

**HB**

**227**

# Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182

Phone: (907) 465-4942 • Fax: (907) 465-4589



House District 38  
Kuskokwim & Johnson Rivers  
Kuskokwim Bay & Nelson Island

## Sponsor Statement

### House Bill 227: Holitna River Basin Hunting, Fishing & Trapping Reserve

CS HB 227 (Version D) establishes the Holitna River Basin Hunting, Fishing & Trapping Reserve. The boundary of the reserve is roughly equal to the watersheds of the Holitna and Hoholitna Rivers and more precisely defined as DNR Management Area Plan 15, excluding the land north of Kuskokwim River.

In the original bill, the Reserve's purpose was defined as promoting game and habitat management activities to maintain sustainable levels of human consumption of fish and game in the area. The new CS expands this purpose to also include perpetuation of other public uses of the area, including oil & gas and mineral entry and development. These resource exploration and development uses will not be disallowed, but will be balanced against the utility and benefit to the state of Alaska of preserving the fish and game resources.

This bill also addresses several major areas of identified needs in protecting or furthering the management concepts embodied within the state's intensive management policies.

Although limited active management programs have been implemented with the support of past gubernatorial administrations, this bill is intended to strengthen statutory, constitutional-related active management principles.

The bill is cooperatively written to be compatible with other "Breadbasket" areas within the state's Intensive Management Areas which exemplify high quality habitat and productivity contributions to entire GMU sub-regions.

This proposed reserve concept was initiated by the Sleetmute Traditional and Orutsararmiut Native Councils; there are records of support from the Lower Kuskokwim, Central Kuskokwim, Stony/Holitna and Anchorage Fish & Game Advisory Committees, Kuskokwim Salmon Management Working Group, and the Association of Village Council Presidents; and the concept has undergone legal review through the Board of Game process, twice receiving their endorsement.

Akiachak  
Akiak  
Atmautluak  
Bethel  
Chefornak  
Eek  
Goodnews Bay  
Kasigluk  
Kipnuk  
Kongiganak  
Kwethluk  
Kwigillingok  
Lower Kalskag  
Mekoryuk  
Mertarvik  
Napakiak  
Napaskiak  
Newtok  
Nightmute  
Nunapitchuk  
Oscarville  
Platinum  
Quinhagak  
Toksook Bay  
Tuluksak  
Tununak  
Tuntuliak  
Upper Kalskag

26-LS0822\D  
Kane  
3/16/10

**CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 227( )**

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

**TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES HERRON, Neuman**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the establishment of state fish and game reserves; creating the**  
2 **Holitna River Basin Hunting, Fishing, and Trapping Reserve; and providing for an**  
3 **effective date."**

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

5 **\* Section 1.** AS 16.20 is amended by adding new sections to read:

6 **Article 6. Fish and Game Reserves.**

7 **Sec. 16.20.700. Purposes.** The purposes of establishing a fish and game  
8 reserve are

9 (1) to promote management activities to rebuild or enhance fish and  
10 wildlife populations and habitats to maintain historical and sustainable harvest levels  
11 for continued high levels of human consumptive use of these resources; and

12 (2) to perpetuate other public uses of the area, including forest  
13 management, mineral entry and development, oil and gas entry and development, and  
14 other forms of public use of public land not incompatible with the purpose stated in (1)

1 of this section.

2 **Sec. 16.20.710. Regulations.** The Board of Fisheries or the Board of Game,  
3 where appropriate, shall adopt regulations each considers advisable for conservation  
4 and protection of fish and game to carry out the purposes of AS 16.20.700 and  
5 16.20.720.

6 **Sec. 16.20.720. Holitna River Basin Hunting, Fishing, and Trapping**  
7 **Reserve established.** (a) All state-owned land and water and all land acquired in the  
8 future by the state within the watershed of the Holitna River and Hoholitna River is  
9 designated as the Holitna River Basin Hunting, Fishing, and Trapping Reserve.

10 (b) The Holitna River Basin Hunting, Fishing, and Trapping Reserve is  
11 established to

12 (1) ensure management and protection of fish and wildlife populations  
13 and habitat to perpetuate subsistence use, commercial use, and other consumptive uses  
14 of the area's fish and wildlife;

15 (2) implement maximum use and benefit, sustained yield, and common  
16 use principles by using effective management techniques for conserving and  
17 developing the area's fish and wildlife resources to regain or maintain historical  
18 harvest levels with human consumptive use of these resources as a priority;

19 (3) maintain and enhance healthy and abundant fish and wildlife  
20 populations commonly used for consumption by humans to provide high levels of  
21 human consumptive use in keeping with amounts determined by the Board of  
22 Fisheries and the Board of Game to be reasonably necessary to provide for subsistence  
23 uses and with other population and use goals or objectives set by the appropriate  
24 board;

25 (4) allow for long-term scientific research and management study areas  
26 to determine the effectiveness of management activities under this section in providing  
27 for current and future human harvest needs.

28 (c) To fulfill the purposes of this section, the Department of Fish and Game,  
29 the Board of Fisheries, and the Board of Game shall manage the fish and game  
30 resources of the area to provide for high levels of human harvest and, subject to  
31 priorities among areas in which intensive management actions are carried out as

1 determined by the Department of Fish and Game, the Board of Fisheries, and the  
2 Board of Game, shall

3 (1) control predation and adjust predator and prey population ratios  
4 through whatever methods or means are considered appropriate to particular  
5 circumstances;

6 (2) conduct management actions designed to further the purposes of  
7 this section so long as the appropriate board has not found, based on substantial  
8 evidence, that the challenged management actions are counterproductive or ineffective  
9 in maintaining or enhancing healthy and abundant fish or wildlife populations  
10 commonly used for consumption by humans for food to provide for high levels of  
11 human consumptive use;

12 (3) consider scientific evidence augmented by historical and local  
13 environmental knowledge when evaluating management activities.

14 (d) The Department of Natural Resources may not acquire by eminent domain  
15 privately owned land within the Holitna River Basin Hunting, Fishing, and Trapping  
16 Reserve but may acquire privately owned land by purchase, exchange, or other means  
17 for inclusion in the reserve.

18 (e) Public access to the Holitna River Basin Hunting, Fishing, and Trapping  
19 Reserve by boat, aircraft, dog team, snow machine, all-terrain vehicle, or other means  
20 consistent with the purposes of this section may be regulated by the Department of  
21 Natural Resources, in consultation with the Department of Fish and Game, as  
22 necessary to meet the purposes of this section and to protect access to and  
23 development of other natural resources within the reserve.

24 (f) Access to and from private property within the Holitna River Basin  
25 Hunting, Fishing, and Trapping Reserve shall be guaranteed through access corridors  
26 established by the Department of Natural Resources, in consultation with the  
27 Department of Fish and Game and a private property owner.

28 (g) Entry upon the Holitna River Basin Hunting, Fishing, and Trapping  
29 Reserve for purposes of exploration and development of nonrenewable resources is  
30 subject to approval by the Department of Natural Resources, in consultation with the  
31 Department of Fish and Game. Exploration and development activities must be

1 conducted in a manner that is compatible with the purpose of this section.

2 (h) Except as otherwise provided in this section, the Department of Fish and  
3 Game and the Department of Natural Resources shall exercise each department's  
4 respective authority over the Holitna River Basin Hunting, Fishing, and Trapping  
5 Reserve through a fish and game management plan prepared by the Department of  
6 Fish and Game in consultation with the Department of Natural Resources.

7 (i) All state-owned surface and subsurface land and water within the parcels  
8 described in this subsection are established as the Holitna River Basin Hunting,  
9 Fishing, and Trapping Reserve:

10 (1) Township 4 North, Range 48 West, Seward Meridian

11 Sections 2 - 5

12 Sections 9 - 10;

13 (2) Township 4 North, Range 51 West, Seward Meridian

14 Sections 1 - 10;

15 (3) Township 4 North, Range 52 West, Seward Meridian

16 Sections 1 - 23

17 Sections 26 - 35;

18 (4) Township 4 North, Range 53 West, Seward Meridian;

19 (5) Township 5 North, Range 37 West, Seward Meridian

20 Sections 1 - 3

21 Sections 10 - 11;

22 (6) Township 5 North, Range 47 West, Seward Meridian

23 Sections 2 - 12

24 Sections 14 - 23

25 Sections 27 - 32;

26 (7) Township 5 North, Range 48 West, Seward Meridian

27 Sections 1 - 27

28 Sections 34 - 36;

29 (8) Township 5 North, Range 49 West, Seward Meridian

30 Sections 1 - 33;

31 (9) Township 5 North, Ranges 50 - 54 West, Seward Meridian;

- 1 (10) Township 6 North, Range 35 West, Seward Meridian  
2 Sections 4 - 9;
- 3 (11) Township 6 North, Range 36 West, Seward Meridian  
4 Sections 1 - 13  
5 Sections 16 - 21  
6 Sections 29 - 32;
- 7 (12) Township 6 North, Range 37 West, Seward Meridian;
- 8 (13) Township 6 North, Range 38 West, Seward Meridian  
9 Sections 1 - 20;
- 10 (14) Township 6 North, Range 39 West, Seward Meridian  
11 Section 1  
12 Sections 12 - 13  
13 Section 24;
- 14 (15) Township 6 North, Range 42 West, Seward Meridian  
15 Sections 4 - 6  
16 Section 8;
- 17 (16) Township 6 North, Range 43 West, Seward Meridian  
18 Sections 1 - 2;
- 19 (17) Township 6 North, Range 44 West, Seward Meridian  
20 Sections 1 - 5;
- 21 (18) Township 6 North, Range 47 West, Seward Meridian  
22 Sections 18 - 19  
23 Sections 29 - 33;
- 24 (19) Township 6 North, Ranges 48 - 55 West, Seward Meridian;
- 25 (20) Township 7 North, Range 35 West, Seward Meridian  
26 Sections 6 - 7  
27 Sections 18 - 19  
28 Sections 30 - 31;
- 29 (21) Township 7 North, Ranges 36 - 38 West, Seward Meridian;
- 30 (22) Township 7 North, Range 39 West, Seward Meridian  
31 Sections 1 - 18

