

~~ADDITIONAL INFORMATION~~

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HRES

SB 47

- SB 52

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4.33.450

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§ 44.33.455

STATE GOVERNMENT

§ 44.33.470

**Editor's note.** — Section 2, ch. 75, SLA 1979, terminating July 1, 1984, provides: "Notwithstanding the terms of office specified for members of the Alaska Agricultural Action Council in AS 44.33.450(c), enacted in sec. 1 of this Act, the terms of the first appointees shall be one member serving a term ending June 30, 1980, one member serving a term ending June 30, 1981, one member serving a term ending June 30, 1982, one member

serving a term ending June 30, 1983, and one member serving a term ending June 30, 1984."

Section 4 of ch. 75 provides that this article terminates July 1, 1984.

**Legislative history report.** — For adoption of the Free Conference Committee letter of intent on Senate Bill No. 14 (ch. 75, SLA 1979), see 1979 Senate Journal, . . . 138; 1979 House Journal, p. 1373.

**Sec. 44.33.455. Compensation of members.** (a) Members of the council who are not state officers or employees are entitled to per diem and travel expenses provided for boards and commissions under AS 39.20.

(b) State officers or employees appointed as members of the council serve without compensation but are entitled to receive per diem and travel expenses from council funds. (§ 1 ch 75 SLA 1979)

**Editor's note.** — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

**Sec. 44.33.460. Meetings.** The council shall schedule regular meetings during the year, and may hold special meetings upon the call of the chairman or four members of the council. (§ 1 ch 75 SLA 1979)

**Editor's note.** — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

**Sec. 44.33.465. Quorum.** Three members of the council constitute a quorum. An affirmative vote of at least three members is necessary to approve any action of the council. (§ 1 ch 75 SLA 1979)

**Editor's note.** — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

**Sec. 44.33.470. Powers and duties of the council.** (a) The council has the power to

(1) adopt and amend bylaws for the management and regulation of its affairs; and

(2) maintain an office at any place or places in the state.

(b) The council has the duty to

(1) hold public hearings in areas of the state considered for agricultural development;

(2) evaluate the need for farm conservation plans for land under agricultural production in the state;

- (3) serve as coordinator for gathering information and data relating to agriculture;
- (4) recommend appropriate activities for the promotion of agriculture in the state;
- (5) provide technical information and make recommendations to the commissioner of natural resources regarding the classification of state land having a potential for agricultural use;
- (6) act as administrator of the Delta agricultural development project and any other agricultural development project authorized under AS 44.33.475;
- (7) contract for the clearing, draining and breaking of agricultural land located in the Delta agricultural development project;
- (8) contract with the owners of land prepared for agricultural use under (7) of this subsection for reimbursement to the state of the cost of the clearing, draining and breaking of the land;
- (9) contract for the construction of access roads in the Delta agricultural development project;
- (10) conduct studies and carry out experimental and pilot projects to develop markets for agricultural products produced in the state; and
- (11) recommend legislation to the governor to improve agricultural development in the state. (§ 1 ch 75 SLA 1979)

Editor's note. — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

Sec. 44.33.475. Agricultural development projects. (a) Before January 15 of each year the council shall report to the governor and the legislature concerning the activities of the council during the current fiscal year. The report shall contain recommendations for the development of agriculture in the state during the next fiscal year.

(b) An agricultural development project recommended under (a) of this section may not be implemented unless authorized by law. The report required by (a) of this section shall include recommended legislation which

- (1) sets out the type of agricultural development to be accomplished and, if state land is to be developed for agricultural production, describes the boundaries of the land to be developed;
- (2) defines specific tasks to be performed by appropriate state agencies to the extent the tasks are identifiable at that time; and
- (3) grants to the council sufficient authority to insure cooperation of all state agencies involved in the implementation of the agricultural development project. (§ 1 ch 75 SLA 1979)

Editor's note. — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

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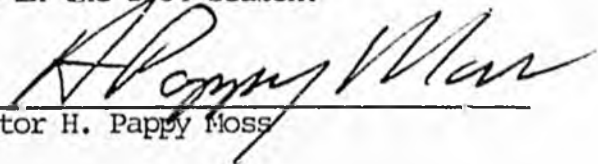
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PROPOSED LETTER OF INTENT FOR CSSSSB 47(Fin) am:

CSSSSB 47 (Fin) am: "An Act relating to reimbursement for the cost of land clearing; and providing for an effective date.

It is the intent of the sponsor of this bill that land owners who have established a record of production, and have consistently maintained 1,000 acres or 50 percent of their tillable acreage in production in previous years, may be eligible for a moratorium under SB 47 in 1984 even if they have not planted in the 1984 season.

  
\_\_\_\_\_  
Senator H. Pappy Moss

# COMMITTEE REPORT

## HOUSE

(9)

FURTHER:

5/11/84

Date: MAY 14 1984

The Committee on RESOURCES has had CS SSSB 47(Fin) am

"An Act relating to reimbursement for the cost of land clearing; and providing for an effective date."

under consideration and recommends:

do pass ~~with attached amendments~~  do not pass

do pass with attached amendments(s)

replace with CS for \_\_\_\_\_  same title

and recommends \_\_\_\_\_  new title

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation  Zero Fiscal Note Attached

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

SHULTZ [Signature]  
LARSON [Signature]  
GILL [Signature]  
RUBINSTEIN [Signature]  
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VASKA [Signature]  
LISKA [Signature] No Rec  
WEALING [Signature] (No Rec)  
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[Signature]  
CO-CHAIRMAN



Offered: 5/7/84  
Referred: Rules

Original sponsor: Moss

1 IN THE SENATE BY THE FINANCE COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 47 (Finance) am  
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 reimbursement for the cost of  
7 land clearing; and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. LAND CLEARING REIMBURSEMENT MORATORIUM. (a) A land owner  
10 who has contracted before January 1, 1984, with the Alaska Agricultural  
11 Action Council under AS 44.33.470(8) for reimbursement to the state of the  
12 cost of clearing, draining, and breaking of land, may be granted a mora-  
13 torium up to three years on the payment of principal on the reimbursement  
14 by applying to the agriculture revolving loan fund board.  
15 (b) A land owner may not qualify for a moratorium under (a) of this  
16 section unless at least 1,000 acres or 50 percent of the land owner's till-  
17 able acreage, whichever is less, is in production at the time of applica-  
18 tion for the moratorium and continues to remain in production during the  
19 moratorium granted under this subsection.  
20 (c) In order to qualify for a moratorium under (a) of this section a  
21 land owner must, at the time of application for the moratorium, be in  
22 compliance with the development plan set out in the owner's contract and  
23 continue to remain in compliance with the development plan during the  
24 moratorium granted under this subsection.  
25 (d) A moratorium under (a) of this section may not be granted after  
26 July 1, 1987.  
27 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
28 10.070(c).

Original sponsor: Moss

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 47 (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 reimbursement for the cost of  
7 land clearing; and providing for an effective date."

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

9 \* Section 1. LAND CLEARING REIMBURSEMENT MORATORIUM. (a) A land owner  
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12 cost of clearing, draining, and breaking of land, may be granted a mora-  
13 torium up to three years on reimbursement payments by applying to the  
14 agriculture revolving loan fund board.

15 (b) A land owner may not qualify for a moratorium under (a) of this  
16 section unless at least 1,000 acres or 50 percent of the land owner's till-  
17 able acreage, whichever is less, is in production at the time of applica-  
18 tion for the moratorium and continues to remain in production during the  
19 moratorium granted under this subsection.

20 (c) In order to qualify for a moratorium under (a) of this section a  
21 land owner must, at the time of application for the moratorium, be in  
22 compliance with the development plan set out in the owner's contract and  
23 remain in compliance with the development plan during the moratorium.

24 (d) Payments of interest on a contract for reimbursement to the state  
25 of the cost of clearing, draining, and breaking of land are subject to a  
26 moratorium under (a) of this section but interest continues to accrue  
27 during the moratorium.

28 (e) A moratorium under (a) of this section may not be granted after  
29 July 1, 1987.

1 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
2 10.070(c).  
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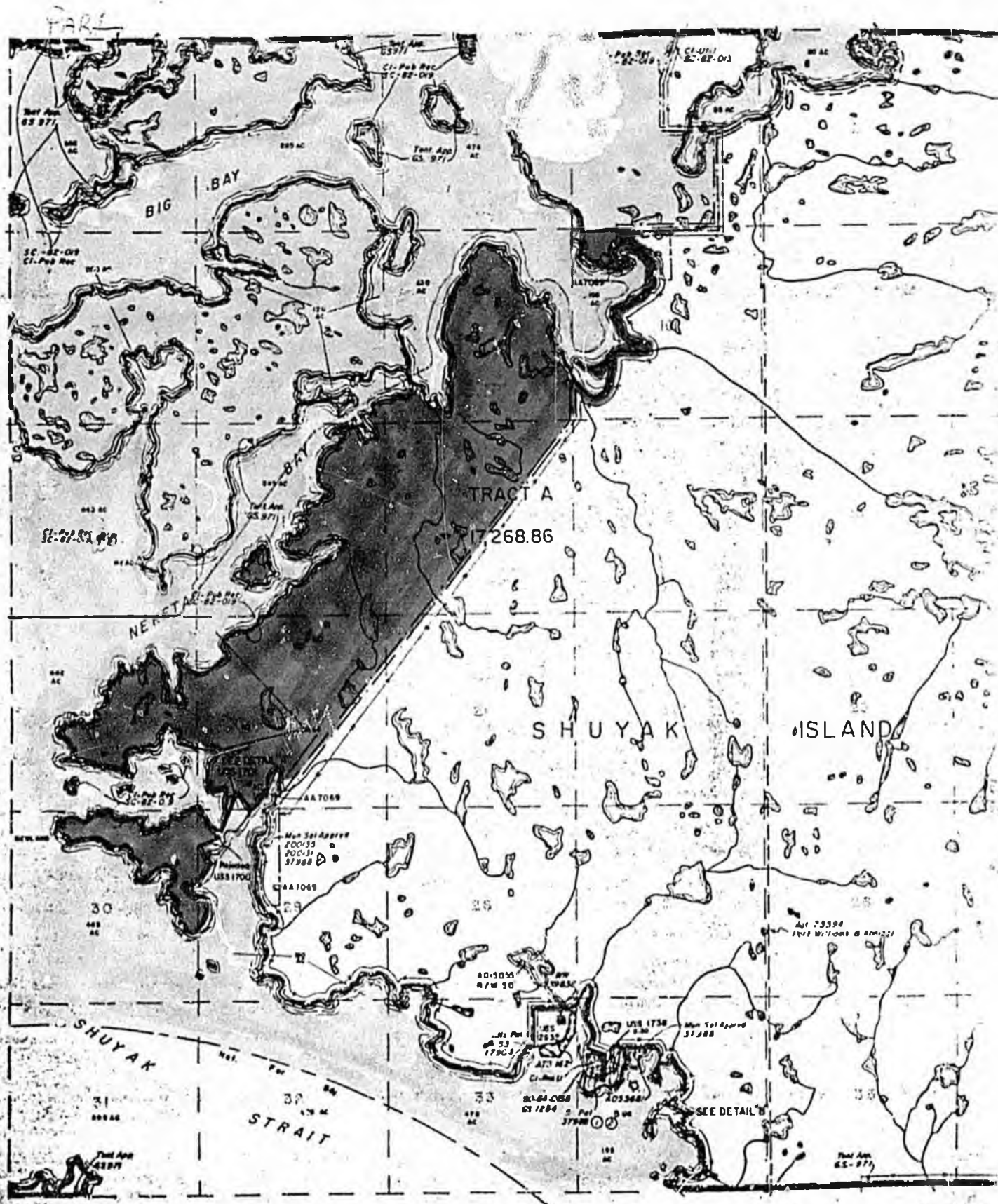
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# Of Shuyak Island and Fred Zharoff: My Turn

by NEIL C. JOHANSEN

Director  
Alaska State Parks

The proposed Shuyak Island State Park has attracted considerable attention over the past several months. I've endeavored to read each printed account reporting on various meetings and public hearings as well as attendant editorials. Considering the many statewide issues which my agency must deal with, the Shuyak proposal has certainly generated more than its share of letters and telegrams into my in-basket as well as phone calls - some at my personal residence late in the evening.

Perhaps this is to be expected, given the unique and outstanding meeting of ocean and shore which the west end of Shuyak Island presents. Superlatives are easily worn out in our spectacular state, but the island-dappled wilderness embayments of Shuyak, its quiet forests, its beaches, and wildlife are of truly outstanding character. Though I certainly support the private ownership of land, I also believe that such places as Shuyak Island are best held in the public trust. Places which ALL of us can call our own. Spots on the map which our children, and the generations which they leave in turn, can enjoy.

Over the past year I've worked with Kodiak Representative Fred Zharoff to see a small portion of Shuyak Island become part of the public trust. I believe Representative Zharoff and I have recently arrived at a reasonable compromise which will allow passage of a bill sponsored by Kodiak Senator Bob Mulcahy. The Senator's bill remains, in great measure, unchanged. Two thousand of the 11,000 acres is removed (the island is about 50,000 acres) and the State is required to sell 500 acres on Kodiak Island over the next five years. I support this compromise and, given the newspaper accounts of the past few weeks, also want to express my support for Representative Zharoff's efforts.

