

**SB**

**104**



*Alaska State Legislature*  
**Juneau Senate Office**  
*District B*

**Sponsor Statement**  
**SB 104 Expand Stan Price Wildlife Sanctuary**

This bill expands the size of the wildlife sanctuary at Pack Creek, on Admiralty Island in Southeast Alaska, by adding additional state-owned tidelands and submerged land. Pack Creek contains a unique population of human-habituated brown bears, and is a significant tourist attraction for boaters and fly-in day visitors from Juneau.

Fish and game management on Admiralty Island is reserved for the state, although most uplands—nearly 1 million acres—are federally owned and managed as Admiralty Island National Monument and Kootznoowoo Wilderness.

Hunting is prohibited in the Stan Price sanctuary. Since 1984, the uplands adjacent to Pack Creek and several surrounding watersheds have been closed to hunting by the Board of Game. This area, about 77,000 acres in total, is known as the Upper Seymour Canal Closed Area. There is a continuing vocal attempt from the same small number of hunters to reopen this area to bear hunting. They have brought this issue before the Board of Game seven times since 1984 and failed each time. These repeated efforts consume a significant effort in board and ADF&G staff time and unfairly burden the public which has to wage a campaign to defend the closure each time. By expanding the Sanctuary to include state tidelands and submerged lands that conform to the boundaries of the Upper Seymour Canal Closed Area, this bill would effectively foreclose the possibility of re-opening that area to bear hunting.

This bill is a good government measure. It is clear that the great majority of Southeast Alaska citizens, including hunters, support keeping the area closed to bear hunting, as it has been for years. It is a waste of scarce public resources to continually revisit this issue.

Currently, the Forest Service requires specific access permits to visit the Pack Creek area but does not require this in the rest of the Upper Lynn Canal Closed Area. SB 104 would have no effect on this Forest Service policy; areas outside Pack Creek would remain open to visitors without a permit. Likewise, the vast majority of Admiralty Island will not be affected by this bill and will continue to be open for bear hunting.

## ALASKA FLY'N' FISH CHARTERS

9604 Kelly Court Juneau, Alaska 99801 (907) 790-2120 akbyair@gci.net

January 31, 2010

**RE: Support for SB 104, HB 142; Legislation to Expand the Pack Creek Sanctuary.**

Dear Senator Egan and Representative Kerttula,

As Alaska residents and local business owners who have made their living for the past 18 years guiding visitors on bear watching excursions to Pack Creek, Windfall Harbor and Swan Cove, we wanted to thank you for sponsoring this important legislation. We understand how vital it is to extend permanent protection to the closed areas surrounding the tiny amount of actual sanctuary land at Pack Creek itself. Years of experience have shown us how frequently the habituated bears that make Pack Creek viewing special also range throughout the adjacent drainages of Windfall Harbor and Swan Cove, and how vulnerable Pack Creek bears would be to hunting in these areas. We can also attest to how important Windfall Harbor and Swan Cove are in their own right as viewing locations. These areas have long offered bear viewing options to visitors when permits for Pack Creek are not available. Even with a business as limited as ours that operates with just one pilot/guide serving small very groups, the numbers are significant. Looking at our use figures since the year 2000, we have taken an average of 86 clients into Windfall and Swan each year. That is in addition to the approximately 180 clients we have taken to Pack Creek each season.

Having spent the better part of 2 decades intensively engaged in bear viewing in this area we can especially speak to how this activity enriches Juneau's economy. It is well understood that wildlife watching is big business in Alaska and an essential aspect of our tourism economy. It is perhaps less apparent just how much of that business is done by small, locally owned and operated ventures. That is particularly the case for bear viewing within the Pack Creek/Windfall/Swan complex. Tours for bear viewing in these areas are not sold through the cruise ships. Instead this is a market aimed at independent travelers and facilitated by local guiding businesses, Juneau's air taxi charters, and small Alaskan travel agencies. Small businesses and local residents are the primary beneficiaries of bear viewing activity at Pack Creek, Windfall Harbor and Swan Cove. These businesses overwhelmingly employ people who live, own property, pay taxes and spend their money right here.

