

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3546 HRES HB 143 - HB 186 422

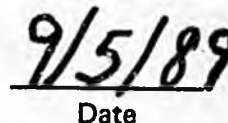


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

HPB

143

Original sponsor: House Special Committee on Oil and Gas

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 143 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to oil and gas activities along a  
7 highway right-of-way; and providing for an effective  
8 date."

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

10 \* Section 1. AS 19.40.200 is amended by adding new subsections to read:

11 (b) The prohibition on disposal of state land under (a) of this  
12 section does not apply to a

13 (1) disposal necessary for an oil and gas lease under  
14 AS 38.05.180;

15 (2) a state lease or materials sale necessary for explora-  
16 tion, development, production, or transportation of oil and gas or  
17 reconstruction or maintenance of the highway.

18 (c) Before the sale of materials under (b)(2) of this section to  
19 a private entity or person or to a state agency the state shall give  
20 due consideration to the availability of materials from private  
21 sources in the area where the materials are needed.

22 \* Sec. 2. AS 19.40.210 is amended to read:

23 Sec. 19.40.210. PROHIBITION OF OFF-ROAD VEHICLES. Off-road  
24 vehicles are prohibited on land within five miles of the right-of-way  
25 of the highway. However, this prohibition does not apply to off-road  
26 vehicles necessary for oil and gas exploration, development, produc-  
27 tion, or transportation or to a person who holds a mining claim in the  
28 vicinity of the highway and who must use land within five miles of the  
29 right-of-way of the highway to explore, develop, or produce oil and gas.

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\* Sec. 3. This Act is retroactive to October 5, 1980.

\* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
10.070(c).

BACKGROUND ON SB 115  
DEPARTMENT OF NATURAL RESOURCES  
February 8, 1985  
Senate Resources Committee

DISPOSALS UNDER AS 38 NECESSARY FOR OIL AND GAS DEVELOPMENT:

- Oil and gas leases under AS 38.05.180 convey exploratory drilling rights and production rights for any oil and gas discovered.
- Material (sand and gravel) sales are made to private entities under AS 38.05.110-120 for roads, drill pads, offshore artificial drilling islands, causeways, and other facilities. "Sales" are also made to the Department of Transportation and Public Facilities for highway reconstruction and maintenance under AS 38.05.810 (public and charitable use).
- Oil and gas pipeline right-of-way leases under AS 38.35 are the required authorization to construct an oil or gas pipeline on or across state land.
- Leases under AS 38.05.070 are held by private service companies and contractors in the Prudhoe Bay Industrial Tract Subdivision. These companies and contractors sell, rent, and repair equipment and provide services to oil and gas lessees. Alyeska Pipeline Service Co. also holds leases (for example, construction camp site).

ACTIVITIES IMMEDIATELY AFFECTED BY THE PROPOSED LEGISLATION

- Oil and Gas Lease Sale 47 (Kuparuk Uplands) is tentatively scheduled for May 21, 1985, and contains approximately 611,840 acres. Of that total, about 230,000 acres (52 of the 113 tracts) are within five miles of the highway and would have to be deleted from the sale without the proposed clarification of existing statute. Final notice of Sale 47 is scheduled to be given March 22, 1985.
- Seismic exploration using off-road vehicles is currently prohibited within the 10-mile corridor.
- Several existing material sales to the Department of Transportation and Public Facilities, and current pending applications for continued materials requirements of Alyeska will be in jeopardy.

BILL SHEFFIELD, GOVERNOR

REPLY TO:

**DEPARTMENT OF LAW**

OFFICE OF THE ATTORNEY GENERAL

1031 W 4th AVENUE  
SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-3550

1st NATIONAL CENTER  
100 CUSHMAN ST.  
SUITE 400  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

February 12, 1985

The Honorable Arliss Sturgulewski, Chairman  
Senate Resources Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Re: CSSB 115 (Res)

Dear Senator Sturgulewski:

Kay Brown, director of the division of oil and gas, has asked us to respond to your inquiry whether there would be any negative legal implications from the retroactive application of the proposed amendments to AS 19.40.200 - 19.40.210 contained in the referenced bill. 1/ We believe that there would not.

Although retrospective laws are generally not favored, curative legislation is encouraged. Here, the legislation is in part being proposed to validate certain existing AS 38.05 disposals and off-road vehicle activities which might otherwise be void for failure to conform with the existing proscriptions of

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1/ You will recall that the inquiry was made at your meeting of February 8, at which time Ms. Brown proposed that the provisions of CSSB 115 (Res) be made retroactive. We had earlier advised Ms. Brown that any question regarding the validity of existing uses of state land along the Dalton Highway could be resolved in the context of an attorney general's opinion. However, on February 4, it was brought to our attention that at least one existing oil and gas lease would be void unless made valid by retroactive application of the proposed amendments contained in the bill.

AS 19.40.200 - 19.40.210. These disposals and activities were authorized by state officials under the mistaken belief that the provisions of AS 19.40.200 - 19.40.210 were limited in scope to certain circumstances of primary concern to the legislature when the original Act was passed, namely, the prohibition of cabin site and other land surface disposals under AS 38.05 and of hunting with ORVs along the Haul Road corridor. The plain language of the statute, however, exceeds this narrow application, even though a broad interpretation reportedly was not the legislature's original intent.