- 1 Sections 21 - 25
- 2 Section 36;
- 3 (23) Township 7 North, Range 40 West, Seward Meridian
- 4 Sections 1 - 21;
- 5 (24) Township 7 North, Range 41 West, Seward Meridian
- 6 Sections 1 - 14
- 7 Sections 17 - 18;
- 8 Section 24;
- 9 (25) Township 7 North, Range 42 West, Seward Meridian
- 10 Sections 1 - 23
- 11 Sections 28 - 33;
- 12 (26) Township 7 North, Range 43 West, Seward Meridian
- 13 Sections 1 - 27
- 14 Sections 29 - 30;
- 15 Sections 34 - 36;
- 16 (27) Township 7 North, Range 44 West, Seward Meridian;
- 17 (28) Township 7 North, Range 45 West, Seward Meridian
- 18 Sections 1 - 2
- 19 Sections 12 - 13
- 20 Sections 24 - 25;
- 21 (29) Township 7 North, Range 47 West, Seward Meridian
- 22 Sections 6 - 7
- 23 Section 18;
- 24 (30) Township 7 North, Ranges 48 - 54 West, Seward Meridian;
- 25 (31) Township 7 North, Range 55 West, Seward Meridian
- 26 Sections 1 - 2
- 27 Sections 11 - 14
- 28 Sections 23 - 26
- 29 Sections 32 - 36;
- 30 (32) Township 8 North, Range 34 West, Seward Meridian
- 31 Section 19;

- 1 (33) Township 8 North, Range 35 West, Seward Meridian  
2 Sections 3 - 10  
3 Sections 13 - 24  
4 Sections 27 - 32;  
5 (34) Township 8 North, Ranges 36 - 44 West, Seward Meridian;  
6 (35) Township 8 North, Range 45 West, Seward Meridian  
7 Sections 1 - 29  
8 Sections 35 - 36;  
9 (36) Township 8 North, Range 46 West, Seward Meridian  
10 Sections 1 - 24  
11 Sections 29 - 30;  
12 (37) Township 8 North, Range 47 West, Seward Meridian  
13 Sections 1 - 32;  
14 (38) Township 8 North, Ranges 48 - 53 West, Seward Meridian;  
15 (39) Township 8 North, Range 54 West, Seward Meridian  
16 Sections 1 - 2  
17 Sections 11 - 36;  
18 (40) Township 8 North, Range 55 West, Seward Meridian  
19 Sections 13 - 14  
20 Sections 23 - 26  
21 Sections 35 - 36;  
22 (41) Township 9 North, Range 30 West, Seward Meridian  
23 Sections 1 - 5;  
24 (42) Township 9 North, Range 32 West, Seward Meridian  
25 Sections 3 - 9  
26 Sections 16 - 21;  
27 (43) Township 9 North, Range 33 West, Seward Meridian  
28 Sections 1 - 35;  
29 (44) Township 9 North, Ranges 34 - 52 West, Seward Meridian;  
30 (45) Township 9 North, Range 53 West, Seward Meridian  
31 Sections 1 - 5

- 1 Sections 8 - 17
- 2 Sections 20 - 29
- 3 Sections 32 - 36;
- 4 (46) Township 10 North, Range 30 West, Seward Meridian
- 5 Sections 7 - 36;
- 6 (47) Township 10 North, Ranges 31 - 52 West, Seward Meridian;
- 7 (48) Township 10 North, Range 53 West, Seward Meridian
- 8 Sections 22 - 29
- 9 Sections 32 - 36;
- 10 (49) Township 11 North, Range 31 West, Seward Meridian
- 11 Section 31;
- 12 (50) Township 11 North, Range 32 West, Seward Meridian
- 13 Sections 18 - 19
- 14 Sections 29 - 36;
- 15 (51) Township 11 North, Range 33 West, Seward Meridian
- 16 Sections 2 - 11
- 17 Sections 13 - 36;
- 18 (52) Township 11 North, Ranges 34 - 51 West, Seward Meridian;
- 19 (53) Township 11 North, Range 52 West, Seward Meridian
- 20 Section 1
- 21 Sections 11 - 14
- 22 Sections 23 - 26
- 23 Sections 33 - 36;
- 24 (54) Township 12 North, Range 37 West, Seward Meridian
- 25 Sections 19 - 21
- 26 Sections 28 - 36;
- 27 (55) Township 12 North, Range 38 West, Seward Meridian
- 28 Sections 3 - 10
- 29 Sections 15 - 36;
- 30 (56) Township 12 North, Ranges 39 - 49 West, Seward Meridian;
- 31 (57) Township 12 North, Range 50 West, Seward Meridian

- 1 Sections 1 - 4  
2 Sections 9 - 16  
3 Sections 21 - 28  
4 Sections 31 - 36;  
5 (58) Township 13 North, Range 37 West, Seward Meridian  
6 Sections 6 - 7  
7 Sections 17 - 20  
8 Sections 29 - 31;  
9 (59) Township 13 North, Ranges 38 - 49 West, Seward Meridian;  
10 (60) Township 13 North, Range 50 West, Seward Meridian  
11 Section 25  
12 Section 36;  
13 (61) Township 14 North, Range 39 West, Seward Meridian  
14 Sections 5 - 9  
15 Sections 16 - 23  
16 Sections 25 - 36;  
17 (62) Township 14 North, Ranges 40 - 47 West, Seward Meridian;  
18 (63) Township 14 North, Range 48 West, Seward Meridian  
19 Sections 5 - 9  
20 Sections 13 - 36;  
21 (64) Township 14 North, Range 49 West, Seward Meridian  
22 Section 13  
23 Sections 24 - 25  
24 Section 36;  
25 (65) Township 15 North, Range 39 West, Seward Meridian  
26 Sections 4 - 9  
27 Sections 18 - 19  
28 Sections 30 - 31;  
29 (66) Township 15 North, Ranges 40 - 46 West, Seward Meridian;  
30 (67) Township 15 North, Range 47 West, Seward Meridian  
31 Sections 12 - 14

- 1                               Sections 19 - 36;
- 2                   (68) Township 16 North, Range 39 West, Seward Meridian
- 3                               Sections 16 - 21
- 4                               Sections 28 - 33;
- 5                   (69) Township 16 North, Range 40 West, Seward Meridian
- 6                               Sections 3 - 10
- 7                               Sections 13 - 36;
- 8                   (70) Township 16 North, Ranges 41 - 45 West, Seward Meridian;
- 9                   (71) Township 16, North, Range 46 West, Seward Meridian
- 10                              Sections 1 - 3
- 11                              Sections 10 - 14
- 12                              Sections 23 - 28
- 13                              Sections 33 - 36;
- 14                   (72) Township 17 North, Range 40 West, Seward Meridian
- 15                              Sections 3 - 10
- 16                              Sections 15 - 23
- 17                              Sections 26 - 35;
- 18                   (73) Township 17 North, Ranges 41 - 44 West, Seward Meridian;
- 19                   (74) Township 17 North, Range 45 West, Seward Meridian
- 20                              Sections 1 - 4
- 21                              Sections 9 - 17
- 22                              Sections 19 - 36:
- 23                   (75) Township 18 North, Range 40 West, Seward Meridian
- 24                              Sections 17 - 22
- 25                              Sections 27 - 34;
- 26                   (76) Township 18 North, Ranges 41 - 42 West, Seward Meridian;
- 27                   (77) Township 18 North, Range 43 West, Seward Meridian:
- 28                              the land south of the Kuskokwim River;
- 29                   (78) Township 18 North, Range 44 West, Seward Meridian:
- 30                              the land south of the Kuskokwim River;
- 31                   (79) Township 18 North, Range 45 West, Seward Meridian

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Sections 1 - 2

Sections 11 - 15

Sections 22 - 27

Sections 34 - 36;

(80) Township 19 North, Range 41 West, Seward Meridian

Section 8: the land south of the Kuskokwim River

Sections 17 and 18: the land south of the Kuskokwim River

Sections 19 - 21

Sections 27 - 34;

(81) Township 19 North, Range 42 West, Seward Meridian

Sections 20 - 36: the land south of the Kuskokwim River;

(82) Township 19 North, Range 44 West, Seward Meridian

Sections 22 - 36: the land south of the Kuskokwim River;

(83) Township 19 North, Range 45 West, Seward Meridian

Sections 35 - 36.

\* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

# Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182

Phone: (907) 465-4942 • Fax: (907) 465-4589



House District 38  
Kuskokwim & Johnson Rivers  
Kuskokwim Bay & Nelson Island

## Sectional Analysis Holitna River Reserve CS for SSHB 227 – Version D

Akiachak  
Akiak  
Atmautluak  
Bethel  
Chefornak  
Eek  
Goodnews Bay  
Kasigluk  
Kipnuk  
Kongiganak  
Kwethluk  
Kwigillingok  
Lower Kalskag  
Mekoryuk  
Mertarvik  
Napakiak  
Napaskiak  
Newtok  
Nightmute  
Nunapitchuk  
Oscarville  
Platinum  
Quinhagak  
Toksook Bay  
Tuluksak  
Tununak  
Tuntutuliak  
Upper Kalskag

### Section 16.20.700. Purpose

States that the purpose of establishing a fish and game reserve is to promote sustainable levels of human consumption of fish and game; and also to perpetuate other public uses of the area, including forest management, mineral entry and development, and oil & gas entry and development.

### Section 16.20.710. Regulations

Gives authority to the Board of Game or Board of Fish (whichever is more appropriate) to adopt regulations designed to conserve fish and game; and to carry out the purpose as set forth in sections 16.20.700 and 16.20.720.

### Section 16.20.720 (a)

All present and future state-owned land and water within the Holitna and Hoholitna River watersheds is designated as part of the Reserve.

### Section 16.20.720 (b)

The Reserve is established to ensure:

1. Management and protection of fish and game populations and habitat to perpetuate subsistence use, commercial use, and other consumptive uses;
2. Management techniques that promote maximum use with sustained yield to maintain historical harvest levels with human consumptive use as a priority;
3. Maintenance of fish and game populations to provide for high levels of human consumptive use (within limits set by Fish and Game Boards);
4. Allowance for scientific research elucidating the effectiveness of management activities in this section in providing for current and future human harvest needs.