I feel that the media reporting of the issues which Fred and I have negotiated over the past few months have given your Representative an anti-park stigma. This would be an untrue conclusion. I have spent considerable time with Representative Zharoff this past year. I can honestly tell Kodiak residents that in my eyes he is an outstanding legislator and that he should not be judged on the single issue of Shuyak Island. Together with Senator Mulcahy, he deserves much of the credit for the improvements of Fort Abercrombie, the availability of the Buskin River Recreation Area and for the facilities at Pasagshak. He's worked to provide for our staff presence on the Island: Rangers Ed Apperson and Elaine Smiloff. Through his untiring efforts to resolve the Shuyak Island issue, Representative Zharoff has visited my office in Anchorage, and met with me a dozen times. He's flown to the proposed park and made a first class effort to shape the measure to best serve all of his constituents. The proposal soon to be before the House Resources Committee will provide for both land disposals (not on Shuyak Island) and for park lands. It seems to me that this offers an excellent balance of service to the citizens of Kodiak.

Representative Zharoff has been criticized by some for his position on Shuyak in recent weeks. I disagree with the complaints leveled against Fred. As an appointed official of the Administration I have occasion to work frequently with all 60 members of the Legislature. Frankly, I would be proud to have Mr. Zharoff as my representative in Juneau. Don't arrive at any conclusions towards Fred on the single issue of Shuyak Island. He does a yeoman job for all of you and I look forward to working with him in future years.



Most accounts of the Russians' attempts to colonize Alaska came from the Europeans. But there are those rare viewpoints presented by the Natives.

Arsenti Aminak was a boy at the time Stephan Glottof and his men anchored their ship near Kodiak Island in 1764.

As an old man, Arsenti, through an interpreter, told the historian, Holmberg, about the islanders' first contact with white men - and ships.

When the two-masted Russian ship appeared near Cape Aliulik, the Kodiak Natives thought it was an immense whale, recalls Arsenti.

"We went out to sea in our bidarkas, but soon discovered that it was no whale, but another unknown monster of which we were afraid, and the smell of which made us sick."

"When we saw them put fire into their mouth and blow out smoke, we knew they must be devils, as we did not know tobacco then.

Arsenti related to Holmberg that the Natives were curious, but fearful of the "strange apparition." A brave warrior, named Ishinik, dared to visit the ship. He returned to his people with presents: a red shirt, an Aleut hood, and some glass beads.

Ishinik, according to Arsen-

ti's account, told the people they had nothing to fear in the Russian invaders. But the "old and wise people held a council ...and some said, 'Who knows what sickness they may bring us...if they give us a good price for our skins we can do business afterward.'"

Arsenti's report differs considerably from Glottof's account, in saying that the Russians and their companions from the Aleutian Islands, initiated an attack on the islanders.

Many of Arsenti's people were killed by the Russians, but the boy's father, whose bidarki was pierced with arrows and began to sink, was rescued by a friend. They fled to Akhiok.

The Russians moved into a bay opposite Aiakhtalik Island. They lived in tents. When fish decreased in the lake, they moved about from village to village, abandoned by fleeing Natives.

Arsenti said that the Russians died from eating poisonous fish that even the gulls wouldn't touch.

"But we injured them also in other ways," continues his report. "They put up fox traps and we removed them for the sake of obtaining the iron material. When the Russians had examined our coast, they left our island during the following year."

The Alaska State Parks Advisory board will be holding its monthly meeting Monday, 7:30 p.m., in the Parks office at Fort Abercrombie. Items on the agenda include Shuyak update, Salomie Creek shooting range problem, and the Karluk River question.

**PUBLIC NOTICE**


**Pioneers Auxiliary Meeting**

*will be held at*


**The Senior Citizens' Center**

**7:00 p.m.**

**Thursday, March 8th**



**Kodiak Times**  
"The People Paper"



P.O. BOX 1698 KODIAK, ALASKA 99615- (907) 486-6126

FOUNDED IN 1976 BY KARL ARMSTRONG  
(1927 - 1983)

Gordon L. Pullar .....	Publisher
Mike Rostad .....	Editor
Deborah Golding .....	Advertising
Vanessa Longer .....	Layout

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SHUYAK ISLAND PARK AND REFUGE LEGISLATION: SB 730 AND SB 731

THE SETTLEMENT AGREEMENT TO FINALIZE THE KODIAK ISLAND BOROUGH LAND ENTITLEMENT RESULTED IN MANY ADJUSTMENTS TO THE ORIGINAL KODIAK ISLAND BOROUGH SELECTIONS. IN THE CASE OF SHUYAK ISLAND THE MOST DESIRABLE AREAS (THE WEST AND EAST COASTAL AREAS) WERE GIVEN UP AND LESS DESIRABLE LANDS WERE TAKEN IN THE CENTER OF THE ISLAND. THE STATE, THROUGH THE DEPARTMENT OF NATURAL RESOURCES, STRESSED THE WEST SIDE OF THE ISLAND WAS OF GREATER INTEREST TO THE STATE FOR STATE PARK LAND AND THE DEPARTMENT OF FISH AND GAME STRESSED THE EAST SIDE OF THE ISLAND SHOULD BE PRESERVED AS GAME HABITAT.

IN FINALIZING THE SHUYAK ISLAND SELECTIONS THE BOROUGH INCLUDED A CLAUSE IN THE SETTLEMENT AGREEMENT TO LOCK THE STATE INTO KEEPING THE RELINQUISHED BOROUGH SELECTIONS ON THE ISLAND AS PARK AND REFUGE LAND. THE CLAUSE STATES THAT IF THE STATE EVER CHANGES THE INTENDED PARK AND REFUGE USE THE BOROUGH HAS THE FIRST RIGHT TO OBTAIN THE RELINQUISHED LANDS. BOTH THE PARK AND GAME PEOPLE STATED THAT THEIR ABILITY TO HOLD TO THIS AGREEMENT WOULD BE STRENGTHENED IF LEGISLATION WAS PASSED TO DEDICATE THE LANDS. THE BOROUGH AGREED TO INTRODUCE SUCH LEGISLATION AS AT THE TIME OF NEGOTIATIONS IT WAS TOO LATE FOR THE STATE TO INTRODUCE IT.

ALSO IN THE NEGOTIATIONS OF THE OUT OF COURT SETTLEMENT, THE STATE REPRESENTATIVES DIVIDED UP THE REMAINDER OF THE ISLAND TO ABSORB ANY LANDS RELINQUISHED BY THE BOROUGH. (AS 41.20.507 (b) OF SB 731 AND AS 16.20.035 (c) OF SB 730). ALONG WITH THIS THEY INCLUDED ALL THE TIDE AND SUBMERGED LANDS OUT TO APPROXIMATELY THE THREE MILE LIMIT. AT THIS POINT THE NEGOTIATIONS WERE WEARING THIN. RATHER THAN NEGOTIATE THE ISSUE ANY FURTHER, THE BOROUGH STATED IT WOULD MAKE A REASONABLE EFFORT TO INTRODUCE THE PARK AND REFUGE LEGISLATION BUT WOULD NOT SUPPORT THE INCLUSION OF THE TIDE AND SUBMERGED LANDS.

AT THIS POINT THE INTRODUCED LEGISLATION DOES NOT INCLUDE ANY TIDE AND SUBMERGED LANDS. THE KODIAK ISLAND BOROUGH ASSEMBLY VOTED TO HOLD THIS POSITION EVEN THOUGH SUBSEQUENT PROPOSALS WERE MADE TO INCLUDE THE TIDE AND SUBMERGED LANDS OUT TO THE 10 FATHOM DEPTH (60 FEET) WHICH EXTENDS UP TO ONE MILE OFFSHORE AND INCLUDES THE EXTENSIVE BAY AREAS. BOTH PARKS AND GAME WANT THE WATER INCLUDED. ONE OF THE BIGGEST CONCERNS OF THE KODIAK ISLAND BOROUGH IS THAT PRESENTLY OPEN FISHING WATERS MAY BE CLOSED OR VESSEL USE IN THESE WATERS COULD BE CLOSED BY A DIRECTORS ORDER.

IF ANY TIDE AND SUBMERGED LANDS ARE INCLUDED IN THE LEGISLATION IT WILL BE NECESSARY TO INCLUDE A COMPATABLE USE CLAUSE. WITHOUT IT THE PARKLAND REFUGE DESIGNATIONS COULD PRECLUDE THE PLACING OF WARFS, DOCKS, PILING, ETC. IN TIDE AND SUBMERGED LANDS TO UTILIZE THE ADJACENT UPLANDS. ANOTHER CLAUSE SHOULD BE ADDED TO ALLOW FISHING, (BOTH COMMERCIAL AND SPORT) WITHIN THE PARK AND REFUGE WATERS. THESE CLAUSES WERE INCLUDED IN THE FEBRUARY 6, 1982 DRAFT OF THE BILLS.

AS A BOTTOM LINE ISSUE THE KODIAK ISLAND BOROUGH'S INTERESTS ARE PROTECTED BY THE AGREEMENT OF SETTLEMENT AND CONSENT DECREE APPROVED BY THE COURT. THE EFFORTS OF THE STATE AGENCIES TO EXPAND THE PROPOSED LEGISLATION TO INCLUDE TIDE AND SUBMERGED LANDS GOES BEYOND THE ORIGINAL ISSUE OF THE BOROUGH SELECTION ENTITLEMENT AND ERRODES THE KODIAK ISLAND BOROUGH'S OPPORTUNITIES TO ENHANCE ITS GENERAL WELFARE AND USE OF ITS LAND ENTITLEMENT.

SIGNED BY DALE P. TUBBS,  
LAND CONSULTANT FOR THE  
KODIAK ISLAND BOROUGH

NOV - 3 1981

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AGREEMENT OF SETTLEMENT

and

CONSENT DECREE

The parties to this agreement are the State of Alaska, Department of Natural Resources, through its Division of Forest, Land and Water Management ("the State") and the Kodiak Island Borough ("KIB").

Whereas, pursuant to AS 29.18.201-.213 KIB is entitled to select 56,500 acres from state general grant land within its boundaries, and has filed such selections in the manner provided by statute; and

Whereas, a considerable portion of the land selections filed by KIB were rejected by the State on the grounds that the lands selected had been previously classified by the State for a use or purpose which disqualified those lands for conveyance to KIB pursuant to AS 29.18.201 et seq., or had been designated as state interest lands pursuant to AS 38.05.047; and

Whereas, by reason of said selections by KIB and rejections by the State the parties are currently involved in three separate judicial appeals from administrative decisions which are now pending in the Superior Court, Third Judicial District under case numbers JAN-80-3070 (Woody Island), JAN-80-6710 (Land Classification); and JAN-81-1385 (Shuyak Island); and

Whereas, both parties desire to settle finally the question of those lands which will be conveyed to KIB in satisfaction of its statutory land entitlement, and further desire to resolve this question in the near future without extended litigation, and to resolve pending litigation.

Now, therefore, the parties agree as follows:

1. a. The State agrees to convey to KIB, as soon as practicable, the lands now owned by the State or hereafter acquired pursuant to Section 6 of the Alaska Statehood Act and which are described in Exhibit A (Shuyak Island) and Exhibit B (other lands). Open to Entry parcels under lease within lands described in Exhibit B which expire shall be conveyed to KIB upon expiration. All conveyances shall be completed not later than nine (9) months after execution of this agreement, except that, with respect to lands as to which the state has not yet received tentative approval, within nine (9) months after tentative approval.

b. KIB agrees that it will invoke its land regulatory powers, including zoning powers, to disallow in the west one-half of Section 10, T. 19 S., R. 20. W., S.M. fronting on Big Bay on Shuyak Island heavy industrial uses incompatible with use and enjoyment of adjacent park or public recreation lands. The Borough agrees to guarantee reasonable public access through the above described parcel for the purpose of utilizing adjacent park or public recreation lands. The State may reserve in the patent to these lands the right to re-enter and take possession upon the determination, by a court of competent jurisdiction, that KIB has breached this paragraph.

2. KIB agrees to execute a quitclaim deed to the State for the property described in Exhibit C (Pillar Creek Watershed and Woody Island).

3. In the event that at any time in the future the state-selected or state-tentatively approved lands described in Exhibit D are finally determined not to be subject to conveyance under the Alaska Native Claims Settlement Act (P.L. 92-203, 43 U.S.C. Sec. 1601 et. seq.) as amended for any reason, the State agrees that it will convey those lands to KIB upon receipt

of written notice from KIB of its election to receive such lands.


4. In the event that all or part of the lands described in Exhibit D are conveyed to KIB, KIB agrees to reconvey to the State, (in sequence from an easterly to a westerly direction), an equal number of acres from lands on Shuyak Island previously conveyed by the State to KIB pursuant to Paragraph 1.a. of this Agreement. Such reconveyance by KIB to the State shall be made first from Area I, and then from Area II, which are described below:

Area I. The area within protracted Sections 29, 30, 31, and 32, T. 19 S., R. 19 W., S.M. lying west of the agreed-upon proposed Aleksandr Baranov Game Refuge described in Paragraph 6 below.

Area II. Those lands lying within T. 18 S., R. 19 W. and T. 18 S., R. 20 W., S.M. which are east of Carry Inlet and west of Shandin Bay.

5. If lands described in Exhibit D and which are conveyed by the State to KIB pursuant to paragraph 3 of this Agreement exceed in acreage the lands designated as Area I and Area II in Paragraph 4 above, KIB agrees to reconvey to the State additional sections of land on Shuyak Island until such reconveyances within Area I and Area II are equal in total acreage to the acreage of the lands described in Exhibit D which have been conveyed to KIB. Such additional conveyances shall be designated by KIB from any lands on Shuyak Island then owned by KIB, or designated for transfer to KIB pursuant to this Agreement, provided that such lands are compact and contiguous with other lands on Shuyak Island which are then in state ownership.

