



ALPHALPHA ALPHA
7/99

THREE

SB 796

1860

028/

PETITION IN SUPPORT OF SSSB 796

We the undersigned citizens of the Haines Borough area having read and reviewed sponsor substitute for Senate Bill 796 do hereby support this bill and ask for immediate passage of this bill.

CHECK ONE OR MORE

SIGNATURE	ADDRESS	ALLOTMENT APPLICATE OR HOLDER	MEMBER OF IRA	MEMBER OF ANB	NATIVE	CONCERNED ALASKAN
Alvin D. Crute	Box 364 Hws	NO	NO	A.N.S.	NO	✓
Tom Williams	P.O. 141 Hws	NO	YES	A.N.B.	YES	YES
Harren D. Price	Bx 201	NO	NO	NO	YES	YES
Mary Ann Price	Box 201	NO	NO	NO	NO	yes
Charles Clayton	" 116	"	NO	NO	yes	yes
Leonard Brown	Box 425	NO	NO	NO	YES	YES
Al N. Sand	378	NO	YES	YES	YES	YES
Mike Sand	Box 151	NO	NO	NO	NO	YES
Michael J. Gatta	Box 96	NO	NO	NO	NO	✓
R. Boyle	Box 94	NO	NO	NO	NO	YES

ENTERED MAR 15 1982

KLUKWAN IRA CHILKAT INDIAN VILLAGE COUNCIL

Klukwan, Alaska

3/8/82

Attached is a petition addressed to:

THE GOVERNOR OF ALASKA, THE STATE AND HOUSE RESOURCE COMMITTEES, THE LEGISLATIVE BODY, SENATOR BILL RAY, REPRESENTATIVE JIM DUNCAN AND TO WHOM IT MAY CONCERN

All correspondence and/or telephone communications, from addressees regarding this petition, should be directed to:

Mr. James Stevens, President
IRA Council
Box 220
Haines, Alaska 99327
Phones: Home 7662404 Business 766 2805

AND ALSO

Mr. Joe Hotch, Vice President
IRA Council
Box 525
Haines, Alaska 99827
Phone: 766 2556

The Community of Klukwan was not considered as part of the Consensus sign-off, in a letter dated February 26, 1982 to Governor Jay Hammond from the Mayors of the City and Borough of Haines. Therefore; the residents of Klukwan are taking this opportunity to express their overwhelming opposition to any legislative vehicles or legislation that involves land selection or land designation in this area.

BEFORE THE GOVERNOR OF ALASKA, THE STATE AND HOUSE RESOURCE COMMITTEES, THE LEGISLATIVE BODY, SENATOR BILL RAY, REPRESENTATIVE JIM DUNCAN AND TO WHOM IT MAY CONCERN.....

In the Matter of Opposition to State Land Selections in the Haines Borough for the Purpose of Creating a Bald Eagle Preserve and a Forestry Resource Management Area under SB 796 and House Bill 881 or any other State Land Selection Legislation at this time.

A PETITION

Whereas: the Klukwan IRA Chilkat Indian Village Council and/or members oppose any State of Alaska selection or designation of lands within the Haines Borough until letter, dated April 26, 1977, to Mr. John Kelly, Field Solicitor, United States Department of Interior, relating to Trespass on 2.6 million acres of traditional lands is resolved, and

Whereas: the Klukwan IRA Chilkat Indian Village Council has gone on record as in opposition, and

Whereas: the IRA of the Chilkat Indian Village would like to establish that they are a separate entity from Klukwan, Inc., that Klukwan Inc. does not represent IRA, and that IRA may make decisions separate from Klukwan Inc. and that IRA decisions involve the Chilkat Indian Village located at Klukwan and should be respected as such, NOW

We, the undersigned, being all of clear mind and residents of the Village of Klukwan, DO HEREBY PETITION the Governor of the State of Alaska, the State and House Resource Committees of the State of Alaska's Legislative Body, the entire Legislative Body of the State of Alaska, Senator Bill Ray, Sponsor of SB796, Representative Jim Duncan, Sponsor of HB 881 and to whom it may concern to stop all action on SB796, HB881 and any other legislative vehicles that involve State land selection in the Haines Borough until all native lands to include pending native allotments are resolved.

NAME <u>Jerry D. Baker</u>	ADDRESS <u>Klukwan AK</u>
<u>Loanna M. Hater</u>	<u>Klukwan Alaska</u>
<u>Albert H. Panger</u>	<u>Klukwan</u>
<u>Richard Petcher</u>	<u>Klukwan AK</u>
<u>Jessie Hater</u>	<u>AK</u>
<u>Edward L. Hater</u>	<u>Klukwan AK</u>

NAME

ADDRESS

Stuart Joyce Jacobs

Klukwan Alaska

Eugene King

Klukwan

Smith Katelson

Klukwan

Charles E. King, Sr.

Klukwan, AK

Marta J. Wood

Klukwan

Genevieve Wood

Klukwan

Esther Hatch

Klukwan AK

Helen King - Klukwan

Charles E. King Jr. Klukwan

Charlene Katzeck

Klukwan, AK

Evelyn Hatch

Klukwan

Christine Sweet

Klukwan

Beverly Hatch

Klukwan

Genevieve H. Lewis

Klukwan

Ruth Kaska

Klukwan

Joy King

Klukwan

Joy Hatch

Klukwan

Edwin Kaska

Klukwan

Larry Sweet

Klukwan

Virginia Rose Hatch

Klukwan

Kathleen King

Klukwan

NAME

ADDRESS

Joe Hatch

Box 525

Annin Hatch J.D.

Box 525

Katherine Hatch

Box 525

Laura Hatch

Klukwan

See Original

{ Margaret K. Stevens

{ Mark Stevens

{ George P. Stevens Sr.

Joseph C. Asmus

" "

Lilly Hatch

496

Trudy Asmus

" "

Gene Miller

" "

Richard King

Urburn. Box 367

May E King

Urburn. Box 367

Jay & Doris Baker

Box 366 Haines Klukwan

Deborah L. Hatch

Box 377 Haines Klukwan

Lee Kajeck

Box 104 Klukwan

Janice Kajeck

Box 104 Klukwan, AK

Ernie King

Box 104 Klukwan

Debbie Kelpa

Box 554 Klukwan, AK

Rachel Hatch

Klukwan

Jane Hatch

Klukwan Alaska

(ALL KLUKWAN RES)

Clarence Horton
 Ethel Hatch
 Archie Blawie
 Catoh K. Loney
 Lorena Willard
 Jerry Strong
 Gene Strong
 Henry Strong
 Wyn Strong
 Theresa Ward
 Roberta Donnelly
 Joni Willard

Klukwan, A.C.A.
 Box 377 Haines Alaska
 Box 356 Haines AK.
 Box 356 Haines AK
 Box 657 Haines, Alaska
 Box 435 Haines AK.
 Box 435 Haines, Alaska
 Box 435 " "
 Box 368 Haines, AK.
 Box 338 Klukwan, ab.
 Box 194 Klukwan AK

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

APR 29 1982

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-483-3800

MEMORANDUM

April 24, 1982

SUBJECT: State land in the Haines area
HCS CSSSSB 796 (Resources)

TO: Representative Kenneth J. Fanning
Representative Eric Sutcliffe
Co-Chairmen, House Resources Committee

FROM: Richard A. Bradley
Legislative Counsel *B*

The committee has requested a House Resources Committee Substitute to CSSSSB 796(Fin).

The bill is enclosed, as requested.

For the record, I note that this bill has not received the usual drafting, editing, or review given to a bill by the Legal Services Division. Accordingly, it has awkward and unusual usages. It has contrived ambiguities. It is not in the form that we would recommend it for adoption. Because the shortcomings have been noted to earlier committees of reference, I will not restate them here.

I have redone the first amendment requested. In my view, it is unnecessary as a matter of law but it may reassure and clarify.

The second amendment defines the term "valid existing rights." The term is one of the most understood in land law and needs no definition.

It is included at the request of the committee.

I have deleted the language granting to members of the advisory council or their alternates the rights to per diem and travel.

I have added the language requiring the governor to make the appointments suggested.

Representative Kenneth J. Fanning
Representative Eric Sutcliffe
Page 2
April 24, 1982

The amendment requested for page 19, line 17: delete "in AS 38.04.910" did not make sense in context. I have deleted "as defined in AS 38.04.910".

I deleted "and roadside structures" from AS 41.15.520(e).

In Sec. 41.20.507(d), I added the reference to the permitted taking of eagles for religious purposes of Indian tribes.

The reference to the "current" inventory completed within the last ten years and its revisions are included.

The references to AS 41.20.506(a) are broadened to include "(a) and (b)" in the three places requested.

Finally, a missing member is restored to the advisory council. See AS 41.20.515(c)(3). It now has its full twelve members described.

RAB:jdn

Enclosure



THE CITY OF HAINES, ALASKA

P.O. BOX 576
HAINES, ALASKA 99827
(907) 766-2231

In Reply
Refer To: April 21, 1982

Rep. Eric Suttcliff
Co- Chairman House Resources
Juneau, Alaska 99811

Dear Eric,

The City of Haines has endorsed SB 796 for passing during this legislative session. Historically the community of Haines and residents of the Chilkat Valley have been trying to make a living from the natural resources of the valley. Even though we are blessed with what is often referred to as the largest concentration of eagles in the world, that alone will not provide the economic base for our people to earn a living. This bill allows for resource development and eagle habitat concerns.

Senate Bill 796 is a compromise bill which has been authorized by most concerned parties in the state. This bill allows for all traditional uses identified by valley residents. Those concerns were addressed during not less than six public meetings held in Haines and Klukwan during the writing of the bill, as well as three years of eagle resource study by the National Audubon Society.

The City of Haines realizes that there are some real issues of concern being presented by the Klukwan Village and the Tlinglet/Haida Central Council. Let me assure you it is our desire to address those concerns the best we can, however, for the most part the items presented cannot be addressed in this bill and are concerns totally of another nature which should be addressed by the current laws of the State and Federal Governments.

We urge your support of the Klukwan issues, however, we also ask that these issues not be allowed to cloud the well thought out language and intent of SB 796.

I thank you for your support and a favorable vote on SB 796.

Yours truly,

A handwritten signature in dark ink that reads "Jon D. Halliwill". The signature is written in a cursive style with a large initial "J".

Jon D. Halliwill, Mayor
CITY OF HAINES

JDH/ew

xc: Gov. Hammond, All House members
Klukwan IRA Council, T/H Central Council - John Hope, Pres.
John Katz, D.N.R.



CENTRAL COUNCIL

tingit and haıda indian tribes of alaska
One Sealaska Plaza - Suite 200
Juneau, Alaska 99801

SB 796

April 7, 1982

The Honorable Bettye Fahrenkamp
Chairwoman, Senate Resources Committee
Alaska State Senate
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

We are writing to express our opposition to the passage this year of Senate Bill 796, An Act providing for the management of State-owned land in the Haines area. . . .

The Central Council, which represents some 16,000 Tlingit and Haida Indians in Alaska, is concerned about the manner in which this legislation was formulated, without attention to problems of the people of Klukwan. The lands under their stewardship during the rise and fall of many governments have not suffered as a result of their management, and are not in danger now except from nonresident forces.

It is disheartening to see the paperwork which trails the taking of these peoples' lands by others. No matter what the seal, signature or title, it has only resulted in losses to these people. There has been no consideration given to assisting in solving these peoples' problems.

We are also concerned about the economic future of the area. It is clear that the Governor's imposed freeze can be removed in whole or in part by him, and we urge such action so that the people represented by the Governor are not intentionally or inadvertently made pawns in a national image game.

Your kind attention to this matter is appreciated.

Sincerely,

John Hope
President



Alaska Native Brotherhood

Camp Number 2

510 West Willoughby Avenue

Juneau, Alaska 99801

April 14, 1982

The Honorable Bettye Fahrenkamp
Alaska State Senate
Pouch "V" - M. S. 3100
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

This is to advise you that the Alaska Native Brotherhood considered Senate Bill 796, "An Act Establishing the Alaska Chilkat Bald Eagle Preserve..."

The Alaska Native Brotherhood stands opposed to passage of SB 796. This was affirmed on March 6, 1982 when the ANB Presidents met in conference at Juneau. There are twenty-three (23) presidents and our position was by a unanimous vote.

The ANB Presidents were concerned that areas, such as that designated for the preserve, may prove to be unnecessary. Despite all of the development that has occurred in the Haines-Klukwan area, the Bald Eagle has thrived and will continue to do so with, or without, a special preserve as intended in SB 796.