### Section 16.20.720 (c)

The Department of Fish and Game, the Board of Fisheries and the Board of Game shall manage fish and game resources within the Reserve to provide for high levels of human harvest and, subject to priorities among intensively managed areas for which these entities set policy, shall:

1. Control predation and adjust predator and prey population ratios thru appropriate means;

2. Conduct management actions designed to further the purposes of this section so long as the appropriate board has not found such actions to be ineffective at maintaining fish and game populations commonly harvested for food by humans;
3. Consider scientific evidence augmented by local environmental knowledge when evaluating management activities.

Section 16.20.720 (d)

The Department of Natural Resources may acquire privately owned land within the Reserve by purchase or exchange, but not thru eminent domain.

Section 16.20.720 (e)

Public access to the Reserve may be regulated by DNR, in consultation with DFG, as necessary to meet the purposes of this section and to protect access to, and development of, other resources within the Reserve.

Section 16.20.720 (f)

Access corridors established by DNR, in consultation with DFG and a private property owner, shall guarantee access to and from private property within the Reserve.

Section 16.20.720 (g)

Entry into the Reserve to explore or develop nonrenewable resources must be approved by DNR, in consultation with DFG, and such activities must be compatible with the purpose of this section.

Section 16.20.720 (h)

Except as otherwise provided in this section, DFG and DNR shall exercise their respective authority over the Reserve thru a management plan prepared by DFG in consultation with DNR.

Section 16.20.720 (i)

Reserve boundaries are defined as including all the sections (listed beneath their respective township and range designations) on the last eight pages of this bill.

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB227 (FSH)  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB227-DNR-CPL-02-01-2010 Dept. Affected: Natural Resources  
 Title HOLITNA BASIN RESERVE RDU Resource Development  
 Component Claims, Permits and Leases  
 Sponsor REP Herron  
 Requester House FSH Component Number 2460

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

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
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>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								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<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>	<b>0.0</b>

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

The bill requires ADF&G to prepare a land use plan. DNR will review and comment on the proposed plan and will annotate the department's lands records system to display the new Reserve, however DNR anticipates no need for additional funding to accomplish these tasks.

Prepared by: Dick Mylius, Director  
 Division Mining, Land and Water  
 Approved by: Tom Irwin, Commissioner  
Natural Resources

Phone 269-8600  
 Date/Time January 29, 2010  
 Date January 29, 2010

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: SSHB227  
 Bill Version: \_\_\_\_\_  
 () Publish Date: \_\_\_\_\_

Identifier (file name): SSHB227-DFG-COM-01-22-10 Dept. Affected: ADF&G  
 Title An Act relating to the establishment of state fish and game reserves... RDU Administration and Support  
 Sponsor Rep. Herron, Neuman Component Commissioner's office  
 Requester House Fisheries Component Number 2175

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

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<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>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</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>0.0</b>
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<b>CHANGE IN REVENUES ( )</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>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	***	***	***	***	***	***	***
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

Indeterminate fiscal impact to Department of Fish and Game. If the planning effort for this new reserve were one similar to what we do in concert with the Alaska Board of Fisheries whereby we hold and solicit public input and craft specific regulations for this area that could be done with existing functions and resources. However, if the planning effort involved a suite of meetings and staff travel from Goodnews to McGrath and points in between then the department would incur some one time additional costs.

Prepared by: Jeff Hoover, Deputy Director  
 Division: Administrative Services  
 Approved by: Tom Lawson, Director of Administrative Services  
Alaska Department of Fish and Game

Phone 907-465-6077  
 Date/Time 1/22/10 4 30 PM  
 Date 1/22/2010

# Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182  
Phone: (907) 465-4942 • Fax: (907) 465-4589



House District 38  
Kuskokwim & Johnson Rivers  
Kuskokwim Bay & Nelson Island

Akiachak

Akiak

Atmautluak

Bethel

Chefornak

Ek

Goodnews Bay

Kasigluk

Kipnuk

Kongiganak

Kwethluk

Kwigillingok

Lower Kalskag

Mekoryuk

Mertarvik

Napakiaak

Napaskiak

Newtok

Nightmute

Nunapitchuk

Oscarville

Platinum

Quinhagak

Toksook Bay

Tuluksak

Tununak

Tuntutuliak

Upper Kalskag

## **SSHB 227, Holitna River Basin Hunting, Fishing and Trapping Reserve**

### **– Questions and Answers**

**Q: How are state sanctuaries, public use areas, and refuges defined in statute? How would the proposed reserve differ in HB 227?**

**A: There are refuges in Alaska that are set aside by the legislation primarily to protect fish and game habitat – these areas where traditionally the preservation of hunting and fishing opportunities are the primary purpose. Within existing refuges, ADFG has land use permitting authority that is in addition to DNR's land use authority. This would be the first state fish and game reserve in Alaska. HB 227 would define a reserve as including a greater emphasis on active management to produce high levels of consumptive human use. A reserve is not just a place where you preserve hunting and fishing as an on-going activity, but a place where you are encouraging state management for high levels of that activity. It's analogous to the Tanana Valley State Forest, where the production of timber is the primary identified purpose in the statutes. A public use area is state land designated under Title 41 to be managed by DNR for multiple use where the state intends to keep the land in the public domain and not offer any land sales. ADFG has no land management responsibilities in Public Use Areas. Sanctuaries, historically, have been areas set aside to preserve wildlife habitat where hunting is not allowed and viewing and preservation are the primary purposes.**

**Q: What does it mean for an area to be actively managed?**

**A: Intensive management is defined in statute as active management that is designed to produce high levels of game for human harvest. It specifically includes both habitat manipulation and predator control. Given the bill is written with deference to scientific study, as is done in state forests, you would expect some experimentation on other means of active management in this area.**

**Q: What is the history of active management in the Holitna Watershed?**

**A: Predator control has been going on from 2004 – Present. All of the moose populations in the area have been identified as important to be intensively managed. A predator control program is in place for essentially the northern half of the**

watershed, but that is a temporary program. HB 227 would not require predator control to be permanent but it would require that the area be permanently managed to produce high levels of game and fish for human consumptive use. At high levels of abundance, the taking of moose females might be appropriate to ensure the habitat's carrying capacity is not exceeded. Different active management techniques are appropriate at different levels of abundance. Other methods such as habitat manipulation, such as prescribed burns to increase moose forage, might also be deemed appropriate here in the future.

Q: Please describe where local and non-local use is prevalent in the area.

A: Unit 19B (roughly the southern half of the watershed) is primarily used by non-locals for fly-in hunting use. There are some local users who travel that far up-river as well. The northern half is primarily accessed by the two rivers in small boats by people from communities along the Kuskokwim River.

Q: Would HB 227 establish a priority for any one user group or type of use?

A: No, this bill establishes the enhancement of the fish and game resource as a priority, not a preference for any user group.

Q: By specifying a specific purpose and use for state land, does HB 227 possibly conflict with the state constitution?

A: No, quite the opposite. The constitution says:

Constitution: Article VIII, Section 4: "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses."

For example, preference for specific uses has been put in statute for the Tanana Valley State Forest, and McNeil River State Game Sanctuary (preservation of brown bear populations and habitat are priorities and hunting is disallowed).

Also, Article VIII, Section 7, "Special Purpose Sites" specifically allows the legislature to set aside state lands for specific uses.

Q: Does HB 227 require changes to the DNR permitting process for nonrenewable resource exploration or extraction?

A: HB 227 doesn't change any existing requirements for permitting. Mining claims and certain types of small scale mining exploration activity don't even require a permit at present. More extensive exploration activities do require permits, and DNR already does consult with DFG on those permits.

Q: Would HB 227 affect DNR's proposal to lease different areas to big game guides? (DNR is currently taking public comments on a new proposal to limit the number of big game guides using state land. This is in response to a request by the Big Game Commercial Services Board.)

A: HB 227 would not affect this proposal in any way, no more than creation of a state park or state forest would. As long as hunting is allowed, and as long as it's state-owned land, DNR would be able to include this area in its guide services areas proposal.

Q: Would this bill restrict access by private property owners?

A: No. If statute requires a management plan be drafted, this plan may have specific language addressing access needs. For access that we don't know about yet, the owner would have to approach DNR, who (in consultation with DFG on how best to limit impacts on habitat and animal migration) would determine the best route for their access. This bill would not materially change the way that process already takes place. If people do have in-holdings this bill does not restrict access, but in fact ensures that they will have some sort of access to their land.

Q: Please thoroughly describe the recent permitting request for a natural gas exploration license.

A: The DNR, Division of Oil and Gas (DO&G) received an application for a gas only exploration license proposal for the Holitna basin under the oil and gas exploration license program set out at AS 38.05.131-.134. Holitna Energy Co., LLC (HEC) initiated a proposal for a gas only exploration license for 26,791 acres in the Holitna area under this program. Before issuing an exploration license, ADNR must issue a written finding that concludes that the state's best interests would be served (AS 38.05.133(f), and AS 38.05.035(e) and (g)).

In its August 1, 2005 preliminary best interest finding, ADNR concluded that HEC's exploration license proposal would best serve the interests of the State. In its final best interest finding issued October 2, 2006 (after public comments), the division concluded that the project was not in the state's best interest because the small size of the license area would make it difficult to condition the license in a manner that allowed exploration activities to occur harmoniously with the other uses in the area and without impact to sensitive fish and wildlife resources. ADNR also concluded that the license was not in the state's best interest because the project had very little local support and the project proponent had not proactively garnered such support.

On October 5, 2006, HEC asked the ADNR Commissioner to reconsider the final finding, under ADNR's appeal regulations (11 AAC 02.010 et seq.). On June 20, 2007, the commissioner affirmed the final finding denying HEC the exploration license.

On July 20, 2007, HEC appealed ADNR's decision to superior court, arguing that ADNR's decision with respect to the final best interest finding, and its denial of HEC's request for reconsideration, lacked a reasonable basis, and failed to show that ADNR gave the requisite "hard look" at all the salient facts and issues raised. HEC asked the court to remand the case to ADNR.

On March 18, 2008, ADNR submitted an unopposed motion to remand HEC's appeal, saying that it had reviewed HEC's opening brief, and based on that review, requested that the court remand this case to ADNR so that the commissioner may reexamine the facts and conclusions in both the final finding and his decision on reconsideration. On March 19, 2008, the court remanded the case to ADNR.

