

**SB**

**61**

<TARGET><BILL>SB 61</BILL><SUBJECT>SB  
61</SUBJECT><COMM>SCRA30</COMM></TARGET>

STATE CAPITOL  
P.O. Box 110001  
Juneau, AK 99811-0001  
907-465-3500  
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Governor Bill Walker  
STATE OF ALASKA

February 14, 2017

The Honorable Pete Kelly  
President of the Senate  
Alaska State Legislature  
State Capitol, Room 111  
Juneau, AK 99801-1182

Dear President Kelly:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to certain State game refuges and critical habitat areas (collectively called special areas), namely Izembek State Game Refuge, Cape Newenham State Game Refuge, Palmer Hay Flats State Game Refuge, Port Moller Critical Habitat Area, Egegik Critical Habitat Area, Pilot Point Critical Habitat Area, Fox River Flats Critical Habitat Area, Kachemak Bay Critical Habitat Area, and Dude Creek Critical Habitat Area.

The bill would correct technical errors or minor omissions in the legal boundary descriptions of eight legislatively-designated special areas and would incorporate parcels of land adjacent into another critical habitat area. Egegik, Pilot Point, and Port Moller Critical Habitat Areas have either typographical errors in the original legal descriptions from the 1970s, or were described from a map with a typographical error. The bill would shift the boundaries to correct these errors with no net change in acreage. Izembek State Game Refuge, Cape Newenham State Game Refuge, and Fox River Flats Critical Habitat Area have small tideland areas within their larger boundaries that were likely excluded from the original legal description due to the mapping of shorelines at the time the areas were created. The bill would incorporate omitted areas by adding 778 acres to the Izembek State Game Refuge, 415 acres to the Cape Newenham State Game Refuge, and 285 acres to the Fox River Flats Critical Habitat Area. Palmer Hay Flats State Game Refuge has small portions of abandoned and current stream channels that were initially excluded from the refuge due to platted descriptions of streambanks. By adding these lands, the bill would add 398 acres to the Refuge. Kachemak Bay Critical Habitat Area has a small portion of tidelands that appears to have been inadvertently excluded from the statutory description. The bill would incorporate 230 acres of tidelands into the critical habitat area.

Through the aforementioned amendments, the bill would:

- (1) correct errors and properly describe areas intended for habitat protection;
- (2) eliminate the confusing patchwork of land status within these refuges and critical habitat areas;

- (3) create contiguous, inclusive boundaries that better reflect the original legislative intent of the designations;
- (4) remove lands inadvertently included in critical habitat areas that were not appropriate for habitat protections, and eliminate permitting requirements for such lands; and
- (5) clarify management and enforcement of the applicable statutes and regulations governing the subject special areas.

In addition, the bill would add several tracts of wetlands, consisting of approximately 1,439 acres, to the Dude Creek Critical Habitat Area. These tracts of lands are located adjacent to the current boundaries of the Dude Creek Critical Habitat Area and were acquired by The Nature Conservancy in 2004 from the Alaska Mental Health Trust Authority through the U.S. Fish and Wildlife Service's National Coastal Wetland Conservation Grant Program and then donated to the State of Alaska specifically for the purpose of becoming part of the Critical Habitat Area. After acquiring title for these parcels in 2004, the Alaska Department of Natural Resources issued full management authority to the Alaska Department of Fish and Game (ADF&G) to manage the lands consistent with the conservation purposes for which the State acquired the property and with the policies of the Dude Creek Critical Habitat Area. The bill would give ADF&G the authority to effectively regulate these parcels and would be the final step in this cooperative process between State, local, and federal agencies.

I urge your prompt and favorable action on this measure.

Sincerely,



Bill Walker  
Governor

Enclosure

# Fiscal Note

State of Alaska  
2017 Legislative Session

Bill Version:	SB 61
Fiscal Note Number:	1
(S) Publish Date:	2/15/2017

Identifier: DFG-WC-01-24-17  
 Title: GAME REFUGE/CRIT HABITAT AREA  
 BOUNDARIES  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: GOVERNOR

Department: Department of Fish and Game  
 Appropriation: Wildlife Conservation  
 Allocation: Wildlife Conservation  
 OMB Component Number: 473

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
<b>OPERATING EXPENDITURES</b>	<b>FY 2018</b>	<b>FY 2018</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
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>

**Fund Source (Operating Only)**

None							
<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>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

<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>
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**Estimated SUPPLEMENTAL (FY2017) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2018) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable; initial version.

Prepared By:	Cindee Brown-Mills, Administrative Operations Manager I	Phone:	(907)465-6194
Division:	Wildlife Conservation	Date:	01/24/2017 05:00 PM
Approved By:	Carol Petraborg, Division Director	Date:	01/24/17
Agency:	Department of Fish and Game		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2017 LEGISLATIVE SESSION

Analysis

There are no additional costs associated with these changes as management of the additional or shifted lands fall within the normal scope of work. The Department already manages these lands under a management right assigned by the Department of Natural Resources. This addition to the Special Habitat Area will streamline management of these lands allowing for more efficient management actions.

There will be zero fiscal impact to the department.

# Fiscal Note

State of Alaska  
2017 Legislative Session

Bill Version:	SB 61
Fiscal Note Number:	2
(S) Publish Date:	2/15/2017

Identifier: DFG-HAB-01-20-17  
 Title: GAME REFUGE/CRIT HABITAT AREA  
 BOUNDARIES  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: GOVERNOR

Department: Department of Fish and Game  
 Appropriation: Statewide Support Services  
 Allocation: Habitat  
 OMB Component Number: 486

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
<b>OPERATING EXPENDITURES</b>	<b>FY 2018</b>	<b>FY 2018</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
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>

**Fund Source (Operating Only)**

None							
<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>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

<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>
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**Estimated SUPPLEMENTAL (FY2017) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2018) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable; initial version.

Prepared By: David Rogers, Division Director  
 Division: Habitat  
 Approved By: Carol Petraborg, Division Director  
 Agency: Department of Fish and Game

Phone: (907)465-6436  
 Date: 01/20/2017 11:30 PM  
 Date: 01/20/17

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2017 LEGISLATIVE SESSION

Analysis

This bill will correct errors and properly describe areas intended for habitat protection; eliminate the confusing patchwork of land status within these refuges and critical habitat areas; create contiguous, inclusive boundaries that better reflect the original legislative intent of the designations; remove lands inadvertently included in critical habitat areas that were not appropriate for habitat protections, and eliminate permitting requirements for such lands; and clarify management and enforcement of the applicable statutes and regulations governing the subject special areas.

The division does not anticipate any additional costs as management of the additional or shifted lands falls within our normal scope of work.

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 2/15/17

FURTHER: Resources

DATE TURNED  
IN TO OFFICE: 4/13/17

Community and Regional Affairs Committee considered SENATE BILL NO. 61

**SB 61-GAME REFUGE/CRIT HABITAT AREA BOUNDARIES**

"An Act relating to the Izembek State Game Refuge, Cape Newenham State Game Refuge, Palmer Hay Flats State Game Refuge, Port Moller Critical Habitat Area, Egegik Critical Habitat Area, Pilot Point Critical Habitat Area, Fox River Flats Critical Habitat Area, Kachemak Bay Critical Habitat Area, and Dude Creek Critical Habitat Area; and providing for an effective date."

and recommends:

- be replaced with CS \_\_\_\_\_ (\_\_\_\_\_)  Same Title  New Title
- adopt previous CS \_\_\_\_\_ (\_\_\_\_\_)  Same Title  New Title
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DFG			✓	1
DFG			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Bert Atkinson</i>	STEDMAN			✓	
<i>Anna J. Mackinnon</i>	Mackinnon			✓	
<i>Berta Gardner</i>	Gardner	x			
CHAIR: <i>Clint Bishop</i>	Bishop	✓			

*Protecting the integrity & biological diversity of the Anchorage  
Coastal Wildlife Refuge....*



**FRIENDS OF  
THE  
ANCHORAGE  
COASTAL  
WILDLIFE  
REFUGE (FAR)**

**PO Box 220196  
Anchorage, AK  
99522-0196**

**Phone: 907-248-2503  
Fax: 907-248-3159  
email: bc@farak.org**

The Honorable Senator Click Bishop, Chair  
State Capitol Room 121  
Community & Regional Affairs Senate Standing Committee  
Juneau, AK 99801

Via email:  
Subject: FAR's Testimony in Support of SB 61

2017 April 6

Dear Senator Bishop and Whom it May Concern:

I write on behalf of Friends of the Anchorage Coastal Wildlife Refuge (FAR) with full support for SB 61, brought forward by Governor Walker, to help clarify uncertain boundaries, help avoid conflicts, & make management by the Alaska Department of Fish & Game more straightforward. FAR is a 501 c-3 nonprofit organization in good standing with the IRS and the State of Alaska comprised of citizens and professionals. Our mission is to preserve the integrity and biological diversity of the Anchorage Coastal Wildlife Refuge (ACWR). This easily damaged subarctic saltmarsh system supports an unusual diversity of plants, birds, mammals and invertebrates, and is of continental conservation significance. The proximity of the refuge to Alaska's largest city makes it important for public education and enjoyment but also makes it highly vulnerable. We appreciate this chance to comment regarding SB 61, the actions of which are long overdue. It is in all our best interest for the State to facilitate a clear & strong management system for the health of these public lands & the wildlife they support for the benefit of not only ourselves, but for future generations.

The Anchorage Coastal Wildlife Refuge is but one of 32 Alaska State Refuges, Sanctuaries, and Critical Habitat Areas and is managed by the Alaska Department of Fish and Game (ADF&G). This bill proposes amendments to the statutory boundary descriptions of nine of these Special Areas (Izembek, Cape Newenham & Palmer Hay Flats refuges, & for Port Moller, Egegik, Pilot Point, Fox River Flats, & Kachemak Bay critical habitat areas). It is very important for cooperative management between agencies, landowners, & others, that boundaries are clear. While errors & minor oversights persist clear discussions & decisions are difficult if not impossible. FAR appreciates and supports this needed housekeeping action to ameliorate consistency across cohesive lands areas for the good of these valuable public lands & to maximize rapport with agencies, land owners, & others who need to cooperate from time to time in their respective responsibilities.

Thank you for considering this matter & helping to correct inadvertent, but long-standing errors by moving forward with HB SB 61.