6. KIB agrees to attempt to obtain introduction and passage of legislation in the Alaska State Legislature which



would create a state game refuge denominated the "Aleksandr Baranov State Game Refuge" consisting of the lands described in Exhibit E. KIB agrees to support introduction of such legislation beginning with the 1981 legislative session, and to support early passage of such legislation, provided that KIB is not obligated to support inclusion of tide or submerged lands except upon mutual agreement with the state with respect to the regulatory implications of such inclusion. The State agrees to support such legislation in good faith, by such oral and written testimony as may be appropriate.

7. KIB agrees to attempt to obtain introduction and passage of legislation in the Alaska State Legislature creating a state park denominated the "Shuyak Island State Park" and consisting of all lands described in Exhibit F. KIB agrees to support introduction of such legislation beginning with the 1981 legislative session, and to support early passage of such legislation, provided that KIB is not obligated to support inclusion of tide or submerged lands except upon mutual agreement with the state with respect to the regulatory implications of such inclusion. The State agrees to support such legislation in good faith, by such oral and written testimony as may be appropriate.

8. In the event that lands to be included in the proposed "Aleksandr Baranov State Game Refuge" or the proposed "Shuyak Island State Park", referred to in Paragraph 6 and 7 respectively, are not finally included by legislation in the proposed game refuge or park, such lands shall be at all times classified and managed by the State in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes. Otherwise KIB shall be entitled to select those lands not so classified and managed, and the State shall thereupon promptly transfer the selected lands to KIB. Upon transfer of such lands to KIB, KIB shall reconvey equivalent acreage to the State from Shuyak Island in the manner provided in Paragraph 4, and thereafter in the manner provided in Paragraph 5.

9. The State will desist, on lands owned by it, from creating public easements for the benefit of KIB and the public, each of which shall be 200 feet in width, to provide public access from the line of mean high tide westerly to lands on Shuyak Island which have been conveyed to KIB pursuant to Paragraph 1 of this agreement. The easements will be in the following areas, as more specifically indicated on the attached map entitled Exhibit H, and further subject to exact location in the field:

- A. Traversing Section 26, T. 18 S., R. 19 W., S.M.;
- B. Traversing Sections 15 and 16, 21 and 22, of T. 19 S., R. 19 W., S.M.;
- C. Traversing Section 32, T. 19 S., R. 19 W., S.M..

In the event that lands are conveyed to the State pursuant to paragraphs 4 and 5 above, those easements designated in subparagraphs A, B, and C of this paragraph shall be reserved so as to continue through such lands.

10. The State shall reserve the easements described in Exhibit G. With respect to easements reserved pursuant to AS 38.05.127 or other applicable provision of law, on all other lands conveyed to KIB, their location shall be determined by the borough, subject to approval by the Department of Natural Resources, prior to conveyance by the borough to a private third party.

11. The State and KIB agree that this Agreement is intended by the parties to resolve all outstanding legal and factual differences between them concerning the application of the Municipal Land Selection Act (AS 29.18.201-.213), including particularly, pending Superior Court lawsuits numbered JAN-80-3070, JAN-80-6710, and JAN-81-1385. To achieve this result, the parties agree to accomplish the following actions promptly upon execution of this Agreement:

- a. KIB agrees to relinquish its nominations, selections, and selection approvals not designated for transfer to KIB in this Agreement and further

agrees not to litigate or otherwise challenge the retention by the State of such lands.

- b. KIB agrees not to litigate or otherwise challenge retention by the State of those public easements depicted in Exhibit G.
- c. The State agrees to accept from KIB the relinquishment of those nominations, selections, and approved selections required by this Agreement, and to accept future selections and reconveyances by KIB pursuant to Paragraphs 4, 5, and 8.
- d. All previous transfers of land from the State to KIB are hereby affirmed. Nothing herein affects KIB's right to apply for land under AS 38.05.315 or other applicable law, including AS 29.18.201-213.
- e. The State and KIB agree that the terms of this Agreement shall constitute a consent decree and judgment to be presented to the Superior Court for entry in final settlement and dismissal of all pending litigation between the parties with respect to KIB land selections under AS 29.18.201-213, such pending litigation consisting of the following pending judicial appeals from administrative decisions:
- JAN-80-3070 (Woody Island)
  - JAN-80-6710 (Land Classification)
  - JAN-81-1385 (Shuyak Island)
- f. All such litigation shall be dismissed upon execution and court approval of this Agreement and Consent Decree, with each party to bear its own costs and attorney's fees.

12. The State and KIB agree that this Agreement, together with its Exhibits A through H, embodies all of the terms and conditions of the Agreement for settlement of pending litigation and for conveyance of all lands due to KIB pursuant to AS 29.18.201-.213, and that no additional enforceable agreements or commitments exist between them with regard to this subject which are not contained in the text of this Agreement and its Exhibits. The parties reserve the right, by mutual consultation and agreement, to correct if necessary any technical errors or omissions in the specific land descriptions comprising Exhibits A through H herein, so as to more nearly conform to the mutual intentions of the parties with regard to implementation of this Agreement

DATED this 19<sup>th</sup> day of June, 1981.

DEPARTMENT OF NATURAL RESOURCES

KODIAK ISLAND BOROUGH

[Signature]  
Commissioner

[Signature]  
Borough Mayor

STATE OF ALASKA

Attest: [Signature]  
Borough Clerk

[Signature]  
Director, Division of Forest,  
Land & Water Management

Attest: [Signature]  
Municipal Land  
Selections Officer

APPROVED AS TO FORM:

[Signature]  
Thomas E. O'Leary  
Assistant Attorney General  
State of Alaska

[Signature]  
Richard W. Garnett III  
Attorney, Kodiak Island  
Borough

ORDER

IT IS ORDERED, that the foregoing Agreement of Settlement and Consent Decree is hereby adopted and approved and

shall be enforceable as a judgment of the court.

DATED this 12 day of August, 1981 at  
Anchorage, Alaska.

S/ Daniel A. Moore Jr.  
Judge of the Superior Court



# Alaska State Legislature

## Senate

JUNEAU, ALASKA

TO: Senator Bettye Fahrenkamp, Chairman  
Senate Resources Committee

FROM: Senator Bob Mulcahy *Bob Mulcahy*

SUBJ: SB 730 and 731

DATE: March 3rd, 1982

During the March 1st hearing on SB 730 and 731, two questions were raised: the first question was in regards to private lands on Shuyak Island, and the second question was in regards to surveying costs being mentioned in the court settlement.

The only patented private lands on Shuyak Island lie outside of the proposed park and the proposed game refuge. These lands will not be affected by either of these bills. There are several small areas claimed under the Native Land Claims that are scattered around the island; these are at present being adjudicated.

There is nothing in the court settlement about surveying costs at all. I am informed by the Kodiak Island Borough that there is no concern about the question of survey costs at this time.

cc: Senator Gilman

I. REQUEST

Bill/Resolution No. S.B. 51  
 Title An Act establishing Shuyak Island State Park  
 Requested by Mulcahy Date 1/20/83

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-			

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	-0-	-0-	-0-			

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

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

The park, if established, would be placed under passive management until such time that the level of visitor use or the development of on-site facilities required visitor services or maintenance.

HW.  
1/24/83

IV. DATE \_\_\_\_\_ PREPARED BY \_\_\_\_\_  
 AGENCY Natural Resources  
 Original: Legislative Finance PHONE 465-2400  
 cc: Budget and Management

II. FISCAL DETAIL

Agency Affected Department of Fish and Game  
 Program Category Affected Sport Fish and Game  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

No cost in addition to normal managment program.

IV. DATE February 22, 1983 PREPARED BY *Beverly Reaume*  
 AGENCY Fish and Game  
 PHONE 465-4120  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/82)

STATE OF ALASKA  
FINAL STATEMENT OF FISCAL IMPACT

Bill No: SB 59 Date on Bill: 1/18/83  
 Title: An Act Establishing Shuyak Island State Park  
 Sponsor: Mulcahy and V. Fischer  
 Requestor: Senate Resources

Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	-0-
Operational	-0-	-0-	-0-	-0-
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----

Source of funds to offset fiscal impact of bill:

No impact.

Assumptions:

The Park, if established, would be placed under passive management until such time as the level of visitor use or the development of onsite facilities required visitor services or maintenance. Neither situation is expected to occur within the next four years.

This statement has been reviewed by the OMB in the Office of the Governor. It may be considered to represent the policy of the Sheffield Administration and the final estimate of fiscal impact.

Prepared By: Hilton Wolfe Phone: 465-2421  
 Division: Parks Date: 2/21/83

Approved by Commissioner: William D. Amundson, Deputy Date: 2/21/83  
 Department: Natural Resources

Reviewed by OMB: \_\_\_\_\_ Date: \_\_\_\_\_  
 Name: \_\_\_\_\_

Distribution:

Original to Legislative Finance  
 Copy to Department  
 Copy to \_\_\_\_\_

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 51 Date on Bill: 1/18/83  
 Title: An Act Establishing Shuyak Island State Park  
 Sponsor: Mulcahy and V. Fischer  
 Requestor: Senate Resources

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	-0-
Operative	-0-	-0-	-0-	-0-
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----

2. Source of funds to offset fiscal impact of bill:

No impact.

3. Assumptions:

The Park, if established, would be placed under passive management until such time as the level of visitor use or the development of onsite facilities required visitor services or maintenance. Neither situation is expected to occur within the next four years.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Hilton Wolfe Phone: 465-2421  
 Division: Parks Date: 2/21/83

Approved by Commissioner: Wm D Small, Deputy Date: 2/21/83  
 Department: Natural Resources

5. Distribution:

Original to Legislative Finance  
 Copy to OMB  
 Copy to Sponsor  
 Copy to Requestor

2/15/83



Official Business

# Alaska State Legislature

## Senate

Pouch V  
State Capitol  
Juneau, Alaska 99811

### Sectional Analysis of SB 51

#### Section one:

Sec. 41.20.530 establishes that the purpose of the Shuyak Island State Park is to protect the recreational and scenic resources, the fish and wildlife habitat, and to preserve the use of the area for hunting, fishing, trapping, and other recreational activities.

Sec. 41.20.532 (a) states that the state owned uplands and freshwater bodies in the following areas are designated as the Shuyak Island State Park. This is the area in green on the map.

(b) states that if the Kodiak Island Borough gives any of the land in the following sections back to the state, it may be added to the park by proclamation of the Governor. This is the area in blue with black cross-hatching.

Sec. 41.20.534 (a) designates the Department of Natural Resources as the agency with responsibility for management of the uplands and freshwater bodies in the park.

(b) designates the Department of Fish & Game as the agency with the responsibility for management of the fish and game resources in the park.

(c) requires the Department of Natural Resources to consult with the Department of Fish and Game before adopting regulations affecting the park.

(d) requires the Department of Fish and Game to consult with the Department of Natural Resources before adopting regulations affecting the park.

Sec. 41.20.536 (a) states that DNR will designate incompatible uses in the park.

(b) states that shooting in the park is allowed, except in areas that are closed because of public safety.

(c) allows ADF&G to engage in stream rehabilitation and enhancement.

(d) states that regulations governing public uses in the park will provide reasonable access for hunting, fishing, and trapping.

(e) requires that reasonable access be allowed to the Department of Public Safety and the Department of Fish and Game for the purposes of management and enforcement of fish and wildlife.

Sec. 41.20.538 allows the state to purchase property in the park. The state may not acquire land by eminent domain.

Section two provides for an immediate effective date.

NOTE: The proposed park on Shuyak Island is approximately 12,000 acres.

LAND PLANNING REPORT  
PROPOSED SHUYAK ISLAND STATE PARK  
SHUYAK ISLAND  
September 23, 1981

Kodiak Island Borough  
Kodiak, Alaska  
RECEIVED

NOV - 5 1981

7 8 9 10 11 12 1 2 3 4 5 6  
A M P M

Existing Classification - Forestry - SC-80-037  
Recommended Classification - Public Recreation  
Acreage - Approximately 13,000 acres

Proposed Classification/Justification

The proposed classification is public recreation. This classification action will implement the Agreement of Settlement and Consent Decree between the State of Alaska and the Kodiak Island Borough.

Location

The subject parcel is located on the western portion of Shuyak Island and includes adjacent small islands and offshore rocks. Shuyak Island is the northernmost major island in the Kodiak archipelago. It is 50 miles north of Kodiak, Alaska and 85 miles southwest of Homer, Alaska.