On reconsideration, the commissioner determined (December 9, 2009) that a gas only exploration license to HEC is in the state's best interest.

Q: Does HB 227 make the bar higher for non-renewable resource exploration and extraction in the region?

A: As it is now, DNR would have to decide on a case by case basis which is in the state's best interest: the development or the preservation of fish and game. With HB 227, DNR would clearly have to side with the preservation of fish and game, and if the exploration or extraction was deemed to not be compatible with the purpose of this bill to protect and enhance fish and game habitat and populations, then the permit would not be forthcoming. For example, if oil and gas exploration in a certain area would preclude access for hunting, with HB 227 DNR would have to rule in favor of the hunting, without HB 227, if the exploration was deemed more important for the state, DNR might rule favorably toward permitting the exploration. However, the DNR Kuskokwim Area Plan already does call for preservation of fish and game. The legislative establishment of this would make this plan more permanent, since land use plans are administrative actions and can be changed more easily. In addition, DNR oil and gas leasing decisions are not governed by Area Plans.

Q: How much of the 4,000,000 acres would possibly be of interest for mining development?

A: The area has not been that intensively explored. At present mining claims are confined to less than 5%, as an estimate, of the area. There are no known large mineral deposits within the area, but considerable exploration has occurred in recent years. There are highly mineralized areas to the south, west, and northwest of the proposed Reserve.

Q: Is it true no oil and gas wells have been drilled within the area?

A: Yes, no wells have been drilled.

Q: Is the area a possible corridor for energy transmission?

A: For natural gas it has never been looked at as a corridor. If Pebble and Donlin Creek were intertied, the energy intertie would cross the region.

Q: Would HB 227 prohibit an energy transmission corridor or add a layer of bureaucracy to its permitting?

A: The bill might add some requirements to minimize a corridor's impact on fish and game populations or access to hunting and fishing.

## UNIT 15: HOLITNA RIVER

### Background

**Location and Land Ownership.** The Holitna River management unit encompasses the watersheds of Holitna and Hoholitna Rivers. This is the largest management unit in the planning area, and is nearly all state owned. The land along the Kuskokwim River near Sleetmute is Native owned, and there are three parcels of Native selections near Sleetmute, two of which overlap with state selections. Three small parcels of federal land complete the ownership pattern in the Sleetmute area. The remaining land -- over 90 percent of the total area -- is state owned. Sleetmute, located at the confluence of the Holitna and Kuskokwim, is the only village in the unit. However, there are approximately 165 parcels of private land in or adjacent to this unit. They are a mixture of Native allotments, and federal homesites, headquarters sites, and trade and manufacturing sites.

**Resources and Land Use.** The central and northern portions of the unit are broad lowlands; western, southern, and eastern boundaries are defined by the Chuilnuk and Kiokluk mountains, the highlands dividing the Kuskokwim basin from Bristol Bay, and the mountains surrounding Sparrevohn Air Force Station. The upper elevations of these ranges are approximately 4,000 feet. The Holitna and Hoholitna rivers, and the lower Chukowan, Kogrukuk, Shotgun, Taylor, and Titnuk waterways are lined by relatively broad bands of white spruce and hardwood forest that are one-half to two miles wide on each side of the river. Some south-facing hillslopes scattered throughout the unit also support hardwood forest that are one-half to two miles wide on each side of the river. The rest of the lowlands is dominated by black spruce woodlands, grading into shrublands on the upper slopes, and alpine tundra on the highest mountains.

The Holitna basin contains the greatest concentration of salmon spawning areas in the entire Kuskokwim drainage and the most productive moose habitat. In addition, these lands support concentrations of bear and waterfowl, and provide winter range for caribou and extensive habitat for furbearers. The fish and wildlife resources of the Holitna basin attract residents of communities from McGrath to Bethel, and sportsmen and guides from throughout Alaska and the continental U.S. The greatest concentration of subsistence activities in the planning area occurs in the Holitna basin. It is used for hunting, trapping, fishing, berry picking, houselog harvest, and firewood collection. It is also the most intensively used part of the basin for sport hunting for moose. Twelve registered hunting guides, six fishing guides, and an unknown number of outfitters use this drainage, targeting moose, caribou, salmon, and sheefish. There are two lodges in the unit, and a third is planned for construction. Salmon from the Holitna drainage provide about 20 percent of the annual salmon harvest for Kuskokwim basin subsistence and commercial fishermen. The king salmon stocks from this and other Kuskokwim drainages are fully allocated at present.

The Holitna basin is rich in other resources as well. The riparian forestlands are among the most productive in the Kuskokwim basin. These forests are highly suitable for settlement and timber harvest for personal and commercial use. The Taylor Mountains and the Kuskokwim Mountains along the western boundary of the unit have moderate to very high mineral potential, a number of existing claims, and two mines that have been active in recent years. Gravel bars in the Kuskokwim River near Sleetmute also have provided materials for local construction projects.

**Access.** The main access to the unit is by boat on the Kuskokwim, Holitna, and Hoholitna rivers and their major tributaries. Small planes can also land on sections of the Holitna River, numerous lakes, and natural landing areas in the tundra. A public airstrip is maintained at Sleetmute, and there are strips of mining claims at Forty-seven Creek and in the Taylor Mountains. A number of trails cross the unit along major rivers or overland routes into the Kuskokwim Mountains.

## **Management Intent:**

The emphasis of state land management in the Holitna management unit is protection of the fish and wildlife habitat, and support for continued subsistence, commercial, and sport use of these resources. Forestlands will continue to be available for personal and commercial timber harvest. Most of the unit will remain in public ownership, but opportunities for private use of state lands may be made available through a land disposal near Sleetmute, and a land disposal and remote cabin sites along the southern perimeter of the unit and in the Door Mountains. The remote cabin sites and land disposals are located to offer sites that can support private recreation and settlement, while avoiding the main public use areas and most important habitat lands. Land disposal offerings total approximately 3,600 acres of land and there are 56 remote cabin sites.

Most state lands will remain open to mineral entry. However, to protect important salmon populations, spawning beds and rearing areas in known mineralized zones will be closed to new mineral entry. Closures include portions of Portage, Bakbuk, Mukslulik, Taylor, Kiknik, and Chuilnuk creeks, a portion of the Gemuk River, Gemuk Lake, part of an unnamed tributary to the Holitna between Bakbuk and Portage Creeks, and an unnamed tributary of the Hoholitna in the Door Mountains. Uplands along the Gemuk River, Gemuk Lake, Mukslulik Creek and unnamed tributaries of the Holitna and Hoholitna river drainages will be subject to leasehold location requirements to ensure compatibility of mining with salmon spawning and king salmon rearing areas.

In addition to state-owned uplands, the beds of the Kuskokwim, Holitna, Hoholitna, and other navigable waters are state owned and are subject to the guidelines of this plan.

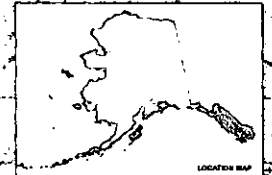
### **Subunit 15a - Holitna-Hoholitna Corridors**

Subunit 15a contains the main stems of the Holitna and Hoholitna rivers, the core of the Holitna basin. It receives more use for subsistence and sport hunting for moose than any other subunit in the planning area, and is important for salmon spawning, and harvest of salmon and resident fish. The Department of Fish and Game's only Kuskokwim weir for estimating the size of salmon runs is located at Kashegelok in the southern part of the subunit. The forests along the rivers are the most productive in the Holitna basin, and some of the best in the entire planning area. This subunit is state owned except for a number of Native allotments along the river. Three permits for trapping cabins have been issued within the subunit. Subunit 15a is accessible by boat and small plane.

The Holitna and Hoholitna Corridors will be kept in public ownership and managed to protect the fish and wildlife habitat and populations, and to support continued use of these resources. The forest lands will be managed to provide timber for personal and commercial and timber harvest. Other uses of this land are permitted when compatible with the primary intent of protecting the fish and wildlife resources. Most state lands in this subunit will remain open to new mineral entry; however, portions of Whitewater Creek, Kiknik Creek, and from unnamed tributaries to Kiknik Creek will be closed to protect salmon rearing areas.

In recognition of the outstanding habitat, forestry, and human use values of this area, it is also recommended that the legislature consider designating it as a state Public Use Area. The Public Use Area would contain subunit 15a and the adjacent portions of subunits 15b and 15c that are rated A-2 ("special value") habitat (see in Appendix A). This designation would be intended to keep these lands in permanent public ownership; protect the fish and wildlife habitat; promote forest management; and ensure that fish, wildlife, and forest resources continue to be available for personal and commercial use. Other uses will be allowed whenever compatible with the intent to protect and manage habitat and forest resources. The Public Use Area would be managed by DNR under a management plan prepared with the concurrence of the Department of Fish and Game.

