

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2760 HRES • HB 546 - HB 576 •

2760

New battles loom over right to hunt

By WILLIAM E. GEIST
The New York Times

NEPTUNE, N.J.—When Susan Russell strolls through the woods playing classical music on her tape player, the deer, muskrats and other wildlife of the forest run the other way. A muskrat may linger momentarily over a few notes of Chopin, but John Philip Sousa always sends them crashing through the brush.

Russell is one of tens of thousands of animal lovers who patrol the woods during hunting and trapping seasons, blaring everything from Sousa marches to recorded wolf howls in a nationwide campaign to set animals running for their lives before hunters arrive. She has found the hunter has

(See HUNTERS, page 8)

HUNTERS . . .

(Continued from page 1)

no more appreciation for her music than the muskrat.

A growing number of confrontations between hunters and these protectors of wildlife has led a New Jersey legislator to introduce a bill that would make it illegal to "interfere or attempt to interfere with the lawful hunting, pursuit, killing or taking of an animal, bird or freshwater fish." Violators would be fined.

The legislator, Assemblyman Joseph W. Chinnici, Republican of Bridgeton, himself a hunter, said his legislation was needed to protect both the hunters from harassment and the animal protectors from reprisals. Such legislation recently became law in Arizona and is under consideration in several other states in response to the growing militance of animal protectionists.

"There's a war going on," said Russell, a spokesman for Friends of Animals, a national organization with headquarters here and in New York that distributes "Tips for Hunt Saboteurs" to its 120,000 members. The tips range from lobbying for changes in the law with local, state and national officials to such guerrilla tactics as taking a female dog in heat into the field to turn the heads of male hunting dogs, and scattering rotten eggs and cow dung in duck blinds.

Russell sees nothing extreme in any of this.

"Wildlife belongs to everybody," she said. "We think it is audacious of hunters to say they can shoot animals but we cannot protect them."

But Chinnici has said, "If this isn't stopped immediately," "someone is going to get hurt."

Implicit in his warning, and those voiced by concerned hunters throughout the state, is that the side carrying tape players is at a distinct disadvantage in confrontations with those carrying rifles and shotguns.

Chinnici said he had received reports of "anti-sportsmen's groups" blaring car horns and firing weapons to scare off game and in one instance even flying a helicopter over a hunting area.

His bill has been referred to the Assembly's Agriculture and Environment Committee, where four of the five committee members are co-sponsors. Both opponents and proponents believe the bill has substantial support in the Legislature.

Bob Busnardo, host of the weekly radio program "Sportsmen's Hot Line" on a Bridgeton station, said "these antis" (one of the more pleasant terms hunters use to describe those opposed to hunting) had disrupted his hunting excursions by playing radios, honking car horns, letting air out of tires and swerving their automobiles toward him as he stood on country roads.

"The confrontations have been verbal so far," he said, "but when you harass someone long enough and hard enough, eventually there are going to be serious problems."

Opponents charge that Chinnici's

bill would infringe on their rights of speech and assembly.

"Whenever there is a protest of anything," said Russell, "whether it be civil rights or women's rights or whatever, there is the chance of confrontation. But someone cannot just do away with our right to speak out on things we disagree with. If they do, I believe that in good conscience we would have to continue to protest as we are now."

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163 - Somerville - Supported concept
- Put policy before people in village before problem becomes exacerbated - "constitutionally vague"
- Look at subsistence law - Present laws do not adequately protect - Don't intend to interfere w/ trespass rights of private landowners

250 Goll - What particular actions would you have prohibited
Δ Somerville - intent

390 - Lison - Penalty sufficient deterrent?
Δ Somerville - probably adequate
HR 3713 federal legislation

426 - Volking - work w/ chair, move rather than ability to adapt

448 - Russell - doesn't by 14th amendment rights rationale

482 Rings intent adjourn 435

(1) 2/27/84

Bush

305 - Rings Lars Goll Vaska Crowd Uelw Lisa

016 - Sen Ficks intro SB 349

"let's talk about it - adopt reqs / animal user group

046 - Lisa - allowing dogs.

Δ Can't hardly prevent legit use of dogs in parks

065 - Lisa - any objection to park ranger shooting dogs

Δ Probably need other legis -

075 Gardner - sleds & racing - nothing wrong w/ that
research on horses - Miller on dedication rode on
horse to cut ribbon - supports -

Cowdery - action thru Commis Wannicke

100 Goll - division can already destroy dogs - ^{II AAC}
already have power to decide compatibility of animals
What does bill accomplish

Δ makes user group in Statutes

155. Uelwung - wouldn't want stronger language?

Δ No - user groups signed off

170 Lars - Who are "them" to be notified?

Δ User groups

Lavson-how identified?

△ organized, registered clubs & associations
Fairs

198 Bussell - Where under 6 is A of present statute?

△ b creates a out of existing statute
Rings

218 Cowdery moves CSSB 349 out, asked UK
no objection

225 Rings brought up HCR 51

232 - Bill Haring - explained proposed CS changes

249 - Uehling - Bison drift barrier
△ Rings explain

272 Uehling moved adopt UK
no obj.

276 Uehling moved over HCR 51 Res, UK no obj.

~~280~~
280 HB 546 - Rings brought up

292 - Jack Giddard - statement
Confrontation in remote areas - high cost - violence
Bristol Bay fish negotiations

340 - Goll - prior written testimony ADF&G

What about camping?

Vehling - Gov. didn't like camping

357 - Goll - no resolution where hunting conflicts with camping.

365 - Cowdery hunting a right or privilege

▷ Rings - probably priv- licensed

Cowd - hunter - trapper

Cowd - private landowner

Cowd - now relate to fed or native land?

Goddard - should have cause

Cowd - protect Sea World?

Goddard - don't know

448 - Liska - about time to get appropriate statutes

470 Lawson - Why don't mention "commercial fishing"

500 Goll - examples - competition of use

Doesn't give priority to first-user

▷ Goddard - that's what courts are for

545 - Dennis Kelso - 1 - support opportunities to engage lawfully in activities 2 - whether bill is appropriate, defer

to gov's veto message — Changes in 546 do not modify 163 to please gov - veto msg. stands

575 - Liska - any recommendations on changes
Δ Kelso - approach within legal framework -

595 Cowd - will protect SeaWorld in Orca capture?
Δ Kelso - fed statutes apply - jurisdiction problem
Scientific/educ. collection

631 Larsen - Commfish out? Δ don't know -
How does this legis differ from other states Δ don't know
last yr.

693 Gil - Suggested changes in Statutes in lieu of this bill?
Δ just chose in HB 404

710 - Liska - How applic. to commfish - harassment
Δ differentiate between tough compet. & harassment

740 - Larsen - how to enforce?
Δ Officers where enough - citizen's arrest sticky

775 - ~~Cowd~~ ^{Cowd} - two competing for same animal
Δ Gov's veto - ~~at~~ vagueness

800 Gail Foretski - Substantial problems

- overbreadth & ambiguity - "interference"
- draws clear preference for hunting, fishing, trapping
- marks v Anchorage 1972 - Deletion of comfish brings problem to fore.
- Protected under 1st amendment

950 - Ringstad - prove intent -

- △ wouldn't have to intend to stop hunting, but perhaps because they were there first -

Tape

Change - Ringstad - Policy?

- △ Yes

005 - Cowdery - privilege v. right

047 - Cowd - protect SeaWorld?

059 - Busl - Policy question on part of legislature

& Did not ever say ^{Dept of} law supported

Busl - preventative tool - from either Law or ADP & B

112 Uehlings - ambiguity - improve or drop bill

131 Lisa - what wd Foretski recommend for test?!

- △ Can get from other sources + define terms

98TH CONGRESS
1ST SESSION

H. R. 3713

To amend title 18 of the United States Code to penalize the obstruction of hunts,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1983

Mr. MARLENEE introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 18 of the United States Code to penalize the
obstruction of hunts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Hunters' Protection Act
4 of 1983".

5 CRIMINAL PENALTIES AND CIVIL REMEDIES

6 SEC. 2. Chapter 3 of title 18 of the United States Code
7 is amended by adding at the end the following:

8 "**§ 48. Obstruction of hunting**

9 "(a) Whoever with another, willfully devises or partici-
10 pates in any scheme or plan affecting interstate commerce to

1 obstruct or impede the participation of any individual in a
2 lawful hunt or hunting season; shall be punished as provided
3 in subsection (b) of this section.

4 “(b) The punishment for an offense under subsection (a)
5 of this section is—

6 “(1) a fine of not more than \$5,000 or imprison-
7 ment for not longer than five years, or both, if the
8 scheme or plan involved the use of violence against the
9 person of another or the destruction of property of an-
10 other; and

11 “(2) a fine of not more than \$500 or imprison-
12 ment for not longer than sixty days, or both, in any
13 other case.

14 “(c)(1) The Attorney General, the head of a State
15 agency with jurisdiction over fish and wildlife management,
16 or any individual intending to participate in the affected
17 lawful hunt or hunting season may in a civil action obtain
18 injunctive relief against a violation of subsection (a) of this
19 section.

20 “(2) A person aggrieved by a violation of subsection (a)
21 of this section may in a civil action recover actual and puni-
22 tive damages and reasonable attorneys’ fees.

23 “(d) As used in this section, the term ‘lawful hunt or
24 hunting season’ means a game hunt or hunting season (in-
25 cluding fishing and a fishing season) authorized by the law of

1 the State in which it takes place and not prohibited by the
2 law of the United States.”.

3 **TECHNICAL AMENDMENT**

4 **SEC. 3.** The table of sections at the beginning of chapter
5 3 of title 18 of the United States Code is amended by adding
6 at the end the following:

“48. Obstruction of hunting.”.



HA B

551

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/6/84

REQUEST

Bill/Resolution No.: CS for HB 551
Title: Delta Junction Bison Range

Sponsor: Shultz
Requestor:
Date of Request: 2/6/84

FISCAL DETAIL

Agency Affected: Natural Resources
Program Category Affected: PreSuppression/Northcentral Small Timber Sale
BRU, Program or Subprogram(s) Affected: Forest Management/Forest Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

CS for HB 552 appropriates \$60,000 from the general fund to DNR for administration of timber sale and fire suppression on the Delta bison range.