Nevertheless, even curative legislation must comply with certain legal requirements. Among these is the requirement of AS 01.10.090 for an express statement of retroactivity. The legislative drafting manual suggests that language providing for retroactive application of a bill be set out in a separate section immediately preceding the effective date section, and that the retroactive section and the sections of the bill that are to be retroactive have immediate effective dates. Thus, CSSB 115 (Res) should contain an additional section to read:

\* Sec. 3. Sections 1 - 2 of this Act are retroactive to October 5, 1980. 2/

From a constitutional standpoint, a curative Act may not impair the obligation of contracts, take property without due process of law, or interfere with purely judicial matters. We are not aware of any potential problems arising in these three areas of concern if the presently proposed amendments to AS 19.40.200 - 19.40.210 are made retroactive to the effective date of the original Act. To the contrary, retroactive application will avoid the possibility of finding invalid existing uses of state land previously authorized by state officials.

In sum, we are of the opinion that CSSB 115 (Res), which grants new rights rather than takes away existing rights,

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2/ The present Section 3, providing for an immediate effective date, would be renumbered Section 4.

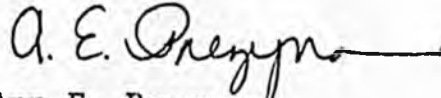
The Honorable Arliss Sturgulewski, Chairman  
Senate Resources Committee

February 12, 1985  
Page 3

will present no negative legal implications if its provisions are applied retroactively. To the contrary, because of the uncertain validity of some existing uses of state land, we strongly encourage inclusion in the bill of a retrospective clause such as the one we have suggested.

Very truly yours,

NORMAN GORSUCH  
ATTORNEY GENERAL



By: Ann E. Prezyna  
Assistant Attorney General

AEP/ma

cc: Kay Brown, Director  
Division of Oil and Gas  
Department of Natural Resources

Arthur H. Peterson  
Assistant Attorney General  
Department of Law - Juneau

Offered: 2/11/85  
Referred: Transportation

Original sponsor: Resources Committee

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 115 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land use and disposal near a  
7 highway right-of-way; and providing for an effective  
8 date."

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

10 \* Section 1. AS 19.40.200 is amended by adding new subsections to read:

11 (b) The prohibition on disposal of state land under (a) of this  
12 section does not apply to a

13 (1) disposal necessary for an oil and gas lease under  
14 AS 38.05.180;

15 (2) a state lease or materials sale necessary for explora-  
16 tion, development, production, or transportation of oil and gas or  
17 reconstruction or maintenance of the highway.

18 (c) Before the sale of materials under (b)(2) of this section to  
19 a private entity or person or to a state agency the state shall give  
20 due consideration to the availability of materials from private  
21 sources in the area where the materials are needed.

22 \* Sec. 2. AS 19.40.210 is amended to read:

23 Sec. 19.40.210. PROHIBITION OF OFF-ROAD VEHICLES. Off-road  
24 vehicles are prohibited on land within five miles of the right-of-way  
25 of the highway. However, this prohibition does not apply to off-road  
26 vehicles necessary for oil and gas exploration, development, produc-  
27 tion, or transportation or to a person who holds a mining claim in the  
28 vicinity of the highway and who must use land within five miles of the  
29 right-of-way of the highway to gain access to the [HIS] mining claim.

- 1     \* Sec. 3. This Act is retroactive to October 5, 1980.
- 2     \* Sec. 4. This Act takes effect immediately in accordance with AS 01.-
- 3 10.070(c).

Introduced: 1/31/85  
Referred: Resources and  
Transportation

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 115

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to oil and gas exploration along

7

highway rights-of-way."

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

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\* Section 1. AS 19.40.200 is amended to read:

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Sec. 19.40.200. PROHIBITION ON DISPOSAL OF LAND WITHIN FIVE

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MILES OF THE HIGHWAY. The state may not dispose of state land under

12

AS 38 which is within five miles of the right-of-way of the highway.

13

This section does not apply to an oil and gas lease under

14

AS 38.05.180; other state land disposals necessary for oil and gas

15

exploration, development, production, or transportation; or other

16

state land disposals necessary for highway maintenance and

17

construction.

18

\* Sec. 2. AS 19.40.210 is amended to read:

19

Sec. 19.40.210. PROHIBITION OF OFF-ROAD VEHICLES. Off-road

20

vehicles are prohibited on land within five miles of the right-of-way

21

of the highway. However, this prohibition does not apply to off-road

22

vehicles supporting oil and gas exploration, development, production

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or transportation, or to a person who holds a mining claim in the

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vicinity of the highway and who must use land within five miles of the

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right-of-way of the highway to gain access to the [HIS] mining claim.



by Sund

DEPARTMENT OF NATURAL RESOURCES

PROPOSED AMENDMENT TO HB 143

1. Delete Section 1 and insert: *except for purposes of reconstruction or maintenance of the highway*

\*Section 1. AS 19.40.200 is amended to read:

Section 19.40.200. PROHIBITION ON DISPOSAL WITHIN FIVE MILES OF THE HIGHWAY. The state may not dispose of state land under AS 38 which is within five miles of the right-of-way of the highway. This section does not apply to an oil and gas lease under AS 38.05.180, or to a disposal necessary for exploration, development, production, or transportation of oil and gas ~~or for reconstruction and maintenance of existing highways~~; *north of 68° North latitude.*

2. Add a new section to read:

\*Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

3. Change title to read: "An Act relating to oil and gas activities along highway rights-of-way; and providing for an effective date."