Sincerely,

*Barbara Švarný Carlson,*

Barbara Švarný Carlson,  
President & Executive Director

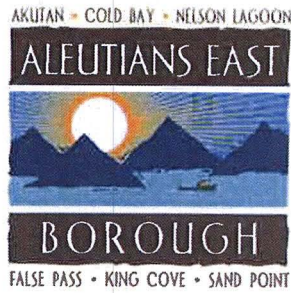


**Sectional Analysis, SB 61**  
**Game Refuge/Critical Habitat Area Boundaries**  
**February 17, 2017**

- Sec. 1** This section amends AS 16.20.030(a)(14) and (15) to include the all the tidelands in Izembek Lagoon in the legal description of Izembek SGR, and all the tidelands in Chagvan to Cape Newenham SGR by adding a series of sections to the lists in the Public Land Survey System descriptions. AS 16.20.030(a)(14)(M) would be edited by replacing one phrase with an equivalent description consistent with the bill's formatting.
- Sec. 2** This section amends AS 16.20.032(a)(3) by adding portions of the bed of Palmer Slough and the historic Matanuska River bed to the legal description of the boundary of the Palmer Hay Flats State Game Refuge, by eliminating parcel-based descriptions in the relevant parts and/or including all state lands, including tide and submerged lands.
- Sec. 3** This section amends AS 16.20.550 by correcting the Range numbers for the northern portion of the Port Moller CHA boundary description. (e.g., Range 74 replaces Range 75)
- Sec. 4** This section amends AS 16.20.565(1) by replacing "S" with "N" to include the correct half section in the Egegik CHA legal boundary description.
- Sec. 5** This section amends AS 16.20.570(8) by replacing "32" with "31" to correctly designate a Township in the legal boundary description of the Pilot Point CHA.
- Sec. 6** This section amends AS 16.20.580 to include all the tide and submerged lands at the head of Kachemak Bay in the Fox River Flats CHA.
- Sec. 7** This section amends AS 16.20.590 by adding an additional township to the list of townships which would then include the all tide and submerged lands and waters of Kachemak Bay (except the Homer Harbor) in the legal boundary description of the Kachemak Bay CHA.
- Sec. 8** This section amends AS 16.20.610 by adding two additional tracts of lands, and the adjacent streambed of Dude Creek, to the legal boundary description of the Dude Creek CHA.

**Sec. 9** This section amends AS 16.20.610 by adding a new subsection that would protect access to school trust and private lands through the acquired tracts, if necessary, through agreement between ADF&G, ADNR, and private property owners.

**Sec. 10-11** These sections amend current uncodified law by incorporating the amendments to AS16.20.030(a)(14) and (15) in Sec. 1 of the bill into the conditional amendments to the legal description of the Izembek SGR boundary described in ch. 119, SLA 2010, in the 2010 Temporary and Special Acts. These sections have no other impact on the 2010 session law regarding the potential land exchange between the state and the U.S Department of the Interior.



February 21, 2017

Chair Senator Click Bishop  
Senate Community & Regional Affairs Committee  
Alaska State Legislature

Re: Comment in Support of SB 61

Dear Senator Bishop

The Aleutians East Borough, a 2<sup>nd</sup> Class Borough of the State of Alaska, is situated on the western portion of the Alaska Peninsula, and includes the easternmost Aleutian Islands. Our communities include Nelson Lagoon, Cold Bay, False Pass, Akutan, King Cove and Sand Point.

Our staff has reviewed the language in SB 61, related to the Izembek State Game Refuge and the Port Moller Critical Habitat Area located within the Borough. We find that the proposed boundary corrections are necessary to the practical management and accurate depiction of these land areas.

We respectfully request that your committee support this important legislation. Thank you for the opportunity to comment. Please contact me if you have any questions.

Sincerely,

Rick Gifford  
Borough Administrator

Cc: Senate President Pete Kelly,  
Senator Lyman Hoffman

**Friends of Glacier Bay  
PO Box 135  
Gustavus, Alaska 99826  
February 19, 2017**

To Whom It May Concern  
Alaska Department of Fish and Game  
Via email: [tammy.massie@alaska.gov](mailto:tammy.massie@alaska.gov)

**Subject: Friends of Glacier Bay Supports Adoption of HB130/SB61 Expanding the Dude Creek CHA**

Friends of Glacier Bay (FOGB) supports the adoption of HB130/SB61 to expand the boundary of the Dude Creek CHA to include lands purchased by The Nature Conservancy from the Mental Health Lands Trust (MHLT) and returned to the State of Alaska specifically for inclusion in the boundaries of the CHA.

Friends of Glacier Bay is a non-governmental organization, centered in Gustavus, serving as a forum for the discussion, education and action on issues affecting Glacier Bay National Park and Preserve. The Dude Creek CHA borders on Glacier Bay National Park. The critical Sandhill crane wetland habitat protected by the CHA actually extends beyond the original CHA boundary into the Park and also onto the State lands to be added to the CHA by this bill. The FOGB board met recently in Gustavus and directed the FOGB President to communicate its support for the inclusion of the former MHLT lands into the CHA. The official addition of the donated lands will provide for uniform management of the expanded CHA by ADF&G under the recently adopted CHA management plan. FOGB understands that the management rationale for the CHA differs from that for the adjacent National Park. However, the CHA rationale is compatible with that of the neighboring Park lands in supporting the needs of wildlife ranging across the broader landscape.

FOGB appreciates that the Gustavus City Council has also supported by resolution the proposed addition to the CHA, which lies between the existing CHA and the Icy Passage beach. Gustavus residents enjoy using these lands for recreation such as hiking, bird-watching, and hunting, and hope that they remain available for such public enjoyment, compatible with the primary goal of preserving wildlife habitat.

Please register the enthusiastic support of Friends of Glacier Bay for the adoption of HB130/SB61. We appreciate the opportunity to comment and to help move this appropriate wild land designation forward for the benefit of wildlife and of present and future human generations.

Sincerely,

*Michael S. Taylor*

Michael S. Taylor  
President, Friends of Glacier Bay



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

DIVISION OF HABITAT  
DIVISION OF WILDLIFE CONSERVATION  
Headquarters Office

1255 West 8th Street  
P.O. Box 115526  
Juneau, Alaska 99811-5526  
Main: 907.465.4100  
Fax: 907.465.2332

February 21, 2017

The Honorable Click Bishop  
Senate Community and Regional Affairs Committee  
State Capitol Building, Room 121  
Juneau, AK 99801

Dear Chairman Bishop:

This letter is submitted to express the Alaska Department of Fish and Game's (ADF&G) support for Governor Walker's Critical Habitat/Special Areas: Boundary Descriptions bill, SB 61. This bill proposes amendments to the statutory boundary descriptions of nine of the state's thirty-two Special Areas.

ADF&G is responsible for managing the refuges and critical habitat areas (CHA) addressed in this bill. SB 61 allows us to more efficiently and effectively manage the fish and wildlife habitat resources in these areas by allowing the existing regulations and policies to be applied consistently across cohesive lands areas.

Your predecessors in the Legislature created these special areas with the intent that the habitat and fish and wildlife populations be conserved for the people of the state. Although the changes proposed for the Izembek, Cape Newenham and Palmer Hay Flats refuges, and for the Port Moller, Egegik, Pilot Point, Fox River Flats, and Kachemak Bay critical habitat areas affect relatively small areas, there are benefits to the habitat resources, as well as to their department managers and users.

Correcting these typographical errors and minor historical oversights in the legal descriptions will revise the boundaries to match the areas intended for protection. When the areas' boundaries are contiguous and align with geographical features on the ground, they are easier to identify in the field for all users.

The Dude Creek CHA was created in 1988 after years of input and effort from members of the community of Gustavus. At the time, the lands in the expansion area were held by the Mental Health Trust and were not incorporated into the CHA.

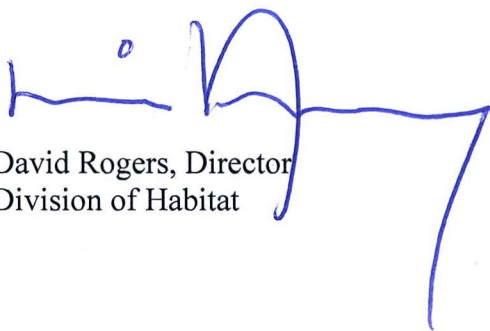
Several years later, a co-operative agreement was formed between The Nature Conservancy, the Departments of Fish and Game and Natural Resources, and the US Fish and Wildlife Service to purchase the tracts of land adjacent to the CHA, and donate them to the state to become part of

Several years later, a co-operative agreement was formed between The Nature Conservancy, the Departments of Fish and Game and Natural Resources, and the US Fish and Wildlife Service to purchase the tracts of land adjacent to the CHA, and donate them to the state to become part of the Dude Creek CHA, further protecting sandhill crane and other wildlife habitat, and the public's use of this area. Amending the legal description to incorporate these lands, and giving ADF&G full statutory authority to manage the habitat as part of the CHA will complete this years-long process.

We encourage the Legislature to pass SB 61 to correct long-standing errors and to aid the department in carrying out their duties to manage important areas of wildlife habitat throughout the state.

Thank you for your consideration of this matter.

Sincerely,



David Rogers, Director  
Division of Habitat



Bruce Dale, Director  
Division of Wildlife Conservation



# Alaskans for Palmer Hay Flats

Dedicated to responsible use and enjoyment of  
Palmer Hay Flats State Game Refuge

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Rep. Mark Neuman  
Interdepartmental Mail Stop: 3100  
State Capitol, Juneau, AK 99801-1182

3 April 2017

Dear Rep. Mark Neuman,

Alaskans for Palmer Hay Flats State Game Refuge (APH), a 501(c)(3) non-profit and the "friends group" supporting the state managed Palmer Hay Flats State Game Refuge, is providing its full support for HB 130/SB 61 which corrects the exclusion of lands once submerged by the Matanuska River channels and Wasilla Slough providing contiguous state managed lands.

APH was formed in 2005 with an initial goal of cleaning and improving public access sites to the refuge. After twelve years and several thousand hours of volunteer effort, hundreds of thousands in grants and donations, and assistance and direction from Alaska Department of Fish and Game refuge managers, access sites to the Palmer Hay Flats State Game Refuge have become places of beauty and educational opportunity. This effort has been a long and challenging process fighting issues of vandalism while educating the public.