Legal Description

(Unsurveyed land--All sections are protracted)

Beginning at the  $\frac{1}{2}$  corner common to Sections 31 and 32, T19S, R20W, S.M., which is the Point of Beginning, and which is offshore in the vicinity of the SW corner of Shuyak Island;

Thence northeasterly, approximately 1.0 mile to the C-W-W 1/64th corner of Section 29, T19S, R20W, S.M. in Shuyak Harbor;

Thence, within Shuyak Harbor, northeasterly 0.52 miles to the W 1/16th corner common to Sections 20 and 29, T19S, R20W, S.M.;

Thence east leaving Shuyak Harbor along the section line between Sections 20 and 29 and the  $\frac{1}{2}$  corner common to Sections 20 and 29, T19S, R20W, S.M.;

Thence northeasterly approximately 2.5 miles to the corner common to Sections 9, 10, 15 and 16, T19S, R20W, S.M.;

Thence north between Sections 9 and 10, T19S, R20W, S.M., approximately 0.25 miles to the point of mean high tide on the south shore of Big Bay;

Description of Shuyak Island

SHUYAK ISLAND  
September 23, 1981  
Page 2

(Unsurveyed land--All sections are protracted) (continued)

Thence meandering easterly and northerly; in a counter-clockwise direction along the mean high tide line of Shuyak Island to a point common to the W 1/16th line in the north-half of the north-half of Section 10, T19S, R20W, S.M.;

Thence north along the W 1/16th line approximately 150 feet to the section line common to Sections 3 and 10, T19S, R20W, S.M.;

Thence, east 0.5 miles between Sections 3 and 10 to the E 1/16th corner of Sections 3 and 10, T19S, R20W, S.M.;

Thence north 0.5 miles along the E 1/16th line of Section 3 to the C-E 1/16th corner of Section 3, T19S, R20W, S.M.;

Thence west 0.25 miles along the E-W line of Section 3, T19S, R20W, S.M.;

Thence north 0.25 miles along the NW line of Section 3 to the C-N 1/16th corner of Section 3, T19S, R20W, S.M.;

Thence north-northeasterly approximately 1.65 miles to the C-F-W-SW 1/256th corner of Section 26, T18S, R20W, S.M.;

Thence east 0.80 miles along the S 1/16th line of Section 26 to the S 1/16th corner of Sections 25 and 26, T18S, R20W, S.M.;

Thence south 0.25 miles between Sections 25 and 26 to the corner common to Sections 25, 26, 35 and 36, T18S, R20W, S.M.;

Thence east between Sections 25 and 36, T18S, R20W, S.M., and Sections 30 and 31, T18S, R19W, S.M. approximately 1.75 miles to the intersection with the mean high tide line on the west shore of the unnamed bay that connects to Shangin Bay;

Thence meandering southerly and easterly along the mean high tide line of said unnamed bay to Shangin Bay and then continuing southerly, easterly and northerly along the mean high tide line of Shangin Bay to a point common to the N 1/16th line of Section 32, T18S, R19W, S.M.;

Thence east along the N 1/16th line of Sections 32 and 33 approximately 0.3 miles to the NW 1/16th corner of Section 33, T18S, R19W, S.M.;

SHUYAK ISLAND  
September 23, 1981.  
Page 3

(Unsurveyed land--All sections are protracted) (continued)

Thence northeasterly approximately 1.5 miles to the section corner common to Sections 22, 27, 28 and 21, T18S, R19W, S.M.;

Thence north along the west boundary of Sections 22, 15, 10, 3 and 34, 5.0 + miles to the corner common to Sections 27, 34, 33 and 28, T17S, R19W, S.M.;

Thence, northwesterly, 4.2 miles + to the corner common to Sections 7 and 18, T17S, R19W, S.M., and Sections 13 and 12, T17S, R20W, S.M.;

Thence southwesterly, 9 miles + to the corner common to Sections 12, 13, 14 and 11, T18S, R21W, S.M.;

Thence southwesterly, 5.4 miles + to the corner common to Sections 3, 10, 9 and 4, T19S, R21W, S.M.;

Thence southeasterly 4.7 miles + to the  $\frac{1}{4}$  corner of Section 35, T19S, R21W, S.M.;

Thence east along the E- $\frac{1}{2}$  line of Sections 35 and 36, T19S, R21W, S.M. to the  $\frac{1}{4}$  corner common to Section 36, T19S, R20W, S.M. and Section 31, T19S, R20W, S.M.;

Thence east approximately 1.0 mile along the E- $\frac{1}{2}$  line of said Section 31 to the  $\frac{1}{4}$  corner common to Sections 31 and 32, T19S, R20W, S.M., which is the Point of Beginning of this description.

The above description encompasses State owned and subsequently acquired uplands, tidelands and submerged lands. Those lands which are uplands total approximately 13,000 acres.

Background

The Kodiak Island Borough pursuant to AS 29.18.201-.213 is entitled to select 56,500 acres from State general grant land within its boundaries and has filed such selections in the manner provided. However, a considerable portion of the land selections filed by the Kodiak Island Borough were administratively rejected by the State. As a result the Kodiak Island Borough filed three separate judicial appeals of the administrative decisions in the Superior Court, Third Judicial District under case numbers 3AN-80-3070 (Woody Island), 3AN-80-6710 (Land Classification) and 3AN-81-1385 (Shuyak Island). Both parties desired to settle the question of which lands will be conveyed to the Kodiak Island Borough without extended litigation and entered into an agreement of settlement and consent decree which was approved and adopted by the court.

SHUYAK ISLAND  
September 23, 1981  
Page 4

Background (continued)

Section 7 of the Agreement of Settlement and consent decree provides both parties shall support legislation to create a State park denominated the "Shuyak Island State Park" on the subject parcel.

Section 8 of the Agreement of Settlement and consent decree provides that in the event the lands to be included in the proposed "Shuyak Island State Park" are not finally included by legislation such lands shall be at all times classified and managed by the State in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes.

Physical Description

Shuyak Island is the northernmost and smallest of the major islands in the Kodiak Island Archipelago, which is formed by the Kodiak Mountains, a structural southwest continuation of the Kenai-Chugach Mountains. The area is characterized by an irregular coastline with many fiords and islands. Short, swift, clear streams, small lakes and numerous small ponds are widely scattered over the glacially sculptured topography. Unlike the larger islands of the group the topography of Shuyak Island is of rather low relief with elevations ranging from 0 to 660 feet above sea level with predominantly gently rolling slopes.

Shuyak Island is in a maritime climatic zone, however, climatic data for the area is sporadic. The only major recording station is on Kodiak Island, with supporting data from ship movement through the areas. The maritime climatic zone is strongly influenced by the marine environment and characterized by moderately heavy precipitation, cool temperatures, high cloud and fog frequency with little or no freezing weather. Temperature patterns are characterized by relatively cool summers and warm winters, as compared to interior land temperatures at similar latitudes. The mean high temperature for January is 32 to 36° F while the mean high temperature for July is only 56 to 62° F. Above freezing temperatures, which are common during all winter months, usually keep the snow depth from becoming excessive at low elevations. However, the warm temperatures at low elevations also result in wet heavy snow with high water content.

Severe storms with high winds are common in the area. Surface winds are more hazardous to human activities in the area than temperature or precipitation. Sustained extreme wind speeds during storms may range from 50 to 75 knots, with gusts as high as 100 knots. From June through September when the air contains the most moisture and is warmer than the water, fog is common and the principal cause of reduced visibility.

The vegetation on Shuyak Island is characterized by well developed extensive stands of large size, over-mature Sitka spruce, stands of pole size Sitka spruce, sedges and other water tolerant plants in the lowland areas, and alder and grasses in the non-timbered areas.

## Resource Values

### Timber

Extensive commercial stands of mature and over-mature timber are the primary resource value of Shuyak Island. It is estimated there are 23,518 acres of timber land and 10,250 acres of non-timber land on the island.

### Wildlife/Fisheries

There is a thriving deer herd on the island. Brown bear and elk are also present but there is little information available as to numbers or concentration. There is a high density of both sea otter and harbor seals in the bays and fiords of Shuyak Island as well as sea lions along the northeasterly end of the island.

There are numerous seabird colonies along the coastline and particularly on the small islands and offshore rocks within the area.

### Agriculture

The raising of field crops is not feasible due to the poor soils and cool summer temperatures. Grazing of livestock might be possible, however, there would be bear-livestock conflicts. In addition competition between livestock and deer for available food supplies would present problems.

## Reasons for State Selections

Extensive commercial stands of mature timber and potential of subsurface mineral resources were prime considerations in State selections. In addition the numerous fiords and small islands along the coast provide excellent habitat for marine mammals and seabird colonies as well as an area of unsurpassed natural beauty with a nearly unlimited potential for outdoor recreation.

## Socio/Economic Conditions

The economic mainstay of the Kodiak Island Archipelago is fishing and seafood processing. The major species taken include king, tanner, and dungeness crab, salmon, halibut and shrimp. Employment in the area tends to be seasonal because of the heavy dependence on the fishing and seafood processing industry. Other employment available includes Federal, State and local government positions, trade and service industries, tourism, finance, insurance, real estate, construction, transportation and communications.

Socio/Economic Conditions (continued)

There are no communities on Shuyak Island. The City of Kodiak, the only major community in the archipelago, is 50 miles south of Shuyak Island and has a population of approximately 6,000.

Existing/Adjacent Land Use

Shuyak Island is uninhabited and used only to a limited extent for hunting and recreation.

Coastal Zone Consistency

Shuyak Island is within Alaska's Coastal Zone. Because no developments or new uses will result from this classification action there will be no adverse effects on the coastal resource.

Statewide Plan

The Statewide plan identifies the western portion of Shuyak Island as recreation and also the subsurface resource as minerals. This classification will support the Statewide plan.

Recommendations

The Southcentral District recommends the classification of Public Recreation for the lands within the proposed Shuyak Island State Park to implement the Agreement of Settlement and Consent Decree.

# KODIAK ISLAND BOROUGH

Telephones 486-5736 - 486-5737 — Box 1246

KODIAK, ALASKA 99615

October 7, 1981

The Honorable Bob Mulcahy  
The State Senate  
State of Alaska  
Box 246  
Kodiak, Alaska 99615

Dear Senator Mulcahy:

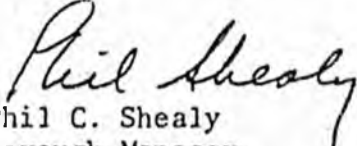
Enclosed find a certified copy of Kodiak Island Borough Resolution No. 81-71-R requesting state legislation to create the Aleksandr Baranov State Game Refuge as well as Resolution No. 81-72-R requesting state legislation to create the Shuyak Island State Park. Both resolutions were unanimously passed at the regular Borough Assembly meeting on October 1, 1981 and are accompanied by proposed language for the text of the act. We have also enclosed a copy of a letter from Dale P. Tubbs, Land Management Consultant for the Kodiak Island Borough, dated August 17, 1981 outlining the steps necessary to effect the Agreement of Settlement and Consent Decree between the Borough and the State of Alaska.

As you can see from the letter, the Kodiak Island Borough is to use its best efforts to have legislation introduced to create the state park and state game refuge on Shuyak Island for those portions not be conveyed to the Kodiak Island Borough.

We hope that you would be able to assist in the adoption of the proposed legislation and would urge you to contact either myself or the mayor and Borough Assembly for further particulars on this matter.

Thanking you in advance for your assistance in this matter, I remain,

Respectfully yours,

  
Phil C. Shealy  
Borough Manager

Enclosures

mdd

Borough resolutions requesting Park

KODIAK ISLAND BOROUGH.  
RESOLUTION NO. 81-71-R

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY REQUESTING STATE LEGISLATION TO CREATE THE ALEKSANDR BARANOV STATE GAME REFUGE.

WHEREAS, on August 14, 1981 the Superior Court ordered the Agreement of Consent Decree to effectively dismiss the appeals the Kodiak Island Borough brought against the Alaska Department of Natural Resources in regards to its lands selections, and

WHEREAS, a condition in the Agreement of Settlement and Consent Decree is that the Kodiak Island Borough is to use its best efforts to have legislation introduced to create a State Park and State Game Refuge on Shuyak Island for those portions not to be conveyed to the Kodiak Island Borough, and

WHEREAS, the Aleksandr Baranov State Game Refuge is established to protect fish and wildlife habitats and population of all fish and wildlife species, particularly deer and brown bear, feeding, wintering and migration areas as well as to provide public uses of fish and wildlife in their habitat for hunting, viewing, photography and general recreation in a high quality environment, and

WHEREAS, the Kodiak Island Borough has caused to be prepared a proposed bill entitled "An Act Creating the Aleksandr Baranov State Game Refuge".

NOW, THEREFORE, BE IT RESOLVED by the Kodiak Island Borough Assembly that legislation entitled "An Act Creating the Aleksandr Baranov State Game Refuge" be introduced and assigned a number providing for the creation of said state game refuge.

BE IT FURTHER RESOLVED by the Kodiak Island Borough Assembly that the Borough administration be directed to send this resolution to Senator Mulcahy and Representatives Sutcliffe and Zharoff and implore their assistance in the successful adoption of this legislation.

PASSED AND APPROVED this 1st day of October, 1981 by the Borough Assembly.

KODIAK ISLAND BOROUGH

By N. D. [Signature]  
Borough Mayor

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY REQUESTING STATE LEGISLATION TO CREATE THE SHUYAK ISLAND STATE PARK.

WHEREAS, on August 14, 1981 the Superior Court ordered the Agreement of Consent Decree to effectively dismiss the appeals the Kodiak Island Borough brought against the Alaska Department of Natural Resources in regards to its lands selections, and

WHEREAS, a condition of the Agreement of Settlement and Consent Decree is that the Kodiak Island Borough is to use its best efforts to have legislation introduced to create a State Park and State Game Refuge on Shuyak Island for those portions not to be conveyed to the Kodiak Island Borough, and

WHEREAS, the primary purpose is the creation of Shuyak Island State Park to protect and enhance the areas recreational, natural, cultural, scenic, and wildlife resources and to protect the areas natural and wild coastline, and

WHEREAS, the Kodiak Island Borough has caused to be prepared a proposed bill entitled "An Act Creating the Shuyak Island State Park".

NOW, THEREFORE, BE IT RESOLVED by the Kodiak Island Borough Assembly that legislation entitled "An Act Creating the Shuyak Island State Park" be introduced and assigned a number providing for the creation of said park.

BE IT FURTHER RESOLVED by the Kodiak Island Borough Assembly that the Borough administration be directed to send this resolution to Senator Mulcahy and Representatives Sutcliffe and Zharoff and implore their assistance in the successful adoption of this legislation.

PASSED AND APPROVED this 1st day of October, 1981 by the Borough Assembly.