The ANB Presidents asks the Committee to also review the numerous applications for allotments still pending Bureau of Indian Affairs approval prior to any decision. The ANB would ask the same consideration were those acquisition applications filed under the open to entry laws.

While large land set asides are popular and difficult to counter, we ask the Senate to act with prudence. Twenty-five (25) years from now, it may be determined that the preserve intended in SB 796 may have been for naught. Once a set aside is done, it is difficult to undo, if not an impossibility. We implore you to exercise extreme caution as we feel it unnecessary and unwarranted.

There are already numerous laws and/or regulations that give protection to the Bald Eagles. In the Chilkat area, the Eagles are not endangered, and, in event of large scale development, we would take steps to ensure that the Eagles are not threatened.

Senator Fahrenkamp

-2-

April 14, 1982

If you, or any of the Senators, have any inquiry as to the position of the ANB Presidents, you may contact me. Had we thought the Bald Eagles were being threatened, it would have been the ANB that would have initiated such a bill as SB 796

Respectfully,

ALASKA NATIVE BROTHERHOOD

Alfred McKinley, Sr.,
Chairman.

AF:RW:dw

File.



Grand Camp
Alaska Native Brotherhood

Grand President ANB
Robert R. Martin
1st Vice President
Ivan Gamble
2nd Vice President
Ronald Williams
Secretary
Albert Kookesh
Treasurer
Roy Bailey
Sergeant-At-Arms
Ray Sensmeier
Grand President ANS
Emma Widmark

WHEREAS, The State of Alaska through its legislative process has before it Senate Bill 796 entitled An Act establishing the Alaska Chilkat Bald Eagle Preserve, and

WHEREAS, The Alaska Native Brotherhood has within its members those who will be directly effected by passage of such a bill in either the House or the Senate, and

WHEREAS, the Alaska Native Brotherhood does not support such a bill at this time NOW

THEREFORE BE IT RESOLVED that the Alaska Native Brotherhood Grand Camp Executive Committee hereby gives notice of opposition to Senate Bill 796 and any companion bill in the Alaska State House of Representatives.

Robert Martin Sr. Grand President

Attest:

I certify that this resolution was adopted by the Executive Committee of the Alaska Native Brotherhood in Juneau Alaska on March 13, 1982.

Albert Kookesh Grand Secretary

Past ANB Grand Presidents
Frank G. Johnson
Roy Peratrovich
Alfred Widmark

Cyrus Peck
Frank Peratrovich
Joseph Williams
Patrick J. Paul

Thomas Jackson
John Hope
Frank See
Walter Soboleff

Richard Slitt
Steven V. Hotch
Nelson Frank
Frank O. Williams
Herbert Hope

Frank G. Johnson, Grand President Emeritus
Cyrus Peck Sr., Grand Secretary Emeritus
Mildred Sparks, ANS Grand President Emeritus

BEFORE THE GOVERNOR OF ALASKA, THE STATE AND HOUSE RESOURCE COMMITTEES, THE LEGISLATIVE BODY, SENATOR BILL RAY, REPRESENTATIVE JIM DUNCAN AND TO WHOM IT MAY CONCERN.....

In the Matter of Opposition to State Land Selections in the Haines Borough for the Purpose of Creating a Bald Eagle Preserve and a Forestry Resource Management Area under SB 796 and House Bill 881 or any other State Land Selection Legislation at this time.

A PETITION

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NAME Jerry D. Roberts

ADDRESS Klukwan Alaska
Klukwan, Alaska

KLUKWAN IRA CHILKAT INDIAN VILLAGE COUNCIL

Klukwan, Alaska

3/8/82

Attached is a petition addressed to:

THE GOVERNOR OF ALASKA, THE STATE AND HOUSE RESOURCE COMMITTEES, THE LEGISLATIVE BODY, SENATOR BILL RAY, REPRESENTATIVE JIM DUNCAN AND TO WHOM IT MAY CONCERN

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Mr. James Stevens, President

IRA Council

Box 220

Haines, Alaska 99827

Phones: Home 7662404 Business 766 2805

AND ALSO

Mr. Joe Hotch, Vice President

IRA Council

Box 525

Haines, Alaska 99827

Phone: 766 2556

The Community of Klukwan was not considered as part of the Consensus sign-off, in a letter dated February 26, 1982 to Governor Jay Hammond from the Mayors of the City and Borough of Haines. Therefore; the residents of Klukwan are taking this opportunity to express their overwhelming opposition to any legislative vehicles or legislation that involves land selection or land designation in this area.

NAME

ADDRESS

Stuart Goyce Jacobs

Klukwan Alaska

Eugene King

Klukwan

Smith Kayaloser

Klukwan

Charles E. King, Sr.

Klukwan, AK

Martina G. W. W. W.

Klukwan

Gertrude W. W. W.

Klukwan

Ethel Hatch

Klukwan AK

Melen King - Klukwan

Charles E. King Jr. Klukwan

Charlene Katzeck

Klukwan, AK

Evelyn Hatch

Klukwan

Miriam Sweet

Klukwan

Beverly Hotel

Klukwan

Helen W. Stevens

Klukwan

Ruth Kaska

Klukwan

Jan King

Klukwan

Judy Hotel

Klukwan

Eileen Kaska

Klukwan

Jane Sweet

Klukwan

Rose Hotel

Klukwan

NAME

ADDRESS

Joe Hatch

Box 525

Annie Hatch J.D.

Box 525

Katherine Hatch

Box 525

Laura Hatch

K. C. Kluksan

(Margaret Stevens

(Mark Stevens

See Original

(George P. Stevens S:

Joseph E Amus

" "

Bill Hatch

446

Franky Amus

" "

Gene Miller

" "

Richard King

Richard King 367

May E King

May E King 367

Jay E Dean Parker

Box 300 Haines Klukwan

Deborah L Hatch

Box 377 Haines, AK

Janice Kajeck

Box 104 Klukwan

Janice Kajeck

Box 101 Klukwan, AK

Debbie Kujala

Box 534 Klukwan, AK

Carol Hatch

Jan Hatch

K. C. Kluksan

Clarence H. H. H.
Ethel Hatch
Archie Stanley
Cathol KLANEY
Arona Willard
Jury Strong
Agnis Strong
Henry Strong
Lynn Strong
Theresa Ward
Roberta Donnelly
Joni Willard

Klukwan, A.A.
Box 377
Box 356
Box 356
Box 657
Box 435
Box 435
Box 435
Box 435
Box 368
Box 338
Box 194
Haines Alaska
Haines AK.
Haines IK
Haines, Alaska
Haines AK
Haines, Alaska
Haines, AK
Klukwan, AK
Klukwan AK
Klukwan

Merrill —

Can you list those organizations you are representing:

City of Haines

Haines Borough

Haines Chapter, Alaska Miners Association

Haines Forest Industry

Reed Stoops —

Dave Klein —

National Audubon Society

SB 796 - Unprecedented compromise

Need Fiscal Note — Reed

Or remove language re: ~~per diem~~ per diem & travel

SEE RESA about this - can it go in Senate?

Michael DeMan —

Village of Klukwan

Grand Camp, ANB

Get DeMan amendments from Senate finance —

Pg 4, line 14 "shall continue"

amthz

Using CS for Sponsor Substitute for Senate Bill #796 (Finance) as the latest draft:

On Page 19, lines 23 and 24: Change "The management plan shall be based on an existing operational level inventory . . ." to "The management plan should be based on a current operational level inventory completed within the last ten years and updated as future inv / information becomes available."

This was the language contained in the original draft prepared for Senator Ray, and supported by all parties to the consensus.

- On Page 4, line 10: Change AS 41.20.506 (a) to AS 41.20. 506 (a) and (b).
- On Page 4, line 20: " " " " " " "
- On Page 5, line 20: " " " " " " "

When these sections were renumbered in recent drafts, the reference to purposes contained in both sections was inadvertently dropped.

app W.C.

Page 14,
line 19.

By Pickett
am # 1

AMENDMENT to CSSB 796 F

In sec. 41.20.507 (d), delete the period and insert a comma and add the following:

and, "subject to the provisions of section 2 of the Bald Eagle Protection Act, 16 U.S.C. 668a, which authorize the Secretary of the Interior to permit the taking of bald eagles for the religious purposes of Indian tribes.

adopted

Amendment number _____

To CS for Sponsor Substitute for Senate Bill 796 (Finance)

Page 5, line 12

After the word "egress.", add the following:

Any permittee, licensee, or other party, person, organization, or other entity which is designated by the private landowner or holder of valid existing rights to exercise the rights of access and egress granted to the private landowner or holder of valid existing rights under this section shall be allowed to exercise such rights.

Page 5, line 18

After the word "preserve.", add the following:

The term valid existing rights shall include but not be limited to valid mining rights, existing mineral leases and subsurface rights.

Page 13, line 27

After the word "section.", delete the last sentence of subsection (a) in its entirety.

Page 14, line 1

Delete "may" and replace with "shall"

Page 19, line 17

Delete "in AS 38.04.01"

Page 20, line 13

Delete the words "and roadside structures"

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSSSB 26
 Title Act providing for management of state-owned land in Haines Area
 Requested by Farenkamp Date 4-14-82

II. FISCAL DETAIL

Agency Affected Department of Natural Resources
 Program Category Affected NRMEC
 BRU, Program, Or Subprogram(s) Affected Parks & Rec & Land Mgmt
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 COMMODITIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS, ETC.		0				
TOTAL		0				

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		0				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		0				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE April 14 1982 PREPARED BY Jeff Haynes
 AGENCY Natural Resources
 Original: Legislative Finance PHONE 465-2400
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Box 222
Haines, Alaska 99827

April 20, 1982

Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator:

My name is Merrill Palmer. I represent the City of Haines, the Haines Borough, the Haines Chapter of Alaska Miners Association and the Haines forest industry, and I would like to submit testimony in support of this latest draft of Senate Bill 796.

This bill is of vital concern to us, as it directly affects our economic well-being, our culture and our social welfare.

Currently, there is a federally sponsored state sanctioned land freeze on the Chilkat River. This land freeze denies us the full implementation of the Haines/Skaqway area land use plan that was five years in the making and represented the local people's desired use of the land.

This land freeze also jeopardizes our long-term timber sale that is vital to our economy. It also jeopardizes future mining operations and access to private land, including Native allotments.

Senate Bill 796 was, for the most part, conceived and written by the local people to resolve the issues that created the need for the land freeze. Briefly, this bill provides for, or supports, traditional use of the land, access, Native allotments, private land, eagles and salmon, mining interests and forest interests.

The bill also has a "no more" clause and a compatibility clause for use of land adjacent to the proposed Alaska Chilkat Bald Eagle Preserve.

Lastly, we believe in state management and control of our land and support a state solution to our problems of land use and eagles, as opposed to federal involvement in land use.

April 20, 1982

Page Two

I must stress, once again, that this bill is vital to our economy and our social well-being, and, therefore, we need the bill this year, and respectfully request your support and passage of this bill.

Sincerely,

Merrill Palmer

ALASKA
STATE LEGISLATURE
MEMORANDUM

JOHN MANLEY
HOUSE RESOURCES COMMITTEE

4/20/82

RE: CSSSSB 796

PER YOUR REQUEST ATTACHED IS INFORMATION REGARDING THE HAINES
EAGLE PRESERVE AND FORESTRY LEGISLATION.



RESA KING
SENATE RESOURCES COMMITTEE

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE:

March 25, 1982

The Honorable Bettye Fahrenkamp
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Fahrenkamp:

As I understand you will soon be scheduling a hearing on Senate Bill 796 "an Act providing for the management of State-owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area." I felt it would be helpful to provide the Resources Committee with a brief chronology of events leading to its introduction.

<u>June 1978</u>	Adoption of Haines/Skagway Land Use Plan
<u>August 1978</u>	Negotiated timber sale contract signed with Schnabel Lumber Co. for lands classified for timber harvest
<u>September 1979</u>	SEACC Lawsuit on Haines Timber Sale
<u>July 1980</u>	Governor's "moratorium" letter to Senator Hart (see attached) Haines Klukwan Resource Advisory Committee established. Haines/Klukwan Cooperative Resource Study begins
<u>June 1981</u>	Progress Report on Resource Study (see attached)

The Honorable Bettye Fahrenkamp
Page Two
March 25, 1982

December 1981

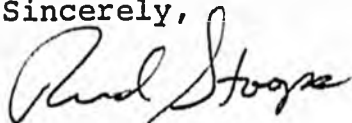
Haines Klukwan Resource Advisory
Committee meets in Haines to discuss
possible legislation to create State
Forest and Eagle Preserve

March 1981

SB 796 introduced with letter of
agreement by City of Haines, Haines
Borough, Schnabel Lumber, SEACC,
Audubon, USFWS, Alaska Miner's
Association.