Not only does the income we've earned from bear watching flow through the local economy, a significant amount of it goes directly back to underwriting the cost of managing Pack Creek itself through special dedicated use fees we pay to the Forest Service. Our Pack Creek permit fees average over \$5000 per year. And that amount is in addition to other use fees we pay each year as a commercial operator in the National Forest. Altogether such funds generated by watchable wildlife are an important source of revenue for the agencies that manage public lands; a fact that is often not given proper credit. However it is certainly true at Pack Creek that wildlife viewers pay their way. Pack Creek, Windfall Harbor and Swan Cove, along with Windfall and Swan Islands just offshore of Pack Creek itself, function as a whole, and together they comprise an extremely valuable public resource. We urge the legislature to safeguard this area's future, and the future of those who depend on it for their livelihoods, by finally extending full sanctuary status to all of these lands.

Respectfully,  
Butch Laughlin and Sarah Dunlap  
Alaska Fly'n'Fish Charters LLC



United States  
Department of  
Agriculture

Forest  
Service

Alaska Region  
Tongass National Forest

648 Mission Street  
Ketchikan, AK 99901  
Phone: (907) 225-3101  
Fax: (907) 228-6215

File Code: 2300

Date: January 27, 2010

Denby Lloyd  
Commissioner, Alaska Department of Fish and Game  
PO Box 115526  
Juneau, AK 99811-5526

Dear Commissioner Lloyd,

The USDA Forest Service and Alaska State Department of Fish and Game have co-managed the bear viewing opportunities at Pack Creek for more than 25 years. We have invested considerable time and energy into making a successful partnership and the result has been impressive. Up to 1,200 visitors per year pay a \$50 permit fee, or up to \$450 in guided fees to view these tolerant bears. Visitation is limited to 24 persons per day and visitors expect a high quality viewing and photography experience. Pack Creek is now highly regarded as a sustainable ecotourism destination where federal and state agencies have closely aligned our goals, objectives and allowed uses.

In 1997 the Forest Service designated the Pack Creek Zoological Area (PCZA) in our Tongass Land Management Plan with a boundary that matches the State of Alaska's 1984 Seymour Canal Closed Area. By doing so, the Forest Service took an important step toward expanding our cooperative management with the State. The PCZA includes Swan Cove to the north of Pack Creek and Windfall Harbor to the south where management focuses on protecting bear habitat and providing opportunities for wilderness visitors to see wildlife in a less-structured setting as compared to Pack Creek.

Recent PCZA planning by the Forest Service has highlighted some important differences between the protective upland wilderness management of the forest and the tideland management of the State of Alaska Department of Natural Resources (outside of the existing Stan Price Wildlife sanctuary). For example, generally allowed uses of State tidelands in Windfall Harbor or Swan Cove could include landing helicopters, using off-road vehicles, assembling groups up to 50 persons, cutting firewood, and recreational mining. To better align our management objectives, the Forest Service supports expanding the jurisdiction of the Department of Fish and Game, our long term partners, in directly managing these tidelands. This could be accomplished by expanding the Stan Price Wildlife Sanctuary to include all of the Seymour Canal Closed Area. As a result, the two agencies could best serve the public by enhancing wildlife viewing opportunities; this has been suggested in scoping for our current plan, and has been successfully demonstrated at Pack Creek. This could also improve client experience on Outfitted and Guided tours thereby supporting continued investment in bear viewing businesses.

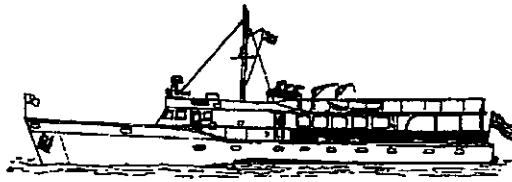
The Forest Service looks forward to continuing our beneficial relationship with the State of Alaska. Pack Creek has provided a great example of co-management that can be expanded and strengthened in the surrounding areas. Thank you for continued partnership in this world class wildlife viewing area.