ANALYSIS: Attach a separate page for analysis

Prepared By: Carol Wilson Phone: 465-2400
Division: Commissioner's Office - DNR Date: 2/6/84

Approved by Commissioner: *Wm D Arnold, Deputy* Date: 2/6/84
Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

Dear Senator and/or Representative:

The Delta bison herd needs a winter home to roam! After years of conflict, a solution to the problems of bison versus agriculture in the Delta Junction area is finally at hand. If all of us who are concerned about bison will take just a few minutes now, we can insure a future for the free-ranging Delta herd and give them a home of their own.

The solution exists in legislation now before the Alaska House and Senate; Senate Bills 337 and 338, and House Bills 551 and 552. These bills would appropriate funds to complete the development of the Delta Junction Bison Range, and erect a bison drift fence to keep the animals out of the Delta Agricultural Project.

Far from being just a place for a band of bison, the Bison Range would add much needed public hunting opportunities for big and small game, as well as new moose habitat, outdoor recreation opportunities, new wood cutting areas, and bison and other wildlife viewing possibilities.

For this proposal to become reality, the support of all Alaskan lawmakers is critical. We urge your support.

Sincerely,

Ron Beck

Delta Area Fish & Game Advisory Committee

P.O. Box 294

Delta Junction, 99737 895-4381

MSG 84-00013541 PRTY 1 02/14/84 15:00:11 ORIG: LD00 IN= 6006 OUT= 0097
FROM: LINDA/DELTA TO: JNU
TARGET: LJKH SUBJ: POM'S

THE FOLLOWING SAME MSNG WAS RECEIVED FROM THE FOLLOWING LIST OF PEOPLE:

TO: ALL LEGISLATORS

FROM: LEIGH B. DENNISON
BOX 873
DELTA JUNCTION, ALASKA

ROBERT ARMENTROUT
BOX 1334
DELTA JUNCTION, ALASKA

ELSI COTTINGHAM
BOX 144
FORT GREELY, ALASKA

LEA SCHULZ
BOX 356
DELTA JUNCTION, ALASKA

BETTY HACHADO
MILE 1414 1/2 AK. HWY.
DELTA JUNCTION, ALASKA

FEB 16 REC'D

RE: BISON RANGE

THE PROPOSED BISON DRIFT BARRIER SHOULD BE LOCATED SOUTH OF THE ALASKA HWY.
BEHIND ANY PRIVATE PROPERTY OR AGRICULTURAL LAND. LOCATING BARRIER NORTH OF THE
HWY. WOULD CAUSE A VERY DANGEROUS SITUATION WITH BISON STOPPED JUST ACROSSED
THE HWY. WITH NO PLACE TO GO.

***** DELTA INFO OFFICE *****
TO: ALL LEGISLATORS

FROM: DELTA FFA CHAPTER
BOX 883
DELTA JUNCTION, ALASKA
KRIS KNUFF, SECRETARY

FEB 16 REC'D

RE: BISON

OUR CHAPTER WOULD LIKE TO EXPRESS THEIR SUPPORT FOR SENATE BILL 337/338 AND
HOUSE BILLS 551/552. OUR FORTY MEMBERS SUPPORT THE BISON RANGE AND DRIFT
BARRIER FENCE. WE ALSO SUPPORT THE INCREASES OF THE BISON FEE TO \$10.

***** DELTA INFO OFFICE *****
TO ALL LEGISLATORS

FROM: HENRY RUTH, PRES.
FFA ALUMNI
DELTA JUNCTION, ALASKA

FEB 16 REC'D

RE: BISON

ON BEHALF OF THE FFA ALUMNI ASSOCIATION, DELTA CHAPTER, WE URGE YOUR SUPPORT
OF SB 337/338 AND HB 551/552. THESE BILLS ARE A STEP TOWARDS THE END OF A BIG
PROBLEM. ANYTHING YOU CAN DO TO HELP SEE THESE MEASURES THROUGH TO COMPLETION
WILL BE APPRECIATED BY ALL.



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN
RICHARD SHULTZ, CO-CHAIRMAN
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

To: Committee members

From: Resource Committee Staff

Date: February 7, 1984

Re: Analysis of HB 551, The Delta Junction Bison Range

I. Legislative History.

The Delta Junction Bison Range Area was created by law, HB 31, during the 1979 legislative session. The purpose of the Range was to perpetuate the free-ranging of bison in the Delta Junction area. Its goal was to allow for adequate winter grazing for the bison on the range. Also, because of the damage caused to the herds by the agriculture projects, the range was to aid in altering the seasonal movements of bison herds.

Originally, the Delta Junction Bison Range area was to only be in existence for three years, starting August 1, 1979, and terminating on August 1, 1982. (see Sec. 3 of Chapter 39, SLA 1979) However, this date was extended to August 1, 1989. (see Sec. 1, Ch. 73, SLA 1980)

II. The Situation Today.

Apparently, there still exists problems with the Delta Bison herd. The agricultural project provides a threat to the bison, due the fact that bison are a grazing animal, and they like barley. Thus, they graze on or near the site of the farms. The problem really exists because the Bison Range has never really been completed. The intent of the 1979 legislation has never been enacted.

This year, a group of Delta area residents began meeting to attempt to find a solution to the problem. The group is composed of farmers, sportsmen, a representative from the Division of Game, representatives from the logging industry, and other concerned Delta area residents.

HB 551 is one product of this Delta area group.

III. Sectional Analysis (what the bill does)

Section 1, lines 9 - 22, is existing language in the statutes, AS 16.05.346.

Section (b), lines 23 - 25, is new language, that establishes the application fee for the hunting of bison in the Delta Junction bison range area at \$10.00.

Section (c), lines 26 -28, is original language, original section (b) of AS 16.05.346.

Section 2, on line 29, page 1, is a new section. this amends AS 16.20 by creating timber sales on the Delta Junction Bison Range. Requires that DNR, devision of Forestry, provide for the sale of timber on the range.

Section 3 repeals AS 16.20.300, 16.20.310, 16.20.315, and 16.20.320.

16.20.300 is the section that establishes the Delta Junction Bison Range.

16.20.310 establishes the Game management plan for the Bison Range Area.

16.20.315 establishes the Bison Range Timber Sales.

16.20.320 establishes that activities on the range area shall include activities permitted in accordance with the laws and regulations of this state, including hunting, trapping, and recreational activities.

Note that Section 6 of is bill, on line 11, page 2, does not allow for Section 3 to become effective until August 1, 1995. What this says is that the repeal of the Bison Range won't happen until 1995.

Section 4, line 8, pg 2, repeals Section 3, Chapter 39, SLA 1979, and Section 1, Chapter 73, SLA 1980.

Section 3 of Chapter 39, SLA 1979 states that the Delta Junction Bison Range Area terminate three years after the effective date. The effective dave was August 1, 1979.

Section 1 of Chapter 73, SLA 1980, amends the termination date of Chapter 39, SLA 1979 by extending the termination date of the range to 10 years instead of three. So the termination date is August 1, 1989.

Section 5 is self explanatory.

Section 6. By having the repeal of AS 16.20.310-320 happen in 1995, this allows for the continued existence of the range till 1995, instead of 1989, an additional 6 years.

Summary:

Basically there are three major concerns addressed in this bill:

1. Creates a \$10.00 application fee for hunting Bison, instead of the usual \$5.00 fee.
2. Creates timbers sales on the Bison Range, through DNR, the Division of Forestry.
3. Extends the existence of the Bison range six more years, to 1995 instead of 1989.

IV. Comparison between HB 551 and CS HB 551.

The differences between the two bills are:

1. The Resource Committee Substitute deletes all of Section 1 of HB 551. This section was the legislative findings section.
2. The CS HB 551 also deletes all of Section 2 of HB 551. This section was to have created a "Bison Range Advisory Committee".

and steelhead trout sport fishing permit without charge." Further, the amendment, in subsection (d), inserted "one-half of" preceding "the nonresident rate."

The first 1983 amendment deleted ", fur" following "fish" in present paragraph (a)(4) and rewrote subsection (b).

The second 1983 amendment added the language to present (a)(16)(A) regarding the board's power to eliminate the tag and fee for a game management unit.

Editor's notes. — As enacted, § 1, ch. 21, SLA 1982, added a second sentence to present paragraph (a)(5) of this section. This new material, however, was renumbered as AS 16.05.341 by the revisor of statutes pursuant to AS 01.05.031.

Opinions of attorney general. — Construing subsection (d) with federal law

(10 U.S.C. § 2671(a)), a member of the military who does not qualify as a resident under AS 16.05.940(20) is required to obtain an Alaska sport fishing license to engage in sport fishing on military lands. 1977 Op. Att'y Gen. No. 21.

Construing AS 16.05.330 and this section with federal law (10 U.S.C. § 2671(a)), a member of the military who does not qualify as a resident under AS 16.05.940(20) is not required to obtain an Alaska trapping license to trap on military lands. 1977 Op. Att'y Gen. No. 21.

The special small game hunting license for military personnel authorized by subsection (d) may not be used for hunting all game (including big game) once the holder achieves resident status. 1977 Op. Att'y Gen. No. 21.

Sec. 16.05.341. Free license for disabled veterans. A person may receive a resident hunting and sport fishing license (AS 16.05.340(a)(5)) without charge if the person

(1) has been discharged from military service under honorable conditions;

(2) is eligible for a loan under AS 18.56.101; and

(3) is certified by the United States Veterans' Administration as having incurred a 50 percent or greater disability during military service. (§ 1 ch 21 SLA 1982)

Revisor's notes. — Enacted as the second sentence of AS 16.05.340(a)(4). Renumbered in 1982.

Sec. 16.05.345. Musk oxen. [Repealed, § 4 ch 57 SLA 1980. For current law see AS 16.05.346.]

Sec. 16.05.346. Permit applications. (a) If the Board of Game declares an open season for musk oxen and has not reduced or eliminated the \$500 resident tag fee under AS 16.05.340(a)(16), the department shall conduct a drawing for permits to take the musk oxen. If the Board of Game declares an open season for musk oxen for which the Board of Game has reduced or eliminated the resident tag fee, the department shall issue permits to take the musk oxen in the order in which applications are received by the department. A person is not eligible for more than one musk oxen permit a year. The department may not charge a fee for an application for a musk oxen permit for an open season in which the Board of Game has reduced or eliminated the resident tag fee under AS 16.05.340(a)(16). In all other cases the application fee for a musk oxen permit is \$10.