In summary, almost four years of debate, litigation, research,
and compromise have preceded the introduction of SB 796.
The Department of Natural Resources has a great deal of time
and effort invested in this legislation, and urges your
favorable consideration.

Sincerely,



Reed Stoops
Director
Division of Research
and Development

Attachments

JAY S. HAMMOND
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
WASHINGTON, D. C.

July 21, 1980

The Honorable Gary Hart
United States Senate
254 Russell Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Hart:

At your invitation and that of three other Senators, representatives of my administration have recently met with members of the principal organizations and public agencies which have expressed concern for the future welfare of the Chilkat eagle population. In these meetings, we presented an overview of past State actions which have been taken to protect the eagles and their habitat, and outlined commitments we intend to make in this regard.

In 1972, the Alaska State Legislature established a "Critical Habitat Area" of 4,800 acres to preserve part of the lands used by the eagles in their winter congregation. In addition, the State classified protective riparian corridors for both fish and wildlife values, and designated certain lands for further study to determine their importance to both eagles and fisheries.

Last year, in keeping with recommendations of the Haines/Skagway Land Use Plan, the State cooperated with the communities of Haines and Klukwan, and the National Audubon Society in their initiation of studies of the Chilkat bald eagles. Based on first year recommendations of these studies, I am making \$250,000 in legislative appropriations available for a strengthening cooperative bald eagle study. It is important to me that all parties cooperate in accomplishing one comprehensive eagle study rather than duplicating efforts through two or more such studies.

In addition to helping assure adequate support for the study of eagle ecology, some of these monies will also be committed to comprehensive investigations of related resource values, with special emphasis on hydrology, fisheries, soils, and vegetation. It will be particularly important in these study efforts

The Honorable Gary Hart
July 21, 1980 - Page Two

to identify projected money and manpower needs, and management policies and objectives, to assist the State in providing effective protection to the Chilkat bald eagles under what I recommend should be a cooperative management regime.

An advisory committee involving representatives of the local communities of Haines and Klukwan, the National Audubon Society, and appropriate State and Federal resource agencies will be established by the Commissioner of the Alaska Department of Natural Resources. I will rely on this group to offer direction on how State funds can best be spent to obtain information vital to enlightened management and protection of bald eagles, and the habitat that sustains them.

In keeping with my concern for impacts of these studies on the local communities and on possible management options for the eagles, I am also urging that some of these monies be made available for study of the social, economic and cultural concerns of the city of Haines and the village of Klukwan. The role of the advisory committee will be especially important in this regard, and the State will be looking to that group on how to best acquire and use this essential information.

At present, there are no plans for development in areas currently thought to be of greatest importance to the eagles. To alleviate concerns about the future possibility of such actions prior to completion of the studies, I am declaring a moratorium on all major development activities within the essential bald eagle habitats as described on the attached map dated May, 1980. This is to include any planning for road and bridge construction. Customary and traditional uses important to the welfare of local residents, and which in past years have not adversely impacted the eagles, will continue to be permitted in these areas. Such uses will include, but are not necessarily limited to, hunting, fishing, trapping, subsistence, prospecting, general recreation and both motorized and non-motorized access.

I want to emphasize that the State of Alaska fully recognizes the great State, national and international values of the annual gathering of bald eagles along the Chilkat River. We are committed to cooperating with all interested parties in seeking sound scientific information necessary to effectively conserve the birds, and to place their essential habitats under permanent protection.

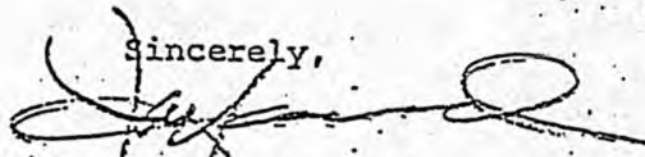
It is my understanding that the moratorium and study outlined above have been discussed with, and are satisfactory to, representatives of Haines and the Alaska Coalition. The study which

The Honorable Gary Hart
July 21, 1980 - Page Three

I have alluded to will be carried out cooperatively with these groups, which will be represented on a policy advisory committee.

If you have any questions or comments regarding the arrangements which I have just described, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jay S. Hammond", with a large, stylized flourish extending to the right.

Jay S. Hammond
Governor

cc: The Honorable Ted Stevens
The Honorable Mike Gravel
The Honorable John H. Chafee
The Honorable Jennings Randolph
The Honorable John C. Culver
The Honorable Frank Church

February 26, 1982

3/2/82
12:10 PM
*Letter of
Consensus*

The Honorable Jay S. Hammond
Governor, State of Alaska
Pouch A
Juneau, AK 99811

Dear Governor Hammond:

This is to advise you that after prolonged study and debate, the undersigned parties have reached a consensus regarding a legislative solution to resource conflicts on State land in the Haines area. This preferred solution involves passage of companion legislation, Senate Bill 796 and House Bill 881, namely, "An Act providing for the management of State owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area."

Earlier this month, at our request, Senator Ray and Representative Duncan introduced draft bills in both the House and Senate to serve as legislative vehicles. We recommend that the consensus legislation we have agreed to be introduced as "sponsor substitutes" for the introduced legislative vehicles in the very near future.

Since the consensus agreement involves very careful wording of the legislation to achieve a delicately structured compromise, we also strongly urge that the legislation, a copy of which is enclosed, be passed by the Legislature without amendment. Should the bill be amended by the Legislature so as to change its nature, all parties to this agreement reserve the right to pursue alternative courses of action, including but not limited to, opposing passage of the amended legislation. Should passage of unacceptable amended legislation occur, despite our best efforts, then we would request exercise of your veto authority.

All parties to this consensus agree that the reinventory of timber resources in the area is important for the purposes of scientific forest management and expect that a reinventory be made a high priority for funding by your administration. We respectfully request that you direct Commissioner of Natural Resources John Katz to make adequate funding of a current "operational level inventory" in the

February 26 1982

Haines State Forest Resource Management Area his highest priority in terms of timber inventories and reinventories on state land.

We would also like to request your continued support for the currently uncompleted interdisciplinary resource studies under the purview of the Haines-Klukwan Cooperative Resource Advisory Committee. These cooperative study efforts should provide information useful in developing comprehensive management plans for the proposed Bald Eagle Preserve and State Forest Resource Management Area.

On passage of the proposed consensus legislation by the State Legislature, the National Audubon Society agrees to request that you remove the "moratorium" on development you established in your letter to Senator Gary Hart of Colorado dated July 21, 1980. The Society also agrees to request that Senator Hart and other concerned U. S. Senators and Congressmen support the proposed legislation and your lifting of the moratorium.

In closing, we would like to thank you and your administration, particularly the Department of Natural Resources, for the strong support provided in helping to achieve this unprecedented legislative compromise involving land and resource conflicts in the Haines area. We are convinced that this "Alaskan solution" has the potential for adequately protecting local, state, national and international resource values and other interests in the Chilkat and Chilkoot valleys and could well serve as a model for resolving similar conflicts elsewhere in the State. Furthermore, successful implementation of this legislation once passed should demonstrate to all Alaskans and to the Nation as a whole that protection and management of resource values and other interests can in fact be successfully accomplished.

Your consideration of this request is greatly appreciated.

Sincerely yours,

R. E. Henderson
Mayor of Haines Borough
Jon V. Halliwell
Mayor of City of Haines

February 26, 1982

John F. Schnabel, President
Schnabel Lumber Company

William C. Inman
President, Lynn Canal
Conservation Council Inc

David R. Clive
Regional Vice President,
National Audubon Society

Jim Steuts
Executive Director,
Southeast Alaska
Conservation Council

Gilbert A. Ladd Jr.
for Regional Director, U. S. Fish
& Wildlife Service

Alaska Miners Association
Haines Branch

Meritt Palmer

SWS/ke

cc: Hon. Bill Ray
Hon. Betty Fahrenkamp
Hon. Jim Duncan
Hon. Mike Miller
Hon. Eric Sutcliffe
Hon. Ken Fanning



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

April 14, 1982
1:35 p.m.

Beltz Room
Room 211 - Capitol

Hearing:

- SB 794 Establishing certain areas as units of the Alaska marine park system.
- SB 795 Relating to outdoor recreation and historic projects.
- SSSB 796 Providing for the management of state owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area.
-

SSSB 796

Resa King, Administrative Assistant, described the two meetings that had been held with Klukwan, Tlingit/Haida Central Council, Audubon Society, City of Haines, and the Department of Natural Resources since the April 7th hearing on SSSB 796, and stated that memos outlining those meetings were in the Committee members' packets. The meetings were to, 1) satisfy the concerns of Klukwan, and 2) answer questions raised by the legal division.

Jeff Haynes, Deputy Commissioner, Department of Natural Resources, expressed support for the bill, but indicated that technical amendments may need to be made before final passage.

Senator Mulcahy moved CSSSB 796 with individual recommendations.

SB 794

Phil Holdsworth, Juneau, expressed concern that the areas listed in Section 2 of the bill include many which are the only potential sites for log transfer facilities and industrial docks, especially in Southeast.

Jeff Haynes, DNR, explained that the areas listed in Section 2 are study areas, and will not necessarily be included in the marine park system. Decisions on which lands to include will involve a visible

Senate Resources Committee

April 14, 1982

Page 2

public process, and no lands will be included without legislative approval. Haynes stated that areas other than those listed in Section 2 can be studied also.

Senator Gilman expressed concern over language in the bill that would close the park lands to multiple use. He moved an amendment deleting page 1, lines 22-29 (CS) and asked unanimous consent.

Senator Fischer moved CSSB 794, as amended, with individual recommendations.

SB 795

Senator Fischer moved an amendment deleting page 3, lines 14-17 (CS #2) and asked unanimous consent. He then moved CSSB 795 as amended with individual recommendations.

The meeting was adjourned at 2:05 p.m.



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

TO: Senator Fahrenkamp
Chairman

DATE: 4/13/82

FROM: Resa King
Staff

RE: CSSSB 796 - Haines
Eagle/Forest Bill

I met again today with representatives from the various interested groups on the Haines Eagle/Forest bill.

The main purpose of today's meeting was to address Klukwan's specific amendments and check the Work Draft Committee Substitute for SSSB 796.

Klukwan came forward with six suggestions (which are attached). The following is a brief description of the recommendations of the working group:

1. NATIVE ALLOTMENTS: There is a section in the bill that provides for the lands to be considered as private land. The Department of Natural Resources outlined, in their April 8th letter to Craig Tillery, the steps they are taking in this regard.
2. HISTORICAL AND BURIAL SITES. Language was added to cover future protection of these sites.
3. RIGHTS OF WAY. Language was added.
4. PROPOSED FISH & WILDLIFE ADVISORY COUNCIL MANAGE THE PRESERVE. Since the Council does not exist it was thought inappropriate to consider their managing the Preserve. DNR also noted that they can not turn over management of public lands to a group. Language was added to have the division of parks and the Alaska Chilkat Bald Eagle Advisory Council consult with the Chilkat Indian Village and the Chilkoot Indian Association in developing the management plan, management and administration. The Chilkoot Indian Association was also added to the Preserve Advisory Council.
5. TRADITIONAL AND SUBSISTENCE USE. Page 4, lines 1-15 contains language on traditional uses. The bill also has a provision that prior to restricting a traditional use the director of the division of parks shall hold a public hearing in Haines and Klukwan.
6. YEAR-ROUND MAINTENANCE, SNOW REMOVAL, CONSTRUCTION IMPROVEMENTS FOR PUBLIC ROADWAYS IN KLUKWAN AREA. It was

thought by the group that this was outside the jurisdiction of the bill. The Department of Natural Resources, the City of Haines, and the Borough of Haines committed to writing a letter to the Department of Transportation and the Tlingit-Haida Central Council outlining the problems outlined by Mr. Hotch.

Attached is the working groups product for the Committee's review. These are identified by being typed IN CAPS most of the handwritten language is from the Legal Division. The following is the line by line changes:

Page 1, line 9: Add "and providing for an effective date."

Page 1, line 14: Should read "AS 41.20.506 - 4120.525"

Page 1, line 15: After ".507" insert "(k)"

Page 2, line 8: Delete "waters" and insert "water"

Page 2, line 8: After "and" insert "state public domain land
Page 2 " //
and water"

Page 2, line 10: After "that" insert "there is no"

Page 2, line 11: After "future" insert a (.) and delete
"is unnecessary."

Page 2, line 12: after ".507" insert "(k)"

Page 2, line 15: after "the" insert "state"

Page 2, line 22: after "land," insert "pending and approved"

Page 3, line 4: after "preserve" insert "shall be treated
as"

Page 3, line 5: after ".525" insert "including but not
limited to rights of way acquisition."