Original sponsor: House Special Committee  
on Oil and Gas

1 IN THE HOUSE

BY THE HOUSE SPECIAL  
COMMITTEE ON OIL AND GAS

2 CS FOR HOUSE BILL NO. 143 (Oil and Gas)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to oil and gas activities along  
7 highway rights-of-way."

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

9 \* Section 1. AS 19.40.200 is amended to read:

10 Sec. 19.40.200. PROHIBITION ON DISPOSAL OF LAND WITHIN FIVE  
11 MILES OF THE HIGHWAY. The state may not dispose of state land under  
12 AS 38 which is within five miles of the right-of-way of the highway.  
13 This section does not apply to an oil and gas lease under  
14 AS 38.05.180.

15 \* Sec. 2. AS 19.40.210 is amended to read:

16 Sec. 19.40.210. PROHIBITION OF OFF-ROAD VEHICLES. Off-road  
17 vehicles are prohibited on land within five miles of the right-of-way  
18 of the highway. However, this prohibition does not apply to off-road  
19 vehicles necessary for oil and gas exploration conducted under an oil  
20 and gas lease issued under AS 38.05.180 or to a person who holds a  
21 mining claim in the vicinity of the highway and who must use land  
22 within five miles of the right-of-way of the highway to gain access to  
23 the [HIS] mining claim.  
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# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

POUCH M  
JUNEAU, ALASKA 99811  
PHONE: 907-465-2400

OFFICE OF THE COMMISSIONER

January 31, 1985

The Honorable Mike Davis, Chairman  
House Special Committee on Oil and Gas  
Pouch V  
Juneau, AK 99811

Dear Representative Davis:

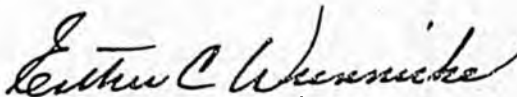
The Department of Natural Resources is requesting amendment of AS 19.40.200 and AS 19.40.210 to allow oil and gas exploration and development within five miles of the right-of-way of the Dalton Highway (North Slope Haul Road).

The statute presently prohibits the disposal of state land under AS 38 and use of off-road vehicles within five miles of the highway. "State land" under AS 38 includes oil and gas leases for exploration and production rights.

Although the department does not believe it was the intent of the 1980 Legislature to prohibit oil and gas activities along the highway, the statute as presently written may be interpreted to have that effect. Oil and Gas Lease Sale 47 (Kuparuk Uplands) is tentatively scheduled for May 21, 1985 and contains approximately 611,840 acres. Of that total, some 230,000 acres (52 of the 113 tracts) are within the five-mile corridor and will have to be deleted from the sale without clarification of the statutes cited above. Final notice of Sale 47 is scheduled to be given March 22, 1985.

I appreciate the willingness of your Committee to introduce HB 143, which would rectify the apparent oversight. Thank you in advance for your consideration and timely action on the bills.

Sincerely,



Esther C. Wunnicke  
Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 143  
 Title: Exploration and Development  
in Highway Rights-of-Way  
 Sponsor: \_\_\_\_\_  
 Requestor: Rep. Davis  
 Date of Request: 1/31/85

FISCAL DETAIL

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected:  
Minerals and Energy Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<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-

<b>CAPITAL</b>						
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<b>REVENUE</b>						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact.

Prepared By: Ned Farquhar  
 Division: Commissioner's Office

Phone: 465-2400  
 Date: January 31, 1985

Approved by Commissioner: Robert D. Smith  
 Agency: Natural Resources

Date: January 31, 1985

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST:

Bill/Resolution No.: SB 115  
 Title: Exploration and Development  
in Highway Rights-of-Way  
 Sponsor: \_\_\_\_\_  
 Requestor: Sen. Sturgulewski  
 Date of Request: 7/31/85

FISCAL DETAIL

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected: Minerals and Energy Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<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-
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact.

Prepared By: Ned Farquhar  
 Division: Commissioner's Office

Phone: 465-2400  
 Date: January 31, 1985

Approved by Commissioner: Wm D Amodeo  
 Agency: Natural Resources

Date: January 31, 1985

Distribution (by Agency preparing fiscal note):

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

DEPARTMENT OF NATURAL RESOURCES

PROPOSED AMENDMENT TO HB 143

1. Delete Section 1 and insert:

\*Section 1. AS 19.40.200 is amended to read:

Section 19.40.200. PROHIBITION ON DISPOSAL WITHIN FIVE MILES OF THE HIGHWAY. The state may not dispose of state land under AS 38 which is within five miles of the right-of-way of the highway. This section does not apply to an oil and gas lease under AS 38.05.180, or to a disposal necessary for exploration, development, production, or transportation of oil and gas or for reconstruction and maintenance of existing highways.

2. Add a new section to read:

\*Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

3. Change title to read: "An Act relating to oil and gas activities along highway rights-of-way; and providing for an effective date."