One of the challenges for refuge management has been the questionably illegal and damaging incursion by wheeled vehicles into the refuge through these excluded corridors. We believe that incorporating all lands currently or once submerged by constantly changing waterways will help provide consistency in management and enforcement efforts and help maintain the value and health of these rich wetlands.

We write this letter in knowledge of a desire by the Department of Fish and Game to make this boundary change. APH fully supports their intent. We look forward to seeing this legislation enacted. Thank you.

Sincerely yours,

Michelle Davis  
President APH Board of Directors

Cc: Senators Shelley Hughes, David Wilson and Peter Micciche  
Representatives Cathy Tilton, DeLena Johnson, David Eastman, Colleen Sullivan-Leonard and  
George Rauscher  
Bruce Dale, Director Wildlife Conservation

*"Alaskans for Palmer Hay Flats is dedicated to conserving the natural and cultural resources of Palmer Hay Flats State Game Refuge by fostering stewardship through public awareness, recreation, education and enhancement projects." ~ our mission statement*

**4900 E Palmer-Wasilla Hwy., Ste 106, Wasilla, AK 99654    tele: (907) 357-8711    fax: (907) 357-8713**

**website: [www.PalmerHayFlats.org](http://www.PalmerHayFlats.org)**

**email: [palmerhayflats@gmail.com](mailto:palmerhayflats@gmail.com)**



**Kachemak Bay Conservation Society**

3734 Ben Walters Ln, Homer, AK 99603

907 235.8214

kbayconservation@gmail.com

February 26, 17

To Whom It May Concern:

The Kachemak Bay Conservation Society, which represents approximately 60 members, strongly supports moving HB130 and SB61 forward through committees and on to the House and Senate Floor. These bills have no fiscal note so there will no hardship to the state's budget.

This legislation will correct the boundaries of 8 refuges & critical habitat areas as they were laid out in the original enabling legislation and add acreage to Dude Creek Critical Habitat Area with land acquired from the Nature Conservancy.

The Homer area residents and visitors greatly appreciate and enjoy the Critical Habitat Areas in our vicinity and throughout the state of Alaska. It is important to establish the true boundaries of these areas and ensure they are protected for future generations.

Thank you for your service in this challenging time and we hope that these bills can be moved forward this session.

Respectfully,

Kachemak Bay Conservation Society

Roberta Highland, President

The Kachemak Bay Conservation Society's mission is to protect the environment of the Kachemak Bay region and greater Alaska by encouraging sustainable use and stewardship of natural resources through advocacy, education, information, and collaboration.



## *Alaska Waterfowl Association*

### *Letter of Support for Bill HB NO 130/SB NO 61*

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2/28/2017

To Whom it May Concern

Alaska Waterfowl Association is dedicated to helping conservation, preservation, and the protection of Alaska's Waterfowl and Wetlands.

HB 130/SB 61 is a simple request to help preserve, protect and correct technical errors that were initially made when the refuge's boundary descriptions were drafted. A technical error, that needs to be corrected ensuring the future of this habitat.

This Bill will ultimately reinstate the initial intent of the refuges without encroaching on personnel or private citizens. By adding hundreds of acres back to the refuges, you ensure this receives the proper management needed to sustain and maintain habitat protection. It also clarifies who will manage the land ensuring the proper regulations govern such care. This alleviates multiple organizations and allows Alaska Department of Fish and Game to do their job with a little outside coordination as possible.

Alaska Waterfowl Association supports HB130/SB61 and all request to correct the refuge boundaries mentioned.

These refuges are extremely important for all wildlife that inhabits them. Alaska needs to preserve all of its valuable resources for generations to come.

A handwritten signature in black ink, appearing to read "Hugh Clark".

*Hugh Clark*

*President*

*Alaska Waterfowl Association Inc.*

**Friends of Glacier Bay**  
**PO Box 135**  
**Gustavus, Alaska 99826**  
**February 19, 2017**

To Whom It May Concern  
Alaska Department of Fish and Game  
Via email: [tammy.massie@alaska.gov](mailto:tammy.massie@alaska.gov)

**Subject: Friends of Glacier Bay Supports Adoption of HB130/SB61 Expanding the Dude Creek CHA**

Friends of Glacier Bay (FOGB) supports the adoption of HB130/SB61 to expand the boundary of the Dude Creek CHA to include lands purchased by The Nature Conservancy from the Mental Health Lands Trust (MHLT) and returned to the State of Alaska specifically for inclusion in the boundaries of the CHA.

Friends of Glacier Bay is a non-governmental organization, centered in Gustavus, serving as a forum for the discussion, education and action on issues affecting Glacier Bay National Park and Preserve. The Dude Creek CHA borders on Glacier Bay National Park. The critical Sandhill crane wetland habitat protected by the CHA actually extends beyond the original CHA boundary into the Park and also onto the State lands to be added to the CHA by this bill. The FOGB board met recently in Gustavus and directed the FOGB President to communicate its support for the inclusion of the former MHLT lands into the CHA. The official addition of the donated lands will provide for uniform management of the expanded CHA by ADF&G under the recently adopted CHA management plan. FOGB understands that the management rationale for the CHA differs from that for the adjacent National Park. However, the CHA rationale is compatible with that of the neighboring Park lands in supporting the needs of wildlife ranging across the broader landscape.

FOGB appreciates that the Gustavus City Council has also supported by resolution the proposed addition to the CHA, which lies between the existing CHA and the Icy Passage beach. Gustavus residents enjoy using these lands for recreation such as hiking, bird-watching, and hunting, and hope that they remain available for such public enjoyment, compatible with the primary goal of preserving wildlife habitat.

Please register the enthusiastic support of Friends of Glacier Bay for the adoption of HB130/SB61. We appreciate the opportunity to comment and to help move this appropriate wild land designation forward for the benefit of wildlife and of present and future human generations.

Sincerely,

*Michael S. Taylor*

Michael S. Taylor  
President, Friends of Glacier Bay



95 Sterling Highway, Suite 2, Homer, Alaska 99603

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*A non-profit organization dedicated to enhancing, preserving and protecting the resources of Kachemak Bay State Park.*

February 26, 2017

To Whom It May Concern:

The Friends of Kachemak Bay State Park strongly supports moving HB 130 and SB 61 forward through committees and on to the House and Senate Floor. These bills have no fiscal note so there will no hardship to the state's budget.

This legislation will correct the boundaries of 8 refuges & critical habitat areas as they were laid out in the original enabling legislation and add acreage to Dude Creek Critical Habitat Area with land acquired from the Nature Conservancy.

The Homer area residents and visitors to Kachemak Bay greatly appreciate and enjoy the Critical Habitat Areas in our vicinity and throughout the state of Alaska. It is important to establish the true boundaries of these areas and ensure they are protected for future generations.

Thank you for your service in this challenging time and we hope that these bills can be moved forward this session.

Respectfully

Friends of Kachemak Bay State Park

Mako Haggerty, President



95 Sterling Highway, Suite 2, Homer, Alaska 99603

Website: <http://www.kachemakbaywatertrail.org/>

Email address: [kbwt@homer.alaska.org](mailto:kbwt@homer.alaska.org)

February 26, 2017 To

Whom It May Concern:

The Kachemak Bay Water Trail Steering Committee strongly supports moving HB 130 and SB 61 forward through committees and on to the House and Senate Floor.

These bills have no fiscal note so there will be no hardship to the state's budget.

This legislation will correct the boundaries of 8 refuges & critical habitat areas as they were laid out in the original enabling legislation and add conservation land to the Dude Creek Critical Habitat Area that was acquired from the Nature Conservancy.

Recreationalist and Water Trail users greatly appreciate and enjoy the Critical Habitat Areas in our vicinity and throughout the state of Alaska. It is important to establish the true boundaries of these areas and ensure they are protected for future generations.

Thank you for your service in this challenging time and we hope that these bills can be moved forward this session.

Respectfully,  
Kachemak Bay Water Trail Steering Committee

Robert Archibald, co-chair  
Dave Brann, co-chair



**The Nature Conservancy Alaska Program**  
715 L Street  
Suite 100  
Anchorage, AK 99501

nature.org/alaska  
907-276-3133

17 February 2017

To Whom It May Concern:

The Nature Conservancy fully supports expanding the boundary of the Dude Creek Critical Habitat Area (DCCHA). The land encompassed by the proposed expansion was purchased by The Nature Conservancy in 2004. The property was then deeded to the Department of Natural Resources for eventual inclusion within the (DCCHA).

As part of the Gustavus Forelands Preserve, The Nature Conservancy owns and manages parcels adjacent to the DCCHA. The Conservancy's management objectives for the Gustavus Preserve were modeled after Fish and Game's management of the DCCHA. Preserving wildlife habitat and welcoming hunting, hiking, and other public uses are goals shared by both The Nature Conservancy and Fish and Game.

Sincerely,

A handwritten signature in blue ink that reads "Randall H. Hagenstein".

Randall H. Hagenstein, Alaska Director

**CITY OF GUSTAVUS, ALASKA  
RESOLUTION CY16-14**

**A RESOLUTION BY THE GUSTAVUS CITY COUNCIL IN SUPPORT OF A BOUNDARY  
ADJUSTMENT TO THE DUDE CREEK CRITICAL HABITAT AREA**

**WHEREAS**, in 2004, The Nature Conservancy (TNC) purchased several tracts of land in the Gustavus area from the Alaska Mental Health Trust, three parcels of which lie adjacent to the Dude Creek Critical Habitat Area (CHA), and

**WHEREAS**, these three parcels, comprising 1,279.09 acres (Tracts A and B of Gustavus Flats, Trust Land Survey No. 2004-01, 1,279.09 acres and portions of Sec 14, T 40 S, R 58 E, CRM 160 acres) where conveyed to the Alaska Department of Natural Resources, under an agreement that the lands would be included in the CHA, and

**WHEREAS**, changes to the boundaries of a CHA requires an act of the State legislature according to the terms mentioned above, and

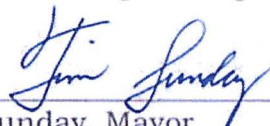
**WHEREAS**, the Gustavus City Council (Council), by Resolution CY-15-33, has endorsed the present Dude Creek Management Plan, which sets out the management strategy for the CHA, and


**WHEREAS**, the lands in these parcels are wholly suited for management of a sort outlined in the CHA Management Plan,

**NOW THEREFORE BE IT RESOLVED**, that the Council supports the extension of the CHA to include TNC tracts A and B, and 160 acres of Sec 14, T 40 S, per agreement with the State Department of Natural Resources, and

**BE IT FURTHER RESOLVED**, that the Council requests the Legislature and Governor to take the requisite action to formally accept these lands and adjust the CHA boundaries appropriately.