(b) Except as provided in (a) of this section, the permit application fee for all species for which a limited drawing is conducted is \$5. (§ 3 ch 57 SLA 1980)

(b) the board shall require the person or governmental agency to obtain the written approval of the commissioner as to the sufficiency of the plans or specifications before construction is commenced. (§ 2 ch 140 1972; am § 28 ch 206 SLA 1975)

Sec. 16.20.270. Additional critical habitat areas. The commissioner shall submit a list of additional critical habitat areas to the legislature annually. (§ 2 ch 140 SLA 1972)

Article 6. State Range Areas.

Section

- 300. Delta Junction Bison Range Area
- 310. Game management plan
- 320. Activities on range area

Cross reference. — For legislative purpose, see sec. 1, ch. 39, SLA 1979 in the Temporary and Special Acts. Editor's notes. — Section 3, ch. 39, SLA 1979, as amended by sec. 1, ch. 73, SLA 1980, provides that the provisions of AS 16.20.300 — 16.20.320 "terminate" on August 1, 1989.

Sec. 16.20.300. Delta Junction Bison Range Area. The following described areas, excluding valid existing rights, are established as the Delta Junction Bison Range Area:

(1) Township 11 South, Range 12 East, Fairbanks Meridian

Section 28: S 1/2 SW 1/4, SW 1/4 SE 1/4 and that portion of the NW 1/4 SW 1/4 east of the west bank of Granite Creek excluding A.S.L.S. 78-93, Tract A, Unit 1

Sections 29, 32: those lands east of the west bank of Granite Creek

Section 33: all, excluding A.S.L.S. 78-93, Tract A, Unit 1

Section 34: S 1/2 NW 1/4, excluding A.S.L.S. 78-93, Tract A, Unit 1, S 1/2

Section 35: S 1/2, S 1/2 NW 1/4, that portion of the NE 1/4 lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway

Section 36: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway

(2) Township 12 South, Range 11 East, Fairbanks Meridian

Sections 13, 24-26, 35, 36: all

Sections 1, 11, 12, 14, 22, 23, 27, 34: those lands east of the west bank of Granite Creek

(3) Township 12 South, Range 12 East, Fairbanks Meridian

Sections 1-4, 7-25, 30, 36: all

Sections 5, 6: those lands east of the west bank of Granite Creek

- (4) Township 12 South, Range 13 East, Fairbanks Meridian
Sections 5, 6, 9: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway
Section 7: all
Section 8: all, excluding a corridor extending 1320 feet from the centerline of the Alaska Highway
Section 10: that portion of the SW 1/4 lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway
Section 14: S 1/2 S 1/2 SW 1/4
Section 15: S 1/2, NW 1/4, excluding a corridor extending 1320 feet from the centerline of the Alaska Highway
Sections 16-22: all
Section 23: S 1/2, NW 1/4, S 1/2 NE 1/4, S 1/2 N 1/2 NE 1/4
Section 24: SW 1/4, S 1/2 NW 1/4, excluding a corridor extending 1320 feet from the centerline of the Alaska Highway, S 1/2 S 1/2 SE 1/4
Sections 25-36: all
(5) Township 12 South, Range 14 East, Fairbanks Meridian
Sections 19, 28-30, 33-35: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway
Sections 31, 32: all
(6) Township 13 South, Range 13 East, Fairbanks Meridian
Sections 1-5, 9-15, 23-25, 36: all
(7) Township 13 South, Range 14 East, Fairbanks Meridian
Section 1: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway
Sections 2-36: all
(8) Township 13 South, Range 15 East, Fairbanks Meridian
Sections 5, 6, 8-10, 15: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway
Sections 7, 16-20, 30: all
Sections 21, 22, 28, 29, 31, 32: that portion lying west of the east bank of the Little Gerstle River
(9) Township 14 South, Range 14 East, Fairbanks Meridian
Section 1: that portion lying west of the east bank of the Little Gerstle River
Sections 2-6: all
(10) Township 14 South, Range 13 East, Fairbanks Meridian
Section 1: all
(11) Township 14 South, Range 15 East, Fairbanks Meridian
Section 6: that portion lying west of the east bank of the Little Gerstle River. (§ 2 ch 39 SLA 1979)

Sec. 16.20.310. Game management plan. (a) The commissioner of fish and game shall develop and may amend a game management plan for bison in the area described in AS 16.20.300. After holding public hearings in accordance with AS 44.62.310 and 44.62.312, the commissioner shall implement the game management plan.

(b) The game management plan shall include, but is not limited to

- (1) planting grains for bison and planting other wildlife forage;
- (2) altering existing plant cover to create additional range and year-round habitat for bison and other animal species in the area;
- (3) tilling to produce forage.

(c) The commissioner of fish and game shall develop and amend the game management plan to coordinate, as closely as possible, the game management plan with the activities of the Agricultural Development Authority, Department of Natural Resources, relating to the Big Delta agricultural development project. (§ 2 ch 39 SLA 1979)

Sec. 16.20.320. Activities on range area. Nothing in AS 16.20.300 — 16.20.320 shall be construed as prohibiting activities on land described in AS 16.20.300 which are otherwise permitted in accordance with the laws and regulations of this state, including, but not limited to, hunting, trapping, engaging in recreational activities, using the land for access to adjacent areas and a 300-foot Alaska Railroad right-of-way. (§ 2 ch 39 SLA 1979)

Chapter 25. Stocking of Public Lands.

Section

10. Program adopted

Sec. 16.25.010. Program adopted. There is adopted a program of stocking land in the state with valuable game and fur-bearing animals which do not at present occur on the land. The department is responsible for establishing priorities on the species of animals to be stocked and the area of the stocking. Priorities shall be based on the habitat requirements of the species, the population of native game animals present, and other factors that will effect the successful establishment of the species. (§ 39-7-1 ACLA 1949; am § 1 ch 97 SLA 1970)

Secs. 16.25.020 — 16.25.060. Projects enumerated; duties of department; stock and offspring property of state; unlawful taking; penalty. [Repealed, § 2 ch 97 SLA 1970.]

Chapter 30. Destruction of Big Game Animals and Wild Fowl.

Section

- 10. Wanton waste of big game animals and wild fowl
- 12. Possession of horns or antlers

Section

- 15. Surrender of salvaged portions, license forfeiture
- 17. Defenses

AN ACT

Creating the Delta Junction Bison Range Area.

Section 1. It is the purpose of this Act to perpetuate free-ranging bison on the land described in this Act by management of the habitat to provide an adequate winter range for the bison. It is also the purpose of this Act to alter seasonal movements of bison herds on the land in order to diminish the damage caused by the herds to agriculturally developed land.

Sec. 2. AS 16.20 is amended by adding new sections to read:

ARTICLE 6. STATE RANGE AREAS.

Sec. 16.20.300. DELTA JUNCTION BISON RANGE. The following described areas, excluding valid existing rights, are established as the Delta Junction Bison Range Area:

(1) Township 11 South, Range 12 East, Fairbanks Meridian

Section 28: S 1/2 SW 1/4, SW 1/4 SE 1/4 and that portion of the NW 1/4 SW 1/4 east of the west bank of Granite Creek excluding A.S.L.S. 78-93, Tract A, Unit 1

Sections 29, 32: those lands east of the west bank of Granite Creek

Section 33: all, excluding A.S.L.S. 78-93, Tract A, Unit 1

Section 34: S 1/2 NW 1/4, excluding A.S.L.S. 78-93, Tract A, Unit 1, S 1/2

Section 35: S 1/2, S 1/2 NW 1/4, that portion of the NE 1/4 lying south of the Alaska Highway excluding a corridor

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extending 1320 feet from the center line of the highway

Section 36: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway

(2) Township 12 South, Range 11 East, Fairbanks Meridian
Sections 13, 24-26, 35, 36: all

Sections 1, 11, 12, 14, 22, 23, 27, 34: those lands east of the west bank of Granite Creek

(3) Township 12 South, Range 12 East, Fairbanks Meridian
Sections 1-4, 7-25, 30, 36: all

Sections 5, 6: those lands east of the west bank of Granite Creek

(4) Township 12 South, Range 13 East, Fairbanks Meridian
Sections 5, 6, 9: that portion lying south of the Alaska

Highway excluding a corridor extending 1320 feet from the centerline of the highway

Section 7: all

Section 8: all, excluding a corridor extending 1320 feet from the centerline of the Alaska Highway

Section 10: that portion of the SW 1/4 lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway

Section 14: S 1/2 S 1/2 SW 1/4

Section 15: S 1/2, NW 1/4, excluding a corridor extending 1320 feet from the centerline of the Alaska Highway

Sections 16-22: all

Section 23: S 1/2, NW 1/4, S 1/2 NE 1/4, S 1/2 N 1/2 NW 1/4

Section 24: SW 1/4, S 1/2 NW 1/4, excluding a corridor

extending 1320 feet from the centerline of the Alaska Highway, S
1/2 S 1/2 SE 1/4

Sections 25-36: all

(5) Township 12 South, Range 14 East, Fairbanks Meridian

Sections 19, 28-30, 33-35: that portion lying south of
the Alaska Highway excluding a corridor extending 1320 feet from
the centerline of the highway

Sections 31, 32: all

(6) Township 13 South, Range 13 East, Fairbanks Meridian

Sections 1-5, 9-15, 23-25, 36: all

(7) Township 13 South, Range 14 East, Fairbanks Meridian

Section 1: that portion lying south of the Alaska High-
way excluding a corridor extending 1320 feet from the centerline of
the highway

Sections 2-36: all

(8) Township 13 South, Range 15 East, Fairbanks Meridian

Sections 5, 6, 8-10, 15: that portion lying south of the
Alaska Highway excluding a corridor extending 1320 feet from the
centerline of the highway

Sections 7, 16-20, 30: all

Sections 21, 22, 28, 29, 31, 32: that portion lying west
of the east bank of the Little Gerstle River

(9) Township 14 South, Range 14 East, Fairbanks Meridian

Section 1: that portion lying west of the east bank of
the Little Gerstle River

Sections 2-6: all

(10) Township 14 South, Range 13 East, Fairbanks Meridian

Section 1: all

(11) Township 14 South, Range 15 East, Fairbanks Meridian

Chapter 39

1 Section 6: that portion lying west of the east bank of
2 the Little Gerstle River

3 Sec. 16.20.310. GAME MANAGEMENT PLAN. (a) The commissioner of
4 fish and game shall develop and may amend a game management plan for
5 bison in the area described in AS 16.20.300. After holding public
6 hearings in accordance with AS 44.62.310 and 44.62.312, the commissioner
7 shall implement the game management plan.