KODIAK ISLAND BOROUGH

By W D TJOH  
Borough Mayor

ATTEST:

By Shirley Miller  
Borough Clerk

LAND PLANNING REPORT  
PROPOSED SHUYAK ISLAND STATE PARK  
SHUYAK ISLAND  
September 23, 1981

Kodiak Island Borough  
Kodiak, Alaska  
RECEIVED

NOV - 5 1981

7 8 9 10 11 12 1 2 3 4 5 6  
A M P M

Existing Classification - Forestry - SC-80-037  
Recommended Classification - Public Recreation  
Acreage - Approximately 13,000 acres

Proposed Classification/Justification

The proposed classification is public recreation. This classification action will implement the Agreement of Settlement and Consent Decree between the State of Alaska and the Kodiak Island Borough.

Location

The subject parcel is located on the western portion of Shuyak Island and includes adjacent small islands and offshore rocks. Shuyak Island is the northernmost major island in the Kodiak archipelago. It is 50 miles north of Kodiak, Alaska and 85 miles southwest of Homer, Alaska.

Legal Description

(Unsurveyed land--All sections are protracted)

Beginning at the  $\frac{1}{4}$  corner common to Sections 31 and 32, T19S, R20W, S.M., which is the Point of Beginning, and which is offshore in the vicinity of the SW corner of Shuyak Island;

Thence northeasterly, approximately 1.0 mile to the C-W-W  $\frac{1}{64}$ th corner of Section 29, T19S, R20W, S.M. in Shuyak Harbor;

Thence, within Shuyak Harbor, northeasterly 0.52 miles to the W  $\frac{1}{16}$ th corner common to Sections 20 and 29, T19S, R20W, S.M.;

Thence east leaving Shuyak Harbor along the section line between Sections 20 and 29 and the  $\frac{1}{4}$  corner common to Sections 20 and 29, T19S, R20W, S.M.;

Thence northeasterly approximately 2.5 miles to the corner common to Sections 9, 10, 15 and 16, T19S, R20W, S.M.;

Thence north between Sections 9 and 10, T19S, R20W, S.M., approximately 0.25 miles to the point of mean high tide on the south shore of Big Bay;

Description of Shuyak Island

Carol Wilson DNR

SHUYAK ISLAND  
September 23, 1981  
Page 2

(Unsurveyed land--All sections are protracted) (continued)

Thence meandering easterly and northerly in a counter-clockwise direction along the mean high tide line of Shuyak Island to a point common to the W 1/16th line in the north-half of the north-half of Section 10, T19S, R20W, S.M.;

Thence north along the W 1/16th line approximately 150 feet to the section line common to Sections 3 and 10, T19S, R20W, S.M.;

Thence, east 0.5 miles between Sections 3 and 10 to the E 1/16th corner of Sections 3 and 10, T19S, R20W, S.M.;

Thence north 0.5 miles along the E 1/16th line of Section 3 to the C-E 1/16th corner of Section 3, T19S, R20W, S.M.;

Thence west 0.25 miles along the E-W $\frac{1}{2}$  line of Section 3, T19S, R20W, S.M.;

Thence north 0.25 miles along the NW $\frac{1}{4}$  line of Section 3 to the C-N 1/16th corner of Section 3, T19S, R20W, S.M.;

Thence north-northeasterly approximately 1.65 miles to the C-E-W-SW 1/256th corner of Section 26, T18S, R20W, S.M.;

Thence east 0.80 miles along the S 1/16th line of Section 26 to the S 1/16th corner of Sections 25 and 26, T18S, R20W, S.M.;

Thence south 0.25 miles between Sections 25 and 26 to the corner common to Sections 25, 26, 35 and 36, T18S, R20W, S.M.;

Thence east between Sections 25 and 36, T18S, R20W, S.M., and Sections 30 and 31, T18S, R19W, S.M. approximately 1.75 miles to the intersection with the mean high tide line on the west shore of the unnamed bay that connects to Shangin Bay;

Thence meandering southerly and easterly along the mean high tide line of said unnamed bay to Shangin Bay and then continuing southerly, easterly and northerly along the mean high tide line of Shangin Bay to a point common to the N 1/16th line of Section 32, T18S, R19W, S.M.;

Thence east along the N 1/16th line of Sections 32 and 33 approximately 0.3 miles to the NW 1/16th corner of Section 33, T18S, R19W, S.M.;

SHUYAK ISLAND  
September 23, 1981  
Page 3

(Unsurveyed land--All sections are protracted) (continued)

Thence northeasterly approximately 1.5 miles to the section corner common to Sections 22, 27, 28 and 21, T18S, R19W, S.M.;

Thence north along the west boundary of Sections 22, 15, 10, 3 and 34, 5.0 + miles to the corner common to Sections 27, 34, 33 and 28, T17S, R19W, S.M.;

Thence, northwesterly, 4.2 miles + to the corner common to Sections 7 and 18, T17S, R19W, S.M., and Sections 13 and 12, T17S, R20W, S.M.;

Thence southwesterly, 9 miles + to the corner common to Sections 12, 13, 14 and 11, T18S, R21W, S.M.;

Thence southwesterly, 5.4 miles + to the corner common to Sections 3, 10, 9 and 4, T19S, R21W, S.M.;

Thence southeasterly 4.7 miles + to the C $\frac{1}{2}$  corner of Section 35, T19S, R21W, S.M.;

Thence east along the E-W $\frac{1}{2}$  line of Sections 35 and 36, T19S, R21W, S.M. to the  $\frac{1}{2}$  corner common to Section 36, T19S, R20W, S.M. and Section 31, T19S, R20W, S.M.;

Thence east approximately 1.0 mile along the E-W $\frac{1}{2}$  line of said Section 31 to the  $\frac{1}{2}$  corner common to Sections 31 and 32, T19S, R20W, S.M., which is the Point of Beginning of this description.

The above description encompasses State owned and subsequently acquired uplands, tidelands and submerged lands. Those lands which are uplands total approximately 13,000 acres.

Background

The Kodiak Island Borough pursuant to AS 29.18.201-.213 is entitled to select 56,500 acres from State general grant land within its boundaries and has filed such selections in the manner provided. However, a considerable portion of the land selections filed by the Kodiak Island Borough were administratively rejected by the State. As a result the Kodiak Island Borough filed three separate judicial appeals of the administrative decisions in the Superior Court, Third Judicial District under case numbers 3AN-80-3070 (Woody Island), 3AN-80-6710 (Land Classification), and 3AN-81-1385 (Shuyak Island). Both parties desired to settle the question of which lands will be conveyed to the Kodiak Island Borough without extended litigation and entered into an agreement of settlement and consent decree which was approved and adopted by the court.

Background (continued)

Section 7 of the Agreement of Settlement and consent decree provides both parties shall support legislation to create a State park denominated the "Shuyak Island State Park" on the subject parcel.

Section 8 of the Agreement of Settlement and consent decree provides that in the event the lands to be included in the proposed "Shuyak Island State Park" are not finally included by legislation such lands shall be at all times classified and managed by the State in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes.

Physical Description

Shuyak Island is the northernmost and smallest of the major islands in the Kodiak Island Archipelago, which is formed by the Kodiak Mountains, a structural southwest continuation of the Kenai-Chugach Mountains. The area is characterized by an irregular coastline with many fiords and islands. Short, swift, clear streams, small lakes and numerous small ponds are widely scattered over the glacially sculptured topography. Unlike the larger islands of the group the topography of Shuyak Island is of rather low relief with elevations ranging from 0 to 660 feet above sea level with predominantly gently rolling slopes.

Shuyak Island is in a maritime climatic zone, however, climatic data for the area is sporadic. The only major recording station is on Kodiak Island, with supporting data from ship movement through the areas. The maritime climatic zone is strongly influenced by the marine environment and characterized by moderately heavy precipitation, cool temperatures, high cloud and fog frequency with little or no freezing weather. Temperature patterns are characterized by relatively cool summers and warm winters, as compared to interior land temperatures at similar latitudes. The mean high temperature for January is 32 to 36° F while the mean high temperature for July is only 56 to 62° F. Above freezing temperatures, which are common during all winter months, usually keep the snow depth from becoming excessive at low elevations. However, the warm temperatures at low elevations also result in wet heavy snow with high water content.

Severe storms with high winds are common in the area. Surface winds are more hazardous to human activities in the area than temperature or precipitation. Sustained extreme wind speeds during storms may range from 50 to 75 knots, with gusts as high as 100 knots. From June through September when the air contains the most moisture and is warmer than the water, fog is common and the principal cause of reduced visibility.

The vegetation on Shuyak Island is characterized by well developed extensive stands of large size, over-mature Sitka spruce, stands of pole size Sitka spruce, sedges and other water tolerant plants in the lowland areas, and alder and grasses in the non-timbered areas.

## Resource Values

### Timber

Extensive commercial stands of mature and over-mature timber are the primary resource value of Shuyak Island. It is estimated there are 23,518 acres of timber land and 10,250 acres of non-timber land on the island.

### Wildlife/Fisheries

There is a thriving deer herd on the island. Brown bear and elk are also present but there is little information available as to numbers or concentration. There is a high density of both sea otter and harbor seals in the bays and fiords of Shuyak Island as well as sea lions along the northeasterly end of the island.

There are numerous seabird colonies along the coastline and particularly on the small islands and offshore rocks within the area.

### Agriculture

The raising of field crops is not feasible due to the poor soils and cool summer temperatures. Grazing of livestock might be possible, however, there would be bear-livestock conflicts. In addition competition between livestock and deer for available food supplies would present problems.

## Reasons for State Selections

Extensive commercial stands of mature timber and potential of subsurface mineral resources were prime considerations in State selections. In addition the numerous fiords and small islands along the coast provide excellent habitat for marine mammals and seabird colonies as well as an area of unsurpassed natural beauty with a nearly unlimited potential for outdoor recreation.

## Socio/Economic Conditions

The economic mainstay of the Kodiak Island Archipelago is fishing and seafood processing. The major species taken include king, tanner, and dungeness crab, salmon, halibut and shrimp. Employment in the area tends to be seasonal because of the heavy dependence on the fishing and seafood processing industry. Other employment available includes Federal, State and local government positions, trade and service industries, tourism, finance, insurance, real estate, construction, transportation and communications.

Socio/Economic Conditions (continued)

There are no communities on Shuyak Island. The City of Kodiak, the only major community in the archipelago, is 50 miles south of Shuyak Island and has a population of approximately 6,000.

Existing/Adjacent Land Use

Shuyak Island is uninhabited and used only to a limited extent for hunting and recreation.

Coastal Zone Consistency

Shuyak Island is within Alaska's Coastal Zone. Because no developments or new uses will result from this classification action there will be no adverse effects on the coastal resource.

Statewide Plan

The Statewide plan identifies the western portion of Shuyak Island as recreation and also the subsurface resource as minerals. This classification will support the Statewide plan.

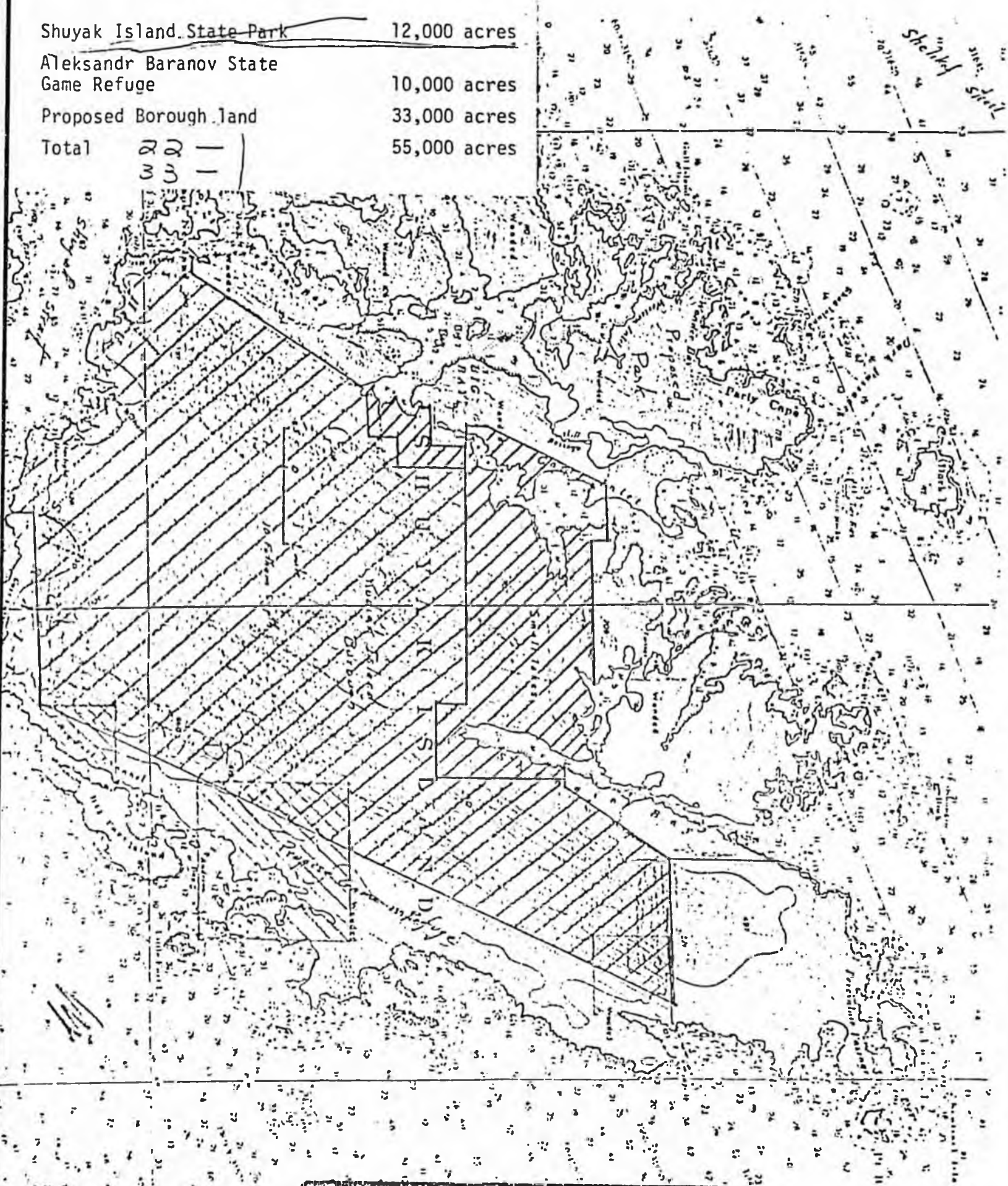
Recommendations

The Southcentral District recommends the classification of Public Recreation for the lands within the proposed Shuyak Island State Park to implement the Agreement of Settlement and Consent Decree.