Sincerely,

FORREST COLE  
Forest Supervisor

Cc: Commissioner, Alaska Department of Natural Resources  
Marti Marshall, Admiralty District Ranger





## *Adventures Afloat*

*Francis and Linda Kadrlik 4950 Steelhead Juneau, AK 99801*

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*Web site: <http://home.gci.net/~valkyrie> Email: [adventuresafloat@gci.net](mailto:adventuresafloat@gci.net)*

February 2, 2010

**RE: Support for SB 104, HB 142; Legislation to Expand the Pack Creek Sanctuary.**

Dear Senator Egan and Representative Kerttula,

Thank you for your support of this important legislation that maintains the protections of Pack Creek and related areas. We often take visitors to Pack Creek, and at times the bear viewing is better in Windfall Harbor than at the creek itself. The same bears frequent the entire area, and without protection, would certainly provide less viewing opportunities. We don't have a guide license, so our clients must procure Pack Creek permits themselves, and if they don't happen to receive permits, they can often see the bears at Windfall Harbor.

Your support safeguards this area's future, and the future of those who depend on it for their livelihoods, by finally extending full sanctuary status to all of these lands. This is a public resource that is frequented and used by our local tour companies, since local charter vessels and air carriers are the major means of transport to this area. Local businesses like ours that provide this service live and work in Juneau, and purchase their own goods and services here, strengthening Juneau's economy.

We look forward to the passage of this legislation and the protections this area deserves.

Sincerely,

Francis and Linda Kadrlik  
Adventures Afloat



Post Office Box 32712 • Juneau, Alaska 99803

Telephone: (907) 789-2399 • Fax: (907) 586-6020

January 18, 2010

Senator Bill Wielechowski  
Senator Lesil McGuire  
Alaska Senate  
Co-Chair Senate Resources Committee  
Alaska Capitol Building, Room 115  
Juneau, Alaska 99801

Dear Senators Wielechowski and McGuire:

The Territorial Sportsmen Inc. (TSI) supports SB 104 to extend the boundaries of the Stan Price Wildlife Sanctuary beyond the Pack Creek Delta to include state-owned tidelands south to Windfall Harbor and north to Swan Cove and including Swan and Windfall Islands. This extension will insure that brown bears are protected on tidelands throughout the Seymour Canal Closed Area.

TSI appreciates the changes made to the original bill that addressed our concerns. TSI supports the committee substitute for Senate bill 104.

TSI is a Juneau based sportsmen organization with 1800 members. We advocate for the rights of hunters, trappers, sport fishermen and other outdoor users.

Sincerely yours

A handwritten signature in cursive script that reads "Wayne Regelin".

Wayne Regelin  
President, Territorial Sportsmen, Inc.

Cc: Senator Dennis Egan



*Alaska State Legislature*  
**Juneau Senate Office**  
*District B*

**CSSB 104**  
**Work Draft 26-LS0545\S**

**Sectional Analysis**

**Section 1:** Amends the legal description of tidelands included within the Stan Price Refuge to encompass additional areas.

**Section 2:** Amends the statutory language establishing the purpose of the refuge to make explicit that, except for bear hunting, all commercial, sport and subsistence fishing and hunting is allowed.

26-LS0545\S  
Kane  
12/18/09

**CS FOR SENATE BILL NO. 104( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATOR ELTON**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act amending the boundaries of the Stan Price State Wildlife Sanctuary and**  
2 **relating to activities allowed in the sanctuary."**

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

4 **\* Section 1.** AS 16.20.150(a) is amended to read:

5 (a) The state-owned tide and submerged land and water within the following  
6 described parcels is established as a state wildlife sanctuary to be known as the Stan  
7 Price State Wildlife Sanctuary:

8 **(1) Township 45 South, Range 68 East, Copper River Meridian**

9 **Sections 1 - 2**

10 **Sections 11 - 13**

11 **Section 24;**

12 **(2) Township 45 South, Range 69 East, Copper River Meridian**

13 **Sections 6 - 8**

14 **Section 16: S1/2, NW1/4**

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Sections 17 - 22

Sections 26 - 27

Sections 29 - 33

Section 35

Section 36: SW1/4;

(3) Township 46 South, Range 69 East, Copper River Meridian

Section 1: W1/2

Sections 2 - 9

Sections 16 - 20

Section 21: NW1/4

Sections 29 - 32;

(4) Township 47 South, Range 69 East, Copper River Meridian

Section 6

[SECTION 5: W1/2, W1/2E1/2

SECTION 6: SE1/4SE1/4

SECTION 7: NE1/4NE1/4

SECTION 8: NW1/4, W1/2NE1/4, N1/2SW1/4].