HOLITNA RIVER WATERSHED



STATE OF ALASKA  
PROPOSED LOCATION  
OF THE HOLITNA RIVER BASIN  
HUNTING, FISHING AND TRAPPING RESERVE

Map Scale 1:250,000

-  HYDROLOGIC UNIT BOUNDARY
-  NATIVE ALLOTMENTS
-  STATE LAND DISPOSALS
-  STATE MINING CLAIMS
-  STATE OWNED LAND
-  LEGISLATIVELY DESIGNATED AREAS

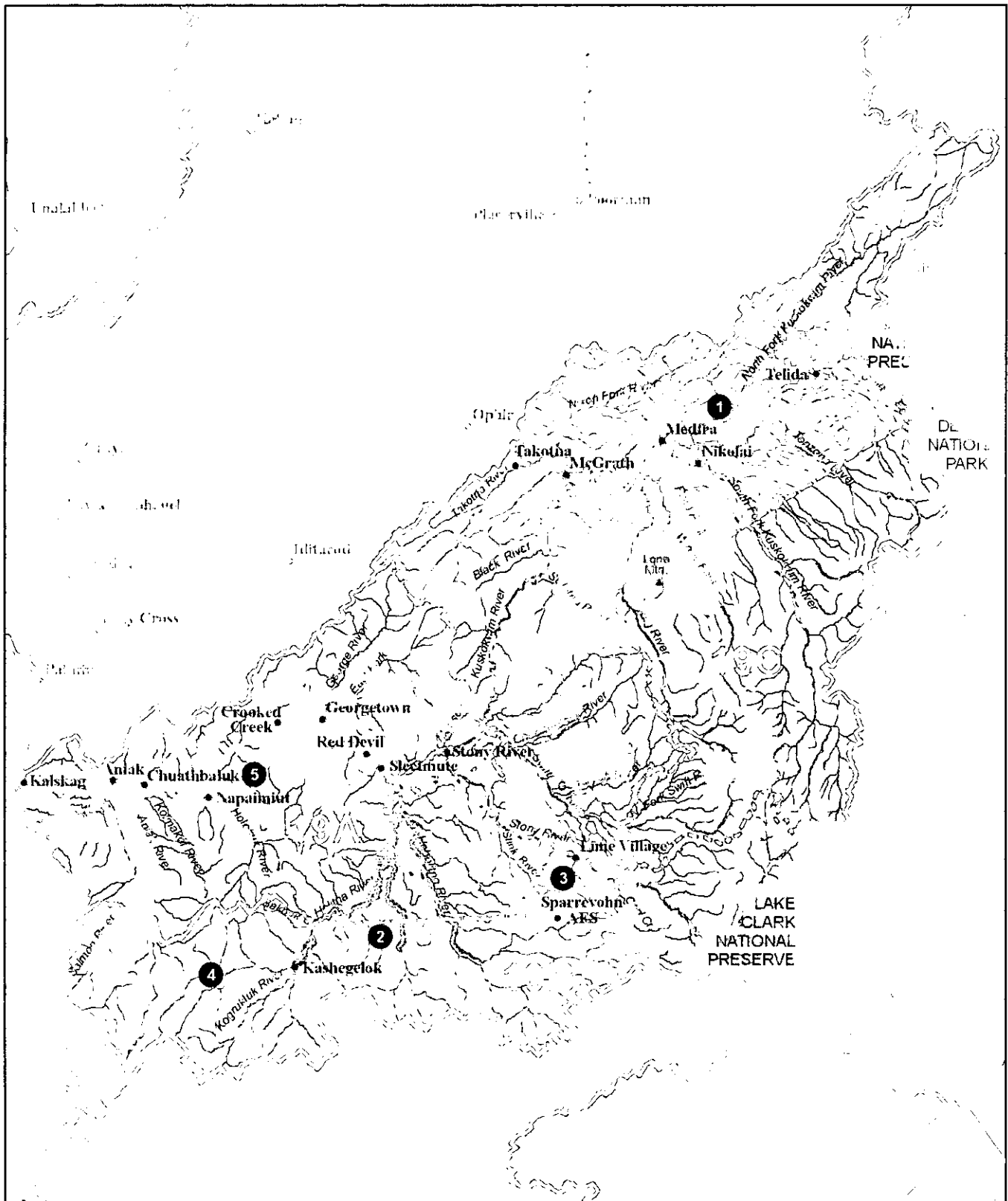


The information displayed is for general information only. The map does not represent the official record. Contact the Land Information System (LIS) and the 2008 records for the final public record.

The State of Alaska makes no warranty or implied representation regarding the accuracy of completeness and reliability of the information displayed on this map. The user assumes all responsibility for the use of the information. The user is advised to consult the appropriate laws, regulations, and other documents for the use of the information. The user is advised to consult the appropriate laws, regulations, and other documents for the use of the information. The user is advised to consult the appropriate laws, regulations, and other documents for the use of the information.

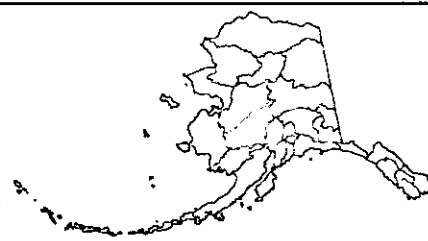
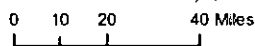
Produced by  
Alaska Department of Natural Resources  
Division of Natural Resources  
Land Information System  
Date Printed: January 15, 2008





**Unit 19**  
McGrath

Region 3



**Game Management Units / Special Management Areas**

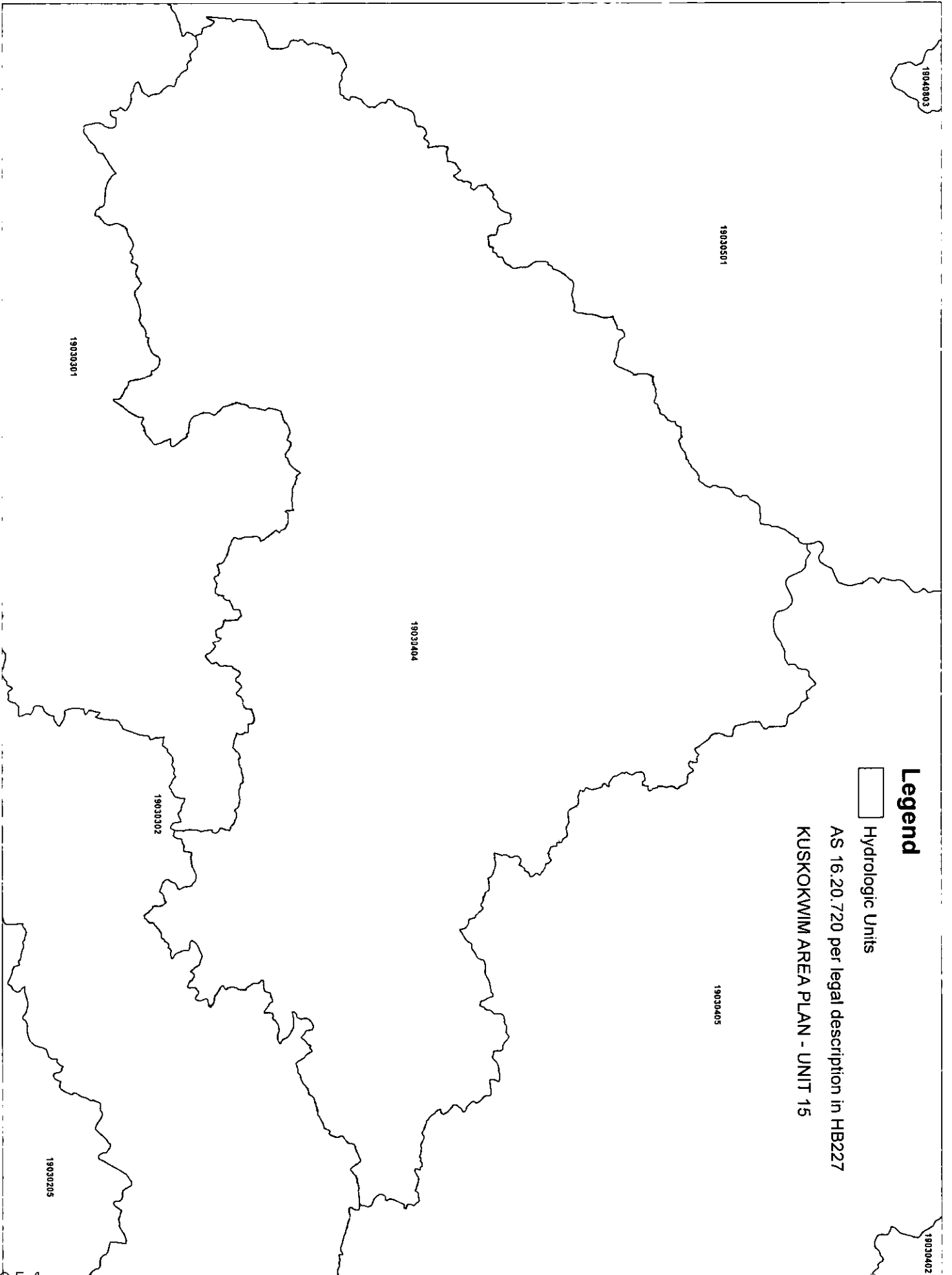
- |  |  |                     |
|--|--|---------------------|
| Closed Areas   | Other State Lands                        | Unit Boundaries     |
| Controlled Use Areas                                 | National Parks                           | Unit Sub-Boundaries |
| Management Areas                                     | National Preserves & Other Federal Lands | Roads               |
| State Refuges, Sanctuaries, & Critical Habitat Areas |  | Railroads           |