8 (b) The game management plan shall include, but is not limited to

9 (1) planting grains for bison and planting other wildlife
10 forage;

11 (2) altering existing plant cover to create additional range
12 and year-round habitat for bison and other animal species in the area;

13 (3) tilling to produce forage.

14 (c) The commissioner of fish and game shall develop and amend the
15 game management plan to coordinate, as closely as possible, the game
16 management plan with the activities of the Agricultural Development
17 Authority, Department of Natural Resources, relating to the Big Delta
18 agricultural development project.

19 Sec. 16.20.320. ACTIVITIES ON RANGE AREA. Nothing in AS 16.20.-
20 300 - 16.20.320 shall be construed as prohibiting activities on land
21 described in AS 16.20.300 which are otherwise permitted in accordance
22 with the laws and regulations of this state, including, but not limited
23 to, hunting, trapping, engaging in recreational activities, using the
24 land for access to adjacent areas and a 300-foot Alaska Railroad right-
25 of-way.

26 * Sec. 3. The provisions of secs. 1 and 2 of this Act terminate three
27 years after the effective date of this Act unless the legislature provides
28 otherwise by law.

Chapter 73

AN ACT

Relating to the Delta Junction Bison Range area.

• Section 1. Section 3, ch. 39, SLA 1979 is amended to read:

* Sec. 3. The provisions of secs. 1 and 2 of this Act terminate 10 [THREE] years after the effective date of this Act unless the legislature provides otherwise by law.

FEB 16 REC'D

***** DELTA LIO *****

TO: ALL LEGISLATORS

FROM: ROBERT MACHADO

MILE 1414 ALASKA HWY,

DELTA JUNCTION, ALASKA 99737

PHONE: 895-4750

RE: BISON

'BISON DRIFT BARRIER' LOCATION SHOULD BE ON THE NORTHERN BORDER OF THE BISON RANGE. LANDOWNERS ALONG THE SOUTH SIDE OF THE ALASKA HWY. HAVE NOT BEEN CONSIDERED, NOR HAS THE DANGER OF ACCIDENTS ON THE HWY. IF BISON ARE STOPPED BY A BARRIER ON THE NORTHERN SIDE OF THE HWY., AND BLOCK THE HWY WHEN VEHICLES COME THROUGH.

FROM: KEITH HOGARTH

S.R. BOX 30959

FAIRBANKS, ALASKA 99701

PHONE: 479-9942

FEB 16 REC'D

RE: BISON

I'VE BEEN INVOLVED WITH THE BISON PROJECT FOR THE PAST 3 YEARS, AND I URGE YOU TO SUPPORT THE PASSAGE OF THE BISON BILLS. THIS REPRESENTS A COMMUNITY COMPROMISE FOR THE FARMERS, THE BISON AND THE COMMUNITY.

MSG 84-00013541 PRTY 1 02/14/84 15:00:11 ORIG: LD00 IN= 0006 OUT= 0097
FROM: LINDA/DELTA TO: JNU
TARGET: LJHK SUBJ: POM'S

THE FOLLOWING SAME MSNG WAS RECEIVED FROM THE FOLLOWING LIST OF PEOPLE:

TO: ALL LEGISLATORS

FROM: LEIGH B. DENNISON
BOX 873
DELTA JUNCTION, ALASKA

ROBERT ARMENTROUT
BOX 1334
DELTA JUNCTION, ALASKA

ELSI COTTINGHAM
BOX 144
FORT GREELY, ALASKA

LEA SCHULZ
BOX 356
DELTA JUNCTION, ALASKA

BETTY MACHADO
MILE 1414 1/2 AK. HWY.
DELTA JUNCTION, ALASKA

FEB 16 REC'D

RE: BISON RANGE

THE PROPOSED BISON DRIFT BARRIER SHOULD BE LOCATED SOUTH OF THE ALASKA HWY.
BEHIND ANY PRIVATE PROPERTY OR AGRICULTURAL LAND. LOCATING BARRIER NORTH OF THE
HWY. WOULD CAUSE A VERY DANGEROUS SITUATION WITH BISON STOPPED JUST ACROSSED
THE HWY. WITH NO PLACE TO GO.

***** DELTA INFO OFFICE *****
TO: ALL LEGISLATORS

FROM: DELTA FFA CHAPTER
BOX 883
DELTA JUNCTION, ALASKA
KRIS KNUPP, SECRETARY

FEB 16 REC'D

RE: BISON

OUR CHAPTER WOULD LIKE TO EXPRESS THEIR SUPPORT FOR SENATE BILL 337/338 AND
HOUSE BILLS 551/552. OUR FORTY MEMBERS SUPPORT THE BISON RANGE AND DRIFT
BARRIER FENCE. WE ALSO SUPPORT THE INCREASES OF THE BISON FEE TO \$10.

***** DELTA INFO OFFICE *****

TO ALL LEGISLATORS

FROM: HENRY MUTH, PRES.
FFA ALUMNI
DELTA JUNCTION, ALASKA

FEB 16 REC'D

RE: BISON

ON BEHALF OF THE FFA ALUMNI ASSOCIATION, DELTA CHAPTER, WE URGE YOUR SUPPORT
OF SB 337/338 AND HB 551/552. THESE BILLS ARE A STEP TOWARDS THE END OF A BIG
PROBLEM. ANYTHING YOU CAN DO TO HELP SEE THESE MEASURES THROUGH TO COMPLETION
WILL BE APPRECIATED BY ALL.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/7/84

REQUEST

Bill/Resolution No.: HB 551
Title: Delta Junction Eison
Range
Sponsor: Shultz
Requestor: House Resources Comm.
Date of Request:

FISCAL DETAIL

Agency Affected: Fish and Game
Program Category Affected: NRMEC
BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	50.0	50.0	50.0	50.0	50.0

(Fish and Game Fund)

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Beverly Reaume
Division: Administration

Phone: 465-4120
Date: February 7, 1984

Approved by Commissioner: [Signature]
Agency: Fish and Game

Date: Feb. 7, 1984

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Fiscal Note Analysis

HB 551

Sec. 16.20.312 would increase the application fee for a drawing permit for hunting bison in the Delta Junction bison range from \$5 to \$10. Approximately 10,000 applications are currently made, thus revenue would increase by approximately \$50,000 annually.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

FEB 16 1984

Dear Senator and/or Representative:

The Delta bison herd needs a winter home to roam! After years of conflict, a solution to the problems of bison versus agriculture in the Delta Junction area is finally at hand. If all of us who are concerned about bison will take just a few minutes now, we can insure a future for the free-ranging Delta herd and give them a home of their own.

The solution exists in legislation now before the Alaska House and Senate: Senate Bills 337 and 338, and House Bills 551 and 552. These bills would appropriate funds to complete the development of the Delta Junction Bison Range, and erect a bison drift fence to keep the animals out of the Delta Agricultural Project.

Far from being just a place for a herd of bison, the Bison Range would add much needed public hunting opportunities for big and small game, as well as new moose habitat, outdoor recreation opportunities, new wood cutting areas, and bison and other wildlife viewing possibilities.

For this proposal to become reality, the support of all Alaskan lawmakers is critical. We urge your support.

Sincerely,

FEB 15 1984

Ron Beck

Delta Area Fish & Game Advisory Committee

P.O. Box ~~294~~ 294

DELTA JUNCTION, 99737

895-4381

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

H B

552

DRAFT

DELTA JUNCTION BISON RANGE

A Proposal for Development

by

David M. Johnson

Division of Game

Department of Fish and Game

Region III

Delta Junction, Alaska

November 1983

DRAFT

DELTA JUNCTION BISON RANGE

A Proposal for Development

by

David M. Johnson

SUMMARY

This proposal is designed to carry out the ^{maddness} ~~mandates~~ of the legislation establishing the Delta Junction Bison Range (AS 16.20.300). The proposal would, if implemented, provide fall bison range to reduce or eliminate crop ~~depredations~~, bison winter range, and a variety of ^{what other wildlife} habitats for game and nongame species. Recreational opportunities, including hunting, trapping, viewing, and photography would be enhanced. Timber resources would be harvested, offsetting the costs of development over time and boosting the local economy.

The proposal would cost \$1.8 million, to be spent over 3 fiscal years. One full-time project position would be funded, and funding for 3 1/2 years of an existing seasonal position would be included. Purchase of equipment needed for light maintenance work is included. Maintenance costs are estimated to be less than \$34,000 annually.

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BACKGROUND

The Delta Junction Bison Range was established by the Alaska Legislature in 1979 to "provide an adequate winter range for the bison," and to "diminish the damage caused by the herds to agriculturally developed land." The Range concept grew out of the Delta Land Use Plan, in which citizens and agencies involved in resource management recommended that the land north of the mountains and south of the Alaska Highway should be used for public recreation and wildlife, especially bison, and the land north of the highway should be developed for agriculture.

Several small appropriations for the Range and a \$200,000 appropriation in FY83 permitted the clearing of about 600 acres. Around half of that

was planted by July 1983. Bison use of the Range has increased each year. After migrating from their summer range, the bison used the Range almost exclusively for nearly a month in fall 1983, leaving only after the bulk of the forage was exhausted. After that time, the bison crossed the Alaska Highway and caused extensive agricultural damage. Additional forage would have prevented most of those problems.

While the greatest bison use of the Range has been during the fall, the animals also use it during the winter months. They eat whatever perennial grasses are exposed by the scouring winds. Additional forage would mean much more winter use and would provide for the day when bison are excluded by fences from most or all of their former winter range.

The Bison Range provides an outstanding opportunity to develop techniques for improving wildlife habitats in interior Alaska, while providing for real wildlife needs at the same time. Prescribed fire, especially, can be used to advantage on the Range where the dominant cover type is old-growth black spruce. These fires can be used to develop additional forage for bison and to rejuvenate aging stands of deciduous trees for the benefit of moose, both at low per-acre cost.

OBJECTIVES

Short-term objectives are to provide the following:

1. Alternate fall forage for migrating bison to reduce or eliminate crop depredation losses;

2. Winter range for bison to compensate for increasing loss of traditional ranges;
3. New winter range for moose to allow expansion of the moose population;
4. Additional habitat for sharp-tailed grouse and other game birds;
5. New habitat for resident and migratory nongame species; and
6. New recreation opportunities for Alaskans and visitors.

Long-term objectives of Bison Range development are to:

1. Provide permanent wildlife habitat to mitigate for the loss of habitat to agricultural development; and
2. Provide retained public land to continue opportunities to hunt, trap, and view wildlife in an easily accessible area.