**PASSED and APPROVED** by the Gustavus City Council, this 14<sup>th</sup> day of November, 2016, and effective upon adoption.

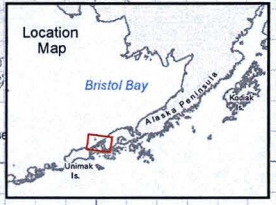
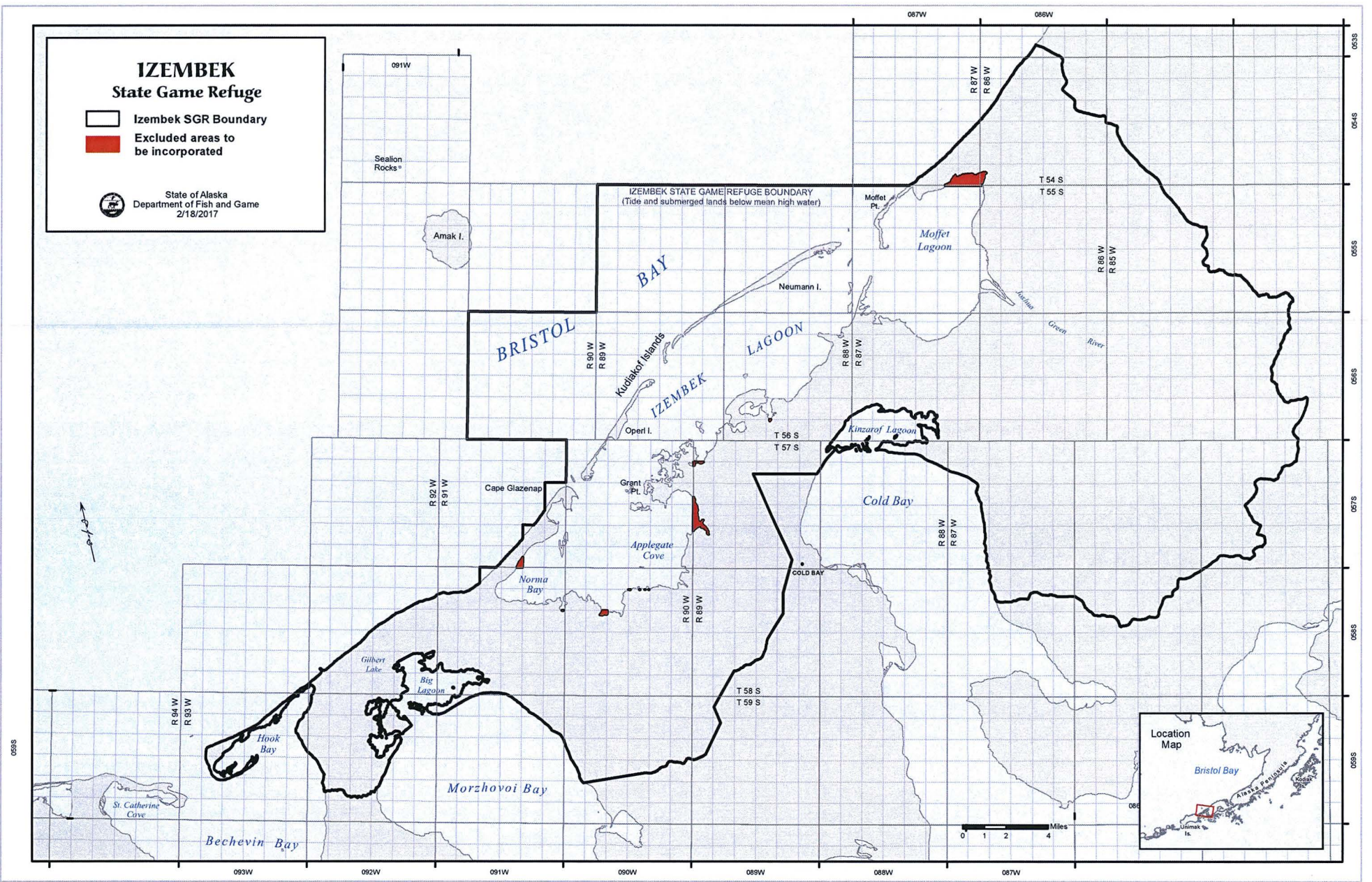
  
\_\_\_\_\_  
Tim Sunday, Mayor

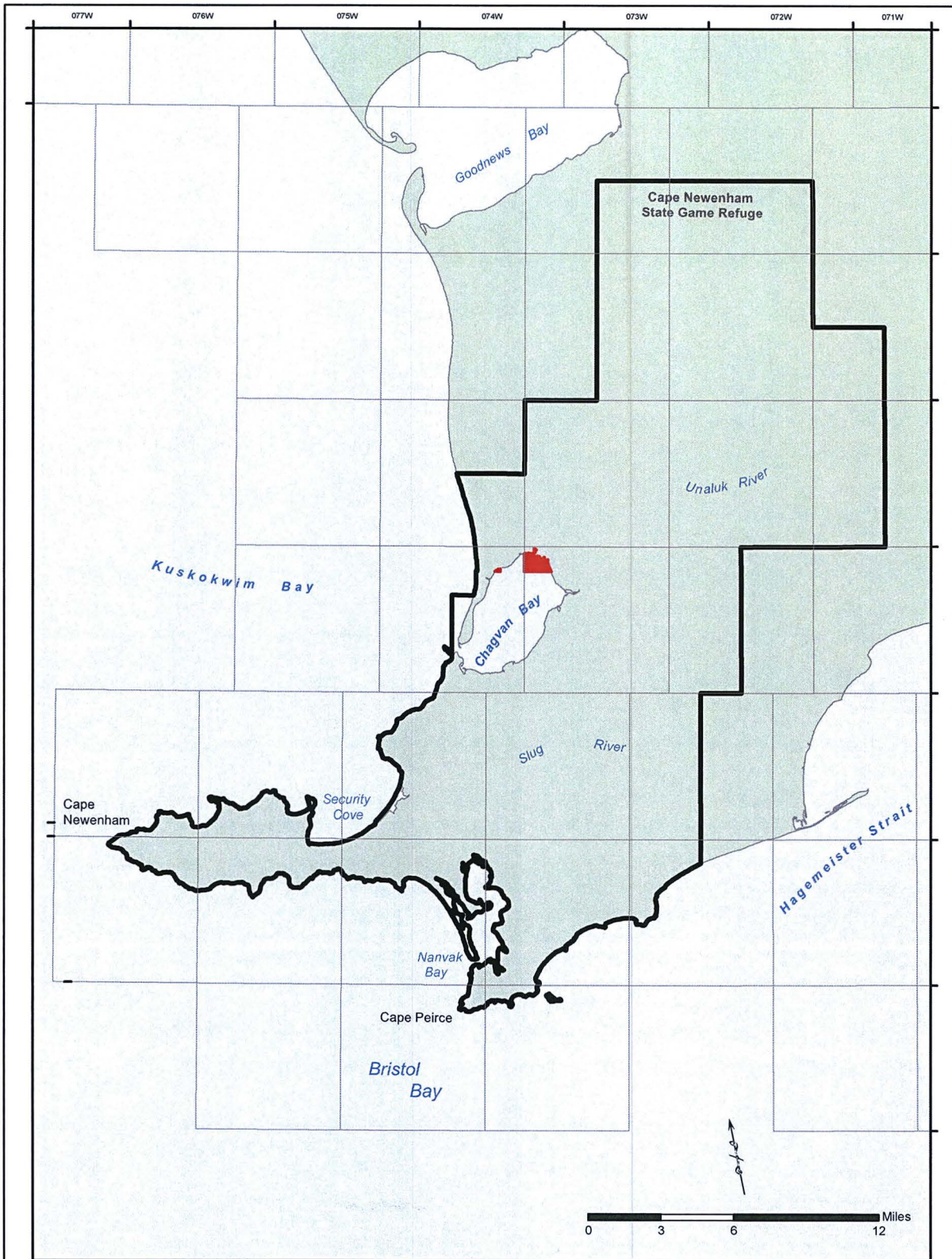
  
\_\_\_\_\_  
Attest: Lori Ewing, City Clerk/Treasurer

# IZEMBEK State Game Refuge

-  Izembek SGR Boundary
-  Excluded areas to be incorporated



 State of Alaska  
Department of Fish and Game  
2/18/2017





# Cape Newenham State Game Refuge


## Legend

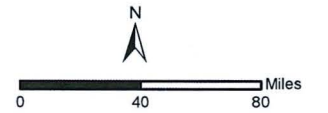
-  Cape Newenham SGR Boundary
-  Excluded areas to be incorporated



