

**SB**

**111**

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 3/12/07

FURTHER: Finance

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

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

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	Brent Johnson	✓			
	Lydia Green			✓	
	STEVEN Wielechowski	X			
	McEll	✓			
	Chair	X			

# 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**  
**Senate Majority Leader**

## Memo

**To:** Senator Charlie Huggins, Chair, Senate Resources Committee  
**From:** Senator Gary Stevens   
**Date:** April 11, 2007  
**Re:** SB 111 Hearing Request

---

I respectfully request a Senate Resources Committee hearing on SB 111: "An Act creating the Kodiak Narrow Cape Public Use Area" at your earliest convenience.

In the enclosed packet are the sponsor statement, copy of the current version of the bill, a proposed committee substitute to align the bill with the House version (SB 203) a sectional analysis, a map the Departments of Natural Resources, comments from DNR, resolutions of support from the Kodiak Island Borough and City of Kodiak, as well as an e-mail in support of the bill from a constituent..

Also included is a teleconference request form for the Kodiak Legislative Information Office. I also expect testimony to come from DNR and 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.

# ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair  
Sen. Bert Stedman, Vice Chair  
Sen. Lyda Green  
Sen. Gary Stevens  
Sen. Lesil McGuire  
Sen. Bill Wielachowski  
Sen. Thomas Wagoner



State Capitol, Room 119  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878

## Senate Resources Committee Butrovich – Room 205

Monday, April 23, 2007  
3:30 p.m. – 5:30 p.m.

### AGENDA

- **SB 111 -- KODIAK NARROW CAPE PUBLIC USE AREA**
  - Senator Gary Stevens, Sponsor
  - Doug Letch, Legislative Aide to Sen. Stevens
  
- **HB 186 – SPORT FISHING GUIDE RECORDS**
  - Tom Wright, Legislative Aide to Speaker John Harris, Sponsor
  - Doug Vincent-Lang, Alaska Department of Fish and Game
  - Steve Daugherty, Department of Law

# ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair  
Sen. Bert Stedman, Vice Chair  
Sen. Lyda Green  
Sen. Gary Stevens  
Sen. Lasil McGuire  
Sen. Bill Wielechowski  
Sen. Thomas Wagoner



State Capitol, Room 119  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878

## Senate Resources Committee

Butrovich – Room 205

Friday, April 20, 2007

3:30 p.m. – 5:30 p.m.

### AGENDA

- **SB 111 -- KODIAK NARROW CAPE PUBLIC USE AREA**
  - Senator Gary Stevens, Sponsor
  - Doug Letch, Legislative Aide to Sen. Stevens
  
- **SB 80 – OIL & GAS PRODUCTION TAX: EXPENDITURES**
  - John Norman, Commissioner/Chair, AOGCC
  - Commissioner Pat Galvin, Department of Revenue
  - Kevin Banks, Director, Division of Oil & Gas
  
- **HB 186 – SPORT FISHING GUIDE RECORDS**
  - Tom Wright, Legislative Aide to Speaker John Harris, Sponsor
  - Doug Vincent-Lang, Alaska Department of Fish and Game

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

**CS FOR SENATE BILL NO. 111(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/25/07

Referred: Finance

Sponsor(s): SENATOR STEVENS

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 to8 (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 for continued use of the area for grazing and other purposes  
13 authorized in a land use plan adopted by the commissioner or by law;14 (4) allow additional public uses of the area in a manner compatible  
15 with the purposes specified in (1), (2), and (3) of this section.

1           **Sec. 41.23.250. Management.** (a) The commissioner is responsible for the  
2 management of the surface and subsurface estate of the Kodiak Narrow Cape Public  
3 Use Area. After adequate public hearings, the commissioner may adopt and may  
4 revise a management plan for the Kodiak Narrow Cape Public Use Area. The  
5 commissioner shall provide a copy of the management plan and each revision to the  
6 chairs of the resource committees of the legislature within 30 days after its adoption or  
7 revision. The commissioner shall consult with the Department of Fish and Game in the  
8 adoption and revision of the management plan.

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

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

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

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

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

1 (b) Consistent with AS 41.23.240 - 41.23.270, the Department of Fish and  
2 Game may engage in rehabilitation, enhancement, and development of fish and  
3 wildlife habitat within the area described in AS 41.23.270.