HABITAT MANAGEMENT

Capital Phase

1. Clearing
 - a. Purpose: Clearing provides a seedbed for planting perennial grasses that will be used by bison for long-term forage needs. The clearings also provide wide firebreaks for prescribed fires that will be used to develop additional habitat at low cost.
 - b. Procedure: Survey interior and exterior perimeters, cutting line with caterpillar tractor; chain down standing trees with heavy anchor chair; stack organic materials into tight berm rows; create

small clearings for sharp-tailed grouse, bison, and nongame species. See map for layout. Exact location dependent on soil survey results (available December 1983 from USDA Soil Conservation Service) and timber cruise data (this proposal).

c. Time Frame: Before June 1 in spruce stands for maximum soil preservation. Midsummer clearing may be acceptable in heavy aspen stands.

d. Cost: Estimated 1984 cost - 3,980 acres x \$110/acre = \$437,800 (portion of total acreage already cleared)

2. Berm Removal

a. Purpose: Berms should be removed to eliminate snow drifts building up in the lee of the berms, which reduce the amount of forage available during winter for bison. Berms also reduce the total acreage that may be planted and are a fire hazard during prescribed fires.

b. Procedure: Allow 1 or 2 years drying time; burn berms; restack and reburn; disc soil and rootrake.

c. Time Frame: Burn berms in October and November. Restack during summer. Disc, rootrake, and plant berm rows during year three.

d. Cost: Estimated 1984 cost - 4,620 acres (includes clearings, roads, and trails) x \$20/acre = \$92,400

3. Planting

a. Purpose: Bison require grasses for fall and winter forage. Other species, including moose, bears, and small game, use grasses to a limited extent.

- b. Procedure: Disc soil with heavy or light disc depending on soil depth and amount of surface litter; rootrake with powered rake; plant up to 500 acres with a grass with hay value (e.g., brome); plant remainder with a low maintenance species such as bluegrass and native bluejoint. All plantings should be a mixture of annuals and perennials to protect the perennials in the first year. Suitable annuals include barley and oats.
- c. Time Frame: June or early July to retard plant maturation to provide maximum palatability of the annual for bison. Plant about 1,000 acres during year one, the balance during years two and three. This allows drying time for especially ice-rich areas.
- d. Cost: Estimated 1984 costs - 4,400 acres x \$140/acre = \$616,000

4. Prescribed Fire

- a. Purpose: Fire would be used to rapidly and inexpensively treat large areas. Post-fire vegetative growth would be managed for bison, moose, and/or small game. Repeated fires produce grassy areas; sporadic fires can be used to produce brushy areas.
- b. Procedure: Develop prescribed fire plans in cooperation with Alaska Division of Forestry; burn areas within cleared areas during prescription conditions in summer; use helitorch for maximum cost efficiency and safety.
- c. Time Frame: Summer, when conditions permit.
- d. Cost: Estimated 1984 costs - 5,680 acres x \$20/acre = \$113,600

5. Water Site Development

- a. Purpose: Water is only sporadically available on the portion of the Range proposed for development. Water is available within

the daily movement limits of bison, but additional water within the proposed habitat development would provide an added incentive for bison to stay within the developed areas and would provide a focus for bison activity for viewers. The ponds would be constructed so as to be suitable for other species as well.

b. Procedure: Develop 2 water sites separated by about 10 miles, one in each rectangle; drill wells to a consistent water source (1 well currently in place); pump water with windmills into stock tanks, the overflow to be piped into earthen ponds lined with a water-impermeable membrane or material.

c. Time Frame: Construction of ponds during clearing activities or year two; erection of windmills during year two.

d. Cost: Estimated 1984 cost \$20,000

6. Forest Openings

a. Purpose: Sharp-tailed grouse in Alaska are known to favor habitats with a mixture of shrubby brush and grassy openings. These openings will provide optimum habitat for grouse, as well as additional habitat for bison and the mixture of habitat types preferred by a variety of nongame species. If this procedure is as successful as expected, the technique could be used more widely on the Range at low cost at a later date.

b. Procedure: Within a 300-acre portion of one of the burned areas, clear plots varying in size from 2 to 20 acres, totaling 120 acres; stack organic materials in center of clearing and burn after suitable drying time; disc to break up aspen roots; allow native grasses to vegetate the openings.

- c. Time Frame: Same as clearing
- d. Cost: 120 acres x \$110/acre = \$13,000

7. Develop Forest Inventory

- a. Purpose: A forest inventory would have the dual benefit of preventing loss of valuable forest products during habitat manipulation activities and would set the stage for future timber sales on the Range. Sale of forest products would in time help offset the cost of Range development and would improve the local economy.
- b. Procedure: Using a reimbursable services agreement or other suitable instrument, contract with the Alaska Division of Forestry to provide timber cruise data on selected portions of the Range. Cooperate with Forestry to sell timber in areas designated for habitat manipulation (clearing, prescribed fire, etc.).
- c. Time Frame: Begin in year one, complete work during year two, to allow time during the project to complete habitat work.
- d. Cost: Estimated 1984 cost = \$60,000

Maintenance Phase

1. Renovate Perennial Grasses

- a. Purpose: Most grasses become sod-bound in time and require breaking up for optimum productivity. Woody plants will invade grasslands if not periodically disced.
- b. Procedure: Using ADF&G equipment and personnel, lightly disc soil on about 10% of the grasslands annually; fertilize and replant as needed up to a maximum of about 50 acres per year.

c. Time Frame: Begin renovation in year three, annually thereafter.

d. Cost: Estimated 1984 cost -

(1) light discing: \$20/acre x 440 acres = \$8,800

(2) complete replanting: \$100/acre x 50 acres = \$5,000

Total = \$13,800

2. Maintain Roads, Trails, and Forest Openings

a. Purpose: Vehicle passage, falling trees, high water, invasion of woody plants, and other considerations will require regular maintenance of access roads, trails, and forest openings.

b. Procedure: Use disc, light bulldozer (both ADF&G equipment, purchased this proposal), herbicide, prescribed fire, etc., as required to maintain openings, keep roads drivable, and trails passable by bison, pedestrian traffic, snow machines, dog teams, etc.

c. Time Frame: Annually, as needed

d. Cost: Less than \$2,000 annually

3. Maintain Prescribed Fire Areas

a. Purpose: Burned areas tend to return to the vegetative cover initially burned. Management of these areas for bison will require annual or biennial burning to enhance grass production and to prevent invasion by spruce and deciduous trees. Areas managed primarily for moose and sharp-tailed grouse will probably require reburning every 10-20 years to keep the shrubby vegetation from growing out of reach of moose.

- b. Procedure: Using prescribed fire, reburn previously burned areas as required to meet management objectives for each site.
- c. Time Frame: Summer, beginning year two or three.
- d. Cost: Costs will vary from \$0 in some years to a maximum of about \$10,000.

4. Maintain Water Sites

- a. Purpose: Use of water sites by big game will damage equipment and the ponds. High winds will damage the windmills.
- b. Procedure: Repair damaged equipment; reline ponds; reshape ponds as required; remove windmill blades October through May.
- c. Time Frame: Summer
- d. Cost: Less than \$2,000 annually

5. Maintain Hay Fields

- a. Purpose: The 500 acres planted to hay would be fertilized in early summer and mowed in late June. Refertilization would promote lush growth to attract bison in early fall.
- b. Procedure: Contract with local farmer(s) to cooperatively farm this segment on the Range. The farmer would take the first cutting of hay in exchange for fertilization of the forage. This procedure is still experimental. Some cash input may be required.
- c. Time Frame: Beginning year two or three as soon as hay is ready for first harvest.
- d. Cost: Estimated 1984 cost less than \$5,000 annually.

RECREATION ENHANCEMENT

Capital Phase

1. Roads and Trails

a. Purpose: Visitors will need roads to enter the area. Trails will be used by wildlife, visitors, hunters, trappers, hikers, snow machines, and dog teams. Staff will require access to clearings and manipulated habitat for maintenance.

b. Procedure: Cut necessary roads and trails during clearing operations using caterpillar tractor. Stack organic materials for burning later. Roads to be dirt; no fill or gravel to be added.

c. Time Frame: During clearing, year one

d. Cost: Estimated 1984 cost = \$6,000

2. Viewing Facilities

a. Purpose: Considerable interest exists in bison and other wildlife both among Alaskans and visitors. Viewing facilities will simplify viewing wildlife (especially bison) and provide a means for doing so that does not unduly alarm the animals.

b. Procedure: Construct raised and camouflaged viewing platforms near water sites; construct nature drive or similar interpretative feature.

c. Time Frame: Summers of years two and three

d. Cost: Estimated 1984 cost = \$10,000

Maintenance Phase

1. Roads and Trails: To be handled as part of habitat maintenance.
2. Viewing Facilities: Repair as required; add new facilities as opportunities present; erect information signs as appropriate. Annual cost less than \$5,000.

EQUIPMENT AND FACILITIES

1. Helitorch - Helicopter-transported aerial firing device. Required for cost effective and safe ignition of prescribed fires. Usable by ADF&G and other resource management agencies statewide. On hand now
2. Tractor and Implements - A small- to medium-sized tractor with implements, including disc, broadcast spreader, rototiller, drill, and spare parts inventory. Use for the renovation of perennial grasses, maintenance of forest openings, fireline construction for prescribed fire, seeding and fertilizing of small areas, etc. Cost = \$75,000.
3. Small Bulldozer - A small dozer with 6-way blade for road and trail maintenance, reshaping of ponds, light clearing, berm stacking, etc. Cost = \$6,000.
4. Storage Barn and Shop - Needed for safe storage of equipment above and shop facilities for maintenance. Usable for storage of materials

and hand tools. Includes cost of electrical hookup, road, foundation pad, etc. Cost = \$100,000.

STAFFING

1. Bison Range Manager - Three-year project position; permanent/full time Game Biologist II; total 36 man-months; cost \$150,000 for 3 years.
2. Technician - An existing Fish and Game Technician IV position. Assist manager and continue maintenance work beyond project conclusion. Total 18 man-months during project. Cost = \$56,000 (estimated annual cost during maintenance phase for 6 months work = \$19,000).