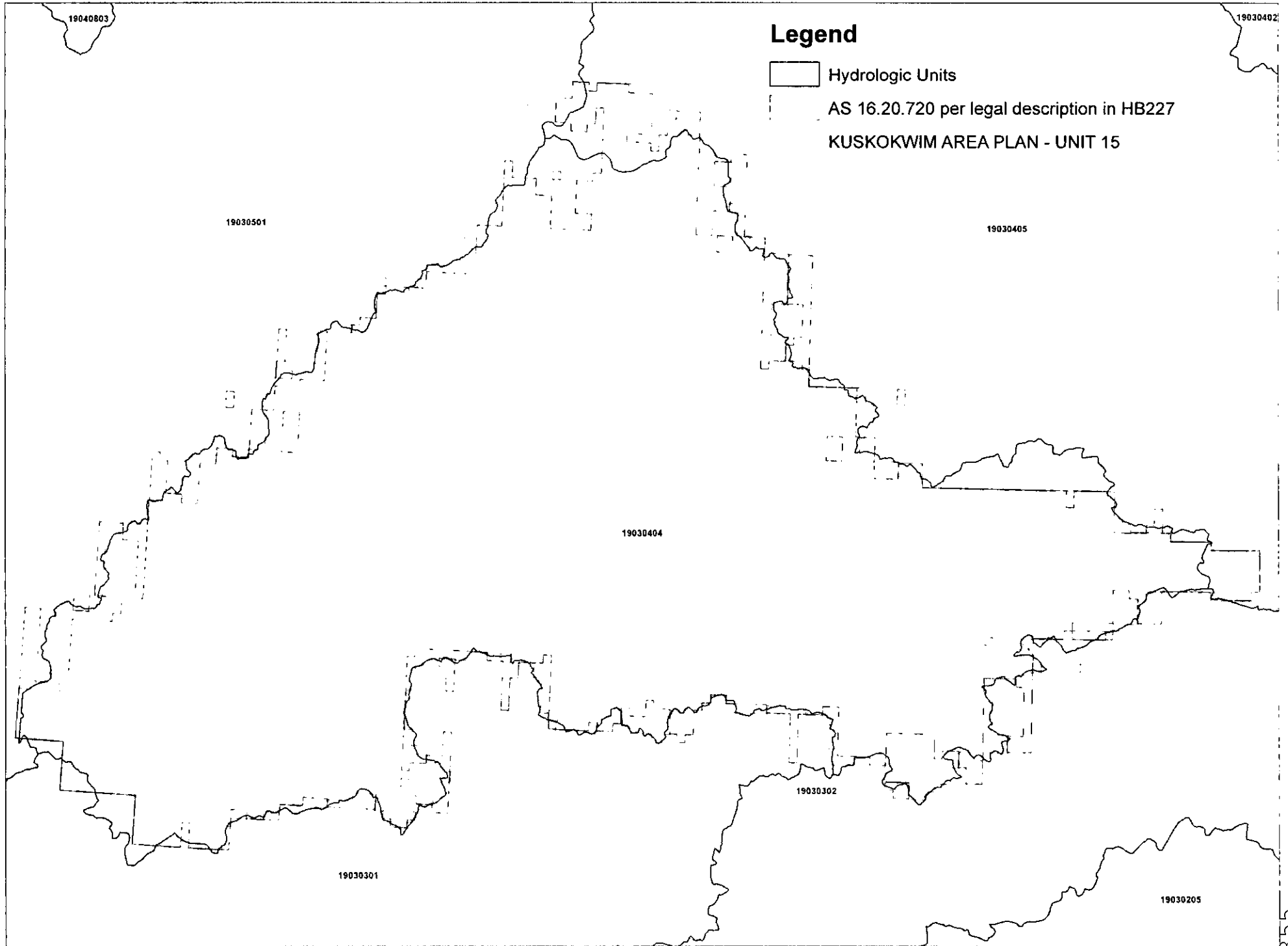
**Legend**

□ Hydrologic Units



AS 16.20.720 per legal description in HB227

KUSKOKWIM AREA PLAN - UNIT 15





### Legend

-  Hydrologic Units
  -  AS 16.20.720 per legal description in HB227
- KUSKOKWIM AREA PLAN - UNIT 15



NOV 07 2006

301 Calista Court, Suite A • Anchorage, Alaska 99518-3028 • (907) 279-5516 • Facsimile (907) 272-5060 • Website: www.calistacorp.com

November 3, 2006

Greg Roczicka  
Orutsarmiut Native Council  
P.O. Box 927  
Bethel, AK 99559

Re: Proposal for Holitna River Basin Hunting, Fishing and Trapping Reserve

Dear Mr. <sup>Guy</sup>~~Roczicka~~:

Thank you for allowing Calista Corporation to review and comment on the proposed legislation to establish the Holitna River Basin Reserve.

The proposed legislation focuses chiefly on fish and wildlife resource and habitat management. Passage of such legislation will be most successful if it is not complicated with side issues, such as development restrictions on non-wildlife resources, which could distract from the main purpose of the proposal.

The Kuskokwim Area Plan for Management Area 15 – Holitna River, states that all areas within Area 15 are open to leasable minerals and most areas are open to locatable minerals with the exception of certain named and identified streams designated as important for salmon spawning and rearing. These waters are already closed to new locatable mineral entry through the Kuskokwim Area Plan.

While Calista does not have a problem with the proposal as presently written, Calista would have concerns should the proposal affect our access to our land holdings in the Holitna River basin.

Please keep us informed of the status of the proposed legislation and particularly of any revisions to the proposed language.

Thank you for your consideration and attention.

Sincerely,

CALISTA CORPORATION

A handwritten signature in black ink, appearing to read 'Andrew J. Guy', is written over the printed name.

Andrew J. Guy  
EVP General Counsel

cc: Sleetmute Traditional Council

# AVCP

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS  
P.O. Box 219 • BETHEL, ALASKA 99559 • PHONE 543-3521

42<sup>ND</sup> ANNUAL CONVENTION  
BETHEL, ALASKA                      OCTOBER 3-5, 2006

## RESOLUTION 06-10-04

**TITLE:**            **SUPPORT FOR THE CREATION OF A HOLITNA BASIN  
HUNTING, FISHING, AND TRAPPING RESERVE**

**WHEREAS**    The Association of Village Council Presidents (AVCP) is the recognized tribal organization and non-profit Alaska Native regional corporation for its fifty-six member indigenous Native villages within Western Alaska and supports the endeavors of its member villages; and

**WHEREAS**    AVCP fully supports its member villages in all aspects of their self-determination, health and well-being; and

**WHEREAS**    The Holitna basin contains the greatest concentration of salmon spawning areas in the entire Kuskokwim drainage and the most productive moose habitat that are extremely important to subsistence harvest needs of all residents throughout the Kuskokwim Drainage; and

**WHEREAS**    Recent research has shown that the Holitna Basin provides spawning and rearing habitat for up to 70% of the sockeye salmon and up to 51% Chinook salmon for the Kuskokwim Drainage, and great but at this time unknown numbers of chum and coho salmon; and

**WHEREAS**    Recent surveys show that approximately 50% of the subsistence Chinook salmon harvest for the entire State of Alaska occurs in the Kuskokwim Drainage, and the Holitna River provides a large portion of those salmon for both subsistence and commercial salmon harvests; and

**WHEREAS**    Recent studies have shown that several whitefish species use the Holitna Drainage for spawning and rearing, and that these Holitna River whitefish travel throughout the Kuskokwim Drainage and provide subsistence opportunity for all Kuskokwim River residents; and

**WHEREAS**    For generations the Holitna Basin has maintained abundant moose populations that provided a high level of annual subsistence harvest for residents throughout the Kuskokwim Drainage; and

**Resolution 06-10-04**

- WHEREAS** In the last decade, these moose populations have substantially declined primarily due to lack of active management brought about by outside administrative and political interference, that has caused extreme hardships in meeting subsistence needs in communities throughout the Kuskokwim Drainage and resulted in the state Board of Game closing the Holitna Basin to moose hunting entirely in 2006 due these depleted numbers; and
- WHEREAS** The Holitna Basin is currently included in an active predator management plan area that is threatened with being prematurely shut down due to another lawsuit recently filed by animal welfare advocates in August, 2006; and
- WHEREAS** The magnitude and fundamental support of the Holitna River system for sustained yield and harvest of fish stocks & wildlife populations throughout the entire Kuskokwim drainage, and their importance to residents of the region cannot be over emphasized; and
- WHEREAS** The Kuskokwim Area Plan adopted by DNR in 1988 stated, "The emphasis of state land management in the Holitna management unit is protection of the fish and wildlife habitat, and support for continued subsistence, commercial, and sport use of these resources.", recommending further that the Holitna & Hoholitna be especially managed area to protect these uses "In recognition of the outstanding habitat, forestry & human use values of the area"; and
- WHEREAS** In March of 2006 the Board of Game approved the creation of The Holitna Basin Hunting and Trapping Reserve with the purpose of focusing management to protect and help moose populations recover and be maintained in the future to provide for amounts necessary for subsistence and reasonable harvest opportunities; and
- WHEREAS** A proposal is before the Board of Fisheries to create a Holitna Basin Fishing Reserve to ensure long-term protection and sustainable harvest of Kuskokwim fish populations that is scheduled to be considered at their January, 2007 meeting; and
- WHEREAS** Any action of the State Board of Game or Board of Fisheries to create a Reserve is subject to approval by the State Legislature; and
- WHEREAS** The primary intent and purpose of the creation of this Reserve is specifically to emphasize and ensure the conservation, maintenance and enhancement of healthy and abundant fish and game populations, important to providing established amounts necessary for subsistence,

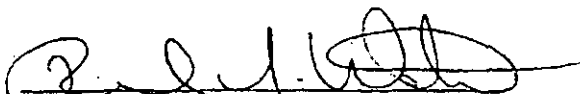
Resolution 06-10-04


reasonable harvest opportunity, and other identified population goals and harvest objectives that promote or maintain these populations at the high levels they have provided for generations.

NOW THEREFORE BE IT FURTHER RESOLVED THAT AVCP urges support by all residents of the region that have utilized the resources of the Holitna Drainage in fulfilling their annual subsistence needs over the generations, the State Board of Fisheries, its State House and Senate representatives, the Alaska State Legislature, and State Administration for the creation of a Holitna Basin Hunting, Fishing & Trapping Reserve, and future implementations serving its primary purpose and intent.

BE IT FURTHER RESOLVED THAT these management actions furthering the primary intent will not be interrupted, curtailed, over-ridden or discontinued, unless it has been first fully documented scientifically, and conclusively proven that such actions are counter-productive or ineffective in promoting, maintaining or enhancing fish and game populations for maximizing sustained yield or providing for reasonable harvest opportunity.

ADOPTED by the Association of Village Council Presidents during its Annual Convention held at Bethel, Alaska, this 4th day of October 2006 with a duly constituted quorum of delegates.

  
Raymond J. Watson, Chairman

  
Myron P. Naneng, Sr., President

Sponsor: ONC and Sleetmute Traditional Council

**COPY****SLEETMUTE TRADITIONAL COUNCIL**

P.O. Box: 109, Sleetmute, AK-99668; Ph: 907-449-4205; Fax: 907-449-4203

Email: [sicadmin@stlaband.net](mailto:sicadmin@stlaband.net)**RESOLUTION NO. 06-16**

A RESOLUTION OF THE NATIVE VILLAGE OF SLEETMUTE TRADITIONAL COUNCIL, THE GOVERNING BODY FOR THE NATIVE VILLAGE OF SLEETMUTE TO URGE SUPPORT FOR THE CREATION OF THE HOLITNA BASIN HUNTING, FISHING, AND TRAPPING RESERVE

**WHEREAS:** The Native Village of Sleetmute Traditional Council is the federally recognized governing body of the Native Village of Sleetmute; and

**WHEREAS:** The Holitna basin contains the greatest concentration of salmon spawning areas in the entire Kuskokwim drainage and the most productive moose habitat that are extremely important to subsistence harvest needs for all residents throughout the Kuskokwim Drainage particularly the residents of Sleetmute and surrounding villages.