APPROXIMATE ACREAGE OF PARK, GAME REFUGE, AND  
PROPOSED BOROUGH LAND ON SHUYAK ISLAND

Shuyak Island State Park	12,000 acres
Aleksandr Baranov State Game Refuge	10,000 acres
Proposed Borough Land	33,000 acres
Total	55,000 acres

322-1  
33-1



Map



MESA MTN 3700  
Tutna L  
1000  
Nikabuna Lakes  
1000  
Long Lake  
Nondalton  
Fish Vile  
Iliamna Newhalef  
Seversens  
Iliamna Lake  
Chekok I 2200  
Kukakrek Lake  
2973  
Kamishak Bay  
Battle L  
Kulik Lake  
Nanviaruk L  
SUGARLOAF MTN  
Idavain L  
Hammersly L  
Veknek Lake  
Lake Gouville  
Lake Grosvenor  
Lake Iliuk  
Brooks L  
MT LAGORCE 3375  
MT KELEZ  
KNIFE PEAK VOLC 7585  
YORI PASS  
6050  
5200  
Katmai Bay R  
2943  
C Kubugakli  
Kekurnoi  
C Uyak  
Uyak  
Karluk  
Larser Bay  
Halibut Bay  
Cape Ikolik  
Ayakulik  
Upper Station  
Low Cape  
Cape Alitak  
Alitak  
Aiaktalik I  
Sitkinak Strait  
Tugidak I  
1640  
Cape Sitkinak

KUIJK MTN  
Kijik  
Tanaliaa Point  
Kond 2511  
Alworith  
Lakes  
ROADHOUSE MTN  
Pedro Bay  
File Bay  
Old Iliamna  
Chinitna Bay  
Goinina Bay  
3130  
MT CHINITNA  
Oil Point  
Iniskin Bay  
Ursus Cove  
Kakhonak Lake  
Augustine I  
3927  
Oamakdedori  
Chenik  
Kamishak Bay  
Shaw I  
Cape Douglas  
1495  
Ushagat I  
W Amatuli I Entrance  
E Amatuli I  
BARREN ISLANDS  
Dank I  
Shangin Bay  
Point Banks  
Shuyak I  
Perenosa Bay  
Tonki Cape  
Marmot I  
229  
Marmot Cape  
Spruce I  
Uzinkie  
KODIAK  
Woody Island  
Chiniak Bay  
Cape Chiniak  
Narrow Cape  
Ugak I  
Dangerous Cape  
Sitkalidak I  
Black Point  
Two Headed I  
Raguyak  
Geese Is  
Sitkinak I  
SITKINAK DOME  
1640  
Cape Sitkinak

Kelgin I  
Cohoe  
Kas  
Clam Gulch  
Chisik I  
SLOPE MTN  
Happy Valley  
2337  
Anchor Pt  
Anchor Point  
Homer  
Kachemak Bay  
Seldovia  
English Bay  
Point Bede  
Portlock  
Cape Elizabeth  
Kennedy  
CHUGACH IS  
451  
W Amatuli I Entrance  
E Amatuli I  
BARREN ISLANDS  
Dank I  
Shangin Bay  
Point Banks  
Shuyak I  
Perenosa Bay  
Tonki Cape  
Marmot I  
229  
Marmot Cape  
Spruce I  
Uzinkie  
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Dangerous Cape  
Sitkalidak I  
Black Point  
Two Headed I  
Raguyak  
Geese Is  
Sitkinak I  
SITKINAK DOME  
1640  
Cape Sitkinak

P

SB 51 SHUYAK STATE PARK

PROPOSED LANGUAGE CHANGES

Page 1, Line 18 - After the word "for," add subsistence and sport,

(AMENDMENT)

1

Line 18 would then read: "continued use of the area for subsistence and sport hunting, fishing and trapping purposes"

rationale: All types of hunting, fishing, and trapping should be recognized as being permitted.

\*\*\*\*\*

Page 3, Line 20 - Delete the word "proclamation" and insert recommendation, and add after "governor" and legislative approval.

(AMENDMENT)

2

Line 20 would then read: by recommendation of the governor, and legislative approval.

rationale: The establishment of state parks should be subject to legislative approval.

\*\*\*\*\*

Page 5, Line 21 - Delete the word "reasonable" and insert ample, and after the word "for" add subsistence and sport,

(AMENDMENT)

3

Line 21 would then read: State Parks should provide ample access for legal subsistence and sport hunting, fishing,

rationale: Ample infers sufficient access, as opposed to reasonable which is of a more limited nature.

\*\*\*\*\*

Page 5, Line 24 - Delete the word "reasonable" and add the word necessary

(AMENDMENT)

4

Line 24 would then read: and Game shall be allowed necessary access for fish and game management.

rationale: The word necessary relates more directly to the needs of fish and game management than does reasonable.



# Alaska State Legislature

## Senate

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

### Sectional Analysis of SB 51

#### Section one:

Sec. 41.20.530 establishes that the purpose of the Shuyak Island State Park is to protect the recreational and scenic resources, the fish and wildlife habitat, and to preserve the use of the area for hunting, fishing, trapping, and other recreational activities.

Sec. 41.20.532 (a) states that the state owned uplands and freshwater bodies in the following areas are designated as the Shuyak Island State Park. This is the area in green on the map.

(b) states that if the Kodiak Island Borough gives any of the land in the following sections back to the state, it may be added to the park by proclamation of the Governor. This is the area in blue with black cross-hatching.

Sec. 41.20.534 (a) designates the Department of Natural Resources as the agency with responsibility for management of the uplands and freshwater bodies in the park.

(b) designates the Department of Fish & Game as the agency with the responsibility for management of the fish and game resources in the park.

(c) requires the Department of Natural Resources to consult with the Department of Fish and Game before adopting regulations affecting the park.

(d) requires the Department of Fish and Game to consult with the Department of Natural Resources before adopting regulations affecting the park.

Sectional Analysis

Sec. 41.20.536 (a) states that DNR will designate incompatible uses in the park.

(b) states that shooting in the park is allowed, except in areas that are closed because of public safety.

(c) allows ADF&G to engage in stream rehabilitation and enhancement.

(d) states that regulations governing public uses in the park will provide reasonable access for hunting, fishing, and trapping.

(e) requires that reasonable access be allowed to the Department of Public Safety and the Department of Fish and Game for the purposes of management and enforcement of fish and wildlife.

Sec. 41.20.538 allows the state to purchase property in the park. The state may not acquire land by eminent domain.

Section two provides for an immediate effective date.

NOTE: The proposed park on Shuyak Island is approximately 12,000 acres.

SB 51 SHUYAK STATE PARK

PROPOSED LANGUAGE CHANGES

Page 1, Line 18 - After the word "for," add subsistence and sport,

(AMENDMENT)

1

Line 18 would then read: "continued use of the area for subsistence and sport hunting, fishing and trapping purposes"

rationale: All types of hunting, fishing, and trapping should be recognized as being permitted.

\*\*\*\*\*

Page 3, Line 20 - Delete the word "proclamation" and insert recommendation, and add after "governor" and legislative approval.

(AMENDMENT)

2

Line 20 would then read: by recommendation of the governor, and legislative approval.

rationale: The establishment of state parks should be subject to legislative approval.

\*\*\*\*\*

Page 5, Line 21 - Delete the word "reasonable" and insert ample, and after the word "for" add subsistence and sport,

(AMENDMENT)

3

Line 21 would then read: State Parks should provide ample access for legal subsistence and sport hunting, fishing,

rationale: Ample infers sufficient access, as opposed to reasonable which is of a more limited nature.

\*\*\*\*\*

Page 5, Line 24 - Delete the word "reasonable" and add the word necessary

(AMENDMENT)

4

Line 24 would then read: and Game shall be allowed necessary access for fish and game management.

rationale: The word necessary relates more directly to the needs of fish and game management than does reasonable.

Original sponsors: Mulcahy and V.Fischer

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 51 (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 establishing the Shuyak Island State Park;  
7 and providing for an effective date."

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

9 \* Section 1. AS 41.21 is amended by adding new sections to read:

10 Sec. 41.21.170. DECLARATION OF PURPOSE. (a) The purpose of  
11 AS 41.21.170 - 41.21.178 is to establish, subject to valid existing  
12 rights, the state-owned or acquired uplands and freshwater bodies  
13 described in AS 41.21.172 as the Shuyak Island State Park. The pri-  
14 mary purposes of establishing the Shuyak Island State Park are to  
15 protect the area's recreational and scenic resources, to protect the  
16 area's fish and wildlife habitat, and to preserve and enhance the  
17 continued use of the area for sport and subsistence hunting and fish-  
18 ing, trapping, and recreational activities.

19 (b) Under the provisions of AS 38.05.300, state land, water, or  
20 land and water containing more than 640 acres may be closed to multi-  
21 ple purpose use only by act of the legislature. Because the area  
22 described in AS 41.21.172 exceeds 640 acres, AS 41.21.170 - 41.21.178  
23 are intended to close the described land and water to multiple purpose  
24 use in conformity with AS 38.05.300 and to dedicate them as a special  
25 purpose site in accordance with art. VIII, sec. 7, Constitution of the  
26 State of Alaska.

27 Sec. 41.21.172. DESIGNATED STATE LAND AND WATER. The uplands  
28 and freshwater bodies owned by the state on the effective date of this  
29 Act within the following described parcel is designated as the Shuyak

1 Island State Park: all uplands, including Dark Island and other  
2 islands, islets, pinnacles, and rocks within the Shuyak Island complex  
3 lying easterly of Shelikof Strait, south of Stevenson Entrance, north  
4 of Shuyak Strait, and lying westerly and northerly of the following  
5 described boundary line (all sections of unsurveyed land are pro-  
6 tracted): Beginning at the section corner common to sections 13 and  
7 24 of T19S, R21W, S.M. and sections 18 and 19 of T19S, R20S, S.M.,  
8 then northerly and easterly approximately 2.8 miles along a line  
9 dividing the east and west sides of Neketa Bay (the island in the  
10 SW1/4 of section 17, T19S, R20W, S.M. is on the east side of Neketa  
11 Bay for the purpose of this description) to the center of the isthmus  
12 dividing Neketa Bay and Big Bay located in the SW1/4 of section 9,  
13 T19S, R20W, S.M., then northeasterly approximately 25 feet to the mean  
14 high tide line of Big Bay; then meandering easterly and northerly in a  
15 counter-clockwise direction along the mean high tide line of Shuyak  
16 Island to a point common to the W 1/16th line in the north half of the  
17 north half of Section 10, T19S, R20W, S.M.; then north along the W  
18 1/16th line approximately 150 feet to the section line common to  
19 Sections 3 and 10, T19S, R20W, S.M.; then east 0.5 miles between  
20 Sections 3 and 10 to the E 1/16th corner of Sections 3 and 10, T19S,  
21 R20W, S.M.; then north 0.5 miles along the E 1/16th line of Section 3  
22 to the C-E 1/16th corner of Section 3, T19S, R20W, S.M.; then west  
23 0.25 miles along the E-W 1/4 line of Section 3 to the C 1/4 corner of  
24 Section 3, T19S, R20W, S.M.; then north 0.25 miles along the NS 1/4  
25 line of Section 3 to the C-N 1/16th corner of Section 3, T19S, R20W,  
26 S.M.; then north-northeasterly approximately 1.65 miles to the  
27 C-E-W-SW 1/125th corner of Section 26, T18S, R20W, S.M.; then east  
28 0.80 miles along the S 1/16th line of Section 26 to the S 1/16th  
29 corner of Sections 25 and 26, T18S, R20W, S.M.; then south 0.25 miles

1 between Sections 25 and 26 to the corner common to Sections 25, 26,  
2 35, and 36, T18S, R20W, S.M.; then east between Sections 25 and 36,  
3 T18S, R20W, S.M. and Sections 30 and 31, T18S, R19W, S.M. approximate-  
4 ly 1.75 miles to the intersection with the mean high tide line on the  
5 west shore of the unnamed bay that connects to Shangin Bay; then  
6 meandering southerly and easterly along the mean high tide line of  
7 that unnamed bay to Shangin Bay and then continuing southerly, easter-  
8 ly, and northerly along the mean high tide line of Shangin Bay to a  
9 point common to the N 1/16th line of Section 32, T18S, R19W, S.M.;  
10 then east along the N 1/16th line of Sections 32 and 33 approximately  
11 0.3 miles to the NW 1/16th corner of Section 33, T18S, R19W, S.M.;  
12 then northeasterly approximately 1.5 miles to the section corner  
13 common to Sections 22, 27, 28, and 21, T18S, R19W, S.M.; then north  
14 along the west boundary of Sections 22 and 15, T18S, R19W, S.M., to  
15 the point of mean high tide in Shangin Bay.