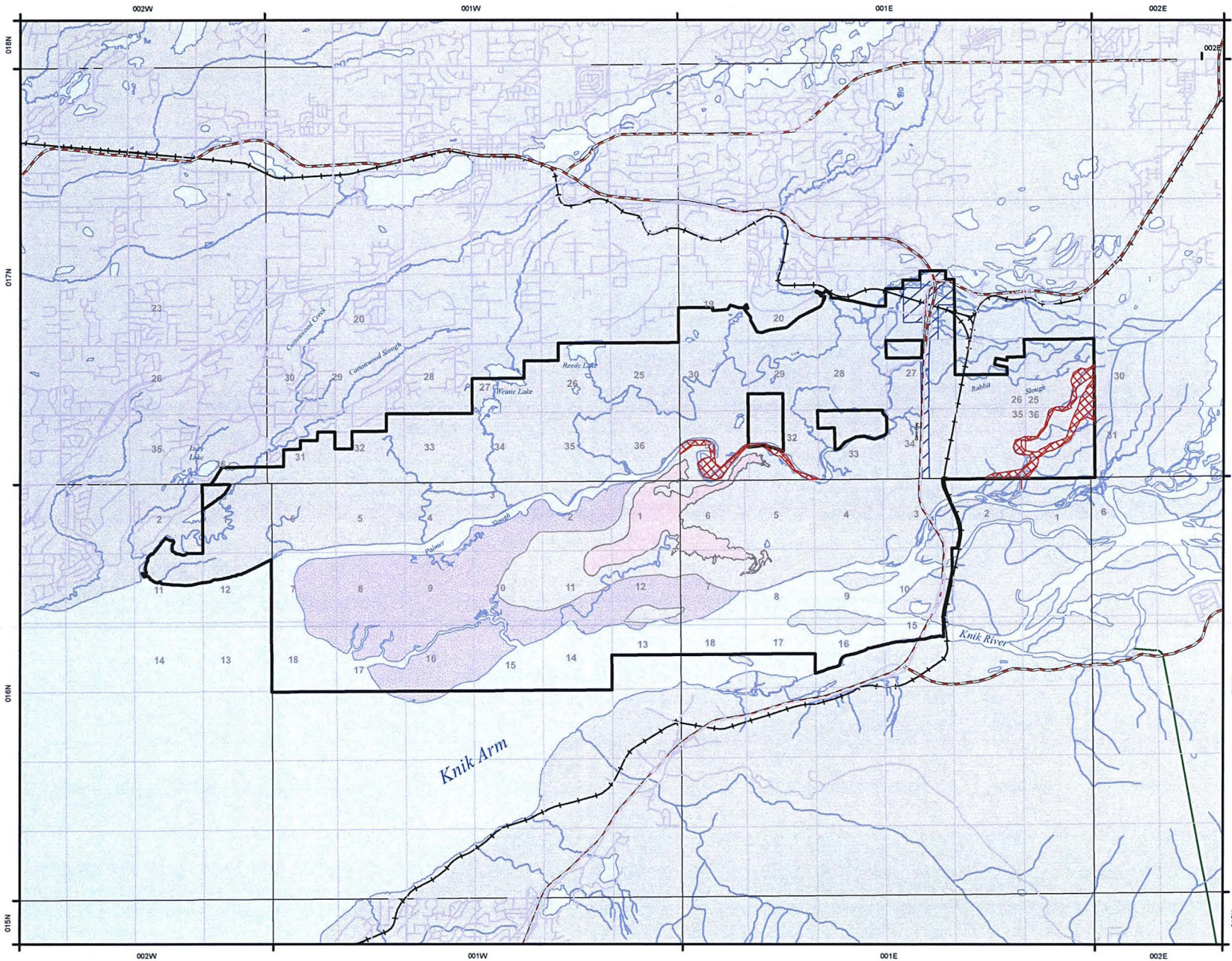
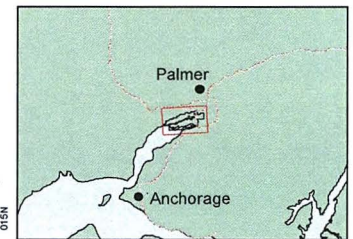
State of Alaska  
 Department of Fish and Game  
 2/18/2017

# Palmer Hay Flats State Game Refuge

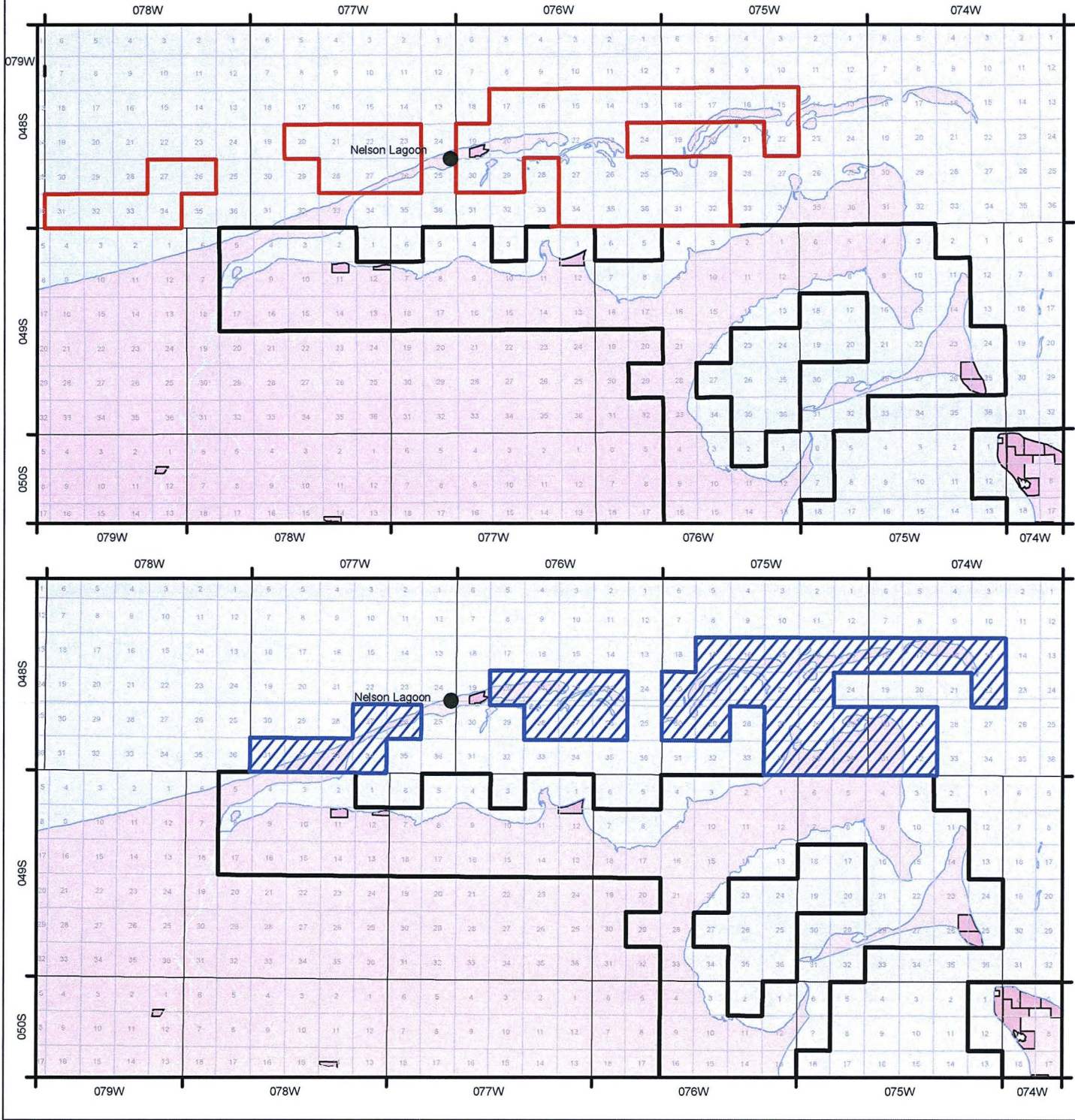
-  State Game Refuge Boundary  
16.20.032(A)
-  Transportation and Utility Corridor  
16.20.032(E)  
Excluded from refuge jurisdiction
-  Excluded areas to be incorporated



Map Produced by Alaska Department of Fish & Game Division of Sport Fish  
2/18/2017

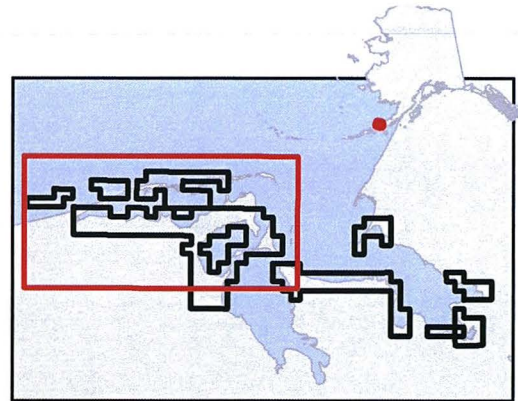
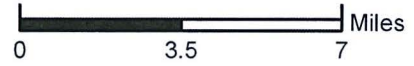