**WHEREAS:** The Upper Kuskokwim Region is one of the few regions in the State where subsistence still plays a larger role in the local economy than cash does.

**WHEREAS:** Recent research has shown that the Holitna Basin provides spawning and rearing habitat for up to 70% of the sockeye salmon and up to 51% Chinook salmon for the Kuskokwim Drainage above Kalskag, and great but at this time unknown numbers of chum and coho salmon.

**WHEREAS:** Recent surveys show that approximately 50% of the subsistence Chinook salmon harvest in the State of Alaska occurs in the Kuskokwim Drainage, and the Holitna River provides a large portion of the salmon taken by both the subsistence and commercial salmon harvest.

**WHEREAS:** The magnitude and fundamental support of the Holitna River system for sustained yield of fish stocks throughout the entire Kuskokwim drainage, and the importance of those fish stocks to residents of the Kuskokwim cannot be over emphasized.

**WHEREAS:** Recent studies have shown that highly used subsistence whitefish species humpback whitefish and least cisco, and likely as well broad whitefish use the Holitna Drainage during their fall spawning season and that these Holitna River whitefish travel throughout the Kuskokwim Drainage and provide subsistence opportunity for all Kuskokwim River residents.

**WHEREAS:** For generations the Holitna Basin has maintained abundant moose populations that provided a high level of annual subsistence harvest for residents throughout the Kuskokwim Drainage and across the State.

**WHEREAS:** In addition, these lands support concentrations of bear and waterfowl, and provide winter range for caribou and extensive habitat for furbearers.

**WHEREAS:** In the last decade, these moose populations have substantially declined primarily due to lack of active management brought about by outside administrative and political interference that has caused extreme hardships in meeting subsistence needs in communities throughout the Kuskokwim Drainage.

**WHEREAS:** The Kuskokwim Area Plan adopted in 1988 stated that, "The emphasis of state land management in the Holitna management unit is protection of the fish and wildlife habitat, and support for continued subsistence, commercial, and sport use of these resources."

**WHEREAS:** In March of 2006 the Board of Game closed the Holitna Basin to moose hunting entirely due to the depleted numbers and a lack of sustainable surplus for harvest.

**WHEREAS:** In March of 2006 the Board of Game also approved the creation of The Holitna Basin Hunting and Trapping Reserve with the purpose of focusing management to help moose populations recover and be maintained to provide for amounts necessary for subsistence and reasonable harvest opportunities.

**WHEREAS:** A proposal is before the Board of Fisheries to create The Holitna Basin Fishing Reserve to ensure long-term protection and sustainable harvest of fish populations and their habitat.

**WHEREAS:** The primary intent and purpose of the creation of this reserve is to ensure the conservation, maintenance and enhancement of healthy and abundant fish and game populations important to providing established amounts necessary for subsistence, reasonable harvest opportunity, and other identified population goals and harvest objectives that promote or provide for high levels of human consumptive use

**WHEREAS:** Prior to the Holitna Basin being designated as an "Intensive Management Area", management actions furthering the primary intent were interrupted, curtailed, pre-empted or discontinued.

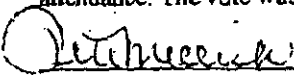
**WHEREAS:** These board actions are subject to formal creation and final approval by the State Legislature.

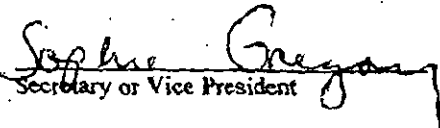
**NOW THEREFORE BE IT RESOLVED:** That the Sleetmute Traditional Council gives its full support to the creation of The Holitna Basin Hunting, Fishing, and Trapping Reserve and requests the support of all communities in the region that utilize the Holitna Drainage to fulfill their annual subsistence needs.

**THEREFORE BE IT FURTHER RESOLVED:** That management actions furthering the primary intent will not be interrupted, curtailed, pre-empted or discontinued, unless it has been first fully documented scientifically, and conclusively proven that such programs are counter-productive or ineffective in promoting, maintaining or enhancing fish and game populations for maximizing sustained yield or providing for reasonable harvest opportunity.

**THEREFORE BE IT FURTHER RESOLVED:** The Sleetmute Traditional Council urges support of its House and Senate representatives, the Alaska State Legislature, and State Administration for the creation of this reserve and active support of its primary purpose and intent.

This will certify the foregoing resolution was approved at a Native Village of Sleetmute Traditional Council meeting held this 21<sup>st</sup> day of SEPT., 2006, at which a quorum were in attendance. The vote was 5 For and 0 Against.

  
\_\_\_\_\_  
President or Chairman

  
\_\_\_\_\_  
Secretary or Vice President

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME ALASKA BOARD OF FISHERIES

SEAN PARNELL, GOVERNOR

ADF&G  
P.O. BOX 115526  
JUNEAU, AK 99811-5526  
PHONE: (907) 465-4110  
FAX: (907) 465-6094

Representative Mike Chenault  
Speaker of the House, Alaska State Legislature  
State Capitol, Room 208  
Juneau, Alaska 99801-1182

Senator Gary Stevens  
Senate President, Alaska State Legislature  
State Capitol, Room 111  
Juneau, Alaska 99801-1182

Re: House Bill 227

January 31, 2010

Dear Representative Mike Chenault and Senator Gary Stevens,

The Alaska Board of Fisheries supports the language providing for resource protection found in House Bill 227 which would establish a fishing and hunting reserve in the Holitna River Basin. This action is consistent with the Board of Fisheries responsibilities in the conservation and development of fishery resources in the state.

Thank you for your interest in the conservation and development of Alaska's fisheries resources.

Sincerely,



Vince Webster  
Chairman, Alaska Board of Fisheries

cc: Governor Sean Parnell  
Denby Lloyd, Commissioner, Department of Fish and Game  
Representative Herron, Sponsor  
Representative Neuman, Sponsor

---

**From:** Art Greenwalt [dobieman@gci.net]  
**Sent:** Wednesday, March 24, 2010 12:26 PM  
**To:** Rep. Mark Neuman  
**Subject:** Regarding HB 227

Dear Representative Neuman:

In reference to HB 227:

This bill seems to be nothing short of unadulterated game farming under the guise of wildlife management.

It seeks to manage an area specifically for one species, an action that in the past has always shown itself to be disastrous.

It substitutes anecdotal evidence for proper scientific measurement and observation in determining the status of the area's wildlife..

It engages unlimited predator control in place of precise and biologically-indicated management.

It creates an area specifically tailored not to the best goals for the habitat and its fauna but for the sports hunter.

Eliminates ongoing public input on the matter.

Perhaps most telling is section C, item 3 of the bill in which is the following text:

(3) consider scientific evidence augmented by historical and local environmental knowledge when evaluating management activities.

Despite this statement the bill itself ignores input already presented by upper level staff of Fish and Game for the Holitna region at the recent Fbks. Board of Game meeting opposing expanding predator control due to the cost and social problems associated with intensive management.

This is a bill born not of scientific study and evaluation but rather as an extreme response to the fanatic efforts to substitute intensive management in place of genuine science wherever possible.

I strongly urge you to deny this bill.

Thank you,  
Art Greenwalt  
1620 Washington Dr., Apt. 79  
Fairabnks, Ak. 99709

## HB 227

Wade Willis / Anchorage Alaska  
907-223-0218 / [adventure@alaska.com](mailto:adventure@alaska.com)

I *oppose* HB 227 for the following reasons:

1. The bill duplicates management policy and regulations already in place:
  - a. ***What do we get with this bill?*** A boundary that will limit access to ALL Alaskan's – think of the long term. This is nothing but a controlled use area – every CUA limits harvest opportunity in one way or another. **That's ALL we get;**
  - b. The state already manages for a subsistence priority for **ALL** fish and game resources on state lands (Tier I and II);
  - c. The state already has the authority to conduct predator control on any state lands via a well considered public process that includes the Board of Game, scientific review, and public comment; (IM LAW)
  
2. The proponents of this bill believe that aggressive predator control is the ONLY option to manage for abundance – ***I strongly disagree:***
  - a. Mandating the use of predator control ties the hands and limits the management options of the ADF&G;
  - b. ***Mandating management policy is simply bad business*** – the legislature should not limit the ADF&G's options;
  - c. Liberalizing and ***mandating*** the use of predator control based on “substantial evidence” clearly indicates that the proponents feel the current “scientific” justification is not necessary;
  - d. Predator control is a very contentious issue in Alaska. This bill ***would remove important public comment opportunity and detailed intensive management plans from the authorization process*** – relegating the decision to close door decisions within the ADF&G;
  - e. Significant social problems are occurring in other areas where predator control has been used, including GMU 20A and in the McGrath area. Harvest techniques in the absence of predators are not socially acceptable at this time, in particular, cow and calf hunting and increasing non local and nonresident opportunity.
  
3. This bill infringes upon the equal access clause for all Alaskans;
  - a. ***I fully support protecting local subsistence resources and fully believe we currently have the regulations in place to accomplish this goal;***
  - b. HB 227 simply establishes a boundary that can be used to deny residents equal access to our public resources – the bill recommends that other regions get “their own” bread basket area!

## Beth Schneider

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**From:** Barbara Brease [brease@mtaonline.net]  
**Sent:** Wednesday, March 24, 2010 1:36 PM  
**To:** Rep. Craig Johnson; Rep. Mark Neuman; Rep. Bryce Edgmon; Rep. Kurt Olson; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. David Guttenberg; Rep. Scott Kawasaki; Rep. Chris Tuck  
**Subject:** Please oppose HB227

Dear Representatives

Please vote against HB 227. Most Alaskan, myself included, are strongly opposed to predator control. As you know, This bill relegates the decision to use predator control to a single area biologist in the ADF&G instead of putting it through the public process. Predator control programs are not the answer to the ever-increasing numbers of human hunters – especially nonresident trophy hunting.