16 Sec. 41.21.174. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)  
17 The state uplands and freshwater bodies described in AS 41.21.172 are  
18 assigned to the Department of Natural Resources for control, mainte-  
19 nance, and development consistent with the purposes and provisions of  
20 AS 41.21.170 - 41.21.178.

21 (b) The Department of Fish and Game is responsible for the  
22 management of fish and game resources in the Shuyak Island State Park,  
23 consistent with the sustained yield principle and the purposes and  
24 provisions of this chapter. The Board of Fisheries, the Board of Game  
25 and the commissioner of fish and game are responsible for adopting  
26 regulations governing uses of fish and game in accordance with AS 16.  
27 The fish and game habitat and breeding areas shall be managed to  
28 ensure that the fish and game resources of the park continue on a  
29 sustained yield basis.

1 (c) The Department of Natural Resources shall consult with the  
2 Department of Fish and Game before adoption of regulations governing  
3 public use of the Shuyak Island State Park.

4 (d) The Department of Fish and Game shall consult with the  
5 Department of Natural Resources before adoption of regulations govern-  
6 ing fish and game management in Shuyak Island State Park.

7 (e) The regulations established under this section shall be  
8 adopted in accordance with the Administrative Procedure Act (AS 44.-  
9 62).

10 (f) The commissioner of natural resources shall permit reason-  
11 able camping within the Shuyak Island State Park on an extended basis  
12 on request.

13 (g) Nothing in AS 41.21.170 - 41.21.178 prohibits the Department  
14 of Fish and Game from engaging in stream rehabilitation enhancement  
15 and development under AS 16.05.092 on land within the Shuyak Island  
16 State Park.

17 (h) The Department of Public Safety and the Department of Fish  
18 and Game shall have necessary access for fish and game management,  
19 research, and enforcement purposes.

20 Sec. 41.21.176. COMPATIBILITY OF USES. (a) The commissioner of  
21 natural resources may designate by regulation incompatible uses within  
22 the park uplands and freshwater bodies.

23 (b) Use of a weapon in the Shuyak Island State Park shall be  
24 allowed except in unique areas that may be closed for purposes of  
25 public safety by regulation by the commissioner of natural resources.

26 (c) The regulations governing public use of the Shuyak Island  
27 State Park shall provide ample access for legal sport and subsistence  
28 hunting and fishing, trapping, and recreational uses. The  
29 commissioner

1 of natural resources may not restrict the exercise of sport or subsis-  
2 tence fishing or hunting, or trapping permitted under law or under a  
3 regulation of the Board of Fisheries or the Board of Game within the  
4 Shuyak Island State Park.

5 Sec. 41.21.178. ADDITIONS TO PARK. Land may be added to the  
6 Shuyak Island State Park only by an act of the legislature. The com-  
7 missioner of natural resources may not acquire land within the bound-  
8 aries of the Shuyak Island State Park by purchase or by eminent  
9 domain.

10 \* Sec. 2. The commissioner of natural resources shall identify and  
11 offer for sale to the public 500 acres of state-owned land within the  
12 Kodiak Island Borough under AS 38.08 within five years of the effective  
13 date of this Act. The land offered for sale under this section shall be  
14 reasonably accessible to residents of the City of Kodiak, shall be land of  
15 good quality, and may not include land proposed as of February 1, 1984 by  
16 the Department of Natural Resources for sale by the department during  
17 fiscal years 1984, 1985, or 1986. The disposals of the land shall be held  
18 in the City of Kodiak. The commissioner of natural resources shall submit  
19 to the legislature not later than the 10th day of the Second Regular  
20 Session of the Sixteenth Alaska State Legislature a report on the compli-  
21 ance by the Department of Natural Resources with this section.

22 \* Sec. 3. Subject to the availability of funds, the Department of  
23 Natural Resources shall construct 10 public use cabins within the Shuyak  
24 Island State Park.

25 \* Sec. 4. Section 1 of this Act is repealed July 1, 1990, if the com-  
26 missioner of natural resources does not report to the legislature under  
27 sec. 2 of this Act that the Department of Natural Resources has identified  
28 and offered for sale 500 acres of state-owned land within the Kodiak Island  
29 Borough under AS 38.08 within five years after the effective date of this

1 Act.

2 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
3 10.070(c).  
4  
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BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

**DIVISION OF PARKS AND OUTDOOR RECREATION**

225A CORDOVA STREET  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-2653

February 27, 1984

Re:

The Honorable John Ringstad  
Alaska State House of Representatives  
State Capitol  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Ringstad: *John W.*

This letter is to request a House Resources Committee hearing on SB 51 (Mulchahy and V. Fischer), a measure which would create the Shuyak Island State Park. After a year of negotiations, Representative Zharoff and I have composed amending language to SB 51 which is agreeable to the Department of Natural Resources and, in my understanding, to Senator Mulchahy.

About 9,000 of the 50,000 acre Shuyak Island would become public recreational land under this compromise. Shuyak is the northernmost island of the Kodiak Archipelago and was emmersed in a Kodiak Island Borough vs. State court battle over ultimate ownership until both parties agreed to an out-of-court settlement. Senator Mulchahy's legislation -- and the compromise we've reached -- will begin the process of implementing this settlement. I urge its passage.

The amendment, soon to be submitted be either the State or Representative Zharoff, will, in brief:

1. Remove the east shoreline of Neketa Bay from the proposed park (2,000 acres).
2. Require the Department of Natural Resources to offer for disposal 500 acres on Kodiak Island over the next five fiscal years.

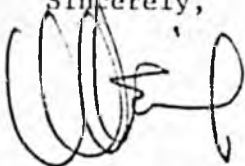
The Honorable John Ringstad  
February 27, 1984  
Page 2 -

It is my understanding that Representative Vaska may offer an additional change in committee.

I will, of course, endeavor to be at the hearing.

Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neil C. Johannsen'. The signature is stylized with large, overlapping loops and a long horizontal stroke extending to the right.

Neil C. Johannsen  
Director

cc: Honorable Esther C. Wunnicke  
Honorable Fred Zharoff  
Honorable Bob Mulchahy  
Honorable Vic Fischer

NCJ:clk

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 3/9/84

REQUEST

Bill/Resolution No.: HCS for SB51  
Title: Shuyak Island State Park

FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: Parks & Recreation

Sponsor: Mulcany & Fischer(orig.)  
Requestor: BRU, Program or Subprogram(s) Affected:  
Date of Request:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES		15.	16.	17.	18.	19.
200 TRAVEL		2.	2.5	3.0	3.5	4.0
300 CONTRACTUAL		1.	1.2	1.5	1.8	2.3
400 SUPPLIES		2.	2.5	3.0	3.5	4.0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		20.	22.2	24.5	26.8	29.3
CAPITAL		40.	45.	50.	55.	60.
REVENUE		1,800	3,600	5,400	7,200	12,000

FUNDING: (Thousands of Dollars)

GENERAL FUND		60.	67.2	74.5	81.8	89.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		.5	.5	.5	.5	.5

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: General Fund, Revenue explanation:  
Capital funds to construct 2 public use cabins per year. Assume each cabin used 60 nites per year. Revenue calculated at rate of \$15. per nite until FY 89 when rate becomes \$20. per nite.

ANALYSIS: Attach a separate page for analysis

Prepared By: Neil Johannsen  
Division: Parks and Outdoor Recreation  
Approved by Commissioner: *M. Mulcany*  
Agency: Department of Natural Resources

Phone: 276-2553  
Date: 3/9/84  
Date: 3/9/84

Distribution (by Agency preparing fiscal note):

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

12/1/83





S

B

52

A M E N D M E N T #1

Offered in the HOUSE

TO: HCS CSSB 52 (Resources)

Section 7, AS 16.05.710(a), delete paragraph (3); AS 16.05.710(b), delete paragraph (3).

A M E N D M E N T #2

Offered in the HOUSE

TO: HCS CSSB 52 (Resources)

Section 7, AS 16.05.710(b)(1), after "license" delete ", interim-use permit, or entry permit"



Official Business

# Alaska State Legislature

## Senate

Fourth V  
State Capitol  
Juneau, Alaska 99811

### CSSB 52 (Res) Sectional Analysis:

- Section 1) Technical change; deletes [HIS] inserts the commissioner's; Deletes reference to 16.05.480 and inserts the reference 16.05.485 which is a new section pertaining to crew members fishing licenses.
- Section 2) Stylistic change with the deletion of the words [PERSONS AS HI] and makes a change in the statutory reference to 16.05.440 thru 16.05.485 to accomodate the new section pertaining to crew members fishing licenses.
- Section 3) Makes technical changes with regard to the statutory cites (16.05.440-485), removes masculine pronouns, and eliminates the liability disclaimer from the Commissioner of Revenue and the Commercial Fisheries Entry Commission if an agent selling licenses can't account for the fees paid.
- Section 4) Rewrites the commercial fisheries license statute, and requires that each person engaged in commercial fisheries hold a commercial fisheries license. Provides for a \$15 poverty license for people with low incomes, a \$30 license fee for residents, and a \$90 license fee for non residents. The commercial fishing license is included in a crew member license, entry permit or interim use permit. It is not a separate license.
- Section 5) This section establishes a new license: the crew member license. This license is required of any person who commercial fishes and does not hold an entry or interim use permit. The fees are as follows: \$15 for a poverty license; \$30 for a resident license; \$90 for a non-resident license. Also provides for a \$2.00 replacement license if the original license is lost.

Section 6) Removes masculine pronouns: employ a person/[HAVE IN HIS EMPLOY  
unless the person/[A FISHERMAN WHO NEITHER], and changes the  
statutory cite to 16.05.485 with regard to the new section on  
crew members fishing licenses.

Section 7) This section re words the license forfeiture statute. It pro-  
vides for the forfeiture of licenses, loss of eligibility to  
hold a license for one year, or a suspension of fishing rights  
for one year for a first or second offense. For a third or su-  
sequent offense, it provides for a forfeiture of licenses, los-  
of eligibility to hold a license for 3 years, or a suspension  
fishing rights for 3 years. All these penalties are in additi-  
to penalties ordained by law, and are at the court's discretio-

Section 8) Deletes the words [OR COMMERCIAL] so that the statute reads  
crewmember fishing license in keeping with the new section  
16.05.485 pertaining to crewmembers licenses.

Section 9) Same change as above

Section 10) Deletes the language with regard to "credit" for fishermans fu-  
deductions in the case of persons who hold multiple permits.

Section 11) Increases the annual fee from \$10 to \$30 (the new minimum fee  
for residents), makes stylistic changes (not [NO]), and provid-  
a new provision that the commission may charge the legal rate  
of interest on a fee not paid during the calendar year in whic-  
it was due. Also, the reference to "c" concerns the poverty li-  
ense.

Section 12) Substitutes fishing for [FISHERMENS] and inserts the statutory  
reference to 16.05.480

Section 13) Changes the statutory cite from 16.05.480 to 16.05 (entire  
chapter) in the definition of fisherman.

Section 14) Section originally read vessel operated as a commercial fish-  
ing vessel under a valid fishing license, and has been :

changed by adding a person holding a valid entry, interim use permit of a crewmembers fishing license with the new statutory cite of 16.05.485.

Section 15) Change relates to the category "crew members fishing license" rather than the former "commercial" fishing license, and adds the reference 16.05 (full chapter) rather than the specific reference to 16.05.480.

Section 16) Provides for a January 1st, 1984 effective date.

OC  
Proposed Amendments to CSSB 52 (Res) am

To Address CFEC Concerns

Page 1, lines 22 - 24

delete "and to assist in the completion of annual application or renewal forms for interim use permits and entry permits issued under AS 16.43"

Page 1, line 27

delete "(a)"

Page 2, lines 11 - 25

delete entire subsection (b)

~~Proposed~~ amendments to CSSB 52 (Res) am

To conform with HB 15 of Last Session

Page 5, line 10

delete "five"  
insert "two"

Page 5, line 14

delete "anyone"  
insert "the year immediately preceding the date of application and any other two"

Page 5, line 20

delete "five"  
insert "two"

Page 5, line 24

delete "anyone"  
insert "the year immediately preceding the date of application and any other two"

Page 7, line 9

delete "five"  
insert "two"

Page 7, line 12

delete "anyone"  
insert "the year immediately preceding the date of application and any other two"

Amendments to CSEB 52 (Res) am

Adopted by Fisheries Committee - 2/16/84

Page 6, line 13

insert after, "resident."

"The commission may charge interest on any unpaid fees due at the rate provided by AS 45.45.010(a) from the date of permit renewal."

Page 4, line 20

insert after, "person"

"for a period of not more than one year"

Page 5, line 1

insert after, "person"

"for a period of not more than one year"

Page 7, line 15

delete "1984"

insert "1985"

I. REQUEST

Bill/Resolution No.: Senate Bill 52  
 Title: "...licensing of commercial fishing..."  
 Sponsor: Senator Mulcahy  
 Requestor: Resources and Finance

II. FISCAL DETAIL

Agency Affected Department of Labor  
 Program Category Affected Work Protection  
 BRU, Program of Subprogram(s) Affected:  
 Fishermen's Fund

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
Fisherman's Fund		(5.5)	(11.8)	(12.5)	(13.3)	(14.1)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: *Jequelyn McClintock*  
 Jequelyn McClintock  
 Division: Workers' Compensation Division

Phone: 465-2790

Date: 3/9/83

Approved by Commissioner: *Jim Robison*  
 Jim Robison  
 Department: Labor

Date: 3/9/83

LEG:A:8

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if)

Detail Analysis for Senate Bill 52

This bill would revise the cost for resident crewmember commercial fishing licenses for approximately 1,238 individuals in FY'84. The cost will be reduced from \$30.00 to \$15.00 for all residents who have a net family income falling within the poverty guidelines established by the Federal Community Services Administration and the Department of Revenue.