BACKGROUND ON HB 143  
DEPARTMENT OF NATURAL RESOURCES  
February 6, 1985  
House Oil and Gas and Resources Committees

DISPOSALS UNDER AS 38 NECESSARY FOR OIL AND GAS DEVELOPMENT:

- Oil and gas leases under AS 38.05.180 convey exploratory drilling rights and production rights for any oil and gas discovered.
- Material (sand and gravel) sales under AS 38.05.110-.120 are needed for roads, drill pads, offshore artificial drilling islands, causeways, and other facilities. "Sales" are also made to the Department of Transportation and Public Facilities for highway reconstruction and maintenance.
- Oil and gas pipeline right-of-way leases under AS 38.35 are the required authorization to construct an oil or gas pipeline on or across state land.
- Leases under AS 38.05.070 are held by private service companies and contractors in the Prudhoe Bay Industrial Tract Subdivision. These companies and contractors sell, rent, and repair equipment and provide services to oil and gas lessees. Alyeska Pipeline Service Co. also holds leases (for example, construction camp site).

ACTIVITIES IMMEDIATELY AFFECTED BY THE PROPOSED LEGISLATION:

- Oil and Gas Lease Sale 47 (Kuparuk Uplands) is tentatively scheduled for May 21, 1985, and contains approximately 611,840 acres. Of that total, about 230,00 acres (52 of the 113 tracts) are within five miles of the highway and would have to be deleted from the sale without the proposed clarification of existing statute. Final notice of Sale 47 is scheduled to be given March 22, 1985.
- Seismic exploration using off-road vehicles is currently prohibited within the 10-mile corridor.

# Guest Editorial

## Stevens Village Opposes State Selections Around Yukon Crossing

By Village Council  
Stevens Village

Fairbanks, Alaska — Stevens Village wishes to express its extreme concern and fear over the State of Alaska selecting lands within the haul road corridor around the Yukon Crossing near Stevens Village and to alert the general public to this happening in order to rally more public support to prevent this from happening.

These are lands that the people of Stevens Village have traditionally used, occupied, and governed. The lands are subsistence lands and as such are needed to remain in that use to maintain the subsistence economy and the traditional lifestyle of the people of Stevens Village.

The people of Stevens Village are struggling to survive and to protect their culture and traditional lifestyle. In order to do this, they have to have a say in what goes on in their traditional lands that they use. They oppose the State selecting these lands because of the State's insensitivity in dealing with Stevens Village in the past.

For example, during pipeline days, the State rushed to build the Hickel Highway through Stevens Village's lands without the village's permission and without the construction permit being granted yet for the pipeline from the Federal government.

If the State selects these lands and then encourages settlement and/or development there, it will have a devastating effect on the people of Stevens Village. Why

start a new settlement only to wipe out another one?

The haul road is for transportation purposes and for reasons of safety and efficiency it needs to remain free of settlement and/or development. This will save the State money in the long run.

We are asking the people of Alaska to support us in this by contacting the State Department of Natural Resources and our representatives in the State Legislature.

By keeping these lands in a natural state it will help to insure the survival of the Stevens Village people and their culture, for without that Alaska can never be a great land.

### Letters to the Editor

Dear Editor:

As 1991 looms on the horizon, with the as-yet indistinct but potentially disruptive impacts on all Alaskans, it is reasonable to note a trend among many Native Alaskans that flies in the face of long-held stereotypes held by many non-natives. This trend makes the task of preparing for the upcoming battle over corporate and land ownership between the Native corporations and potential outside owners that much more hopeful.

A good number of Native

ed people choose not to drink, there may be social, economic and political consequences which we had not anticipated.

An example of this trend can be seen in the recently enacted policies of the Alaska Federation of Natives and the Association of Village Council Presidents (AVCP), both of which have in recent years adopted policies of no drinking during their annual meetings. AVCP even contacts local villages when any of their representatives



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

H B

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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
**BILL ANALYSIS**

DEPARTMENT Fish and Game	DIVISION Game	BILL NUMBER SSHB 165	SPONSOR Taylor-Sund
DEPARTMENT POSITION Neutral			
PREPARED BY Robert Hinman	DATE 4/17/85	COMMISSIONER'S SIGNATURE <i>Conrad Belenewich</i>	DATE 4/17/85

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL U.S. Forest Service	CONSTITUENT GROUP(S) AFFECTED BY BILL Sportsmen's groups, Advisory committees, Environmental groups
ORGANIZATIONAL SUPPORT FOR BILL Sitka and Ketchikan sportsmen's groups Alaska loggers	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT  
Various groups, particularly the sportsmen's group from Ketchikan have supported a transplant of Roosevelt Elk to southeastern Alaska. This bill would mandate such an introduction.

ANALYSIS OF BILL/PROGRAM EFFECTS

Prior to transplanting elk or any other species, permission must be granted by the land managing agency--in this case, the U.S. Forest Service (USFS). The Forest Service has indicated that an Environmental Assessment (EA) will be necessary and possibly an Environmental Impact Statement (EIS) if the EA indicates that a more detailed evaluation is necessary. Board of Game policy is that an introduction or transplant of wildlife must be preceded by an analysis indicating that sufficient habitat exists to sustain the species, that the transplant would not adversely affect indigenous species, and that the transplant would likely serve a useful purpose. The department and the USFS have met and agreed upon proposed criteria (attached) for a feasibility study. The Commissioner has agreed with the USFS Regional Forester to work cooperatively in developing a plan for the feasibility study. Among the questions to be addressed are the potential effects on indigenous Sitka blacktail deer. Because predator-prey relationships, forage availability, and other factors may affect the (continued)

AMENDMENTS PROPOSED

Line 9: years, (COOPERATE and assist in the) Transplant(ING) to Zarembo Island or other appropriate location in southeastern Alaska (OF)

Delete last sentence, lines 15 and 16: the department already has this authority.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

success of a proposed transplant, it is desirable to evaluate more than one possible transplant location.