# Port Moller Critical Habitat Boundary

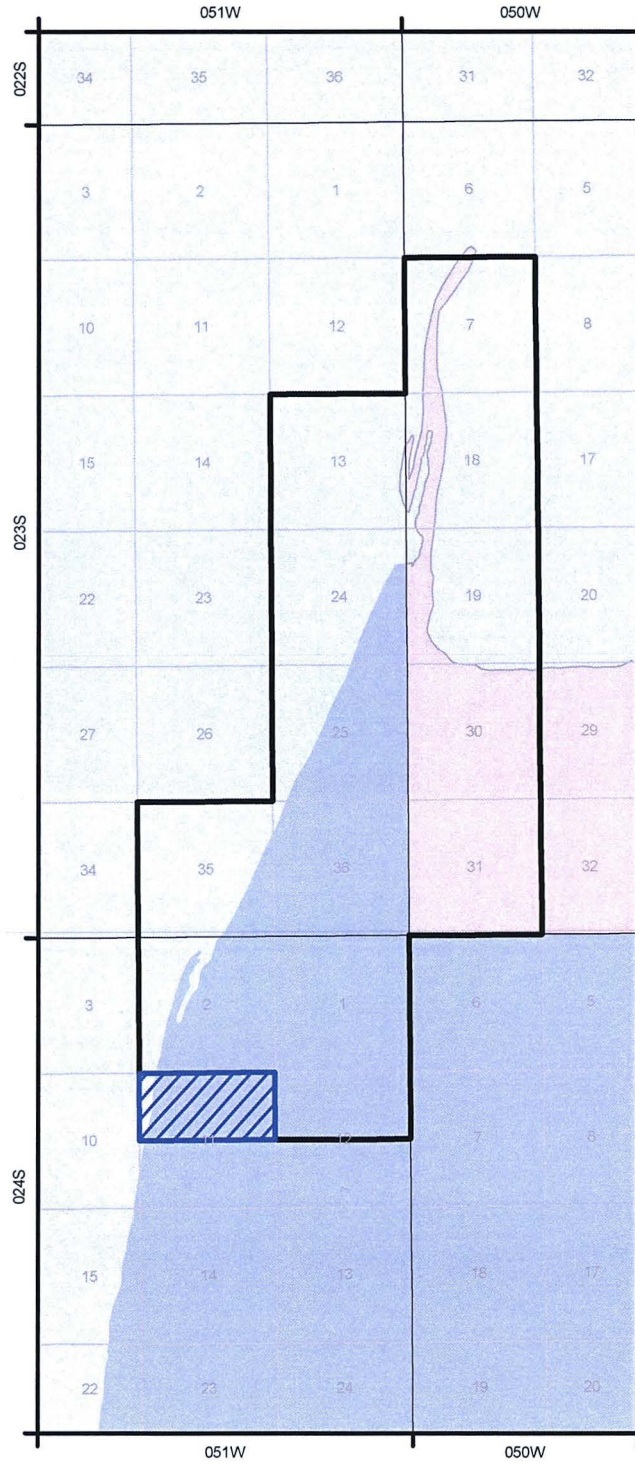
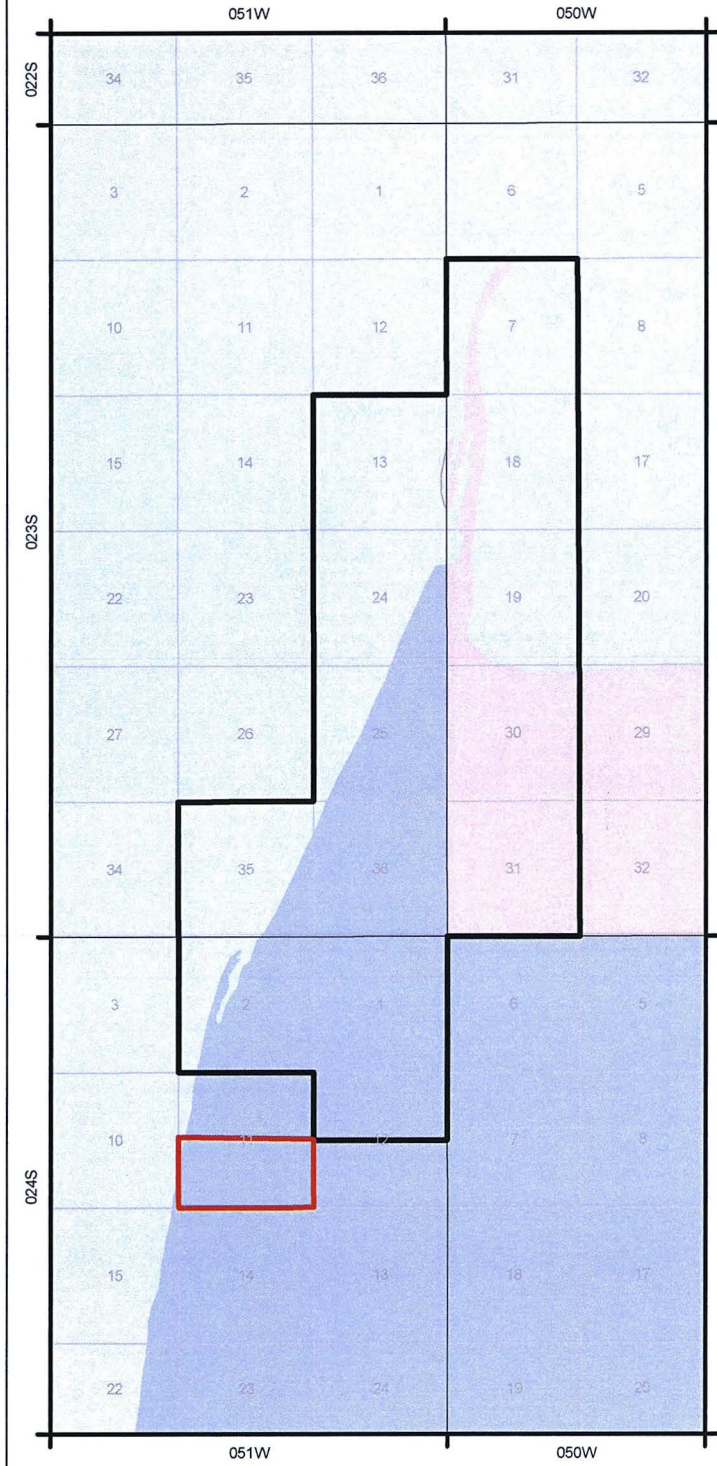


- Existing Boundary
- Incorrect Boundary
- Fixed Boundary

- Land Status
- Federal
  - Native Corp
  - Private
  - State
  - Native Allotment

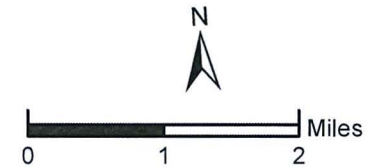


State of Alaska  
Department of Fish and Game  
2/18/2017



# Egegik Critical Habitat Boundary

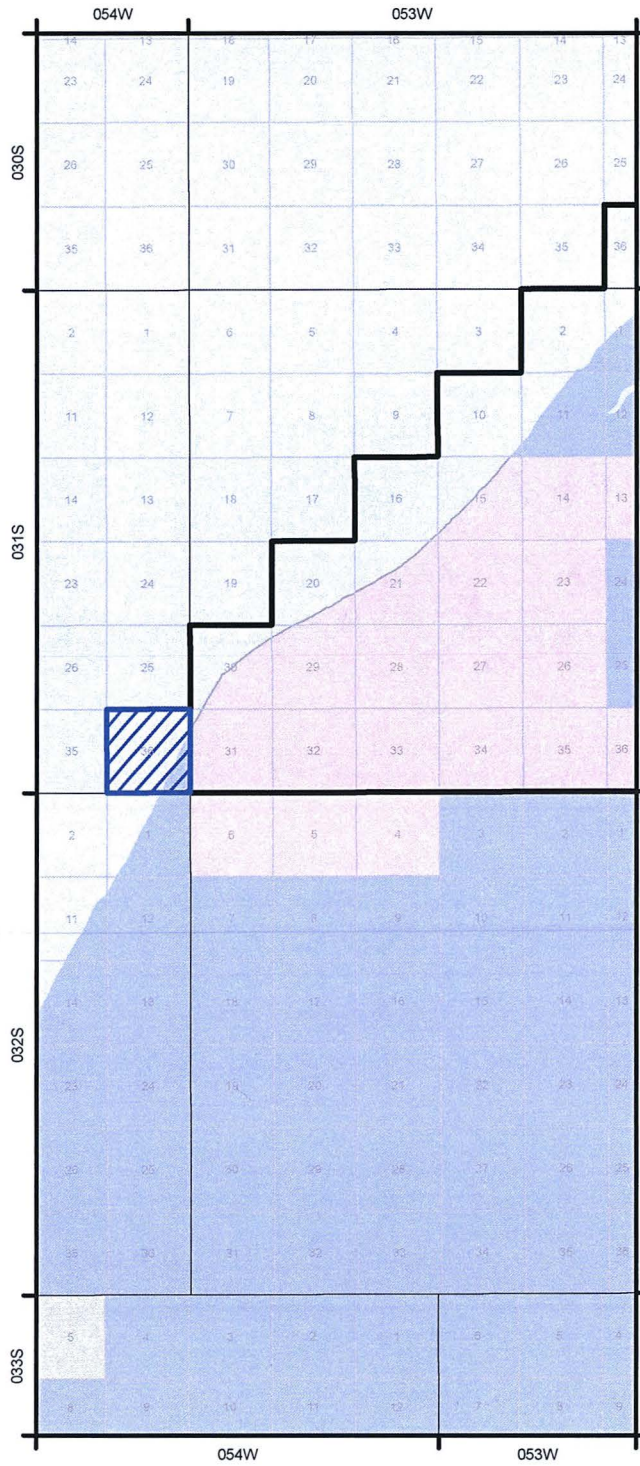
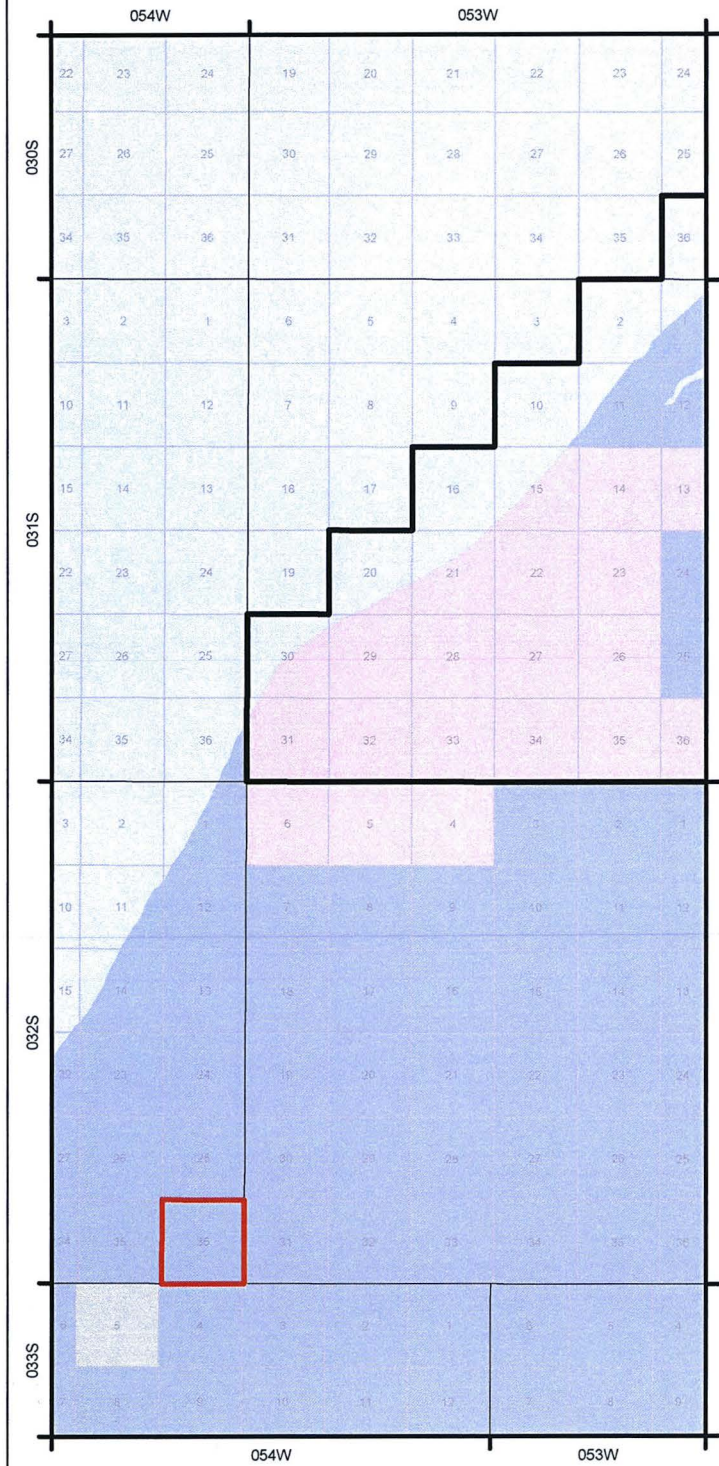
- Existing Boundary
  - Incorrect Boundary
  - Fixed Boundary
- Land Status**
- Federal
  - Native Corp
  - State