Page 3, line 21: After "administration of" insert "federal"

Page 4, line 21: After "occupancy" insert "on land"

Page 4, line 24: Delete "(a)" and insert "(k)"

Page 4, line 25: After "claim," insert "holder of"

Page 4, line 26: Before "subsurface" insert "holder of"

Page 4, line 26: After the first "rights" insert "other
valid occupancy,"

- Page 5, line 2: After "Council" insert "in the furtherance of the purposes and"
- Page 5, line 10: After "sources," insert "including but not limited to the Chilkat Indian Village and Chilkoot Indian Association"
- Page 5, line 16: After "natural" insert "and cultural"
- Page 6, line 21: Delete "and"
- Page 6, line 21: Delete "chairman" and insert "chairmen"
- Page 6, line 22: after "Village" insert "and Chilkoot Indian Association or their designee"
- Page 6, line 24: After "governor" insert "for appointment to the advisory council"
- Page 6, line 29: Delete the first "as"
- Page 7, line 1: Before the "Advisory" insert "Preserve"
- Page 7, After line 6: a new subsection to read: "(f) All historical, cultural and burial sites identified in the Chilkat Bald Eagle Preserve management plan shall be protected by the Department of Natural Resources from vandalism, desecration and destruction."
- Page 7, line 12: Delete "of" insert "adjacent to"
- Page 7, line 14: Delete "o private land"
- Page 9, line 6: Delete "are" insert "shall be treated as"
- Page 9, line 11: Before "Area" insert "ment"
- Page 9, line 17 and 22: typo corrections.
- Page 10, line 28: Delete "of"
- Page 11, line 15: Delete "current" insert "existing"
- Page 11, line 15: Delete "completed within the last 10 years"
- Page 11, line 25: Add a new section 6 "this Act takes

effect July 1, 1982.

Received
4/13/82
From: Joe Hotch

We therefore petition the Legislature to consider the following:

1. Native allotments: We request the State to remove all protests & contests filed against native allotment applications, subject to valid existing rights, made pursuant to the Act of May 17, 1906 (34 Stat. 197 as amended) which were pending before the Department of the Interior on or before December 18, 1971 and which qualify for approval under Section 905 of the Alaska National Interest Lands Conservation Act. Public Law 96-487. Dec. 2, 1980.
2. That all historical and burial sites selected through the ANSCA be protected from further vandalism and destruction by the Department of Transportation, city governments and others.
3. That all State entities be instructed that disputes over the Roads and Rights of Way that exist without approval over Native lands be resolved.
4. That the proposed Fish & Wildlife Advisory Council for the Klukwan area be recognized as the Advisory Board for Preserve Management in addition to its normal functions, rather than create a new board.
5. That our traditional and subsistence use of the entire area not be infringed upon nor neglected to a point where our lands would become inaccessible and
6. That maintenance, snow removal, construction of improvements, drainage ditches, culverts, etc.) be on a regular year-round basis as State law specifies for the public roadways in the Klukwan area.

Bradley
4/13/82

Original sponsor: Ray

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 796 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act providing for the management of state-owned
7 land in the Haines area; establishing the Alaska Chilkat
8 Bald Eagle Preserve and the Haines State Forest Resource
9 Management Area AND PROVIDING FOR AN EFFECTIVE DATE."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 41.20 is amended by adding new sections to read:

12 ARTICLE 16. ALASKA CHILKAT BALD EAGLE PRESERVE.

13 Section 41.20.506. DECLARATION OF PURPOSE. (a) The purpose of
14 AS 41.20.506 - 41.20.525 is to establish the state-owned land and water
15 described in AS 41.20.507^(x) as the Alaska Chilkat Bald Eagle Preserve as
16 part of the state park system. The primary purpose of establishing the
17 Alaska Chilkat Bald Eagle Preserve is to protect and perpetuate the
18 Chilkat bald eagles and their essential habitats within the Alaska
19 Chilkat Bald Eagle Preserve in recognition of their statewide, nation-
20 ally, and internationally significant values in perpetuity.

21 (b) The Alaska Chilkat Bald Eagle Preserve is also established to

22 (1) protect and sustain the natural salmon spawning and
23 rearing areas of the Chilkat River and Chilkoot River systems within the
24 preserve in perpetuity;

25 (2) provide continued opportunities for research, study and
26 enjoyment of bald eagles and other wildlife;

27 (3) ensure to the maximum extent practicable water quality
28 and necessary water quantity under applicable laws; and

29 (4) provide for other public uses consistent with the primary

1 purpose for which the Alaska Chilkat Bald Eagle Preserve is established.

2 (c) It is the intent of the legislature in enacting this legisla-
3 tion to provide sufficient protection for the purposes for which the
4 Alaska Chilkat Bald Eagle Preserve is established. Accordingly, the
5 establishment of the Alaska Chilkat Bald Eagle Preserve and the Haines
6 State Forest Resource Management Area is determined to represent a
7 proper balance between the reservation of state public domain land and
8 water for bald eagle preserve purposes and STATE PUBLIC DOMAIN LAND AND WATER: more

9 appropriate for multiple use. Therefore, the legislature determines
10 ~~that~~ THERE IS NO need for legislation expanding or contracting the boundary of
11 the Alaska Chilkat Bald Eagle Preserve in the future. ~~is unnecessary.~~

12 (d) Inasmuch as the area described in AS 41.20.507^(k) exceeds 640
13 acres, AS 41.20.506 - 41.20.5²⁵ are intended to close the area to mul-
14 tiple use in conformity with AS 38.05.300 and the land is dedicated as a
15 special purpose site under art. VIII, sec. 7 of the STATE constitution.

16 Sec. 41.20.507. ESTABLISHMENT AND MANAGEMENT. (a) Subject to
17 valid existing rights, the land and water presently owned by the state
18 and all land and water acquired in the future by the state lying within
19 the boundaries described in (k) of this section are designated the
20 Alaska Chilkat Bald Eagle Preserve and assigned to the Department of
21 Natural Resources for control, development, and maintenance.

22 * PENDING AND APPROVED
23 (b) Private land, land selections made by the Haines Borough under
24 state law on the effective date of this Act, and existing transportation
25 and utility corridors located partially or completely within the Alaska
26 Chilkat Bald Eagle Preserve are excluded from the Alaska Chilkat Bald
27 Eagle Preserve. The commissioner of natural resources may not acquire
28 private land located partially or completely within the Alaska Chilkat
29 Bald Eagle Preserve by eminent domain for any purpose.

(c) Approved or pending Native allotments located partially or

1 completely within the Alaska Chilkat Bald Eagle Preserve are not ad-
2 versely affected by the establishment of the Alaska Chilkat Bald Eagle
3 Preserve and all approved allotments and all pending allotments located
4 partially or completely within the preserve, ~~the~~ * SHALL BE TREATED AS
5 AS 41.20.506 - 41.20.515 * INCLUDING BUT NOT LIMITED TO RIGHTS OF WAY
6 ACQUISITION.

7 (d) The Department of Fish and Game is responsible for the manage-
8 ment of fish and game resources in the Alaska Chilkat Bald Eagle Pre-
9 serve under applicable law and consistent with the purposes of AS 41.-
10 20.506 - 41.20.515.

11 (e) The Department of Natural Resources shall consult with the
12 Department of Fish and Game, the United States Fish and Wildlife Ser-
13 vice, and the Alaska Chilkat Bald Eagle Preserve Advisory Council estab-
14 lished by AS 41.20.515 before adoption of reasonable regulations govern-
15 ing public use and protection of the Alaska Chilkat Bald Eagle Preserve.
16 The Department of Fish and Game shall consult with the Department of
17 Natural Resources and the Alaska Chilkat Bald Eagle Preserve Advisory
18 Council in proposing regulations governing fish and game management in
19 the Alaska Chilkat Bald Eagle Preserve for adoption by the Board of
20 Fisheries or the Board of Game. The Department of Fish and Game and the
21 Department of Natural Resources shall cooperate with the United States
22 Fish and Wildlife Service in its administration of * FEDERAL laws that govern the
23 conservation of bald eagles.

24 (f) The state land and water described in (k) of this section are
25 closed to mineral entry under AS 38.05.135 - 38.05.280, to commercial
26 harvest of timber, to sale under state land disposal laws, and to princi-
27 pal selections made after the effective date of this Act. The commis-
28 sioner of natural resources may lease the land described in (k) of this
29 section under AS 38.05.070 - 38.05.105 for a purpose consistent with
AS 41.20.506(a).

1 (g) Continued opportunities for traditional uses of the Alaska
 2 Chilkat Bald Eagle Preserve at levels and by methods and means that are
 3 compatible with the protection of the bald eagle population are guaran-
 4 teed. These historically compatible uses include but are not limited to
 5 hunting, trapping, fishing, berry picking, other subsistence and recrea-
 6 tional uses, operation of motorized vehicles, and the harvesting of
 7 personal-use firewood. The level and method or means of traditional use
 8 shall be permitted to continue subject to reasonable regulation unless
 9 the director of the division of parks, Department of Natural Resources,
 10 after consultation with the Alaska Chilkat Bald Eagle Preserve Advisory
 11 Council, makes a finding that the level or method and means of use is
 12 causing significant resource damage that is inconsistent with the primary
 13 purposes of AS 41.20.506 - 41.20.525. The director of the division of
 14 parks shall hold a public hearing in Haines and Klukwan before restrict-
 15 ing a traditional use permitted under this section.

16 (h) If privately owned land, valid mining rights, existing mineral
 17 leases, subsurface rights on private land, or other valid occupancy is
 18 surrounded by state land of the Alaska Chilkat Bald Eagle Preserve or if
 19 privately owned land, federal land, or state land not described in (k)
 20 of this section, valid mining claims, subsurface rights, or other valid
 21 ^{* ON LAND} occupancy not described in (k) of this section does not have reasonable,
 22 timely, and economically feasible access and egress by means other than
 23 crossing land designated as Alaska Chilkat Bald Eagle Preserve land in
 24 ^(k) of this section, the director of the division of parks shall grant a
 25 private landowner, a holder of a valid mining claim, ^{* HOLDER OF} mineral lease,
 26 ^{HOLDER OF} OTHER VALID OCCUPANCY, subsurface rights, [^] or a state agency or federal agency rights necessary
 27 to assure reasonable, timely, and economically feasible access and
 28 egress. The rights of access and egress granted under this subsection
 29 are subject to reasonable regulation and stipulations established by the

1 director of the division of parks after consulting with the Alaska
 2 Chilkat Bald Eagle Preserve Advisory Council * IN THE FURTHERANCE OF THE PURPOSES AND to protect the values of
 3 the Alaska Chilkat Bald Eagle Preserve and to minimize adverse environ-
 4 mental impacts in the preserve. The director of the division of parks
 5 shall give favorable consideration to applications for utility rights-
 6 of-way that are compatible with AS 41.20.506(a).

7 (i) The director of the division of parks and the Alaska Chilkat
 8 Bald Eagle Advisory Council established under AS 41.20.515, in consulta-
 9 tion with the United States Fish and Wildlife Service, the Department of
 10 * INCLUDING BUT NOT LIMITED TO THE CHILKAT INDIAN VILLAGE AND CHILKOOT
 11 INDIAN ASSOCIATION fish and Game, and other pertinent sources, may use information gained
 12 through cooperative resource studies in the development of the management
 13 plan for the Alaska Chilkat Bald Eagle Preserve and in decisions affect-
 14 ing the management and administration of the preserve. The director of
 15 the division of parks and the advisory council shall investigate the
 16 need for additional research to increase knowledge and understanding of
 17 * AND CULTURAL the natural resources of the area and to enhance the effective management
 18 of the Alaska Chilkat Bald Eagle Preserve.

19 (j) An agency of the state may not participate or cooperate with a
 20 federal or private study considering additions to or deletions from the
 21 area of the Alaska Chilkat Bald Eagle Preserve without giving 90 days
 22 prior notice to the Alaska Chilkat Bald Eagle Preserve Advisory Council.
 23 The director of the division of parks may waive the notice required by
 24 this subsection on his determination in writing to the advisory council
 25 that an emergency necessitates immediate study or a shorter period of
 26 notice to the advisory council.

27 (k) The land and water owned by the state and all land and water
 28 acquired by the state in the future lying within the following described
 29 parcels are designated as the Alaska Chilkat Bald Eagle Preserve:

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Sec. 41.20.515. ALASKA CHILKAT BALD EAGLE PRESERVE ADVISORY COUNCIL. (a) A 12-member Alaska Chilkat Bald Eagle Preserve Advisory Council is established. The members of the advisory council shall be selected under this section. Members of the advisory council are entitled to the per diem and travel expenses authorized for members of state boards under AS 39.20.180.