\* Sec. 2. AS 16.20.150(b) is amended to read:

(b) The Stan Price State Wildlife Sanctuary is established to provide permanent protection for brown bears, other fish and wildlife populations, and their habitats in the area so that these resources may be preserved for scientific, aesthetic, and educational purposes. The department shall allow commercial, sport, and subsistence fishing, trapping, and hunting of game other than for brown bear within the Stan Price State Wildlife Sanctuary under regulations of the Board of Fisheries and Board of Game.

SB 104 & HB 142 Would add all  
tidelands (between Swan Cove and  
Windfall Harbor) to the existing  
Stan Price State Wildlife Sanctuary.

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Swan  
Island




Pack

Creek

Stan Price State Wildlife Sanctuary

Windfall  
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Windfall Harbor

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Area
-  Tidelands
-  Existing  
Sanctuary

**Board of Game Southeast Regional Meeting  
November 10-14, 2006**

**DESIGNATED REPORTER: Gerry Bigelow**

*This summary of actions is for information purposes only and is not intended to detail, reflect or fully interpret the reasons for the Board's actions.*

**PROPOSAL 13 ACTION: Failed**

**DESCRIPTION:** Open Swan Cove and Swan Island in the Pack Creek – Seymour Canal Closed Area to spring and fall brown bear hunting.

**DISCUSSION:** Board members commented on the overwhelming number of comments opposing the proposal. The board referenced the public hearing in Juneau on October 19<sup>th</sup> where many individuals testified in opposition to the proposal. Board members felt there was not a compelling reason to open the small area to brown bear hunting and that Admiralty Island seems to be well balanced with wildlife viewing and hunting opportunities. The board discussed the issue of habituated bears roaming outside the boundaries of the closed area and are not entirely protected from hunting. The board imposed a ten year moratorium to exclude the Seymour Canal Closed Area from future calls for proposals unless a majority of board members request it.

**PROPOSAL 15 ACTION: Failed**

**DESCRIPTION:** Open Swan Cove in the Pack Creek – Seymour Canal Closed Area to spring and fall brown bear hunting.

**DISCUSSION:** The proposal failed in light of the action taken on proposal 13.

To see the proposals from the Nov 2006 board meeting:

<http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/gprop.php>

[http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2006-2007/gcal2006\\_2007.php](http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2006-2007/gcal2006_2007.php)

To see the department's recommendations regarding the proposals:

<http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2006-2007/bog-fall06-anr.pdf>

Department comments regarding proposal 13:

**PROPOSAL 13**

**EFFECT OF THE PROPOSAL:** Open Swan Cove and Swan Island in the Pack Creek – Seymour Canal Closed Area to spring and fall brown bear hunting.

**DEPARTMENT RECOMMENDATION:** **Do Not Adopt**

**RATIONALE:** The Pack Creek – Seymour Canal closed area has been an important brown bear viewing area for many decades. Today, ADF&G and the US Forest Service jointly operate a permitted viewing area at this site. Pack Creek and its immediate surrounding area were closed to bear hunting in 1934, and the Swan Cove and Windfall Harbor areas were added to the closure in 1984. The Swan Cove and Windfall Harbor closures were established to protect the bears that frequent the area and that had become habituated to the presence of humans as a result of the original Pack Creek closure. These bears represent a very small component of a large population of brown bears that inhabit Admiralty Island.

The Pack Creek – Seymour Canal closed area represents a small percentage (6%) of the island. This area is popular and used intensively from spring through fall each year by a large number (1,200-1,400 per year) of visitors interested in viewing brown bears in their natural environment.

Results from a recent small-scale study of bear movements, using hair snares and DNA forensic approaches, indicates both male and female bears move between Windfall Harbor, Pack Creek, and Swan Cove. Findings from long-term brown bear research conducted by the department on Admiralty and Chichagof islands have shown that brown bear home ranges are often larger than the area constituting the existing closed area. Opening Swan Cove would increase the likelihood of harvesting bears that are among the most habituated and viewed in the closed area, thereby compromising the long-term investment in this public bear viewing area.