The department is not currently funded to conduct the necessary feasibility study. Work of this type can be conducted over a period of years in conjunction with existing research and management activities. In this way, costs could be minimized, but a substantial period of time would be necessary. To conduct the work over a shorter period would require additional funding. Assuming the study indicates that the transplant is feasible, funding to cover the actual transport of animals (and related costs) would be needed.

INTRODUCTION OF ELK INTO SOUTHEAST ALASKA

PROPOSED CRITERIA FOR A FEASIBILITY STUDY

The following criteria should be addressed when conducting a feasibility study on the introduction of elk onto public lands in Southeast Alaska:

1. Consider possible implications of introducing elk to Southeast Alaska.
  - a. Biological implications
  - b. Ecological implications
  - c. Recreational implications
  - d. Economical implications
    - (1) Estimate of cost/benefit
2. Consider potential types of public use.
  - a. Sport hunting
  - b. Non-consumptive
3. Consider attitudes of people in Southeast Alaska towards introducing elk.
  - a. Public sectors
  - b. State and Federal agencies
4. Compliance with agency policies, direction, and regulations.
  - a. State of Alaska, Department of Fish and Game
  - b. USDA Forest Service, Alaska Region
5. Historical Record of Elk Introductions to Southeast Alaska.
  - a. Literature review
  - b. Past experience and results
6. Biological and Habitat Relationships
  - a. Suitability of habitats for elk
    - (1) Winter ranges-optimum/minimum acres
    - (2) Summer ranges-optimum/minimum acres
    - (3) Effect of timber harvest on elk habitat
  - b. Forage availability (quantity, quality, forage species)
    - (1) Winter range
    - (2) Summer range

- c. Habitat competition with other species
  - (1) Forage competition
  - (2) Space competition
  - (3) Reproduction/breeding
- d. Biological potential for elk in Southeast Alaska
  - (1) Subspecies most suitable to Southeast Alaska
  - (2) Availability of transplant stock
  - (3) Habitat adaptability of the animal
  - (4) Reproduction
  - (5) Survival/mortality
- e. Predator/Prey Relationships
  - (1) Effects of predation on Elk
  - (2) Potential problems with other species
- f. Diseases and Parasites
  - (1) Potential problems with elk populations
  - (2) Potential problems with other species
- g. Land Use/Habitat Relationships
  - (1) Effect of timber harvest on public and native lands on habitat utilization by elk
  - (2) Effect of State land disposal activities

7. Management of the Elk Populations in Southeast Alaska.

- a. Mobility of the animals-likelihood of expansion to other areas outside the original transplant site.
- b. Population Management - regulations needed to maintain population size and areas occupied to meet management objectives
- c. Potentials for Animal Damage
  - (1) Land Use Conflicts - public and private lands




ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y. State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

December 12, 1984

MEMORANDUM

TO: Representative-Elect Robin Taylor

FROM: Sharman Haley   
Legislative Analyst

RE: Transplanting Elk to Southeast Alaska  
Research Request 85-053

You requested information to help formulate legislation requiring the Department of Fish and Game to cooperate with sportsmen in a program to transfer elk from Afognak Island to Southeast Alaska. This memorandum provides some background on the issue, outlines the political and legal hurdles for undertaking a transplant, discusses some of the alternative methods for rounding up and transporting the elk, and draws some conclusions regarding legislation.

Background

The history of elk transplant to Southeast Alaska was summarized by the Director of Game in a letter to the Alaska Sportsmen's Council, Inc.:

As you are doubtlessly aware, there has been considerable public interest in an elk transplant to southeast Alaska since at least Statehood. During the early 1960s, two elk transplants were attempted but failed (to Revilla and Gravina Islands). Another transplant was planned in early 1972, but the department's request for Federal Aid funding was denied by the U.S. Fish and Wildlife Service on grounds that such a transplant was not biologically sound... The Service's denial of this request was primarily based on documented competition between deer and elk in several western states with the ultimate result being depressed deer populations. This was particularly evident in areas of harsh winter weather.

This federal action combined with an increasing biological awareness of resident species and habitat conditions in Alaska led the department to review proposed transplants much more critically during the 1970s and to establish firm policies governing transplants statewide. The Alaska Legislature, which had previously

endorsed long-standing but biologically unsound transplant statutes, took a firm stance on such matters in 1970 and repealed Sections 16.25.020, 16.25.030, and 16.25.040 of Title 16, Alaska Statutes.<sup>1</sup>

Last August, the Governor and the Commissioner of Fish and Game met with Representative Ron Wendte, Bob DeWitt, and other sportsmen's representatives on the issue of elk transplant to Southeast. Their conclusion was that if the sportsmen could get the support of the fish and game advisory committees, the Fish and Game Regional Council, and the State Boards of Fish and Game, the department would proceed with the transplant. When the issue came before the State Board of Game December 8, 1984, the board recommended that it be taken to the advisory committees.