Deputy Commissioner Pat Valkenberg and the ADF&G are under increasing scrutiny right now for their outrageous actions regarding predator control in Alaska. This bill liberalizes the use of predator control by **eliminating the need for the Board of Game to develop an intensive management plan and allow public input on its use.**

Please oppose HB 227.  
Thank you

Barbara Brease  
PO Box 549  
Healy, AK 99743

# Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182  
Phone: (907) 465-4942 • Fax: (907) 465-4589



House District 38  
Kuskokwim & Johnson Rivers  
Kuskokwim Bay & Nelson Island

Akiachak  
Akiak  
Atmautluak  
Bethel  
Chefnork  
Eek  
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Kongiganak  
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Kwigillingok  
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Mekoryuk  
Mertarvik  
Napakiak  
Napaskiak  
Newtok  
Nightmute  
Nunapitchuk  
Oscarville  
Platinum  
Quinhagak  
Toksook Bay  
Tuluksak  
Tununak  
Tuntuliak  
Upper Kalskag

## **SSHB 227, Holitna River Basin Reserve Changes from HB 227 Version S (10.1.09) to SSHB 227 Version K (1.19.10)**

On October 12, 2009, Version S was presented to the House Resources Committee at their meeting in Bethel. On January 19, 2010 (the first day of Session) SSHB 227 Version K was read over the Floor for the first time. This document details the substantive changes between these versions.

### **On version K, P. 2, line 8, subsection (b)**

Note "and sports use" was changed to "and other consumptive uses." This was not meant to exclude any user groups from the purpose of the bill (for the area to be managed to perpetuate abundance and use), but rather to be more inclusive.

### **P.2, line 23, subsection (c)**

The phrase "and notwithstanding any other provision of law" was removed. If this phrase was not removed and the bill became law, the Holitna area would not be subject to all the other intensive management laws already in statute. This was not the sponsor's intent, hence the deletion.

### **P. 2, line 25, subsection (c)**

Inserted: "subject to priorities among areas in which intensive management actions are carried out as determined by Department of Fish and Game, Board of Fisheries, and Board of Game". Without this addition, HB 227 could be interpreted to cause the Holitna to have Intensive Management priority over other IM areas in the state. DFG has limited resources, and the sponsor felt it was best up to the Department to decide where to focus their IM efforts.

### **P.3, Line 16 subsection (e)**

In version S, public access was regulated by DNR in agreement with DFG, version K it's changed to DNR regulating *in consultation* with DFG.

### **P.3, line 21 subsection (f)**

In version S, access to and from private property was regulated by agreement *among* DNR, DFG, and the private property owner; now in version K it's regulated by DNR *in consultation with* DFG and the private property owner.

### **P.3, line 25, subsection (g)**

In version S, entry for exploration and development of natural resources was subject to approval by both DNR and DFG, now in version K it's subject to approval by DNR *in consultation with* DFG.

### **P. 4, line 2, subsection (i)**

Version K includes township range information that legally defines the Reserve boundary.

# Representative Bob Herron

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House District 38  
Kuskokwim & Johnson Rivers  
Kuskokwim Bay & Nelson Island

## Sponsor Statement

### House Bill 227: Holitna River Basin Hunting, Fishing & Trapping Reserve

Akiachak  
Akiak  
Atmautluok  
Bethel  
Chefornak  
Eek  
Goodnews Bay  
Kasigluk  
Kipnuk  
Kongiganak  
Kwethluk  
Kwigillingok  
Lower Kalskag  
Mekoryuk  
Mertarvik  
Napakiak  
Napaskiak  
Newtok  
Nightmute  
Nunapitchuk  
Oscarville  
Platinum  
Quinhagak  
Toksook Bay  
Tuluksak  
Tununak  
Tuntutuliak  
Upper Kalskag

This bill addresses several major areas of identified needs in protecting or furthering the management concepts embodied within the state's intensive management policies.

First, HB 227 establishes a burden of proof for legal challenges by animal welfare groups – legal challenges that may suspend or pre-empt active management programs designed to manage fish or game populations for human harvest benefit. It seeks to define legal avenues for process challenges in these designated areas by animal welfare entities that often emphasize political science over biological science within our state's management structure.

Second, although some limited active management programs have been implemented with the support of past gubernatorial administrations, this bill is intended to strengthen statutory, constitutional-related active management principles.

Third, the bill is specifically written to be compatible with other "Breadbasket" areas within the state's Intensive Management Areas which exemplify high quality habitat and productivity contributions to entire GMU sub-regions.

Finally, it intends to clearly establish the priority and primary management use of the area to protect the hunting, fishing & trapping activities for future generations. Frustration has been expressed throughout the state where it was thought these values were being protected through the creation of Refuges or Public Use Management Areas only to see these areas experience increasing restrictions, closures, or other actions such as banning of firearms.

This proposed reserve concept was initiated by the Sleetmute Traditional and Orutsarmiut Native Councils; has records of support from the Lower Kuskokwim, Central Kuskokwim, Stony/Holitna and Anchorage Fish & Game Advisory Committees, Kuskokwim Salmon Management Working Group, Association of Village Council Presidents and Calista Corporation; and has undergone legal review through the State Board of Game process, twice receiving their endorsement.

# Representative Bob Herron

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Nunapitchuk

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Platinum

Quinhagak

Toksook Bay

Tuluksak

Tununak

Tuntutuliak

Upper Kalskag

## Sectional Analysis Holitna River Reserve SSHB 227 – Version K

### Section 16.20.700. Purpose

States that the purpose of establishing a fish and game reserve is to promote sustainable levels of human consumption of fish and game.

### Section 16.20.710. Regulations

Gives authority to the Board of Game or Board of Fish (whichever is more appropriate) to adopt regulations designed to conserve fish and game; and to carry out the purpose as set forth in sections 16.20.700 and 16.20.720.

### Section 16.20.720 (a)

All present and future state-owned land and water within the Holitna and Hoholitna River watersheds is designated as part of the Reserve.

### Section 16.20.720 (b)

The Reserve is established to ensure:

1. Management and protection of fish and game populations and habitat to perpetuate subsistence use, commercial use, and other consumptive uses;
2. Management techniques that promote maximum use with sustained yield to maintain historical harvest levels with human consumptive use as a priority;
3. Maintenance of fish and game populations to provide for high levels of human consumptive use (within limits set by Fish and Game Boards);
4. Allowance for scientific research elucidating the effectiveness of management activities in this section in providing for current and future human harvest needs.

### Section 16.20.720 (c)

The Department of Fish and Game, the Board of Fisheries and the Board of Game shall manage fish and game resources within the Reserve to provide for high levels of human harvest and, subject to priorities among intensively managed areas for which these entities set policy, shall:

1. Control predation and adjust predator and prey population ratios thru appropriate means;
2. Conduct management actions designed to further the purposes of this section so long as the appropriate board has not found such actions to be ineffective at maintaining fish and game populations commonly harvested for food by humans;

3. Consider scientific evidence augmented by local environmental knowledge when evaluating management activities.

Section 16.20.720 (d)

The Department of Natural Resources may acquire privately owned land within the Reserve by purchase or exchange, but not thru eminent domain.

Section 16.20.720 (e)

Public access to the Reserve may be regulated by DNR, in consultation with DFG, as necessary to meet the purposes of this section and to protect access to, and development of, other resources within the Reserve.

Section 16.20.720 (f)

Access corridors established by DNR, in consultation with DFG and a private property owner, shall guarantee access to and from private property within the Reserve.

Section 16.20.720 (g)

Entry into the Reserve to explore or develop nonrenewable resources must be approved by DNR, in consultation with DFG, and such activities must be compatible with the purpose of this section.

Section 16.20.720 (h)

Except as otherwise provided in this section, DFG and DNR shall exercise their respective authority over the Reserve thru a management plan prepared by DFG in consultation with DNR.

Section 16.20.720 (i)

Reserve boundaries are defined as including all the sections (listed beneath their respective township and range designations) on the last eight pages of this bill.

# Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182

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Platinum  
Quinhagak  
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Tununak  
Tuntutuliak  
Upper Kalskag

## MEMORANDUM

Date: March 11, 2010

To: Rep. Craig Johnson, Co-Chair House Resources  
Rep. Mark Neuman, Co-Chair House Resources

From: Rep. Bob Herron

Re: HB 227, HOLITNA BASIN RESERVE

A handwritten signature in black ink, appearing to read "Bob Herron".

The following is a proposed change to HB 227 that should help satisfy the concerns both DNR and Calista Corporation have expressed on this bill. This amendment, by including mineral and oil & gas development within the purpose section, will give those activities equal priority with consumptive human uses of the fish and game resources.

Amendment to HB 227, Holitna Hunting, Fishing and Trapping Reserve

Sec. 16.20.700. Purpose. The purpose of establishing a fish and game reserve is to promote management activities to rebuild or enhance fish and wildlife populations and habitats to maintain historical and sustainable harvest levels for continued high levels of human consumptive use of these resources and to perpetuate other public uses of the area, including forest management, mineral entry and development, oil and gas entry and development and other forms of public use of public land not incompatible with the purpose stated in this section.

# Representative Bob Herron

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Upper Kalskag

## MEMORANDUM

Date: February 4, 2010

To: Representative Craig Johnson, Co-Chair  
Representative Mark Neuman, Co-Chair  
House Resources Committee

From: Representative Bob Herron  
House District 38

RE: House Bill 227, Holitna River Reserve

A handwritten signature in black ink, appearing to read "Rob Earl", written over the printed name of Representative Bob Herron.

I respectfully request a hearing for HB 227, *"An Act relating to the establishment of state fish and game reserves; creating the Holitna River Basin Hunting, Fishing, and Trapping Reserve; and providing for an effective date."*

HB 227 intends to clearly establish the priority and primary management use of the Holitna River Basin to protect the hunting, fishing & trapping activities for future generations.

If you have any questions or need additional information, please call Rob Earl at 465-5141.



## SS HB 227 Bill Packet Contents

1. HB 227
2. Sponsor Substitute for HB 227 + FISCAL NOTES
3. Sponsor Statement
4. Sectional Analysis
5. DNR Holitna River Area Plan
6. Correspondence in Support of the Legislation
7. Map of Proposed Reserve
8. <sup>Fsth</sup> COMMITTEE REPORT - COPY