(b) The governor may appoint individuals to the Alaska Chilkat Bald Eagle Preserve Advisory Council representing the following interests for a two-year term:

- (1) a resident of the Haines Borough representing a conservation organization; and
- (2) a representative of the United States Fish and Wildlife Service.

(c) The mayor of the City of Haines, the mayor of the Haines Borough, the president of Klukwan, Inc., ~~and~~ the ^{men} chairman of the Council * AND CHILKOOT INDIAN ASSOCIATION OR THEIR DESIGNEE of the Chilkat Indian Village, are ex officio members of the Alaska Chilkat Bald Eagle Preserve Advisory Council. The mayor of the Haines Borough may recommend to the governor ^{for appointment to the Advisory Council} the name of a resident of the Haines Borough for the representation of commercial or industrial interests.

(d) The commissioner of fish and game, the director of the division of parks, and the director of the division of forestry, or their designees, serve ~~as~~ ex officio as members of the Alaska Chilkat Bald Eagle

Preserve

1 Advisory Council.

2 (e) The Alaska Chilkat Bald Eagle Preserve Advisory Council shall
3 assist the Department of Natural Resources in the development and moni-
4 toring of a management plan for the Alaska Chilkat Bald Eagle Preserve.
5 The management plan shall be presented at public hearings in Haines and
6 Klukwan before approval and implementation by the department.

* * (F) ALL HISTORICAL, CULTURAL AND BURIAL SITES IDENTIFIED
IN THE CHILKAT BALD EAGLE PRESERVE MANAGEMENT PLAN SHALL BE PROTECTED
BY THE DEPARTMENT OF NATURAL RESOURCES FROM VANDALISM, DESECRATION
AND DISTRUCTION.

7 Sec. 41.20.525. MISCELLANEOUS PROVISIONS. (a) The establishment
8 of the Alaska Chilkat Bald Eagle Preserve under AS 41.20.506 - 41.20.525
9 does not enlarge, diminish, add to, or waive a requirement otherwise
10 applicable to the management or use of the state land of the Haines
11 State Forest Resource Management Area ^(AS 41.15.500 - 41.15.520) or private land. An activity
12 allowed under law on land ^{* ADJACENT TO} the Alaska Chilkat Bald Eagle Preserve,
13 including but not limited to timber harvest, mining, resource develop-
14 ment, or recreation, is permitted ~~on private land~~ as long as the activity
15 is conducted in compliance with law.

16 (b) The director of the division of parks and the director of the
17 division of forestry shall consult in the preparation of the management
18 plan prepared under AS 41.20.507(1) to promote effective, efficient, and
19 coordinated administration of the Haines State Forest Resource Management
20 Area and the Alaska Chilkat Bald Eagle Preserve for the values for which
21 each is established.

22 * Sec. 2. AS 41.15 is amended by adding new sections to read:

23 ARTICLE 3A. HAINES STATE FOREST RESOURCE MANAGEMENT AREA.

24 Sec. 41.15.500. HAINES STATE FOREST RESOURCE MANAGEMENT AREA. (a)
25 The purpose of AS 41.15.500 - 41.15.520 is to establish the land and
26 water presently owned by the state and all land and water acquired in
27 the future by the state lying within the boundaries described in AS 41.-
28 15.510(a) as the Haines State Forest Resource Management Area. The
29 primary purposes for the establishment of the Haines State Forest

1 Resource Management Area are the utilization, perpetuation, conservation
2 and production of the land and water including but not limited to the
3 use of renewable and nonrenewable resources through multiple-use manage-
4 ment and the continuation of other beneficial uses including traditional
5 uses and other recreational activities.

6 (b) The responsibility for the management, control, development,
7 and maintenance of the Haines State Forest Resource Management Area
8 established under AS 41.15.500 - 41.15.520 is assigned to the Department
9 of Natural Resources.

10 Sec. 41.15.510. BOUNDARIES AND MANAGEMENT OF HAINES STATE FOREST
11 RESOURCE MANAGEMENT AREA. (a) Subject to valid existing rights, the
12 land and water presently owned by the state and all land and water
13 acquired in the future by the state lying within the following described
14 parcels are designated as the Haines State Forest Resource Management
15 Area:

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25 (b) Private land, existing transportation corridors, and borough
26 selection within the Haines State Forest Resource Management Area are
27 excluded from the Haines State Forest Resource Management Area. The
28 commissioner of natural resources may not acquire private land within
29 the Haines State Forest Resource Management Area by eminent domain for

1 any purpose.

2 (c) Approved or pending Native allotment applications located
3 partially or completely within the Haines State Forest Resource Manage-
4 ment Area are not adversely affected by the establishment of the Haines
5 State Forest Resource Management Area and all approved allotments and
6 ~~all pending allotments~~ ^{* SHALL BE TREATED AS} private land under AS 41.15.500 - 41.15.520.

7 (d) The division of forestry shall consult with the division of
8 parks, the Department of Fish and Game, and the Alaska Chilkat Bald
9 Eagle Preserve Advisory Council to promote effective, efficient, and
10 coordinated administration of the Haines State Forest Resource Manage-
11 ~~ment~~ Area and the Alaska Chilkat Bald Eagle Preserve for the values for which
12 each is established.

13 (e) Resource studies undertaken by the Department of Natural
14 Resources shall be designed to benefit the management and administration
15 of the Haines State Forest Resource Management Area and the Alaska
16 Chilkat Bald Eagle Preserve.

17 (f) The establishment of the Haines State Forest Resource Manage-
18 ment Area has no effect on the terms and conditions of an existing
19 permit or contract involving use of the land, water, or other resources
20 of the Haines State Forest Resource Management Area.

21 Sec. 41.15.520. MULTIPLE-USE MANAGEMENT. (a) The Haines State
22 Forest Resource Management Area shall be managed under the principles of
23 multiple use and sustained yield as defined in AS 38.04.910, under
24 AS 41.17, and under a management plan prepared by the Department of
25 Natural Resources. The plan may not be adopted or revised without prior
26 review by the Board of Forestry or without a public hearing held in
27 Haines and Klukwan.

28 (b) The Department of Natural Resources shall periodically review
29 and revise the management plan adopted for the Haines State Forest

1 Resource Management Area under (a) of this section.

2 (c) A copy of a management plan and any revision to it prepared by
3 the Department of Natural Resources, reviewed by the Board of Forestry
4 and adopted by the department after public hearings required under (a)
5 of this section shall be provided to the legislature within 30 days of
6 its adoption or revision or within the first 10 days of the first session
7 of the legislature to convene after its adoption or revision.

8 (d) The Department of Fish and Game is responsible for the manage-
9 ment of fish and game resources in the Haines State Forest Resource
10 Management Area under applicable law and in a manner consistent with
11 AS 41.15.500 - 41.15.520.

12 (e) The control of highway access and roadside structures within
13 the Haines State Forest Resource Management Area is the responsibility
14 of the Department of Natural Resources except that the Department of
15 Transportation and Public Facilities is responsible for the repair and
16 maintenance of public roads in the Haines State Forest Resource Manage-
17 ment Area.

18 (f) The state land and water described in AS 41.15.510(a) are
19 closed to sale under state land disposal laws and to municipal selections
20 made after the effective date of this Act. The commissioner of natural
21 resources may lease the land described in AS 41.15.510(a) under AS 38.-
22 05.070 - 38.05.105 for a purpose consistent with AS 41.15.500(a).

23 (g) The Department of Natural Resources shall consult with the
24 Department of Fish and Game during preparation of a management plan
25 under (a) and (b) of this section and during formulation of regulations
26 governing the use of the Haines State Forest Resource Management Area.
27 The Department of Fish and Game shall consult with the Department of
28 Natural Resources before adopting ~~of~~ regulations governing fish and
29 wildlife management in the Haines State Forest Resource Management Area.

1 Regulations may not be adopted by either department without prior review
2 at a public hearing.

3 (h) The Department of Natural Resources may enter into cooperative
4 management agreements with a person who holds title to or has a valid
5 entry on land within or adjoining the boundaries of the Haines State
6 Forest Resource Management Area.

7 * Sec. 3. The management plan for the Alaska Chilkat Bald Eagle Preserve
8 prepared by the Department of Natural Resources under AS 41.20.507(i) as
9 enacted in sec. 1 of this Act ^{adopted (as all)} be ~~developed~~ and implemented within two
10 years after the effective date of this Act.

11 * Sec. 4. The management plan for the Haines State Forest Resource Manage-
12 ment Area prepared by the Department of Natural Resources under AS 41.15.520
13 ~~shall~~ enacted in sec. 2 of this Act shall be adopted and implemented within two
14 years after ^{its effective date} ~~enactment of this Act~~. The management plan shall be based on an

15 ~~EXISTING~~ ^{EXISTING} current operational level inventory completed within the last 10 years and
16 updated as future inventory information becomes available. The Haines-Skagway
17 Area Land Use Plan adopted by the Department of Natural Resources in 1979
18 shall be used as the basis for preparation of the initial management plan for
19 the Haines State Forest Resource Management Area. Before approval of the
20 management plan prepared under AS 41.15.520, management of the Haines State
21 Forest Resource Management Area shall be conducted under the land use alloca-
22 tions and the appropriate management provisions of the Haines-Skagway Area
23 Land Use Plan.

24 * Sec. 5. AS 16.20.230(8) is repealed.

25 * SEC. 6 THIS ACT TAKES EFFECT JULY 1, 1982



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

TO: Senator Fahrenkamp
Chairman

DATE: 4/8/82
Thursday

FROM: Resa King *RK*
Staff

RE: SSSB 796
Haines Eagle/Forest Bill

I met for four hours today with representatives from the various interested groups on the Haines Eagle/Forest bill. The working group was able to resolve most of the questions raised in Mr. Bradley's April 2, 1982 memorandum. These are being incorporated into a memorandum to our Legal Section requesting a Work Draft Committee Substitute for SSSB 796.

Unfortunately, Klukwan and their representative from the Tlingit-Haida Central Council (due to schedule conflicts) could not continue to meet with the group in the afternoon, Friday, Saturday or Monday. The first time they would be available to meet again is on the afternoon of Tuesday April 13, 1982. All parties agreed to the next meeting date. At the April 13th meeting Klukwan will be coming forth with specific amendments to resolve their specific concerns with SSSB 796. At that time the working group will review the amendments and make a recommendation to the Senate Resources Committee.



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

April 7, 1982
1:35 p.m.

Beltz Room
Room 211 - Capitol

Hearing: TELECONFERENCE

SSSB 796 Providing for the management of state owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area.

Reed Stoops, Director, Division of Research and Development, Department of Natural Resources, expressed support for the bill, stating it was a cooperative effort, and the result of three years of intense research and a complete public review process. He noted one outstanding problem, 55 Native allotments. DNR is working with the allotment applicants, and is optimistic they can reach a negotiated conclusion.

Dave Cline, National Audubon Society, confirmed his support for the bill, stating that the balanced solution represented in SB 796 could serve as a model for solving other resource disputes in the state. He also praised the unprecedented local contribution to planning.

Joe Hotch, Vice President, Chilkat Indian Village, urged the postponement of passage of SB 796, stating that the matter has been rushed. He referred to the history of his village and the many times their lands have been taken away as reason for his people's opposition to the bill.

Jon Halliwill, Mayor of Haines, expressed support for SB 796, favoring the state control of lands with much local participation, and praising it as a bill of the majority of the people in the Chilkat Valley.

Dorothy Fossman, Secretary, Upper Lynn Canal Committee, said they are neither for or against the bill, and were not a signatory because they felt it was an inappropriate issue for their involvement.

Ray Menaker, Lynn Canal Conservation Society, Haines, supports SB 796 as a reasonable compromise. He suggested renumbering for clarification at the bottom of page 1.

Bob Henderson, Haines Borough Mayor, expressed approval for SB 796, stating it would benefit the tourism, fisheries, and lumber industries, and the Chilkat Natives.

John Schnabel, Schnabel Lumber Company, Haines, supports SB 796, stating that the current moratorium has caused a tremendous inconvenience.

Mel Palmer, Chairman, Haines Branch Alaska Miners' Association, expressed support for SB 796, stating that it addressed all of their concerns. The multiple-use state forest is compatible with mining interests: the large low-grade iron ore deposit bordering the area is provided for. He suggested two changes: Add "or his or her nominee" on page 6, lines 5 and 8; on page 6, line 1 include the Chilkoot Indian Association IRA on the advisory board.

Gary Howard, Chilkat Valley, supports the bill, stating that if SB 796 does not pass, he fears federal action will be taken.