#### Legal and Political Hurdles

Wild game may not be possessed or transported in the state without a permit from the Department of Fish and Game.<sup>2</sup> There are no specific statutory or regulatory guidelines for the department to follow in considering a permit request. The position of the department outlined in its letter to the Alaska Sportsmen's Council is as follows:

4. As a matter of policy, we will not approve of, nor participate in, transplants of nonindigenous wildlife without detailed feasibility studies and ecological investigations.
5. We are not currently funded, nor are we likely to be in the future, for elk transplant feasibility studies.
6. We would be willing to conduct or participate in elk transplant feasibility studies involving ecological investigations only if: (a) outside funding were made available; and (b) the Division of Game received additional positions for research biologists such that our existing research and management programs on resident species were not affected.
7. Until such time that detailed feasibility studies may be completed and the results closely analyzed, resource agencies in

---

<sup>1</sup>Letter from W. Lewis Pamplin Jr. to Ronald J. Somerville, November 3, 1983.

<sup>2</sup>AS 16.05.255; 5AAC 81.040; 5AAC 81.130.

Representative-Elect Taylor  
December 12, 1984  
Page Three

Alaska should maintain consistent opposition to transplanting nonindigenous wildlife species.<sup>3</sup>

The approval of federal agencies is also required to transplant game. The National Environmental Protection Act (NEPA), requires an environmental analysis prior to federal action. This analysis could take the simpler form of an Environmental Assessment, or NEPA might be interpreted to require a more detailed Environmental Impact Statement.

If federal aid funds are to be used, which would normally be the case for a wildlife transplant program, approval of the U.S. Fish and Wildlife Service is required. In 1972, the U.S. Fish and Wildlife Service evaluated and rejected the State's proposal to transplant elk to Kruzof Island. The evidence suggested that the deer population would decline as a result of the elk's competition for forage, and that the proposal was therefore "biologically unsound."

With or without federal aid funds, approval by the U.S. Forest Service is required. The Forest Service is the federal manager of most of the land and habitat in Southeast. For fish and game management, the Forest Service has a Memorandum of Understanding with the Alaska Department of Fish and Game. One of the provisions of this agreement is that the department will not sanction the introduction of any species onto National Forest land without Forest Service agreement. Further, the department is obligated to conduct the necessary research for the Forest Service's environmental analysis of the proposal. My conversation with Phil Janik, Director of Wildlife and Fisheries for the Forest Service, indicated that the Forest Service review would likely be technical, not political; if the feasibility study and environmental assessment showed the proposal to be technically sound and indicated that the only significant biological impact would be a trade off of deer for elk, the Forest Service would not necessarily reject the proposal on that basis. The decision to proceed with the transfer would likely be left to the State's political process.

One way the State makes political decisions regarding game is the process agreed to in August by the governor and sportsmen's representatives and recently affirmed by the State Board of Game: the proposal should first be considered by each of the 18 Southeast fish and game advisory committees and the Southeast Regional Council before reviewed by the State Board. The State Board will consider the recommendations of the local and regional entities and make a final decision for the State. This process would allow residents in all areas that might ultimately be affected by the decision to be heard on the issue.

---

<sup>3</sup>W. Lewis Pamplin Jr., op cit.

Representative-Elect Taylor  
December 12, 1984  
Page Four

Legislation is another means of making a political decision on the elk transplant issue. A bill could be introduced directing Fish and Game to conduct the necessary studies, and subject to federal approval, transplant elk to Southeast Alaska. An appropriation would also be needed. If the legislation were passed and signed into law, action by the State Board of Game would not be required.

### Operations

Once the decision is made to proceed, there are at least two methods of rounding up and transporting the elk. The most appropriate method for elk from Afognak Island would be to tranquilize the elk individually with darts and pick them up with a helicopter. The elk would then be flown to Kodiak and on to Southeast. This operation would likely require six to eight experienced people. An alternative method would be to import surplus elk from Washington or Oregon where the elk can be driven into existing corrals and loaded into trucks. Although a veterinary inspection would be required for every elk to be transported across state lines, this still might prove to be less expensive than a roundup on Afognak.

### Conclusions

The first thing the Department of Fish and Game needs to participate in the proposed elk transplant to Southeast is a political mandate to do so. This could be accomplished through legislation. To facilitate the required federal cooperation, you may wish to specify in the legislation that no federal aid funds are to be used. This way only the approval of the Forest Service, and not of U.S. Fish and Wildlife Protection, would be required. You might also consider having the legislation drafted generally enough to allow the department to pursue the least expensive roundup and transportation option, and to direct them to utilize available volunteer services.

The second thing the department needs to proceed is money. If you introduce legislation, the department will be required to prepare a fiscal note estimating the costs to carry out your proposal. You and your staff (or you may request assistance from this agency) should review the fiscal note very carefully to determine whether you agree with the department's estimates. In particular, you may wish to ascertain whether the department has considered the volunteer services of interested sportsmen. You can expect that the department will request funding for additional research biologists to carry out the necessary studies. You may wish to review the department's existing research commitments to determine whether you agree that additional positions are needed, or whether you feel that existing staff should alter their

Representative-Elect Taylor  
December 12, 1984  
Page Five

research priorities to perform the necessary elk research. If you disagree with the department's fiscal note, you may want to prepare your own version for committee consideration.