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

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

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

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

18 (1) each determination of incompatibility;

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

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

21 and

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

23 **Sec. 41.23.270. Kodiak Narrow Cape Public Use Area.** Subject to valid  
24 existing rights, the vacant and unappropriated state-owned land, tidelands, and  
25 submerged lands and the state land, tidelands, and submerged lands acquired in the  
26 future that lie within the boundaries described in this section are designated as the  
27 Kodiak Narrow Cape Public Use Area. are reserved for all uses compatible with their  
28 primary function as public use land, and are assigned to the department for control and  
29 management:

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

31 Section 25

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

**SENATE BILL NO. 111**

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

**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY SENATOR STEVENS**

**Introduced: 3/12/07**

**Referred: Resources, Finance**

**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 shall 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  
22 existing rights, the vacant and unappropriated state-owned land and water and the state  
23 land and water acquired in the future that lie within the boundaries described in this  
24 section are designated as the Kodiak Narrow Cape Public Use Area, are reserved for  
25 all uses compatible with their primary function as public use land, and are assigned to  
26 the department for control and management:

27 Township 30 South, Range 18 West, Seward Meridian

28 Section 19

29 Sections 30 - 31 and all tidelands and submerged lands 1,320 feet  
30 seaward of mean high water

31 Township 30 South, Range 19 West, Seward Meridian

- 1 Section 15
- 2 Sections 19 - 35
- 3 Section 36 and all tidelands and submerged lands 1,320 feet seaward of
- 4 mean high water
- 5 Township 30 South, Range 20 West, Seward Meridian
- 6 Section 25
- 7 Section 36
- 8 Township 31 South, Range 19 West, Seward Meridian
- 9 Section 2 and all tidelands and submerged lands 1,320 feet seaward of
- 10 mean high water
- 11 Sections 3 - 9
- 12 Section 10 - 11 and all tidelands and submerged lands 1,320 feet
- 13 seaward of mean high water
- 14 Section 15 and all tidelands and submerged lands 1,320 feet seaward of
- 15 mean high water
- 16 Sections 16 - 21
- 17 Section 22 and all tidelands and submerged lands 1,320 feet seaward of
- 18 mean high water
- 19 Sections 23 - 26
- 20 Section 27 and all tidelands and submerged lands 1,320 feet seaward of
- 21 mean high water
- 22 Sections 28 - 32
- 23 Sections 33 - 34
- 24 Township 31 South, Range 20 West, Seward Meridian
- 25 Section 1
- 26 Section 2: all lands lying east of Pasagshak Bay Road
- 27 Section 12: E1/2
- 28 Section 13
- 29 Section 23: SE1/4
- 30 Sections 24 - 25
- 31 Section 26: Lot 1 and all tidelands and submerged lands 1,320 feet

- 1 seaward of mean high water
- 2 Sections 35 - 36 and all tidelands and submerged lands 1,320 feet
- 3 seaward of mean high water
- 4 Township 32 South, Range 19 West, Seward Meridian
- 5 Sections 3 - 6 and all tidelands and submerged lands 1,320 feet seaward
- 6 of mean high water
- 7 Sections 8 - 10 and all tidelands and submerged lands 1,320 feet
- 8 seaward of mean high water
- 9 Township 32 South, Range 20 West, Seward Meridian
- 10 Sections 1 - 4 and all tidelands and submerged lands 1,320 feet seaward
- 11 of mean high water
- 12 Sections 9 - 11 and all tidelands and submerged lands 1,320 feet
- 13 seaward of mean high water

# FISCAL NOTE

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

Fiscal Note Number: CSSB111-DNR-MLW-04-24-07  
 Bill Version: CSSB111(RES)  
 () 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: 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>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

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

# FISCAL NOTE

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

Fiscal Note Number: SB111-DNR-CPL-04-17-07  
 Bill Version: SB111  
 ( ) 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 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	60.3	60.3				
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>85.0</b>	<b>71.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	85.0	71.5	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>85.0</b>	<b>71.5</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, Director Phone 269-8600  
 Division: Mining, Land & Water Date/Time 4/17/2007  
 Approved by: Tom Irwin, Commissioner Date 4/17/2007  
 Agency: Natural Resources

## FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. SB111

### 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 - \$120.6 total (for 18 months)

One Natural Resource Specialist (NRS) III (range 18C) - 9 Mo. FY08 (\$60.3), 9 Mo. FY09 (\$60.3) - total 18 months at \$6.7/month\* = \$120.6 - 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.