Location Map

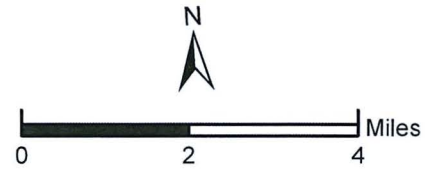


State of Alaska  
Department of Fish and Game  
Date: 2/18/2017

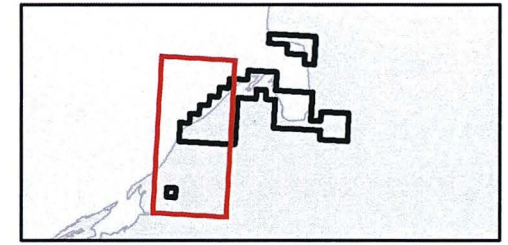


# Pilot Point Critical Habitat Boundary

-  Existing Boundary
  -  Incorrect Boundary
  -  Fixed Boundary
- Land Status
-  Native Corp
  -  State





Location Map



State of Alaska  
Department of Fish and Game  
Date: 2/18/2017

# Fox River Flats Critical Habitat Area

## Legend

-  Statutory CHA Boundary
-  Potential areas of tide and submerged lands for inclusion in the CHA

### Land Estate

#### State Lands

-  State
-  Grazing Lease
-  P & C Lease

#### Private Lands

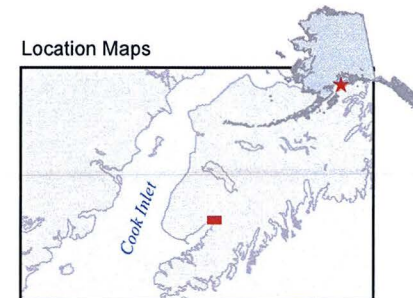
-  Private

#### Federal Lands

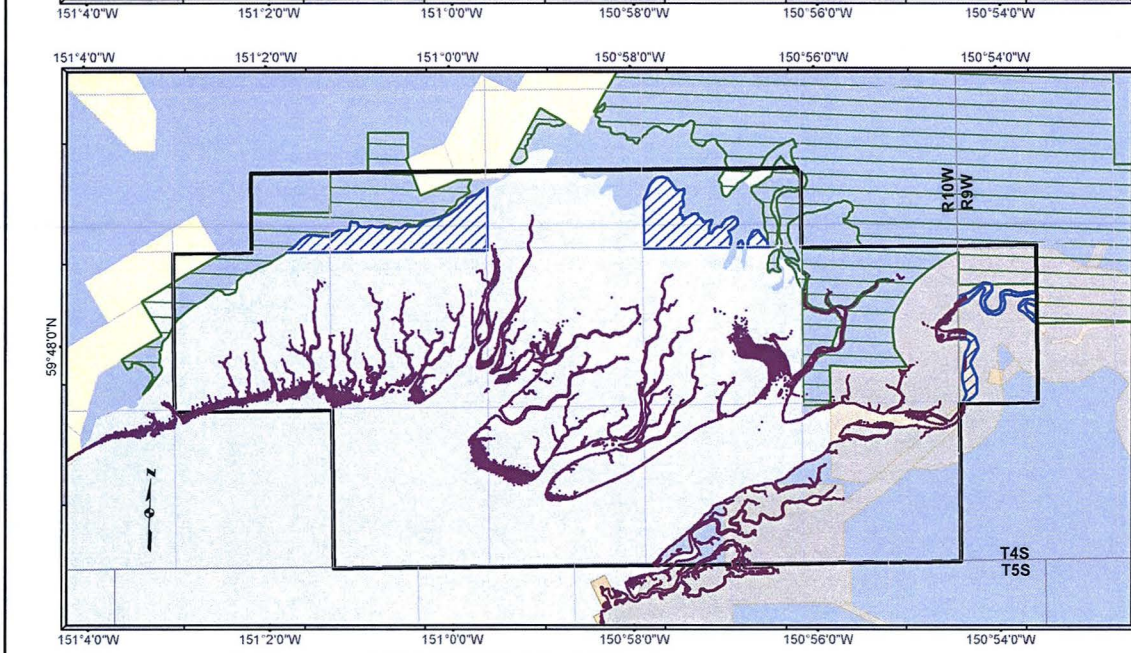
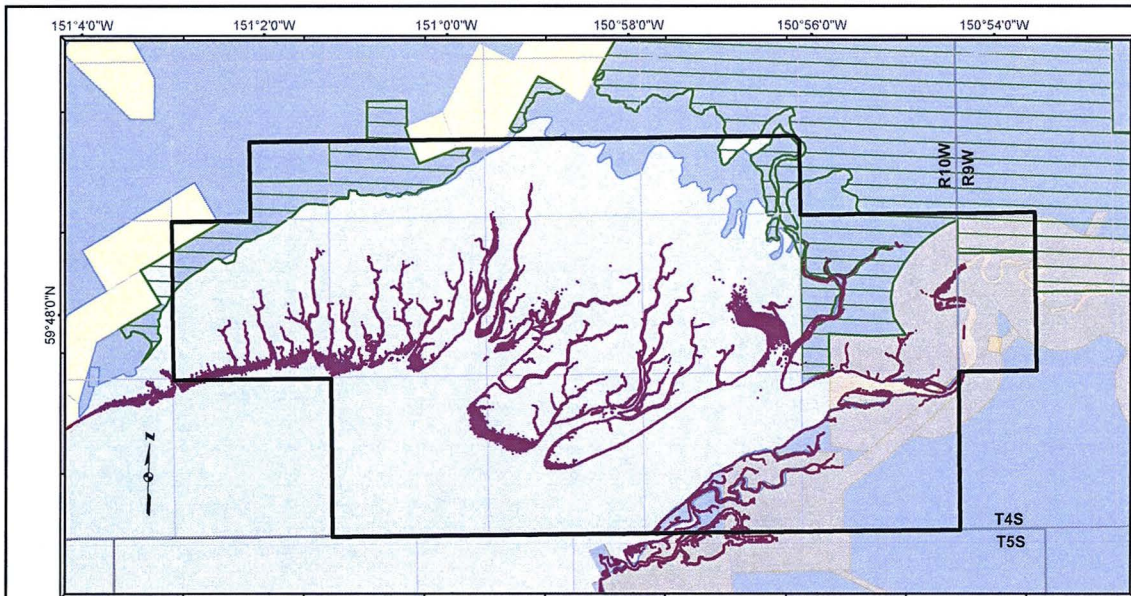
-  BLM

-  17.6 ft Tidal Contour at 1 meter intervals (mean high tide)