BENEFITS

Implementation of this proposal will provide benefits for Alaskans and for area wildlife. Some benefits are:

1. A dramatic reduction in crop depredations in the Delta Junction area, which should in turn
2. Reduce the cost to the State of the proposed State-assisted crop damage insurance program;
3. New moose winter range to replace that lost to development in the Delta Agricultural Project and to provide for expansion of the local moose population;

4. An easily accessible area for recreational pursuits, including hunting, trapping, hiking, viewing, and photographing wildlife, dog sled racing, and so forth. While not a part of this proposal, 2 stocked lakes are on the eastern section of the Range;
5. A stable source of winter forage for bison that will allow maintenance of the free-ranging herd as new fences exclude bison from old winter ranges;
6. A reduction in State expense spent hazing bison out of agricultural areas;
7. A source of free firewood for area residents;
8. Revenue to the State from the sale of timber;
9. New habitat for sharp-tailed grouse and additional hunting opportunities for this and other game species, including bison, moose, bear, grouse, hares, and furbearers; and
10. Improved area and State economy through increased visitor use of the area.
11. Improved Alaska Highway safety and reduced road kills of bison as bison should remain south of the Alaska Highway.

COST SUMMARY

Capital Phase

	<u>Thousands of Dollars</u>	
1. Clearing	\$ 437.8	
2. Berm removal	92.4	
3. Planting	616.0	
4. Prescribed fire	113.6	
5. Water site development	20.0	
6. Forest openings	13.0	
7. Forest inventory	<u>60.0</u>	
Total Habitat		\$1,352.8
8. Roads and trails	6.0	
9. Viewing facilities	<u>10.0</u>	
Total Visitor Facilities		16.0
10. Tractor and implements	75.0	
11. Small bulldozer	60.0	
12. Storage barn/shop	<u>100.0</u>	
Total Equipment		135.0
13. Staffing	<u>206.0</u>	
Total Staffing		206.0
TOTAL CAPITAL PHASE		\$1,809.8

Maintenance Phase

1.	Renovate perennial grasses	\$ 13.8
2.	Maintain prescribed fire sites	0 to 10.0
3.	Maintain water sites	2.0
4.	Maintain visitor facilities	5.0
5.	Assist Division of Forestry timber sales	<1.0
6.	Maintain roads, trails, and openings	2.0
7.	Maintain hay fields	<5.0
8.	Seasonal staffing (6 mo)	<u>19.0</u>

TOTAL MAINTENANCE PHASE \$ 57.8 (maximum)

LONG-TERM DIRECTIONS

1. Bison habitat maintenance should be a long-term commitment for the Delta Junction Bison Range. As conflicts with development are eased, and as summer range improvement continues, the Game Division should examine the possibility of increasing the bison herd beyond the present population goal (275 animals, precalving).
2. Recreational opportunities present a major challenge for the Division. Fast-paced development in the area has eliminated some recreational possibilities. Bison Range development should include new and improved opportunities for the spectrum of outdoor uses of wildlands.

3. The moose population in the Delta area is currently growing. Existing habitat may be outstripped in less than a decade. New habitat developed on the Bison Range should provide a large portion of the winter range needed. The prescribed fires described in this proposal should be only a beginning.

4. Timber management can parallel and in many situations complement wildlife habitat management. Sale of timber from the Range can provide the State continued revenues to repay costs of initial and subsequent development and a boost to the local economy. The Game Division should continue to closely cooperate at a local and district level with the Division of Forestry.

5. Visitors and Alaskans alike are greatly interested in bison. The Division should continually explore opportunities to make bison more accessible to people and should cooperate with the local Chamber of Commerce, Alaska Visitor's Association, and others as appropriate to optimize use of this resource.



Alaska State Legislature

HOUSE OF REPRESENTATIVES COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN
RICHARD SHULTZ, CO-CHAIRMAN
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

To: Resource Committee members
From: Committee Staff
Date: February 7, 1984
Re: HB 552, appropriations for the Delta Junction Bison Range

This act makes several appropriations for the development of the Delta Junction Bison Range and provides for an effective date.

I. Sectional Analysis.

Section 1. Appropriates \$1,750,000 from the General fund to the Dept. of Fish and Game for:

Clearing.....	438,000
Berm Removal.....	92,400
Forage Planting.....	616,000
Prescribed Burning.....	110,000
Roads & Trails.....	5,000
Bison Viewing Facilities.....	5,000
Planting & Maintenance Equipment.....	135,000
Storage Barn.....	100,000
Water & Sewer Development.....	20,000
Forest Openings.....	13,000
Project Administration.....	206,000
	<u>TOTAL 1,750,000</u>

Section 2. Appropriates \$10,000 from the General Fund to the Department of fish and Game for a study, which would examine the possibilities of expanding tourist facilities at the range.

Section 3. Appropriates \$60,000 from the General Fund to the Department of Natural Resources for the administration of timber sales and fire suppression. Includes a timber inventory.

Section 4. Provides an effective date of July 1, 1984.

II. Comparison of HB 552 and CS HB 552.

The difference is that the House Resources Committee Substitute to the bill deletes Section 3 of the original bill. This section appropriated \$270,000 for the construction of a bison drift barrier (fence).



Greater Fairbanks

Chamber

of Commerce

First National Center

100 Cushman Street

(907) 452-1105

P.O. Box 74446

Fairbanks, Alaska 99707

February 17, 1984

Representative John Ringstad
Pouch V
Juneau, Alaska 99811

Dear John:

The Fairbanks Chamber of Commerce supports the bison bills now before the legislature. They are SB 337 and SB 338 by Moss in the Senate and HB 551 and HB 552 by Shultz in the House.

The bills are carefully tailored to alleviate the problems associated with the Delta bison herd. Bison are grazing animals and need grass type forage to prosper. The bison range is predominantly a forest area and needs to be manipulated to support the bison or they will continue to wander onto area farms causing crop and property damage and creating hazards to equipment and people on the highway. Further, the welfare of the bison will be improved if the range is improved as they will not find it necessary to cross the Alaska Highway in search of food.

The apparent benefits if the bison bills are passed include:

1. Improved welfare of the herd.
2. Decreased crop and equipment damage on farms.
3. Reduced hazard to people and equipment on the highway.
4. Improved tourist and sight-seeing activity.
5. Improved habitat for moose, grouse and bear.

We urge your support for these bills. If you have any questions, please give me a call.

Best personal regards,

Buki Wright
President

cc: Senator Pappy Moss
Representative Richard Shultz

Thanks for your time the other day!



Official Business

Alaska State Legislature House Resources Committee

SIGN-IN

FEB. 7, 1984

HB 551
HB 552

NAME	ADDRESS	PHONE	REPRESENTING
DAVID M. JOHNSON	DEPT FISH & GAME 99737 P. Box 605 Delta	895-4484	FISH & GAME
Rupe Andrews	9411 Long Run Dr., JUNEAU	789-7422	Alaska Outlook Council
Steve Talovic	P.O. Box 654 Delta Jet	895-4323	SEA
Adrian Barton	<i>[Handwritten signature]</i>	465-2400	DNR
Nince O'Keilly	<i>[Handwritten signature]</i>	2500	DCED
Jim Sturgeon	SRA Box 316M DNR	2400	DNR - Forestry
Rep. Shultz			

3:10 - Bussell, Larson, Shultz, Liska
Cordery, Ringstad

0008 Shultz - Intro bills
551 - CS

0039 Liska - advantage of extending to 1995?

Shultz - coming out -

0051 Ringstad - Resolution?

Shultz explained

Vaska - 315

0082 Shultz - HB 552

0105 Dave Johnson - Area Game biologist

Draft proposal

Said ADF&G couldn't support 552 because doesn't
appear in Gov's budget, but would use it if appropriated
Described plans for future

0212 Q: Ringstad - Misnomer Bison Range?

Yes - Wildlife range

0222 Q: Liska - Reasonably say this would do job?

Yes - bison would have stayed, w/ more forage

Shultz - fence in his capital exp.

0249 Q: Liska: What planted, how many bison in ag?

300 acres - Essentially all went north, but
came back

0262 Rupe Andrews AK Outdoor Council

- Unqualified support to 551-552 to resolve
bison problem

- Should consider putting 952 in Gov. Budget
- 0295 Q Ringstad - Money necessary
Rupe - State will realize significant return
- 0305 Bussell - how many bison taken
Johnson - 75 permitted, av. 30-50 from all over state
- 0340 Vaska - raise to \$10 OK w organization
Andrews - Yes
- 0348 Steve Tolorich - ^{Delta} Support raising to \$10, even higher if money will go back into range -
would like to see Delta ag students work on range
- 0384 Ringstad - Constitution - no dedicated fund
- 0395 Vince O'Reilly - Support all 3 bills -
- 0410 Vaska - Dept. supports while ADF&G doesn't because it's not in Gov's budget -
- 0430 Vaska - What is Administration's position
- Support concept
- 0444 John Sturgeon - DNR supports concept - prescribed
five % timber sales
- 0485 Ringstad - well-coordinated between agencies
Sturgeon - yes - + realize positive cash flow to state -
- 0500 Bill Haring - ^{former} members of Delta ad hoc committee
Cost to maintain range 50,000, would be covered by raised fees

0530 HB 553
Shultz -

0545 Sharon Barton - DNR
Only variety now grown but not on schedule.

0575 O. Liska - developed in AK
Yes - CAF, Plant center, made available

Ringstad - 552 -

0598 Shultz moved adopt CS 552 - appropriation bill

0605 Bussell asked about FN
A discussion ensued

0635 Liska moved CS from Comte w/indiv. recs

0643 Shultz moved adopt CS 553
A discussion of loan programs ensued -

0690 Sharon Barton - discussed proposal to amend
program to make it revolving

0740 Ringstad - No more fiscal impact?
None except to increase amount available in
fund.

0756 Vaska - DNR handles fund?
Yes - separate process

0764 Bussell - what testimony re: sunset last year?
- New Admin.

0780 Vaska - Fiscal impact
Discussion general

0800 Larson - what % grain unsold -
too early to tell - don't know how much participation
most farmers finding own market - may be more
as op. loans fall due.

Burton elaborated on Vaska's inq. re: fiscal impact
no new admin. burden.