Mildred Sparks, Klukwan, said the people of her village can't be blamed for their lack of support, for they have been hurt too many times in the past, and, in addition, don't fully understand what is happening.

Ron Johnson, Fairbanks, supports SB 796.

Charlotte Hok, Fairbanks, urged the passage of SB 796.

Steve Laroe, Interior Woodcutters' Association, Fairbanks, stated his support for SB 796.

Sally Kebisch, Sierra Club, Anchorage, expressed support for SB 796.

David Finkelstein, Anchorage, supports the bill.

The National Wildlife Federation, AKPIRG, and Friends of the Earth combined their statement of support.

Dr. M. Pat Wittakins, Audubon Society, Anchorage, supports SB 796.

Paul Wellman, City of Haines, expressed support for the bill and the economic growth it will allow.

Barry Gross, Ketchikan, supports SB 796, calling it a "historic compromise".

Michael DeMan, Central Council of the Tlingit and Haida Indian Tribes, expressed opposition to SB 796, stating that it was done without attention to the people of Klukwan. He read a resolution adopted by the Alaska Native Brotherhood Grand Camp opposing the bill, and urged postponement of its passage for one year until all the ramifications of the plan are fully understood.

Jim Stratton, Executive Director, Southeast Alaska Conservation Council, expressed support for SB 796.

Senator Fahrenkamp announced a meeting to resolve the existing technical problems with the bill for 9 a.m. the following morning.

The meeting was adjourned at 3:00 p.m.

LEGISLATION SUMMARY

SS SB 796: "An Act providing for the management of state-owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area"

Sec. 1: The purpose is to establish the Alaska Chilkat Bald Eagle Preserve. The primary purpose is to protect and perpetuate the Chilkat bald eagles and their habitat, and to protect the salmon spawning and rearing areas of the Chilkat and Chilkoot River systems; other purposes are to provide for research, study and enjoyment of the wildlife and other consistent public uses. The Preserve is dedicated as a special purpose site.

State-owned land and water lying in the Preserve, as described on a map on file with the Commissioner of Natural Resources, is designated as the Alaska Chilkat Bald Eagle Preserve--subject to valid existing rights--and assigned to the Department of Natural Resources for control, development and maintenance.

Private land, Haines Borough selections, and existing transportation and utility corridors lying within the Preserve are excluded from the Preserve. The state may not acquire them by eminent domain.

Approved and pending Native allotment applications shall be excluded from the Preserve, and approved allotments shall be treated as private land.

The Department of Natural Resources shall consult with the Department of Fish and Game, the U. S. Fish and Wildlife Service, and the Local Advisory Council prior to adopting regulations for the Preserve. The Department of Fish and Game shall consult with the Department of Natural Resources and the Advisory Council in proposing fish and game regulations for the Preserve to the Boards of Fisheries or Game, and cooperate with the U. S. Fish and Wildlife Service in administering the Bald Eagle Protection Act of 1940, and any other appropriate laws and treaties.

Sec. 1: Directs the Department of Natural Resources to manage (cont.) the Preserve for perpetual sustained populations of eagle, salmon and other wildlife and to insure water quality in accordance with existing law.

The Preserve is closed to mineral entry and location, commercial timber harvest, and the conveyance of fee simple title in a state disposal or a municipal selection.

Guarantees traditional uses of the Preserve consistent with protection of the bald eagle population, including hunting, trapping, fishing, berry picking, other subsistence and recreational uses, motor vehicle operation, and personal firewood harvest. Traditional uses shall be permitted subject to regulation. The director of the Division of Parks, after consultation with the Advisory Council, and public hearings, may find that the level or means of traditional use is inconsistent with the primary purposes of this Act, and restrict a traditional use.

Valid existing claims or occupancies surrounded by the Preserve, and valid occupancies or state or federally owned land not part of the Preserve reasonably requiring access across the Preserve, shall be granted access by the director of the Division of Parks, subject to regulation and stipulations by the director, in consultation with the Advisory Council. The director shall give favorable consideration to applications for utility rights-of-way compatible with the Preserve.

The director and the Advisory Council, in consultation with the U. S. Fish and Wildlife Service and the Department of Fish and Game, shall: use information from the Haines-Klukwan Cooperative resources studies and other sources for the development of the Preserve management plan and in managing the Preserve; implement the plan within two years of the effective date; investigate the need for additional research. Requires that studies done for the single purpose of adding to or deleting from the Preserve must be reviewed by the Advisory Council on 90 days prior notice. Authorizes the director to authorize emergency studies by certifying the emergency to the Advisory Council.

Establishes the Alaska Chilkat Bald Eagle Preserve Local Advisory Council, with 11 members to be appointed by the Governor. Members are entitled to per diem and travel expenses. The Council shall be composed of: (1) a Haines Borough resident conservation organization representative; (2) a Haines Borough resident commercial or industrial representative, nominated by the Borough Mayor; (3) the City of Haines Mayor; (4) Haines Borough Mayor; (5) a Klukwan, Inc. nominee; (6) the Chilkat Indian Village IRA Council President; (7) an Upper Lynn

Sec. 1: Canal Local Fish and Game Advisory Board nominee;
(cont.) (8) a Department of Fish and Game representative;
(9) a U. S. Fish and Wildlife Service representative;
(10) a Department of Natural Resources, Division of
Forestry representative; (11) a Department of Natural
Resources, Division of Parks representative.

Members hold two-year terms.

Directs the Advisory Council to assist the Department of
Natural Resources in developing and monitoring the Preserve
management plan.

The establishment of the Preserve does not affect any
substantive or procedural requirements under existing
law applicable to the management or use of adjacent lands.
The directors of the Divisions of Parks and Forestry are
encouraged to consult in preparing the management plan
so as to promote coordinated administration of both the
Preserve and the Haines Forest Resource Management Area.

It is the intent of the Legislature to protect the purposes
of the Preserve. Establishment of the Preserve represents
a proper balance between reservation of state-owned land
and water for the purposes of the Preserve and other lands
for multiple use; the Legislature believes that no future
legislation changing the boundaries of the Preserve is
necessary.

Repeals the Chilkat River Fish and Game Critical Habitat
Area.

Sec. 2: Amends existing law regarding public resources to
establish the Haines State Forest Resource Management
Area, comprised of designated state-owned land and
water, for the primary purposes of the use, perpetuation,
conservation, and production of the land and water,
including the multiple-use of resources and the continuation
of other beneficial uses.

Directs the Department of Natural Resources to manage
the area.

The Area consists of the state-owned land and water above
the mean high tide line and within the boundaries described
on a map on file with the Commissioner of Natural Resources,
subject to existing valid rights.

Existing private land, transportation corridors and borough
selection are excluded from the Area. The state may not
acquire private land within the Area by eminent domain.

Sec. 2: Approved and pending Native allotment applications within (cont.) the Area are unaffected; approved allotments shall be considered private land.

The Division of Forestry shall consult with the Division of Parks, the Department of Fish and Game, and the Eagle Preserve Advisory Council to promote coordinated management of the Preserve and the Area.

As far as practical, studies performed by the Department shall be for the benefit of the management of both the Preserve and the Area.

The establishment of the Area does not effect on existing resource use permits or contracts in the Area.

Land in the Area shall be managed for multiple use and sustained yield and pursuant to applicable existing law and a management plan prepared by the Department of Natural Resources. The plan shall be implemented within two years of the effective date, and may not be adopted or revised without review by the Board of Forestry and public hearings in the Haines Borough, and should be based on current operational level inventory, which should be updated as information becomes available.

Directs the Department of Natural Resources to periodically review the Area management plan. The plan shall be based on the Haines-Skagway Area Land Use Plan. Prior to approval of the plan, management of the Area shall be under the Haines-Skagway Area Land Use Plan.

Requires that a copy of a management plan and any revisions, prepared by the Department of Natural Resources and reviewed by the Board of Forestry and adopted by the Department after public hearings shall be provided to the Legislature within 30 days of its adoption or revision or within the first 10 days of the subsequent legislative session.

Directs the Department of Fish and Game to manage the fish and game resources for the Area, consistent with the purposes of the Area.

Directs the Department of Natural Resources to manage highway access and roadside structures in the Area. Requires the Department of Transportation and Public Facilities to maintain existing public roads in the Area.

Closes state land and water within the Area to conveyance of fee title under state disposals and municipal selections.

Sec. 2: Directs the Department of Natural Resources and the
(cont.) Department of Fish and Game to consult with each other
and hold public hearings prior to adopting regulations
for public use, or management of fish and wildlife, in
the Area.

· Authorizes the Department of Natural Resources to enter
into cooperative management agreements with persons having
title or a valid entry on lands within or adjacent to
the Area.

PRIME SPONSOR: Ray

CO-SPONSOR(S): None

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSSSB 796
 Title Act providing for management of state-owned land in Haines Area
 Requested by Farenkamp Date 4-14-82

II. FISCAL DETAIL

Agency Affected Department of Natural Resources
 Program Category Affected NRMEC
 BRU, Program, Or Subprogram(s) Affected Parks & Rec & Land Mgmt
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 COMMODITIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS, ETC.		0				
TOTAL		0				

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		0				
FEDERAL FUNDS						
OTHER (Specify Source)						
POSITIONS		0				

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		0				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE April 14, 1982 PREPARED BY Jeff Haynes
 ORIGINAL: Legislative Finance AGENCY Natural Resources
 cc: Budget and Management PHONE 465-2400
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

**HAINES
KLUKWAN
COOPERATIVE
RESOURCE
STUDY**

June 1981 Progress Report



Haines Klukwan Cooperative Resource Study June, 1981

**This study was prepared under the direction of the
Haines Klukwan Cooperative Resource Study Advisory Committee.**

Committee Members:

**City of Haines, Jon Halliwill, Mayor
City of Klukwan, Bill Thomas, Klukwan, Inc.
Alaska Department of Fish and Game, Dick Logan
National Audubon Society, Dave Cline
U.S. Fish and Wildlife Service, Jack Hodges
Alaska Department of Natural Resources, Reed Stoops
Alaska State Legislature, The Honorable Jim Duncan**

This project was funded by:

**Alaska Department of Natural Resources
Alaska Department of Fish and Game
National Audubon Society
U.S. Fish and Wildlife Service
U.S. Soil Conservation Service**

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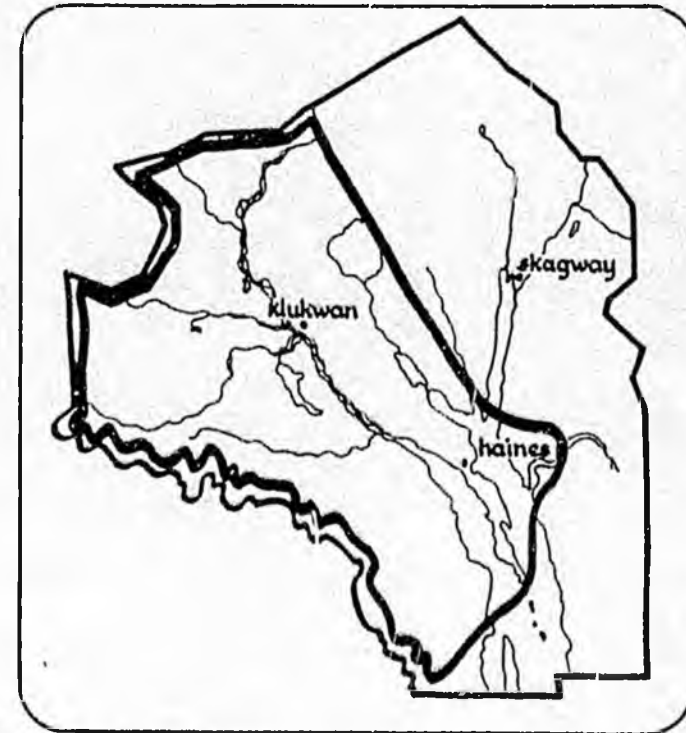
Introduction to the Haines Klukwan Cooperative

Resource Study 1981 Progress Report

Under ideal circumstances, resource managers have the benefit of comprehensive resource investigations prior to the initiation of significant development activities. Many times, however, resource managers must use the best existing information to assess the likely impact of one development activity on other valuable resources in the same ecosystem.

In the case of the Haines-Skagway Land Use Plan, adopted in 1980, land was allocated to various resource uses based on the best available information. Subsequently, a state timber sale was held. The sale involved approximately 60,000 acres of state commercial forest lands which the plan allocated for that purpose. That sale, of great importance to the community of Haines, was challenged in Superior Court and upheld. Timber harvest under the sale is proceeding, however, the Superior Court decision has since been appealed to the State Supreme Court.