\* \* \* \* \*

I hope that this memorandum has provided you with useful information. More detailed information on specific requirements in terms of personnel, equipment, time, etc. will be forthcoming in a departmental fiscal note after legislation is introduced. If you have any further questions for this agency, please don't hesitate to call.

SH

Alaska Loggers Association, Inc.



111 STEDMAN, SUITE 200  
KETCHIKAN, ALASKA 99901  
Phone 907-220-8114

October 29, 1984

Honorable Bill Sheffield  
Governor State of Alaska  
Pouch A State Capitol Building  
Juneau, Alaska 99811

Dear Governor Sheffield:

Once again Alaska Loggers Association has been invited to support the Alaska Sports and Wildlife Club in its effort to establish an elk herd in Southeast Alaska. You will wish to know, the ALA Directors support this program. We would suggest the transplant be made to an area already designated as wilderness or some other set aside which does not permit timber harvest. We would hate in years hence to have a battle with the fish and game over elk habitat with the possibility they could not exist if the old growth forest were harvested.

Why not give it a try.

Sincerely,

Donald A. Bell  
General Manager  
ALASKA LOGGERS ASSOCIATION

DAB/mjh  
cc: Mike Barton  
Commissioner Collinsworth  
Win Green  
Jim Clark  
Jerry Larrabee  
Bob DeWitt  
Earl Mossburg

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

November 23, 1984

Mr. Donald A. Bell  
General Manager  
Alaska Loggers Association  
111 Stedman, Suite 200  
Ketchikan, AK 99901

Dear Don:

Thank you for your letter of October 29, 1984, regarding the support of the Alaska Loggers Association for an elk transplant in southeastern Alaska. Commissioner Collinsworth and his staff have been in contact with the Forest Service and various public groups in Southeastern concerning this matter. Department of Fish and Game staff will brief the Board of Game on the request at its next meeting, December 2-8, 1984. I appreciate the continuing concern of your Association for enhancement of wildlife in Alaska.

Sincerely,

A handwritten signature in cursive script that reads "Bill".

Bill Sheffield  
Governor

# Sitka Sportsman's Association

BOX 1200 • SITKA, ALASKA • 99835



January 12, 1984

Honorable Don Collingsworth  
Commissioner Dept. Fish and Game  
P.O. Box 3-2000  
Juneau, Alaska 99802

Dear Commissioner Collingsworth:

We agree with the Ketchikan, Alaska Sports and Wildlife Club that the multiple use management concept would work and be more beneficial to the hunter. Our association ask you to please review the facts and issue a permit to transplant Elk to the Ketchikan, Alaska Sports and Wildlife Club.

The first obstacle received from the Fish and Game Dept. was no money. The Ketchikan group have received pledges from Sitka, Wrangell, Ketchikan, and Petersburg to help finance this project. Private parties have offered the use of aircraft, helicopters, landing craft, barges, boats and other equipment for the transplant. The Forest Service said they had funds, equipment, and biologists who could be used.

The second obstacle was the need for more research. After inquiring, we found three reports of assessment to introduce elk in Southeast Alaska. One by the U.S. Fish and Wildlife Service and two by the Dept. of Fish and Game; the latest in 1970 by Alan W. Courtright and Harry R. Merriam which favored the introduction of elk to Kruzof Island.

The third and last obstacle was the elk would compete with the deer. We have found in other states where they have had a healthy herd of elk and deer in the same area for many years. From the Fish and Game reports we found Afognak Island has six herds of elk totaling around 800 animals and during the 1982 season the total harvest was 150 animals. At the same time, the deer limit was seven per year the highest limit in Alaska.

Respectfully,

*Foy Nevers*  
Foy Nevers  
President

cc: Governor Sheffield  
Sitka Sentinel  
Alaska Sports and Wildlife Club

KETCHIKAN FISH AND GAME ADVISORY COMMITTEE MEETING

December 4, 1984, 7:00 p.m.

MEMBERS PRESENT:

Ron Lundamo, Maurice Ingman, Bob Stanker, Larry Painter, Hal Brown, Jim Canary, John Peckham, Mike Painter.

Other: Sports and Wildlife Club, USFS, and general public.

AGENDA

1. Notification of term expiration (1984) for J. Canary, O. Haynes and B. Stanker. Nominations and vote to be conducted during the January 7th meeting.
2. Proposed elk transplant discussed to date: proposed 1982 for Revilla Island. Reproposed 1983 twice suggesting Prince of Wales Island or Zarembo Island. Apparently not a conflict of feed with existing black tailed deer population. Afognak Island has a bag limit of 5 deer and 1 elk. Last local elk transplant had 18 animals and were seen several years ago but none since. Certain groups in Wrangell are behind the Sports and Wildlife Club for an elk transplant. Suggested 100 animals minimum for the transplant and that they all be adults.

Motion made and ~~2nd to favor~~ transplant of elk to Southeast

For - 7            Against - 0            Abstain - 1

3. Discussed Wolf Study: \$300,000.00 for a four year study. Input from the group and audience was that it is a complete waste of money. What people want is some wolf control. How do you get ADF&G to go for it was an unanswered question.
4. Comments on the Misty Fjords, or other parts of S.E being used by private commercial use by promoters for setting Guide Camps, tent platforms and other. Question - should we favor or oppose the commercial guide camps on lakes in the National Forest. Opinion vote - advisory to the Forest Service.