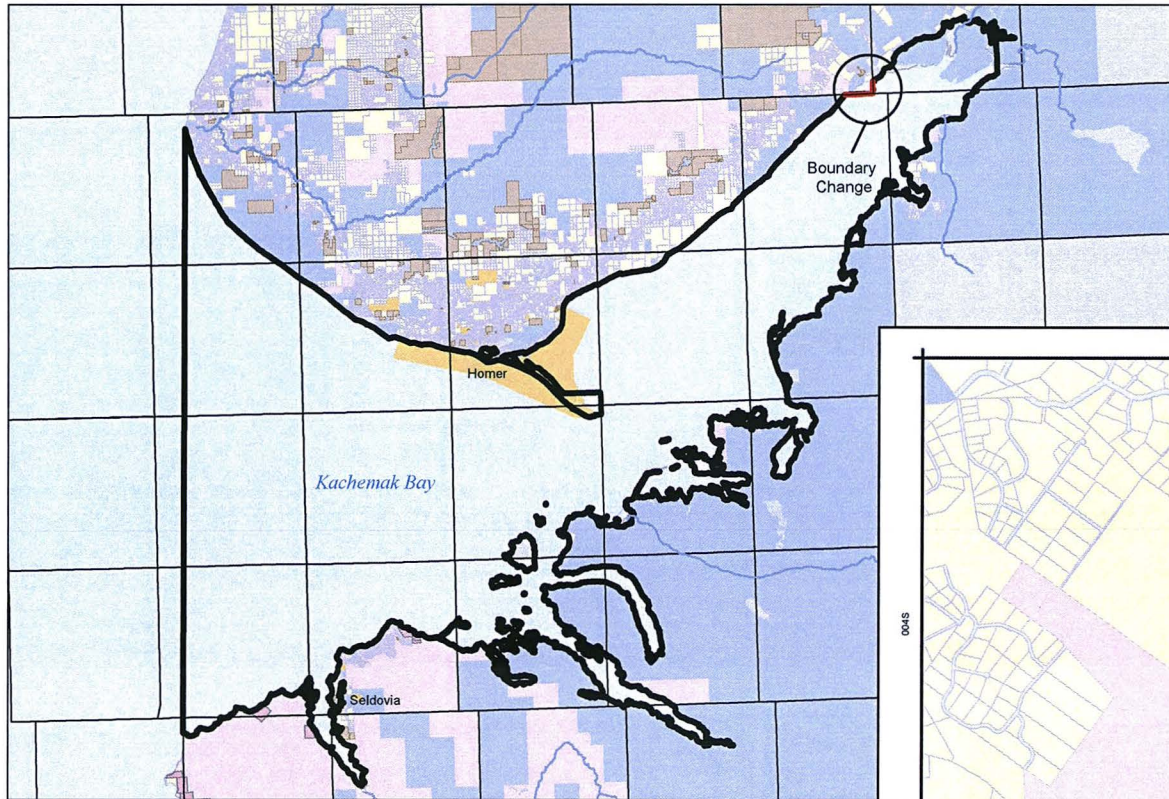
### Location Maps



State of Alaska  
Department of Fish and Game  
2/18/2017

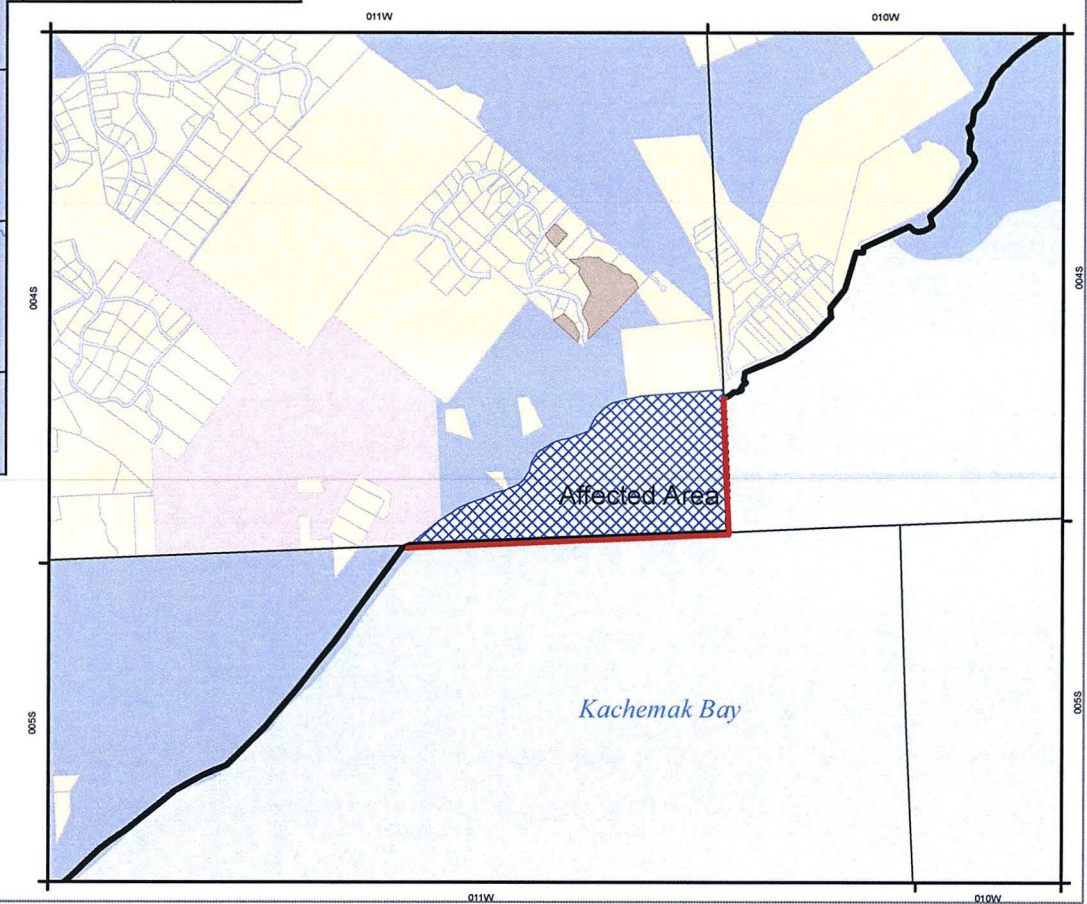


# Kachemak Bay Critical Habitat Area



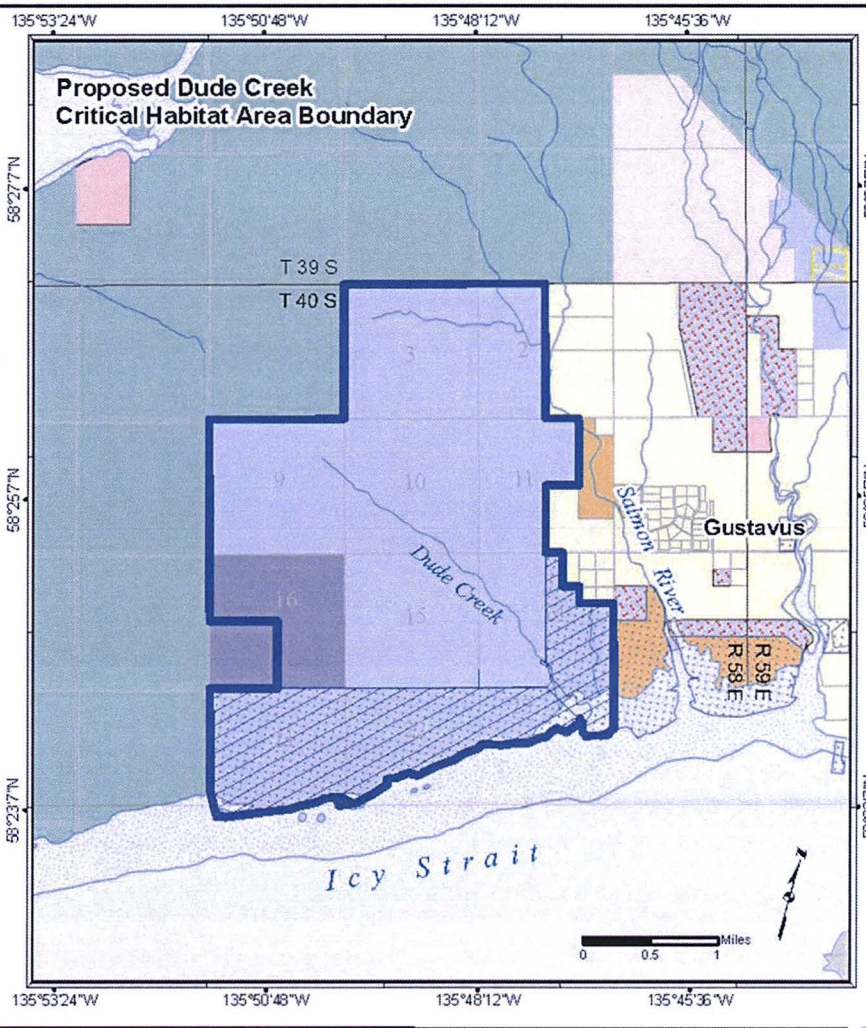
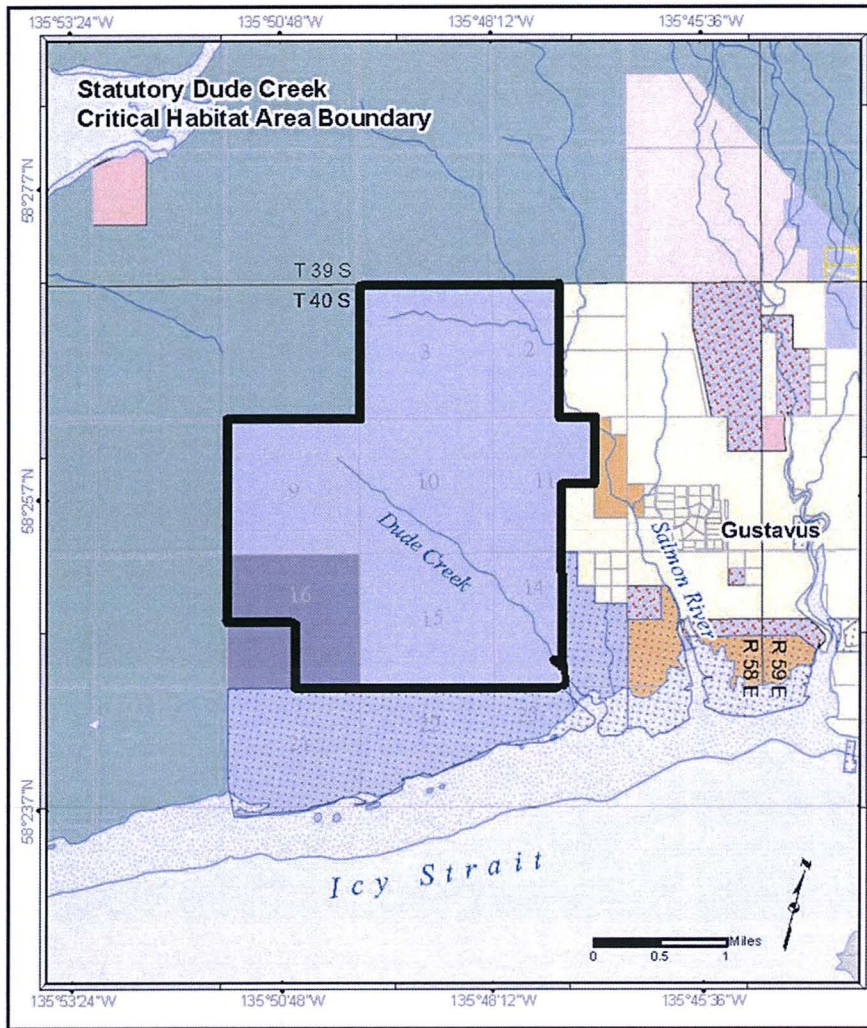
- Existing CHA Boundary
- Incorrect CHA Boundary
- Corrected Area

- | State Lands | Other Lands |
|-------------|-------------|
| State       | Private     |
| Municipal   | Borough     |
| BLM         | Native      |



Map Produced by Alaska Department  
of Fish & Game Sport Fish Division  
Date: 2/18/2017





# Dude Creek Critical Habitat Area

- |                       |                        |                                  |
|-----------------------|------------------------|----------------------------------|
| <b>Federal Lands</b>  | <b>Private Lands</b>   | <b>Boundary Types</b>            |
| National Park Service | Native                 | Statutory CHA Boundary           |
| USFWS                 | Native Allotment       | Proposed Dude Creek CHA Boundary |
| <b>State Lands</b>    | Private                | Affected Lands                   |
| State                 | The Nature Conservancy |                                  |
| Mental Health         |                        |                                  |
| School Trust          |                        |                                  |
| Management Rights     |                        |                                  |

State of Alaska  
Department of Fish and Game  
8/26/2014