Debate over the Haines Skagway Land Use Plan and the subsequent timber sale also took place in Washington, D.C. during deliberations on the Alaska National Interest Lands Conservation Act which became law in December, 1980. Concerns were raised by those who perceived timber harvest as a potential threat to other resources, most notably a large winter concentration of bald eagles on the Chilkat River. The National Audubon Society had initiated its own study of bald eagles in the Chilkat Valley. The communities of Haines and Klukwan had initiated their own local multi-resource study to look at the interrelationships of all resources found in the Chilkat Valley. To satisfy these concerns, a compromise was reached in which the principle state and federal land management agencies with jurisdiction for the various resources agreed to a three year cooperative resource study. The results of the study may lead to adjustments in land allocations and will provide the basis for a detailed forest management plan as required by the Haines Skagway Land Use Plan. Management guidelines based on information gathered by this cooperative study will be designed to allow development or use to take place without unacceptable impacts on other resources. With this approach, it should be possible for the communities of Haines and Klukwan to satisfy local social and economic objectives while maintaining important state and national interests in this unique area.



Map #1 - Study Area

To direct these important resource studies, an advisory committee was created in June, 1980. Its current members include representatives of the Alaska Department of Natural Resources, the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Audubon Society, the City of Haines, the City of Klukwan, and the Alaska State Legislature. During the first year this committee set individual study

objectives, circulated requests for proposals, and awarded contracts to private and governmental resource experts. The principle investigations now underway include fisheries, wildlife, soils, vegetation, hydrology, geology and topography. The National Audubon Society is continuing its eagle studies in cooperation with the U.S. Fish and Wildlife Service.

The results of the first year - and in the case of eagles - of these investigations are summarized in this report. The full detailed reports prepared by each contractor may be obtained from the Department of Natural Resources, Division of Research and Development in Juneau, or the Haines Klukwan Resource Study office in Haines.

I would like to extend special credit to advisory committee members Jon Halliwill, Mayor of Haines, Bill Thomas of Klukwan, and Representative Jim Duncan of the Alaska State Legislature for their support of this study. Dave Cline, Alaska Representative of the National Audubon Society deserves commendation for his efforts in seeking cooperative solutions to resource conflicts. Finally, I would like to commend to citizens of Haines and Klukwan for their undying interest over the past three years.

Reed Stoops, Director
Division of Research and Development

Haines Klukwan Cooperative Resource Advisory Committee:

David Cline,
National Audubon Society

Representative Jim Duncan,
Alaska State Legislature

Jon Halliwill, Mayor
City of Haines

Jack Hodges,
U.S. Fish and Wildlife Service

Richard Logan,
Alaska Department of Fish & Game

Bill Thomas,
City of Klukwan



RESOURCE ROOM

RESOURCE ROOM

Principle Investigator:
Mary Ann Blanton for the
City of Haines,
Alaska Department of
Natural Resources

PURPOSE

The Resource Room had two primary goals for its first year of operation:

- to provide a local repository for collected data and materials to be available to concerned local citizens and groups who wish to remain informed about each of several resource studies
- to foster and encourage a congenial atmosphere in which groups, often with quite independent goals and objectives, might find neutral ground on which to synthesize the results of their work

The Haines Resource Room also played a vital role as an employment coordinating center for field crews hired for some of the resource studies and as a point of coordination for all contractors working on the various projects.

PRELIMINARY FINDINGS

The Resource Room functioned very successfully. It provided a contact for the community of Haines which will foster greater understanding and participation in the Haines Klukwan Cooperative Resource Studies. It houses a growing resource library, including results of this year's investigations, and it maintains a listing of Haines residents interested in employment in the study projects.

FUTURE STUDIES

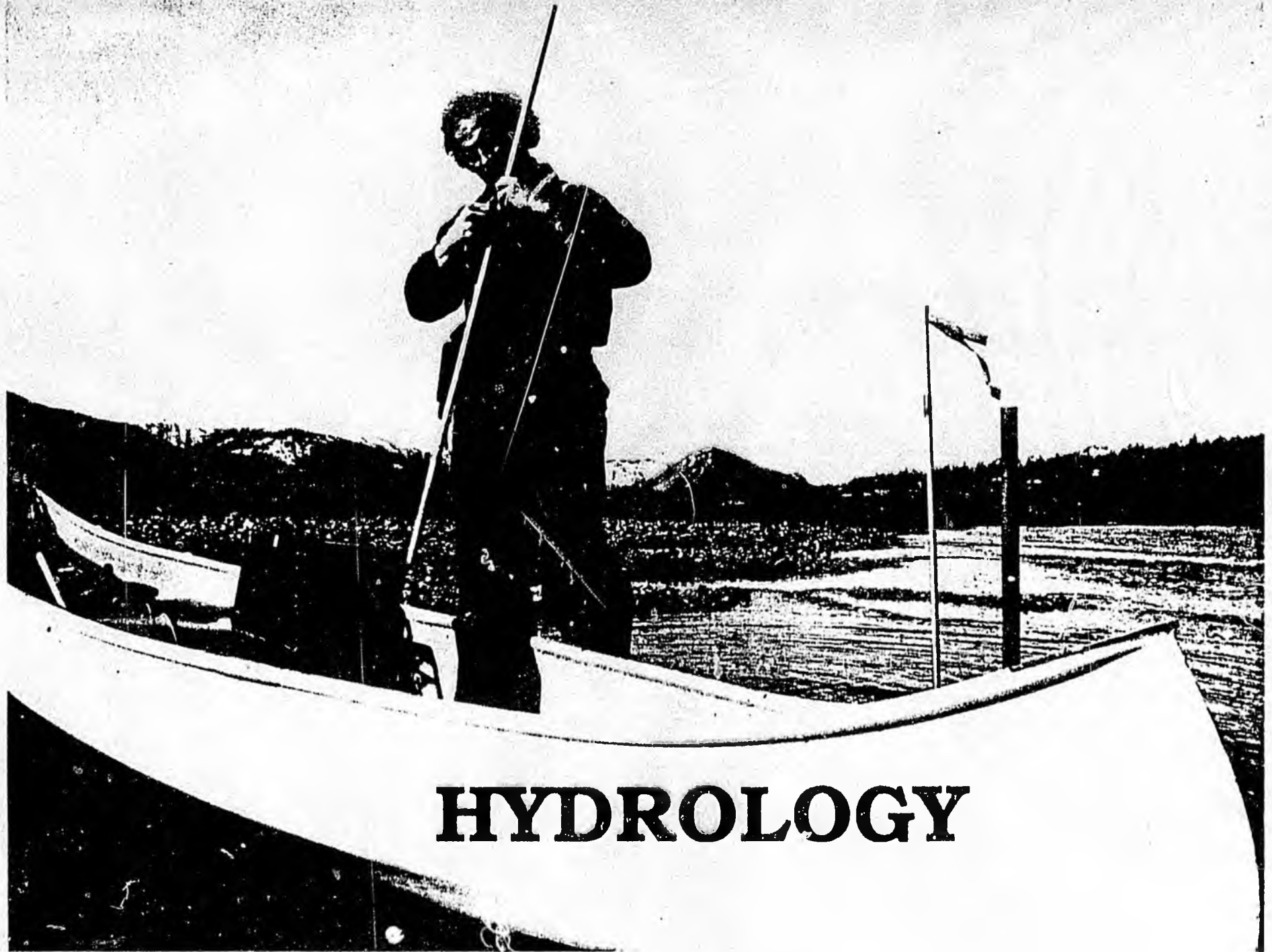
The Haines Klukwan Cooperative Resource Study Committee plans to continue funding the Resource Room so that its important function will be continued.



Dorothy Fossman points out one of the many studies cataloged in the Resource Room Library



Mary Ann Blanton and Dorothy Fossman research and catalog mapped resource information.



HYDROLOGY

HYDROLOGY

Principle Investigator
Daniel M. Bishop,
Enviroaid, for the
Alaska Department of Natural Resources

PURPOSE

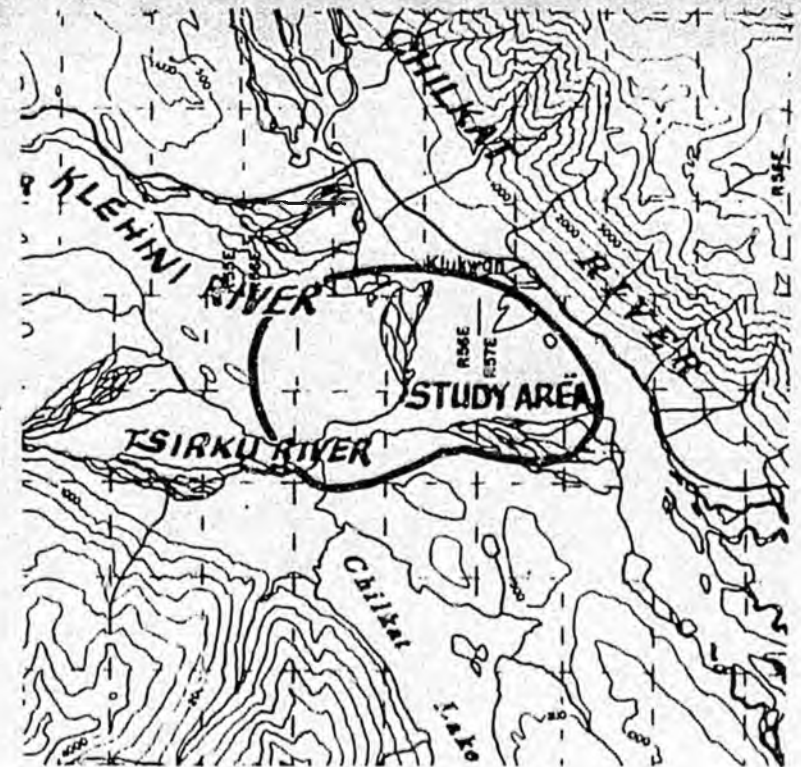
The Tsirku River fan at the confluence of the Tsirku and Chilkat River is known for its warm water upwellings that provide the environment for late season chum salmon spawning. The late spawning salmon are the main attraction for the eagles that gather in the Chilkat River Valley during the late fall and early winter. Before significant resource development occurs near the Tsirku fan the dynamics of the groundwater flow that cause the upwellings must be understood so that resource development activities can be managed in a manner that maintains the integrity of the upwelling areas. Given the limited budget for hydrologic investigations, the Tsirku River (see Map #2) was the highest priority for the investigation because of the important salmon spawning area and the likelihood of timber harvest on adjacent lands.

FIELD ACTIVITIES

A three member crew spent the winter and spring investigating the Tsirku fan groundwater regimen. Wells were sunk to test groundwater elevation, temperature and chemistry, and the permeability of gravels. Resistivity (using electrical currents and measuring changes in conductivity to locate the groundwater surface) and flow measurements were also taken.

PRELIMINARY FINDINGS

The Tsirku River fan acts as a reservoir. It is filled to overflowing during summer and early fall by glacial melt waters, then drains down during the late fall, winter, and early spring months. The gravels of the fan provide groundwater conduits carrying flows that upwell in the main and flood channels of the Chilkat River. Upwelling flows reach their maximum force and elevation during summer and fall when the driving reservoir is at its fullest and therefore exerting maximum pressure. Lowest flow of upwellings occur in the late winter-early spring before the Tsirku fan reservoir begins to refill. Annual fluctuation of the groundwater level of the upstream portion of the Tsirku fan may be as great as 20 to 30 feet while comparable fluctuation of groundwater levels near the upwelling may be 2 to 4 feet. The fluctuations in groundwater level are reflected by the changes in upwelling flows.



Map #2 - Hydrology Study Area



Bob Havrilak takes measurements from a test well on the Tsirku River fan. Klukwan can be seen in the background.

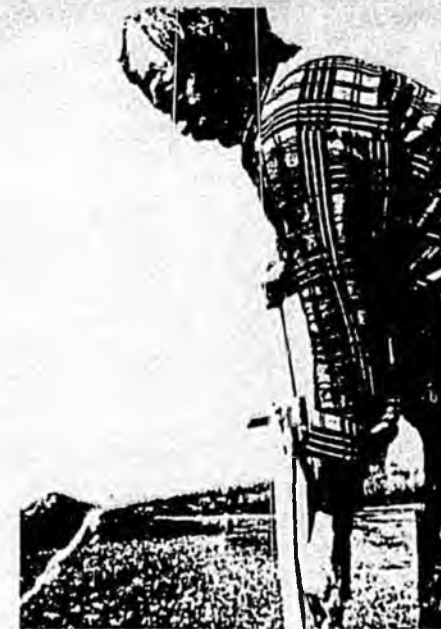
Water in the main channels of the Tsirku River can be perched well above the water table during the winter and early spring period. The beds of these main winter channels apparently become largely sealed by fine glacial sediments. When spring melt waters swell the Tsirku River beyond the limits of its winter channels, recharge of the fan reservoir increases rapidly, probably in proportion to surface area flooded. Groundwater levels and upwelling flows near or under the Chilkat channels also rise at that time

Water temperatures within the beds of upwelling stream channels are between the more constant temperature of the groundwater and the more variable temperature of the surface water. An intra-gravel mixing zone of surface and groundwaters is indicated by this temperature condition, and influences spawning and incubating conditions.