0835 Vaska - how different from CFAB loans -
does not overlap w/CFAB - no grain collateral
or short term op. loans -

0860 Rings - do we want to adopt DNR amendments?

0865 Bussell - CFAB - would only loan up to 50%?
Shultz - enables Alaska farmers to become
eligible for Fed program -

0930 Bussell - no oversight over bank account

0995 Shultz moved adoption of DNR amendments 1,2,3.
Vaska objected.

1015 Bussell asked Shultz remove motion

1028 Shultz withdrew - no obje

1035 Shultz moved CS 553 w/indiv recs no obje
Ringstad stated letter would accompany to
loans commitee

1115 Mtg adjourned

Introduced: 1/30/84
Referred: Resources and
Finance

Funding Information
General Fund \$2,090,000
Other Funds -U-
\$2,090,000

1 IN THE HOUSE

BY SHULTZ

2

HOUSE BILL NO. 552

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act making special appropriations for development

7

of the Delta Junction bison range and construction of

8

a bison herd drift barrier; and providing for an

9

effective date."

10

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

11

* Section 1. Subject to AS 37.25.020, the sum of \$1,750,000 is appro-

12

priated from the general fund to the Department of Fish and Game for com-

13

pletion of the Delta Junction bison range development program.

14

* Sec. 2. Subject to AS 37.25.010, the sum of \$10,000 is appropriated

15

from the general fund to the Department of Fish and Game to conduct a study

16

for planning an expansion of tourist viewing facilities at the Delta Junc-

17

tion bison range.

18

* Sec. 3. Subject to AS 37.25.020, the sum of \$270,000 is appropriated

19

from the general fund to the Alaska Agricultural Action Council (AS 44.33.-

20

450) for the construction of a bison drift barrier along the southern

21

boundary of the Delta Agriculture Project.

22

* Sec. 4. Subject to AS 37.25.020, the sum of \$60,000 is appropriated

23

from the general fund to the Department of Natural Resources, division of

24

forestry, for the administration of timber sales on the Delta Junction

25

bison range and fire suppression activities associated with required burn-

26

ing on the range.

27

* Sec. 5. This Act takes effect July 1, 1984

John.

Legislative Audit
is what oversight.



Alaska State Legislature

HOUSE OF REPRESENTATIVES COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN
RICHARD SHULTZ, CO-CHAIRMAN
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

To: Resource Committee members

From: Committee Staff

Date: February 7, 1984

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DELTA FISH & GAME
ADVISORY COMMITTEE



BOX 1082

DELTA JUNCTION ALASKA
99737

January 26, 1984

Senator Bettye Fahrenkamp, Chair
Senate Resources Committee
Alaska Legislature
Pouch V
Juneau, AK 99811

Dear Senator Fahrenkamp:

The buffalo need a home of their own to roam! The Delta Fish and Game Advisory Committee urges your committee to give favorable consideration to Senate Bills 337 and 338 that would solve the conflict between agriculture and bison.

This committee has been vitally interested in bison since we became active years ago. Since that time, we have seen problems with this important resource intensify, and spill over, at times, into a shooting war. We have seen a dozen dead bison scattered over a field after having eaten uncovered fertilizer. Then too, we have observed the bison decimate the farm profits of hard-working men and women.

These two bills offer the first real opportunity we have seen in years of observation for a lasting peace. They offer an opportunity for the business of agricultural development to continue without the threat of losses just at the moment of gain. They offer the opportunity for the bison herd to continue free-ranging on land that is set aside for them and the people that enjoy them.

Thank you for your consideration.

Sincerely,

Dean W. Cummings
Chairman
895-4619

cc: Senator Moss
Representative Shultz
Fairbanks Delegation

H B

553

Background analysis for HB 553 "An Act amending the Alaska Grain Reserve Program; and providing for an effective date"

The purpose of HB 553 is to allow the Director of the Division of Agriculture, Department of Natural Resources, to accept "hulless" barley as collateral to secure a loan made under the Alaska Grain Reserve Program.

To briefly recap the Grain Reserve Program - this loan program was established last session to give grain farmers a two year, state-funded loan program to encourage increased production. It allows DNR to loan up to 90% of the USDA target price for the grain offered as collateral, and graded number 4 or better. To limit the program to two seasons, the grain has to have been grown in 1983 or 1984.

Hulless barley is a hardy and heavy strain particularly well-suited to northern latitudes such as Alaska's. But, because it is not commonly grown in the Lower 48, the USDA has no grading standards for it, and it does not, consequently, qualify for the loan program. However, it does constitute a significant portion of the barley crop, and as hog production in the state increases, the production of hulless barley is expected to increase commensurately.

The proposed committee substitute is intended to accomplish two things:

1. It specifies "hulless barley", rather than the broad "grain that is not graded" of the original;
2. It requires that the commissioner of DNR approve the conditions under which hulless barley will be accepted.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 553 (RES)
 Title: Grain Reserve Program
Amendments
 Sponsor: Schultz
 Requestor: _____
 Date of Request: 2-6-84

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: _____
Agriculture development
 BRU, Program or Subprogram(s) Affected: _____
Agriculture development

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Sharon L. Barton Phone: 465-2400
 Division: Commissioner's Office Date: 2-6-84
 Approved by Commissioner: Nikki D Small, Deputy Date: 2-6-84
 Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

MEMORANDUM


State of Alaska

TO: The Honorable Richard Shultz
Co-Chairman
House Resources Committee

DATE: February 7, 1984

FILE NO:

TELEPHONE NO:

FROM: Sharon Barton 
Special Assistant
Department of Natural Resources

SUBJECT: DNR Proposed
Amendments - HB 553

As you know, the Grain Reserve Program was established in 1983 to make loans for crops grown in the 1983 and 1984 seasons. The Director of the Division of Agriculture has subsequently recommended to the Governor that the program be extended at least through 1987. He further recommended that the fund be converted to a revolving account to reduce or eliminate the necessity of requesting annual appropriations to the fund. The Governor adopted both of these propositions as part of his agricultural program.

As sponsor of the original legislation, DNR requests your assistance in effecting the necessary statutory changes. Specifically, we ask your consideration of the following additional amendments to CS HB 553 (Resources):

1. AS 03.12.040 is amended to read:

Alaska grain reserve revolving loan fund. The Alaska grain reserve revolving loan fund is established in the department for the purpose of financing loans made under this chapter. The fund consists of appropriations made to it by the legislature, repayments of principal and accrued interest on loans made from the fund.

2. AS 03.12.200 is amended to read:

(3) "fund" means the Alaska grain reserve revolving loan fund.

3. Sec. 3-5 1983 SLA Ch 100 are repealed.

With your approval, we will offer these amendments in the House Resources Committee hearing today at 3:00 p.m.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 553 (RES)
 Title: Grain Reserve Program
Amendments
 Sponsor: Schultz
 Requestor: _____
 Date of Request: 2-6-84

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: _____
Agriculture development
 BRU, Program or Subprogram(s) Affected: _____
Agriculture development

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Sharon L. Barton Phone: 465-2400
 Division: Commissioner's Office Date: 2-6-84

Approved by Commissioner: Mimi O Amak, Dept Date: 2-6-84
 Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

H B

576

DRAFT

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 576 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a grant of state land to the City
7 of Whittier."

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

9 * Section 1. LEGISLATIVE FINDINGS. It is the finding of the legisla-
10 ture in enacting sec. 2 of this Act that the City of Whittier is uniquely
11 lacking in available private land. The legislature seeks to correct this
12 situation by providing a grant of land to the City of Whittier that the
13 state had planned to offer for private ownership.

14 * Sec. 2. (a) The commissioner of natural resources shall grant 600
15 acres of state land to the City of Whittier. The grant shall include no
16 less than 400 acres of state land from Shotgun Cove and no less than 200
17 acres from the Whittier Subdivision.

18 (b) As used in (a) of this section,

19 (1) "Shotgun Cove" means land within sections 11, 14, 15, and
20 16, Township 8 North, Range 5 East, Seward Meridian;

21 (2) "Whittier Subdivision" means land within sections 8, 9, and
22 18, Township 8 North, Range 5 East, Seward Meridian.

23 (c) Except for land retained by the City of Whittier for critical
24 public purposes, land conveyed to the city under this section and not sold
25 within 10 years of the enactment of this Act reverts to the state unless
26 the commissioner of natural resources finds that the City of Whittier has
27 diligently prepared for a sale of the land. If the commissioner finds that
28 the city has diligently prepared for a sale of the land, the commissioner
29 may extend the deadline for a period determined proper by the commissioner.

1 (d) Sale of land under this section shall occur after public notice
2 and by a competitive method.
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CITY OF WHITTIER

RESOLUTION NO. 1-19-84

A Resolution requesting the State Legislature act to convey certain lands to the City of Whittier.

- WHEREAS: Whittier has an extremely limited land base to enable future community growth, (with exception of several small tracts of land less than fifteen acres). All available lands have been developed or are in the hands and restrictive ownership of the Alaska Railroad or U.S. Army, and
- WHEREAS: The City needs to have maximum possible control over the remaining developable land to provide any growth, and
- WHEREAS: The only land base the City has is lands purchased from the GSA at the time the Army terminated their interest in the area, and
- WHEREAS: The State Department of Natural Resources is planning a land disposal of two tracts of land, (the only developable lands within the City limits) in a manner that would take the only remaining lands and put that land in the hands of speculators, and
- WHEREAS: The City has a Master Plan for a Planned Community in the areas of the proposed land disposal,

NOW THEREFORE BE IT RESOLVED that the State legislature act to transfer these lands to the City of Whittier to develop into a Planned Community to enhance the Harbor areas and the beautiful Gateway to Prince William Sound.

PASSED AND APPROVED by a duly constituted quorum of the City Council of Whittier, Alaska this 19 day of January, 1984.

ATTEST:

[Signature]
Mayor

[Signature]
Acting City Clerk

RECEIVED DEC 16 1983

Alaska State Legislature

COMMITTEES

- Chairman — House Resources Committee
- Chairman — REAA Budget Oversight Committee
- Member — House State Affairs
- DOT — Finance Sub Committee

While in Session
 Room 100
 State Capitol
 Juneau, Alaska 99801
 Phone 907-465-4261
 465-4240

House of Representatives

Home - P.O. Box 185
 Distributor - Alaska 99737

Dick Shultz

December 15, 1983

Ms. Margaret J. Hayes, District Manager
 Alaska Department of Natural Resources
 Division of Land Management
 3601 C Street, Pouch 7-005
 Anchorage, Alaska 99510

Dear Ms. Hayes,

As you may or may not be aware, I have, as Co-Chairman of the House Resources Committee, been a constant and outspoken critic of Alaska's Land Disposal efforts. As a rural legislator, I have seen lands opened and ultimately placed in the hands of people from far outside the area in which the lands are located. This creates a multitude of problems for the local community, including a lack of planning ability due to the fact that much of this land is acquired for speculation. Additionally, those lands which are occupied put strong demands on local resources for the provision of services such as roads and power.