\* This number reflects new Personal Services costs with the 22% PERS calculation.

# **Talking Points**

## **Senate Bill No. 111/House Bill No. 203**

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

- The legislature may designate an area for special uses. 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.
- Senate Bill No. 111/House Bill No. 203 establishes a new public use area of 52,000 acres for the Narrow Cape area on Kodiak Island, which 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. 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.
- 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.
- 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.

# 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 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

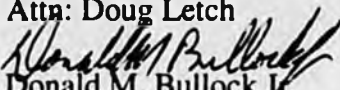
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## 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.

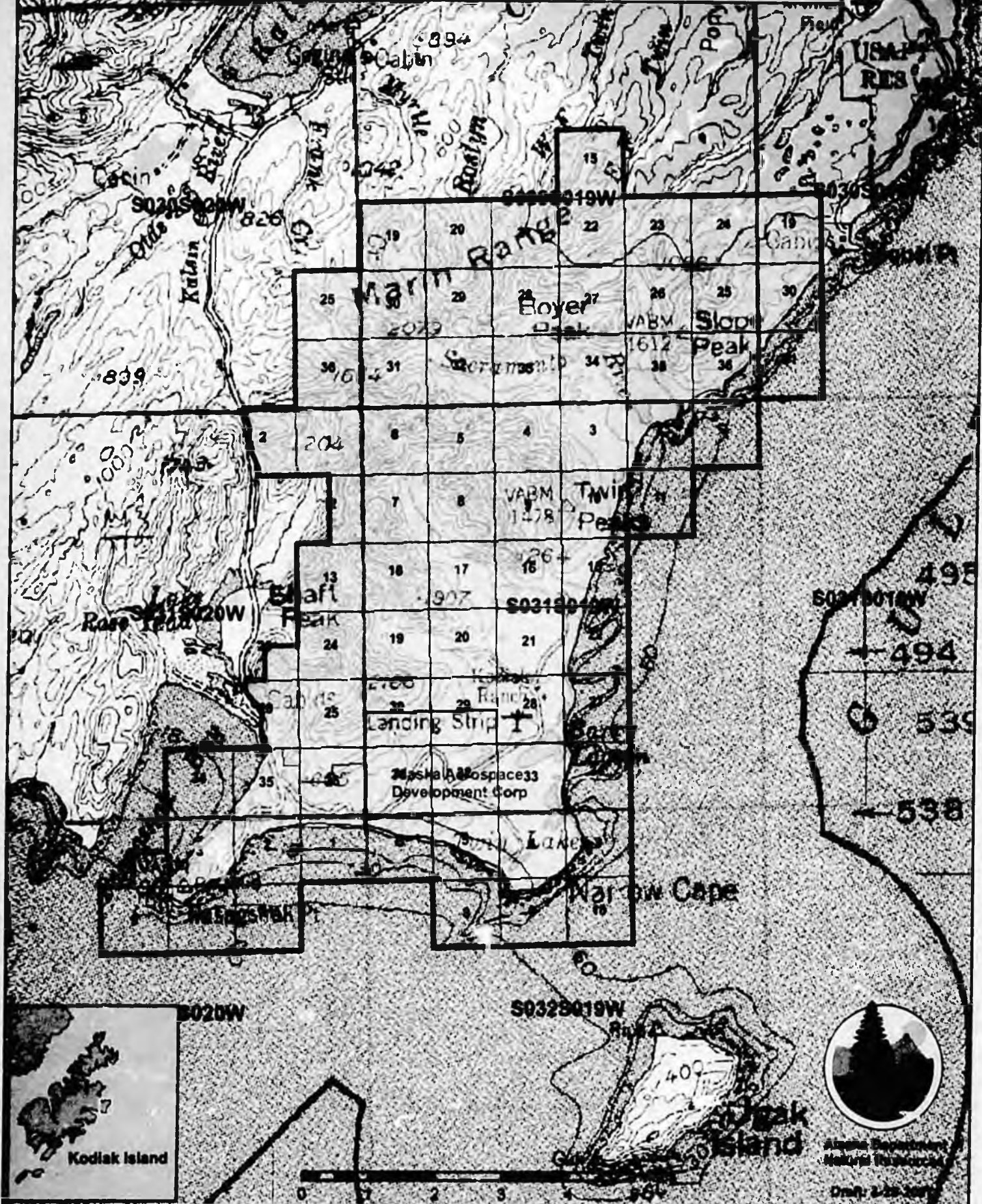
**Sec. 41.23.250.** Assigns the management of the public use area to the commissioner of natural resources and requires the commissioner to develop a management plan. Recognizes grazing and missile launch activity as allowable uses within the public use area. Lists specific uses that are consistent with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