In addition to a number of economic and social reasons, opening Swan Cove is also contrary to the recommendation made by a citizens/agency brown bear management advisory team in its Southeast Alaska Unit 4 Brown Bear Management Strategy (2000). That recommendation included opposition to creating new viewing areas on the Pack Creek or McNeil River models, but also recommended against trying to modify or diminish the existing bear viewing areas in any way (including Pack Creek). A new management area concept was proposed by the Group that would establish new, "Brown Bear Special Use Zones," in which hunting and viewing would be managed as compatible and equal in priority.

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## *SB 104: FREQUENTLY ASKED QUESTIONS*

***What would SB 104 do?*** SB 104 seeks to officially expand the Stan Price State Wildlife Sanctuary at Pack Creek on Admiralty Island to include the state owned tide and submerged lands of the surrounding closed areas at Windfall Harbor, Windfall Island, Swan Cove and Swan Island. These areas adjacent to Pack Creek, identified by the BOG as the Upper Seymour Canal Closed Area, have functioned as if they were part of the sanctuary for the past 25 years. However their status as no-hunting zones is not permanent and could be revoked. SB 104 would enhance consistent and coordinated state and federal management in these four areas that lie immediately adjacent to the Pack Creek watershed and estuary.

***Why is SB 104 necessary?*** The areas adjacent to Pack Creek were initially closed to bear hunting in 1984 by action of the Alaska Board of Game in order to serve as necessary buffer zones bracketing the tiny amount of actual sanctuary land at found at Pack Creek itself. Since then the Upper Seymour Canal Closed Area has functioned and been managed as an essential part of the sanctuary. However it has never had the full protection of sanctuary status. Its continued closure as a non-hunting area has been threatened repeatedly over the last quarter century and remains imperiled to this day. The only way to truly ensure permanent protection for Pack Creek itself is for the Alaska Legislature to officially extend sanctuary status to the rest of the closed areas below mean high tide that are under state jurisdiction. Because it is Forest Service policy to manage the uplands in a way that is compatible with state tidelands designations, this would effectively close the uplands as well.

***Would SB 104 cause any noticeable changes for visitors to Pack Creek or the surrounding closed areas at Windfall Harbor and Swan Cove?*** No. Management on the ground within the sanctuary and closed areas would not change, nor would any additional management expenses be incurred. The very point of this legislation is to ensure that the area will not suffer changes, given that the common consensus is that it functions very well as it currently is. Rather SB 104 would help preclude the possibility of drastic changes resulting from any of the closed areas ever being reopened to bear hunting.

***What would the benefits of SB 104 be?*** Ultimately it would safeguard the future of Pack Creek, and allow the agencies that manage the sanctuary, and the businesses that rely on Pack Creek, to plan for that future with clarity and certainty. Since 1984 the BOG has considered reopening some or all of the Upper Seymour Canal Closed Area, six times. Each time that possibility arises a large array of people and agencies must prove and defend the closed areas' continued necessity as no hunting zones. Pack Creek's managing agencies, the U.S. Forest Service and the Alaska Department of Fish & Game, are required to divert scarce resources to provide current documentation of the closed area's vital importance to the overall integrity of the sanctuary. A wide variety of local businesses that depend on Pack Creek for their livelihoods are burdened with fighting for their futures. The general public must mobilize to speak out in defense of a precious public resource. And periodically the BOG itself is burdened with taking an inordinate amount of time out of their busy agenda to go over this same old issue that past boards have settled in favored of continued closure many times before. **The closure of these areas to bear**

**hunting has become one of the most thoroughly vetted and consistently reaffirmed land use allocations in Alaskan history.** Yet it takes nothing more than a single individual hunter to make a proposal to the BOG to start the entire process over again. Only legislative action can stop this wasteful cycle of pointless, endless review.

*Is SB 104 an anti-hunting measure?* No. The creation of the Upper Seymour Canal Closed Area in 1984 was compensated for by reopening other long closed areas on the island to bear hunters. No net loss of hunting area on Admiralty ever resulted from this closure where over 90% of Admiralty Island is open to bear hunting. Historically, bear hunters have been some of the most passionate champions of conservation measures on Admiralty Island, as has been the case with this area. The original 1984 upper Seymour Canal closure was supported by well know bear guide, Carl Lane, along with former members of the BOG. Additionally many hunters are concerned with how the hunting of this population of habituated brown bears would violate ethical standards of fair chase and reflect badly upon their sport.