Dissolved oxygen within the groundwater zone remains relatively high in the Tsirku fan. This is an important factor that allows the upwelling flows to maintain an optimum incubating environment. The causes for these rather high groundwater oxygen levels are discussed in the detailed hydrology report which was submitted.

Upwelling flows pump sediment sands and silts in the immediate vicinity of concentrated upwellings. This pumping action is believed to contribute significantly to sediment accumulation in some flood channels and may act to keep spawning gravels clear of fine sediments that are less suitable for spawning. This study leads to several preliminary conclusions, which may relate to land or fisheries management in the Chilkat Valley.

1. The groundwater system, meaning groundwater recharge and flows of groundwater to points of upwelling along the intersection of the Tsirku fan and the Chilkat River, is contained largely on the Tsirku fan itself.
2. Dispersed flood flows on the Tsirku fan produce rapid recharge of the fan groundwater reservoir. Extensive confinement or restriction of the Tsirku River to specific channels on the fan would reduce recharge rate and affect upwelling flows.
3. Routing of major channels of the Tsirku River along the central core of the fan is more likely to support upwelling channels along the Chilkat River than major flow routes along the margins of the fan. Structures or activities which could induce or favor river movement toward fan margins should be avoided.



Bob Havrilak pumps a test well on the Tsirku River fan.



Bob Havrilak measures the water level in a test well on the Tsirku River fan.

4. **Vegetated portions of the Tsirku fan floodplain limit the tendency of the river to cut new and divergent flow routes. Protection of at least healthy margins of vegetation with ample width will favor stable routings of river channels.**
5. **Upwelling spawning-incubating channels on the Chilkat River are most susceptible to sediment damage during November through April, when stream flows are generally clear.**
6. **Construction of natural upwelling spawning or incubating channels in the mouth of the Tsirku fan may be feasible. The biologic or fisheries management desirability of such an installation would require evaluation.**
7. **Outmigrant fry production from upwelling channels may be enhanced by the mixing of surface (river) flows with upwelling waters. A moderate volume of surface flows reduces sediment deposition and may enhance dissolved oxygen levels in the bed.**

FUTURE STUDIES

The United States Geological Survey has agreed to continue the hydrologic investigations. The Haines Klukwan Cooperative Resource Study Advisory Board is seeking funding to match federal funds so that the hydrology of the entire Chilkat Valley can be investigated and mapped.



Shelly Stallings sets up resistivity equipment to measure depth to ground water on the Tsirku fan.



Dan Bishop takes resistivity readings to measure depth to ground water on the Tsirku River fan.



STREAM INVENTORY

Principle Investigator:
City of Haines and the
Alaska Department of
Fish and Game

PURPOSE

The Haines-Skagway Land Use Plan noted that there is little or no information on salmon use of a number of streams flowing through planned timber harvest areas. The purpose of this study was to collect information on:

- the use of these streams by salmon
- available spawning and rearing habitat
- stream flow
- streambank vegetation
- channel stability
- bottom substrate types
- water quality

As a result of this study, information on more streams is now available to resource managers who can use it to ensure compatibility between resource uses.

FIELD ACTIVITIES

Under the direction of the Alaskan Department of Fish and Game, two, three and four person field crews began gathering data on streams in November of 1980. The late start-up kept the field crews from gathering complete information on salmon spawning, since spawning begins in June and, in most areas, ends in November.

PRELIMINARY FINDINGS

Ten streams and their tributaries had complete detailed surveys done and salmon use noted. The streams surveyed included the Kelsall River (partially complete), Nataga Creek (partially complete), Herman Creek, Big Boulder and Little Boulder Creeks, all of which were identified in the Haines-Skagway Land Use Plan as needing inventory work. In addition, twenty-one coho salmon overwintering areas were identified and twenty-eight late fall salmon spawning surveys were done.



Steve Fossman measures the distance along a stream channel.



George Davis tests stream pH of the Kelsall River near Nataga Creek.

FUTURE STUDIES

The Haines Klukwan Cooperative Resource Study Advisory Committee is requesting funding to continue the stream survey work so that spawning information is complete on streams already inventoried and basic data is available for all anadromous streams in the Haines area. Eventually, it is hoped that detailed, comprehensive fisheries information will be available on salmon-producing systems that contribute to all Lynn Canal fisheries.



Greg Podzilky sets a trap for salmon fry on the Chilkoot River over Chilkoot Lake.

CHILKOOT AND CHILKAT ESTUARY STUDY

Principle Investigator:
Douglas Karnes for the
Alaska Department of Natural Resources

PURPOSE

In the life cycle of the salmon produced in the Chilkat and Chilkoot River systems, a critical segment is the movement of salmon smolt from freshwater to the marine environment. This study began to define the patterns of migration, locations of rearing areas, and the physical and biological characteristics of the estuarine environment that are necessary for salmon smolt survival. It will give land and fisheries managers an important tool to accomplish the task of maintaining the productive capacity of the natural systems of the Chilkat and Chilkoot valleys while providing for the use of the resources found there.

FIELD ACTIVITIES

Field investigations began in April 1981, and included salmon smolt sampling with fyke nets in the Chilkat and Chilkoot Rivers; estuarine sampling of salmon smolt with beach haul seines, trawls, dip nets and visual observation; water quality analysis and plankton sampling.

PRELIMINARY FINDINGS

The outmigration of pink and chum salmon coincided with a concentrated plankton bloom in the estuaries. Use of the upper inlet estuaries by schools of salmon smolt lasted only as long as adequate concentrations of food species of plankton were available. Water quality seemed to influence the abundance of plankton most directly. Higher temperatures and reduced salinities coincided with the reduced abundance of plankton and the migration of pink and chum salmon smolt out of the upper end of the estuaries and into Lynn Canal.

Chilkoot Inlet is used primarily by pink and sockeye salmon for rearing, with early schools consisting of 95 percent pink salmon and only 5 percent chum salmon. The first observed outmigration of sockeye salmon was on May 28, 1981.

Chilkat Inlet, unlike Chilkoot Inlet, is predominantly a chum salmon spawning and rearing area. It is believed that the chum salmon outmigration occurs over a long period; a belief supported by observations



Doug Karnes uses a net to trap salmon smolt as they migrate down the Chilkat River to salt water.



Doug Karnes and Hugh Reitz set a beach haul seine to sample salmon fry migrating along the shore of Lynn Canal near Haines.

of a wide range of smolt development in outmigrating chums and the extended duration of chum spawning in the fall.

FUTURE STUDIES

Two more field seasons of similar observations are needed to establish an adequate understanding of the importance of the physical and biological characteristics of Chilkat and Chilkoot Inlets to salmon smolt survival. It is suggested that studies begin earlier in the season and last longer so that chos and sockeyes can be studied along with pinks and chums.



Doug Karnes evaluates plankton sample taken along Lynn Canal near Haines.



Doug Karnes tests a water sample to determine water quality during salmon smolt migration.

CHUM SALMON SPAWNING GRAVEL EVALUATION AND PRE-EMERGENT FRY SAMPLING IN THE TSIRKU RIVER FAN

Principle Investigators:
City of Haines and Alaska
Department of Fish & Game

PURPOSE

The Tsirku River fan is at the confluence of the Tsirku and Chilkat Rivers. It is the site of the late chum salmon spawning that attracts the large number of eagles to the area in the late fall and early winter.

This study assessed the effects of overwintering on pre-emergent chum salmon fry and examined the instability of spawning channels on the Tsirku River fan. This study will give valuable insights into the cause of salmon mortality during incubation and the relative productivity of the various channels and upwelling areas found on the Tsirku fan.

FIELD ACTIVITIES

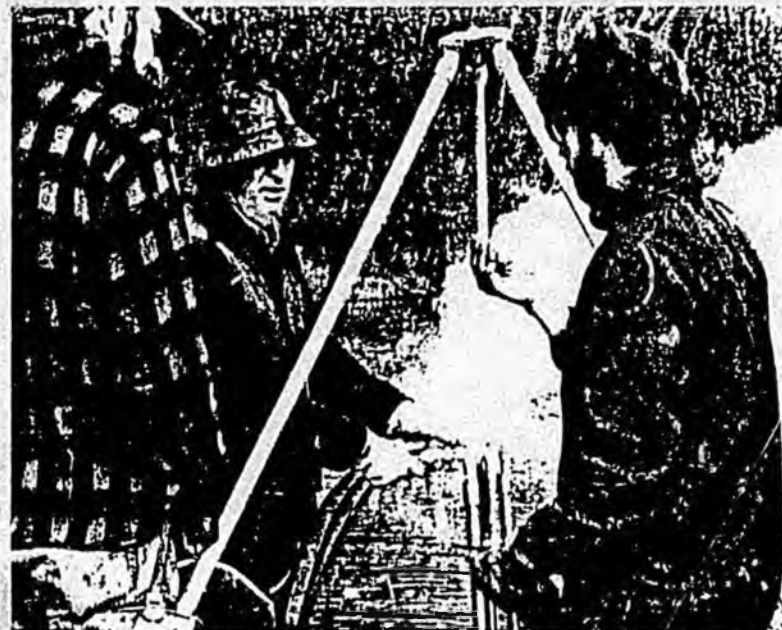
Field work was done between April, 1981, and May 15, 1981. Spawning gravel samples were collected by using a gravel core freezing apparatus that allows investigators to freeze the gravel in place, extract it from the bottom, and analyze the gravel as it is found in the river bottom to determine its quality for spawning and the degree of siltation.

Pre-emergent fry samples were gathered by pumping a standard sample volume of gravel into fyke nets and counting the live salmon fry.

PRELIMINARY FINDINGS

Extremely high numbers of live pre-emergent chum salmon fry were found in some gravel samples. The maximum fry density found was 545 live fry per cubic yard. The areas with the highest densities of pre-emergent fry were 10 Mile Slough and that portion of the Chilkat River from Mile 20 to the City of Klukwan.

This year's gravel samples have not been analyzed, but when they are, they will be the base line for monitoring changes in the spawning gravel over time. There appears to be an opportunity to do natural enhancement increase salmon spawning in the area.



Fisheries researchers use a gravel core freezing apparatus in the Chilkat River near the Wells Bridge.



Fisheries researcher brings frozen gravel sample to shore where it will be frozen, put in a container and taken to a lab for analysis.

FUTURE STUDIES

Data on pre-emergent fry has to be gathered over a number of years to get an accurate understanding of the resource. With this in mind the Haines-Klukwan Cooperative Resource Study Advisory Committee is requesting funding for further research in 1981-82.



Tim Ackerman and George Davis pump spawning gravel into a net to capture live pre-emergent salmon fry.



Researchers transfer spawning gravel sample from the net to a pan where live salmon fry will be counted.

FISHERIES STUDY COORDINATION

Principle Investigator:
City of Haines for the
Alaska Department of
Natural Resources

PURPOSE

A three member study team was formed to work in three major areas:

- to monitor all local fisheries habitat research and maintain progress reports in the Haines Resource Room
- to perform a literature search to identify all pertinent existing sources of information on fisheries habitat and the relationship of the use of other resources to the maintenance of high quality fisheries habitat
- to heighten local student awareness of resource values found in the Chilkat Valley.

FIELD ACTIVITIES

The field activities of the three member study team have ranged from developing a resource library to meeting with hydrologists to discuss fisheries - hydrologic relationships.

PRELIMINARY FINDINGS

The study team found that a great deal of literature exists on fish, timber, habitat and other resources which can be applied to resource issues in the Haines area. A cataloged resource library has been developed and is available for use by all interested parties. Work with students was very successful, and a number of the students have followed up initial contacts with requests for more information from the study team. As a result, several classes are being planned for the summer session. The study team also met with other resource users to discuss the relation of their activities to the fisheries resources.

FUTURE STUDIES

The Haines Klukwan Cooperative Resource Study Advisory Committee is planning to continue this project at the same level of funding and for the same purpose next year.



Dorothy Fossman, one member of the Fisheries Coordination Team, prepares maps in the Resource Room.