# Kodiak Narrow Cape Public Use Area



**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:

*Delva Markun*  
CITY CLERK

Adopted: March 29, 2007

Introduced by:  
Requested by:  
Drafted by:  
Introduced:  
Adopted:

Manager Gifford  
Manager Gifford  
Manager Gifford  
03/15/2007  
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

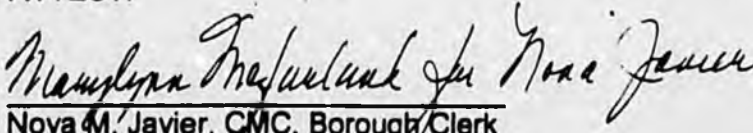
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** that the Alaska State Legislature designate the state owned land on Narrow Cape as a permanent public use area administered by DNR that prevents it from being sold or closed to public use.

**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

## **Doug Letch**

---

**From:** Hans-Ulrich Tschersich [xrayhans@yahoo.com]  
**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

---

Get your own web address.  
Have a HUGE year through Yahoo! Small Business.  
<http://smallbusiness.yahoo.com/domains/?p=BESTDEAL>



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resource  
committee name

committee on Senate Bill III, dated 4/20/07  
bill/subject

We thank Senator Stevens very much for introducing this bill. We support Senate Bill III and the creation of the Narrow Cape Public Use Area. Narrow Cape and Fossil Beach are recreational gems that offer residents and tourists opportunities for superlative recreation. Our very popular publication "Kodiak Audubon's Hiking & Birding Guide" describes several popular trails and birding places in the Narrow Cape Area. This week our community is celebrating Kodiak Whale Fest, an annual event that focuses on the peak of the Gray Whale migration past Kodiak Island. Narrow Cape is one of the very best locations to view gray whales ~~en~~ along their entire 10,000 mile migration route.

We especially support the section (41.23.260) of the proposed bill that allows the commissioner to periodically reevaluate the compatibility of various uses of Narrow Cape to the purposes of the Public Use Area. We can never fully envision what the future holds and we are already very concerned about the increasing →

Signed: Stacy Studebaker

Testifier

Kodiak Audubon Society

Representing (Optional)

Box 970 Kodiak AK 99615

Address

(907) 486-6498

Phone No.

impacts of unregulated 4-wheeler use on Wetlands and bird habitat.

We also believe that given the history of AADC's attempts to restrict the public from Narrow Cape and Fossil Beach that this bill and the creation of the Narrow Cape Public Use Area is the best way to ensure public access to this beautiful area.

Thank you

Sincerely,

Stacy Studebaker



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resource  
 committee on Narrow Cape Public Use Area dated April 20, 2007  
 committee name  
 bill/subject

I support Senate Bill NO. 111. I do have a question regarding the interagency land management agreement between the department and the Alaska Aerospace Development Corporation (AADC). Although missile launch activity is an allowable use within the Kodiak Narrow Cape Public Use Area, I do not ~~recall~~ recall any mention of the AADC building a future 'Spaceport' at Narrow Cape. The AADC is a member of the National Coalition of Spaceport States (NCSS), which was established in 2001 in Wash. D.C by 14 states (Alaska, Alabama, California, Florida, New Mexico, Montana, Nevada, Oklahoma, S. Dakota, Texas, Utah, Virginia, Washington, Wisconsin). The Kodiak Launch Complex is now being called the 'Kodiak Spaceport'. Spaceports need runways and infrastructure and land to expand. The Kodiak Launch Complex is now expanding with another launch pad and infrastructure. I would like to see a 'Spaceport' excluded from allowable uses within the Narrow Cape Public Use Area. Thanks for the opportunity to comment

Signed: Carolyn Heitman

Testifier

Sell

Representing (Optional)

P.O. Box 2303 Kodiak, Alaska 99615

Address

(907) 486-5677

Phone No.