 (RES)** "An Act creating the Kodiak Narrow Cape Public Use Area"

CS for SB 111 (RES) 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.

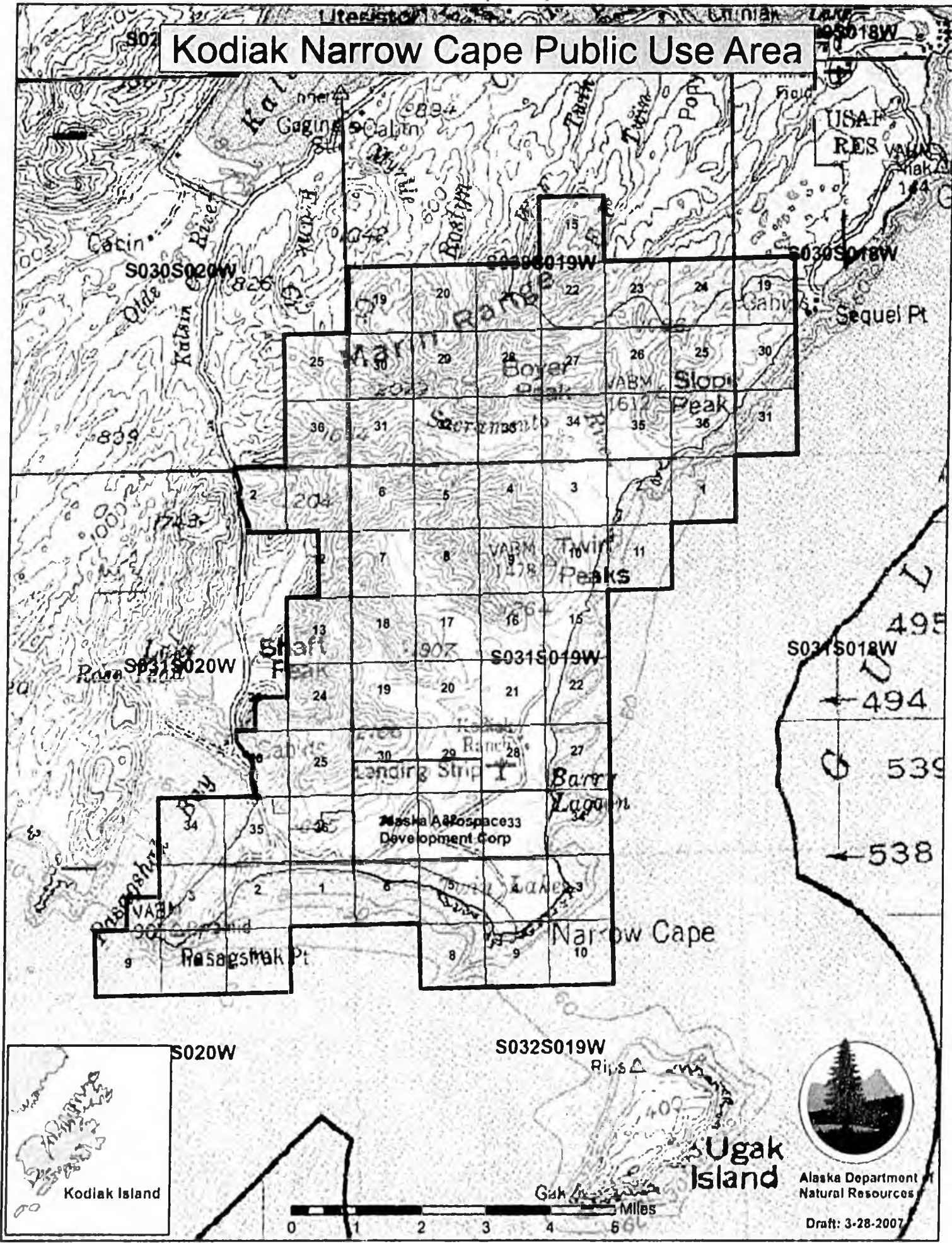
**Sec. 41.23.250.** Assigns the management of the public use area to the commissioner of natural resources and requires the commissioner to develop a management plan. Recognizes grazing and missile launch activity as allowable uses within the public use area. Lists specific uses that are consistent with 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

# Kodiak Narrow Cape Public Use Area



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

Introduced by: Manager Gifford  
Requested by: Manager Gifford  
Drafted by: Manager Gifford  
Introduced: 03/15/2007  
Adopted: 03/15/2007

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2007-30**

**A RESOLUTION OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
URGING THE ALASKA STATE LEGISLATURE TO CREATE  
THE KODIAK NARROW CAPE PUBLIC USE AREA**

**WHEREAS,** the purpose of AS 41.23.240-41.23.270 is to protect, maintain, enhance and perpetuate the present use of the area described in AS 41.23.270 as the Kodiak Narrow Cape Public Use Area; and

**WHEREAS,** the Kodiak Narrow Cape Public Use Area is established to:

1. protect, maintain, perpetuate, and enhance year-round general public recreation;
2. protect, maintain, perpetuate, and enhance public enjoyment and use of fish and wildlife and existing grazing rights;
3. allow additional public uses of the area in a manner compatible with the purposes specified in (1) and (2); and