In preparing this fiscal note the following assumption have been made:

1. Effective date of January 1, 1984.
2. Six percent increase per annum in the number of crewmember licenses issued (CY 1982 used for bases).
3. Seven percent of resident crewmembers would qualify.
4. Loss of General Funds (40% of fee) will be reflected in the Department of Revenue's fiscal note.

Below is a chart which identifies the expected number of crewmember licenses to be issued annually and the projected loss of revenues to the Fishermen's Fund.

	<u>Total Crewmembers</u>	<u>Low-Income Crewmembers</u>	<u>Total Loss (1)</u>	<u>Fishermen's Fund Loss(2)</u>
CY'82	15,736			
FY'83	16,680			
FY'84	17,681	1,238	\$ 9,300 (3)	\$ 5,500
FY'85	18,742	1,312	19,700	11,800
FY'86	19,867	1,391	20,900	12,500
FY'87	21,059	1,474	22,100	13,300
FY'88	22,323	1,563	23,500	14,100

- (1) Loss is \$15.00 per "low-income" crewmember.
- (2) Fishermen's Fund receives 60% of the fees assessed.
- (3) Annual Loss of \$18,600 is revised for effective date of January 1, 1984.

I. REQUEST

Bill/Resolution No.: CSSB 52  
 Title: Licensing of Commercial Fishing  
 Sponsor: Mulcahy  
 Requestor: Senate Finance

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Coll. & Mgt.  
 BRU, Program of Subprogram(s) Affected: Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		5.5	11.2	11.7		
200 TRAVEL						
300 CONTRACTUAL		1.3	2.5	2.5		
400 COMMODITIES		2.5	0	0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		9.3	13.7	14.2		
<b>CAPITAL</b>						
Revenue sick & disabled fishermen fund(5.5)		(11.8)	(12.5)			
<b>REVENUE - General Fund</b>		(2.3)	(4.9)	(5.2)		

FUNDING: (Thousands of Dollars)

GENERAL FUND		9.3	13.7	14.2		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME		.5	.5	.5		
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Linda Gene Lockridge  
 Division: Public Services

Phone: (907) 465-2376  
 Date: 4-28-83

Approved by Commissioner: Joseph K. Danah  
 Department: Revenue

Date: 5/2/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Section IV. Analysis

Implementation of program creates a loss of revenue as 7% of Resident Crewmembers would qualify for \$ 15.00 Crewmember license.

It will take 1/2 of a position at the Accounting Clerk III level (range 10) to implement and administer this program. Since the bill will not take effect until 1/1/84, there will be no cost in FY83 and only a six month cost in FY84. A 4.5% increase has been figured for each year for negotiated contract increases.

Contractual costs are for requesting copies of income tax records from the Internal Revenue Service in order to establish eligibility. Again, there will be no cost in FY83 and only a six month cost in FY84.

The license itself can be incorporated into our present license but we will need to design a new affidavit and a release for tax record form and have a supply printed and distributed. This should be a one time cost in FY84 only.

STATE OF ALASKA  
FISCAL NOTE

Revision Date March 15, 1983

I. REQUEST

Bill/Resolution No.: SB 52  
 Title: Licensing of Commercial Fishing  
 Sponsor: Mulcahy  
 Requestor: Resources & Finance

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Coll. & Mgt.  
 BRU, Program of Subprogram(s) Affected: Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		5.5	11.2	11.7		
200 TRAVEL						
300 CONTRACTUAL		1.3	2.5	2.5		
400 COMMODITIES		2.5	0	0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		9.3	13.7	14.2		
CAPITAL						
REVENUE-sick & disabled fishermen fund		(5.5)	(11.8)	(12.5)		
REVENUE-General Fund		(2.3)	(4.9)	(5.2)		

FUNDING: (Thousands of Dollars)

GENERAL FUND		9.3	13.7	14.2		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME		.5	.5	.5		
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Linda Gene Lockridge Phone: 465-2376  
 Division: Public Services Date: March 15, 1983  
 Approved by Commissioner: Joseph D. Donohue Date: 3/15/83  
 Department: Revenue

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor

Section IV. Analysis

Implementation of program creates a loss of revenue as 7% of Resident Crewmembers would qualify for \$ 15.00 Crewmember license

It will take 1/2 of a position at the Accounting Clerk III level (range 10) to implement and administer this program. Since the bill will not take effect until 1/1/84, there will be no cost in FY83 and only a six month cost in FY84. A 4.5% increase has been figured for each year for negotiated contract increases.

Contractual costs are for requesting copies of income tax records from the Internal Revenue Service in order to establish eligibility. Again, there will be no cost in FY83 and only a six month cost in FY84.

The license itself can be incorporated into our present license but we will need to design a new affidavit and a release for tax record form and have a supply printed and distributed. This should be a one time cost in FY84 only.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: November 30, 1983

REQUEST

Bill/Resolution No.: SB 52  
Title: "...licensing of commercial fishing..."  
Sponsor: Senator Mulcahy  
Requestor: Resources and Finance  
Date of Request: March 9, 1983

FISCAL DETAIL

Agency Affected: Labor  
Program Category Affected: Worker Protection  
ERU, Program or Subprogram(s) Affected: Fishermen's Fund

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER *		<5.8>	<11.5>	<11.5>	<11.5>	<11.5>
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The impact is on the Fishermen's Fund.

ANALYSIS: Attach a separate page for analysis

Prepared By: Jacquelyn McClintock Phone: 465-2790

Division: Workers' Compensation Date: \_\_\_\_\_

Approved by Commissioner: Jim Robison Date: 12/11/83

Agency: Labor

LEG:A:13  
Distribution (by Agency preparing fiscal note):

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

.12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: SB 52

TITLE: "An Act relating to licensing of commercial fishing"

AGENCY AFFECTED: Department of Labor

Page 2

This bill would revise the cost for resident crewmember commercial fishing licenses for approximately 1,292 individuals in Calendar Year 1985. The cost will be reduced from \$50.00 to \$15.00 for all residents who have a net family income falling within the poverty guidelines established by the Federal Community Services Administration and the Department of Revenue.

In preparing this fiscal note the following assumptions have been made:

1. Effective date of January 1, 1985.
2. No significant increase in the number of licenses sold from Calendar Year 1982 is anticipated.
3. Seven percent of resident crewmembers would qualify.
4. Loss of General Funds (40 percent of fee) will be reflected in the Department of Revenue's fiscal note.

The projected loss in revenue to the Fishermen's Fund will therefore be as follows:

Number of licenses sold in Calendar Year 1982	18,309
Number of low-income Crew Members	$x .07$ 1,282
Total Loss in Revenue	$x \$15$ \$19,230
Total Loss to Fund	$x .60$ \$11,538

The same loss would be projected for Fiscal Year 1986 through Fiscal Year 1989. The impact on Fiscal Year 1985 would be only \$5,760, as the law would take effect January 1, 1985.

LEG:A:13

I. REQUEST

Bill/Resolution No: CSSB 52(Res) am  
 Title: Licensing Of Commercial Fishing  
 Sponsor: Mulcahy  
 Requestor: House Special Comm. Fisheries

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Coll. & Mgt.  
 BRU, Program of Subprogram(s) Affected:  
Public Services Division BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES	-	-	5.6	11.7	12.2	12.8
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	4.0	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	-	9.6	11.7	12.2	12.8
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE - General Fund</b>	-	-	(3.9)	(8.4)	(8.8)	(9.4)
<b>Fishermen's Fund</b>	-	-	(5.9)	(12.5)	(13.3)	(14.0)

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	-	-	9.6	11.7	12.2	12.8
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME	-	-	-	-	-	-
PART-TIME	-	-	.5	.5	.5	.5
TEMPORARY	-	-	-	-	-	-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attached.

Prepared By: Martin J. Richard  
 Division: Public Services  
 Approved by Commissioner: [Signature]  
 Department: Revenue

Phone: 465-2392  
 Date: 2/6/84  
 Date: 2/10/84

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Administration (for bills)
- Copy to Department (for **FISCAL NOTES.**)
- Copy to Sponsor
- Copy to Requestor (if different from sponsor)

FISCAL NOTE FOR SENATE BILL NO. CSSB 52(Res) am

Section IV. Analysis

Assuming an amendment is made to make this bill effective January 1, 1985, implementation of the program creates a loss of revenue since it is calculated that 7% of Resident Crewmembers would qualify for a \$15.00 Crewmember license.

1/2 will take 1/2 of a position at the Accounting Clerk III level (range 10) to implement and administer this program. Since the bill will not take effect until 1/1/85, there will be no cost in FY84 and only a six month cost in FY85. A 4.5% increase has been figured for each year for negotiated contract increases.

Contractual costs are for designing new affidavit, application and waiver forms and having a supply printed and distributed. It will also be necessary to incorporate the law into our regulations. Advertising will have to be done and training and guidelines written and distributed to the license officers. This should be a one time cost in FY85 only. The license itself can be incorporated into our present license at no additional cost.



I. REQUEST

Bill/Resolution No.: Senate Bill 52  
 Title: "...licensing of commercial fishing..."  
 Sponsor: Senator Mulcahy  
 Requestor: Resources and Finance

II. FISCAL DETAIL

Agency Affected: Department of Labor  
 Program Category Affected: Worker Protection  
 BRU, Program of Subprogram(s) Affected:  
 Fishermen's Fund

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
Fisherman's Fund		(5.5)	(11.8)	(12.5)	(13.3)	(14.1)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Maureen McClintock  
 Division: Workers' Compensation Division

Phone: 465-2790  
 Date: 3/9/83

Approved by Commissioner: Jim Robison  
 Department: Labor

Date: 3/9/83

LEG:A:8

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if)

3/8/83

Detail Analysis for Senate Bill 52

This bill would revise the cost for resident crewmember commercial fishing licenses for approximately 1,238 individuals in FY'84. The cost will be reduced from \$30.00 to \$15.00 for all residents who have a net family income falling within the poverty guidelines established by the Federal Community Services Administration and the Department of Revenue.

In preparing this fiscal note the following assumption have been made:

1. Effective date of January 1, 1984.
2. Six percent increase per annum in the number of crewmember licenses issued (CY 1982 used for bases).
3. Seven percent of resident crewmembers would qualify.
4. Loss of General Funds (40% of fee) will be reflected in the Department of Revenue's fiscal note.

Below is a chart which identifies the expected number of crewmember licenses to be issued annually and the projected loss of revenues to the Fishermen's Fund.

	<u>Total Crewmembers</u>	<u>Low-Income Crewmembers</u>	<u>Total Loss (1)</u>	<u>Fishermen's Fund Loss(2)</u>
CY'82	15,736			
FY'83	16,680			
FY'84	17,631	1,238	\$ 9,300 (3)	\$ 5,500
FY'85	18,742	1,312	19,700	11,800
FY'86	19,867	1,391	20,900	12,500
FY'87	21,059	1,474	22,100	13,300
FY'88	22,323	1,563	23,500	14,100

- (1) Loss is \$15.00 per "low-income" crewmember.
- (2) Fishermen's Fund receives 60% of the fees assessed.
- (3) Annual Loss of \$18,600 is revised for effective date of January 1, 1984.

STATE OF ALASKA  
FISCAL NOTE

Revision Date 1983

I. REQUEST

Bill/Resolution No.: CSSB 52  
 Title: Licensing of Commercial Fishing  
 Sponsor: Mulcahy  
 Requestor: Senate Finance

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Co. & Mgt.  
 BRU, Program of Subprogram(s) Affected: Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		5.5	11.2	11.7		
200 TRAVEL						
300 CONTRACTUAL		1.3	2.5	2.5		
400 COMMODITIES		.5	0	0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		9.3	13.7	14.2		
<b>CAPITAL</b>						
Revenue sick & disabled fishermen fund(5.5)		(11.8)	(12.5)			
<b>REVENUE - General Fund</b>		(2.3)	(4.9)	(5.2)		

FUNDING: (Thousands of Dollars)

GENERAL FUND		9.3	13.7	14.2		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME		.5	.5	.5		
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

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 Division: Public Services

Phone: (907) 465-2376

Date: 4-28-83

Approved by Commissioner: Joseph K. Donohue  
 Department: Revenue

Date: 5/2/83

Distribution:

Original to Legislative Finance  
 Copy to Office of Management and Budget (for Legislature introduced bills)  
 Copy to Department (for Governor introduced bills)  
Copy to Sponsor  
 Copy to Requestor (if different from Sponsor)

3/8/83

Section IV. Analysis

Implementation of program creates a loss of revenue as 7% of Resident Crewmembers would qualify for \$ 15.00 Crewmember license.

It will take 1/2 of a position at the Accounting Clerk III level (range 10) to implement and administer this program. Since the bill will not take effect until 1/1/84, there will be no cost in FY83 and only a six month cost in FY84. A 4.5% increase has been figured for each year for negotiated contract increases.

Contractual costs are for requesting copies of income tax records from the Internal Revenue Service in order to establish eligibility. Again, there will be no cost in FY83 and only a six month cost in FY84.

The license itself can be incorporated into our present license but we will need to design a new affidavit and a release for tax record form and have a supply printed and distributed. This should be a one time cost in FY84 only.