The City of Whittier is unique to all of Alaska. Whittier has virtually NO LAND BASE and what little land they do have has already been developed or is in the hands of the State, the U.S. Army or the Department of Transportation (for the Alaska Railroad). Even if the State were to acquire the railroad, this would have little effect on Whittier's ability to determine their own destiny.

I STRONGLY support Whittier's request to have all lands within the Whittier Subdivision and all remaining lands in Shotgun Cove transferred to City ownership. A municipal land disposal program would be in the best interests of all concerned, including the State, as it would allow for zoning, road development, power, etc.

Please feel free to contact me should you have questions concerning my position on Land Disposals; in general, or concerning Whittier in particular.

Sincerely,

DICK SHULTZ
 District 17

DS/bh:A23

- cc: 1.) Esther Wunnicke, Commissioner
 Dept. of Natural Resources
- 2.) ~~Paul Hullenix~~, City Manager
 City of Whittier



Unique - even in Alaska!

THE CITY OF WHITTIER

September 15, 1983

Margaret J. Hayes
District Manager
State of Alaska
Department of Natural Resources
Division of Land Management
3601 C Street, Pouch 7-005
Anchorage, AK 99510

Dear Ms. Hayes,

You have asked for comments on the proposed disposal of lands in our area.

The City of Whittier agrees that the lands in both Shotgun Cove and Whittier Subdivision should be put in hands of developers so Whittier will have a chance to expand and become a planned community.

All lands in question are within the City limits of Whittier and fall within our planning efforts. Whittier has an extremely limited land base to enable future community growth. All available land in the City core area have been developed or are in the hands of the Alaska Railroad or U.S. Army.

The City needs to have maximum control over the remaining lands in our city limits to plan the direction for future growth.

The City requests that all lands within the Whittier Subdivision and all remaining lands in Shotgun Cove be transferred to City ownership. The City would then be able to establish a municipal land disposal program to guide disposal of these lands.

If the City had ownership of these lands, the City would be in a position to determine the tenancy, size, and nature of the land disposals and would be able to use revenues generated through land disposals to help offset the cost of providing service to these areas like road maintenance, utilities, police, and fire protection.

The City requests:

1. Lands identified for disposal in these two areas be transferred to ownership of the City of Whittier.



2. Lands to be disposed of in the two areas comply with all applicable zoning and planning powers of the City of Whittier.

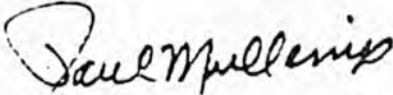
The City of Whittier's request for ownership of these lands should receive consideration because of Whittier's rather unique history of attempting to obtain a land base.

The only lands owned by the City of Whittier were obtained through purchase of GSA excess property at the time of the Army's termination of interest in the area.

The City has never received a Municipal Entitlement of lands in conjunction with incorporation or annexation and to date has never received any entitlement from the State.

Your consideration in the above matter will be appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Paul Mullenix". The signature is written in dark ink and is positioned above the typed name.

Paul Mullenix
City Manager

McGrath Area

The Division of Municipal and Regional Assistance has been working with the City of McGrath and other communities along the Upper Kuskokwim in response to their concern about coordinating on issues of mutual interest. With them, we are in the early stages of developing a regional strategy for the area which would address, among other things, land disposals and other land management decisions. As the project becomes fully operational, the strategy effort may provide an opportunity for DNR to obtain additional input on the disposal areas and to benefit from a more coordinated regional response with respect to State lands and resource management decisions. This would seem especially true if DNR initiates an Upper Kuskokwim Basin Plan in FY 84-85.

Regardless of the progress of this planning effort, we would like to stress the importance of public hearings to review disposal projects. Although there has been considerable interest in State land disposals in McGrath, there have also been a number of concerns expressed throughout the area. There should be ample opportunity for local input.

Whittier Area

For the past year, the Division has been working with the City of Whittier to develop a comprehensive plan. Development of the plan has involved frequent discussions on future land use with the Whittier Planning Commission, City administration and local residents. The plan, projected to be submitted to the Whittier City Council for adoption by October, 1983, will provide direction on future land use. The comments offered below only reflect policies identified in the draft comprehensive plan and concerns expressed by Whittier residents during development of the plan. The comments do not reflect formal action taken by the City Council.

All lands within the proposed Whittier Subdivision disposal and the majority of and potentially all land within the Shotgun Cove disposal are within Whittier's municipal boundaries. The Poe Bay disposal is approximately 3 1/2 - 4 miles east of Whittier's municipal boundaries. Although the City is concerned with potential service delivery and secondary impacts on the City from the Poe Bay disposal, the majority of concern is focused on the Whittier Subdivision and Shotgun Cove disposals.

With the exception of lands in the Shotgun Cove and Section 18 areas (approximately 500 acres) that have been selected by Chugach Regional Native Corporation, lands identified by DNR

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for disposal comprise virtually all remaining lands within Whittier's municipal boundaries that are suitable for residential development. As such, the City is very concerned that maximum beneficial use of this limited land base occurs to enable desired community expansion. The Division recommends that the following issues/actions receive consideration for any land disposals within Whittier's municipal boundaries.

As indicated, Whittier has an extremely limited land base to enable future community growth. With the exception of several small tracts of land (less than 15 acres), all available lands in the Whittier core area have been developed or are under the restrictive ownership of the Alaska Railroad. In addition, the majority of land within Whittier's boundaries is unsuitable for development because of extremely steep slopes, poor soils, poor drainage, and glaciation. These conditions underscore the need for the City to have maximum possible control over the remaining land base to provide avenues for future growth.

To assist in accomplishing this goal, we understand the City intends to request that the State transfer ownership of lands within the Whittier Subdivision and Shotgun Cove disposals to the City. If this transfer were to occur, the City would be able to establish a municipal land disposal program to guide disposal of these lands. Through ownership of these lands, the City could best determine timing, size and nature of the land disposals and would be able to use revenues generated through municipal land disposals to help offset future costs of providing municipal services to these areas, e.g., road maintenance, utilities and fire protection.

Whittier is very concerned with the potential future costs to the City for providing municipal services to these areas, and is particularly concerned that offering virtually all developable lands through these two simultaneous disposals will severely restrict the City's ability to accommodate future growth. The timing of these two disposals may encourage speculative and seasonal recreational development, as current housing, community development, and economic growth demands may not require disposal of this amount of acreage in 1986 to accommodate existing needs. The City's goal is to establish single family year-round residential development as the primary use for these areas, and Whittier is not sure this interest will be accommodated by the proposed disposals.

The only lands owned by the City were obtained through municipal purchase of GSA excess property when the U.S. Army terminated its interests in the Whittier area. The City conducted a municipal bond sale to generate sufficient revenues to purchase these lands in the Whittier core. In the

mid-1970's, the City annexed lands east of the core (including the majority of land within these two disposals) in an attempt to provide more lands for community growth. However, the City did not receive a municipal entitlement of lands in conjunction with this annexation and to date, has received no municipal entitlements from the State. The only lands projected to be transferred from the State to the municipality are approximately 100 acres in the Shotgun Cove area and these lands contain a covenant restricting use of public services related to the proposed Shotgun Cove small boat harbor. In addition, Whittier does not have a Native village corporation in its area. If a village corporation were in Whittier, 14(c)(3) provisions of ANCSA would mandate transfer of a maximum of 1,280 acres to the municipality. In short, Whittier has never received any land entitlements and has virtually no lands available to it to encourage or accommodate community expansion.

As a second overall concern, the Division supports use of the adopted Whittier Comprehensive Plan, Land Use Plan, and Zoning Ordinance as guides for land disposals in the Whittier Subdivision and Shotgun Cove areas, whether or not the land is transferred to the City. At present, these areas are designated as R-1 and R-2 zones. The R-1 zone allows single family homes on 3-acre minimum size lots. The R-2 zone allows single family homes on 1 1/2 acre minimum size lots or cluster development of two homes on 2 acre minimum size lots. The City recognizes that higher density may be necessary in the future, but prefers this density at present. Concerns with density are best addressed at the local level. The Division requests that DNR recognize the applicability of City plans and ordinances on land use and density within the municipal boundaries.

The Whittier Comprehensive Plan draft has also identified the desirability of a landward buffer zone a minimum of 50 feet in width from the mean high water level. This buffer zone would enable public access to the coastline in all areas. The Division requests this City draft policy receive consideration in DNR's disposal plans.

Consideration should also be given to scheduling the Whittier Subdivision disposal before the Shotgun Cove disposal. Access to much of the Whittier Subdivision disposal is available at present via the uncompleted Shotgun Cove road and would facilitate its development as a residential area. Access to the Shotgun Cove disposal area at present is possible only by boat, although road access may be possible in the future with construction of the Shotgun Cove road. Timing of the Shotgun Cove disposal should be coordinated with completion of the proposed Shotgun Cove small boat harbor and road project.

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In summary, the Division requests that the following receive consideration in relation to the Whittier Subdivision and Shotgun Cove proposals:

Transfer to ownership of the City of Whittier

Applicable zoning and planning powers of the City of Whittier

A landward buffer zone a minimum of 50 feet in width from the mean high water level

The Whittier Subdivision disposal occur prior to the Shotgun Cove disposal and both be coordinated with the Shotgun Cove road and harbor projects

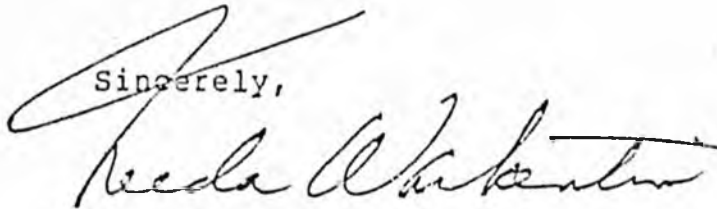
A requirement for low density year-round residential use

The impact on municipal services

The Department has minimal comments on the Poe Bay disposal. Major concerns are potential service delivery and secondary impacts on Whittier and potential conflicts with high recreational use of this area.

We appreciate the opportunity to comment and would request some indication by phone or letter as to your thoughts on the views presented here. We look forward to coordinating with you in the near future.

Sincerely,



Nelda Warkentin
Acting Planning Supervisor

cc: ✓ Department of Natural Resources

Linda Freed, Community Planning Department
Kodiak Island Borough

Paul Mollinex, City Manager
City of Whittier