**WHEREAS,** the Alaska Department of Natural Resources (DNR) currently maintains control of State owned land at Narrow Cape on Kodiak Island; and

**WHEREAS,** 2,486 Kodiak Island Borough residents signed a petition in 2005 that opposed closure of public access to state lands at Narrow Cape; and

**WHEREAS,** Kodiak Island Borough residents value the Narrow Cape area and there is a high level of concern that access to this important area be maintained; and

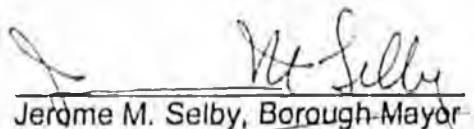
**WHEREAS,** the Kodiak Island Borough is desirous that this land can never be sold and that public use of the area's trails, beaches, and natural resources are to be maintained as a permanently designated public use and recreational use areas; and

**WHEREAS,** the Hatcher Pass area and the Nelchina area have been designated public use areas by the Alaska State Legislature; and

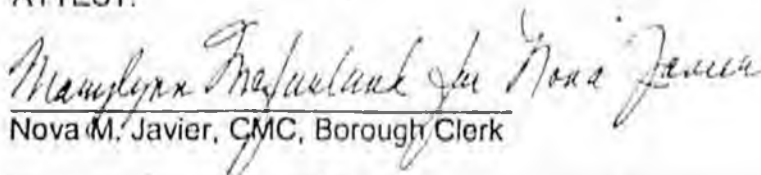
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** that the Alaska State Legislature designate the state owned land on Narrow Cape as a permanent public use area administered by DNR that prevents it from being sold or closed to public use.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS FIFTEENTH DAY OF MARCH 2007**

KODIAK ISLAND BOROUGH

  
Jerome M. Selby, Borough Mayor

ATTEST:

  
Nova M. Javier, CMC, Borough Clerk

**CITY OF KODIAK  
RESOLUTION NUMBER 07-11**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK URGING  
THE ALASKA STATE LEGISLATURE TO CREATE THE KODIAK NARROW CAPE  
PUBLIC USE AREA**

WHEREAS, the purpose of proposed AS 41.23.240-41.23.270 is to protect, maintain, enhance, and perpetuate the present use of the area described as the Kodiak Narrow Cape Public Use Area; and

WHEREAS, the Kodiak Narrow Cape Public Use Area, if established, will:

1. protect, maintain, perpetuate, and enhance year-round general public recreation; and
2. protect, maintain, perpetuate, and enhance public enjoyment and use of fish and wild-life; and
3. allow additional public uses of the area in a manner compatible with the purposes specified in (1) and (2); and

WHEREAS, the Alaska Department of Natural Resources currently maintains control of State-owned land at Narrow Cape on Kodiak Island; and

WHEREAS, 2,486 Kodiak Island Borough residents signed a petition in 2005 that opposed closure of public access to state lands at Narrow Cape; and

WHEREAS, residents value the Narrow Cape area and there is a high level of interest in access to this important area being maintained; and

WHEREAS, the State of Alaska should retain ownership of this area and maintain the public use of the area's trails, beaches, and natural resources as a permanently designated public and recreational use area; and

WHEREAS, similarly, areas in Hatcher Pass and Nelchina regions have been designated public use areas by the Alaska State Legislature.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the Alaska State Legislature designate the State-owned land on Narrow Cape as a permanent public use area administered by the Department of Natural Resources that prevents it from being sold or closed to public use.



CITY OF KODIAK

*Carolyn Floyd*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Dulma Maslun*  
\_\_\_\_\_  
CITY CLERK

Adopted: March 29, 2007

Doug Letch

---

From: Hans-Ulrich Tschersich [REDACTED]  
Sent: Thursday, March 15, 2007 12:29 PM  
To: Sen. Gary Stevens  
Subject: Re: HB 203/SB 111

Dear Senator Dr. Stevens,

I strongly support the provisions of SB 111, 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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# Alaska State Public Opinion Message System:

Sen Gary Stevens's office

Filter applied is:

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### Messages

<u>Constituent/Non-Constituent</u>	<u>Saved/ Not Saved</u>
<u>Ralph Sirofchuck of Kodiak (36)</u> wrote the following message On 4/20/2007 at 08:10 In support of <i>SB 111 KODIAK NARROW CAPE PUBLIC USE AREA</i>	

#### Message:

I live in Kodiak and recreate at Narrow Cape on an almost weekly basis. Please support the Narrow Cape Lands Bill. It is overwhelmingly supported in Kodiak. AADC supports it and ranchers in that area support it. It is an important recreational area for Kodiak residents and tourists.

Message was delivered by Pom

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#### Contact Info:

Ralph Sirofchuck  
Po Box 970  
Kodiak AK, 99615-0970  
Work:907-481-2578  
Home:486-6498  
Email:[v34@pci.net](mailto:v34@pci.net)

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