Admiralty Island is an amazing resource. It affords opportunities for world-class brown bear hunting alongside opportunities for world-renowned bear viewing. The prohibition of hunting within the Upper Seymour Canal Closed Areas surrounding Pack Creek at Windfall Harbor, Windfall Island, Swan Cove and Swan Island are an essential part of the stable and equitable balance that has been struck between these two user groups. Further review of their already established necessity, and continued uncertainty about their future, serves no good purpose. It is time for the Alaska Legislature to extend full sanctuary status to these lands.



# *Alaska State Legislature*

## **Juneau Senate Office**

*District B*

### *SB 104: PACK CREEK HISTORY*

Admiralty Island's Pack Creek is a magical place; one of just a handful of sites on the planet where wild brown bears go freely about their lives within the presence of humans. Because of this, Pack Creek offers a compelling and powerful wildlife viewing experience to visitors and rare insights into the lives of creatures that are too often misunderstood and sensationalized. As a world-renowned destination for bear watching Pack Creek has long been recognized as a valuable public resource and a great asset to Alaska's and Juneau's tourism economy. In brief here is a history of the public policy decisions that have led to the creation and protection of Pack Creek.

• **1934: The Alaska Territorial Commission closes Pack Creek to bear hunting.** This original hunting closure covers only the Pack Creek drainage and comprises approximately 5,700 acres and only a half mile of beach front. This closure was part of a compromise between a national movement to make all of Admiralty Island a refuge and local development interests.

• **1935: Forest Service selects Pack Creek as a brown bear viewing area.** That year the Civilian Conservation Corps constructs Pack Creek's first observation tower and trail.

• **1956 - 1989: Stan Price resides at Pack Creek.** Stan's presence discourages poaching, and his hospitality, home movies, and tales of life among the bears help promote Pack Creek as a bear viewing destination.

• **1984: Bear hunting closure expanded to Swan Cove and Windfall Harbor.** Over time the original no-hunting area proves to be far too small to sufficiently protect the habituated bears that frequent Pack Creek because such wide ranging animals constantly move out of the protected area to adjacent drainages and islands. The Alaska State Board of Game approves a proposal to expand the closed area to include the drainages on either side of Pack Creek along with two islands lying just offshore of Pack Creek's tidal flat. This area, referred to as the Upper Seymour Canal Closed Area, adds approximately 75 more square miles to the previously protected area at Pack Creek. These closures in Seymour Canal are offset by opening other areas on the island to bear hunters, resulting in no net loss of hunting opportunities on Admiralty where over 90% of the island remains available to bear hunters.

• **1991: State of Alaska establishes Stan Price State Wildlife Sanctuary.** After Stan's death in 1989, Alaska honors his memory by making Pack Creek a State Wildlife Sanctuary. Only the Pack Creek estuary below mean high tide is given the legislative protection of sanctuary status. Swan Cove, Swan Island, Windfall Harbor and Windfall Island remain closed to hunting only by order of the Alaska Board of Game.

• **1985 - 2006: Numerous proposals are brought before the BOG to re-open bear hunting in the Upper Seymour Canal Closed Areas surrounding Pack Creek.** On six different occasions within a 25 year period the Alaska Board of Game considers proposals by a small number of bear hunters to reopen portions of the Upper Seymour Canal Closed Area. Each time public outcry, scientific evidence, and the recommendations of the managing agencies overwhelming support continued closure. The BOG ultimately rejects each proposal.

• **2006: The most recent proposal to re-open bear hunting in Swan Cove and Swan Island is rejected by the Board of Game.** Once again the BOG is persuaded by vigorous public protest to unanimously retain the no-hunting boundaries around Pack Creek. However, the possibility of reopening these areas to hunting remains. This ongoing threat underscores the need to finally make this thoroughly debated, scientifically verified, long established and broadly supported land use decision permanent through legislative action.

• **2009: Senate Bill 104 is introduced into the Alaska State Legislature to expand the boundaries of the Stan Price State Wildlife Sanctuary to include the state owned lands of the Upper Seymour Canal Closed Areas surrounding Pack Creek.**