Motion to recommend to the USFS to continue constructing cabins consistent with present uses that are open to the public use, and not allow commercial guide camps, because we feel the current use of cabins fully satisfies the public demand.

For - 7            Against - 1            Abstain - 0

5. Discussed proposal for a goat transplant on parts of Prince of Wales Island, north end preferred.

For - 7

No - 0

Abstain - 0

---

Maurice Ingman  
Secretary



Shop now for the best Christmas selection

New shipment of blankets and comforters, twin to king size. Comforters in floral prints and plain colors. All washable. And towels galore! And don't forget to make those hand-made gifts early. We have batting, Poly Fill and pillow forms for your handicrafts.

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BODY & PAINTS

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We do estimates in Wrangell  
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## Hospital Auxiliary Christmas Bazaar

Saturday, Nov. 10  
Starts at 11 am  
Wrangell Alcohol Center  
Raffle for Cabbage Patch Doll  
and Debonair Bear

Donated by Nancy Martin  
Drawing at Midnight Madness

# Wrangell varsity splits with Kake

By COREY JOHNSON  
The defending 2A state champion Kake Thunderbirds gave the Wrangell Wolves boys teams a run for their money last Friday and Saturday by winning three out of the four games played.

Last week's action brought the season records for the Wolves varsity and the JV both to 3-3.

Friday, the Wrangell varsity lost 58-57, but the junior varsity had an easy 46-40 win.

On Saturday night, both Wrangell teams suffered losses when the Thunderbirds took advantage of the numerous Wrangell turnovers

and beat the varsity 49-40 and the JV's 63-54.

Coach Bill Gablehouse's prediction that Kake would give an outstanding performance proved true when he saw a "well-balanced attack" from the Thunderbirds. Friday's varsity game was "back and forth throughout the whole game."

Gablehouse said he was pleased with his team's approximately 60 percent accuracy at the free-throw line. Although Gablehouse said he enjoyed the varsity game Saturday, he felt Wrangell had too many turnovers, with an estimated 15 that night.

"We had some bad breaks, and Kake shot well," Gablehouse said.

Gablehouse also pointed out Kake's use of various defenses in the second half, which he said led to the majority of Wrangell's turnovers.

The coach said Eddie Henry played excellently both nights for the JV's, with 25 points Friday, and 27 points Saturday. He also complimented Gus Brock, Peter Schonwandt and Vern Meissner on their fine performance under the boards for both nights.

Gablehouse said he thinks he needs better ball control

from his team, to reduce the large amount of turnovers in each game.

Gablehouse said Kake did an overall good job, saying, "Kake could compete with any 3A team".

Looking ahead to next week's game at home, in which the Wrangell Wolves will be hosting Juneau at home, Gablehouse expects a tough "man to man — all the way."

Neither of the Wrangell girls teams played last week, but they will travel this week to play Juneau.

## Official favors study of elk transplant proposal

The Alaska Game Board should seriously consider a proposal to transplant elk to Southeast, a member of that group says.

Joel Bennett said during a recent visit to Wrangell that the board should consider the proposal despite opposition from the Alaska Department of Fish and Game.

"We're not going to kill the proposal just because the department is against it," he said.

The Wrangell City Council is backing a plan by the Alaska Sports and Wildlife

Club to transplant elk to Southeast. In a resolution approved last month, the council urged the department and U.S. Forest Service to participate in an elk transplant.

Bennett said department officials generally oppose the plan because of competition for range with deer. In critical winter weather, he said, only a thin strip of range is available to deer along the coastline — and elk would compete for the limited forage.

When deer and elk compete, he said, the deer generally suffer.

Members of the Sports and Wildlife Club, however, point to other successful programs — and say the elk and deer can survive and prosper together.

Bennett said other attempts with elk transplants in Southeast near Ketchikan and Sitka could not be properly monitored because too many of the animals were poached before the population grew

large enough for state-sanctioned hunting.

Bennett said the Board of Game will have to consider both sides of the question and determine "if we want to gamble" on the transplant's success.

He encouraged citizens with views on the transplant issue to contact him by writing 114 West Sixth St., Juneau, Alaska, 99801.

Proposals to the game board are due in mid-December.

## More entries expected in winter salmon derby

Organizers of Wrangell's Third Annual Winter King Salmon Derby are expecting more entries and a bigger

Last year's winner, James Stough, won \$1,000 in the event.

as far away as Houston, Texas, and Denver, Colo., he said.

Entrants each pay \$100 and the winner takes all.

**ALCOHOL INFORMATION AND REFERRAL CENTER**

## Logging shows

Vern Eliason, Chairman of the All Alaska Logging Championship in Sitka, announced June 25 and 26 as the dates for the show. They expect a group of professionals from the lower '48 and a strong group of competitors from the Sitka area. The loggers from Larrabee Logging Company will be out to retain their camp championship.

ALA's Kirsten Held and Joe Staley of Sealaska Timber are co-chairing the 1983 July 4th Timber Carnival in Ketchikan. They have the support of an enthusiastic committee and are planning a topnotch show on July 4th at the Norman Walker Field.

Roy Martin advises Wrangell's logging show will start on July 3 and continue through the 5th. They plan on many contests including log rolling, ma pa bucking, choker setting, and log binding.

## Let's hope they listen

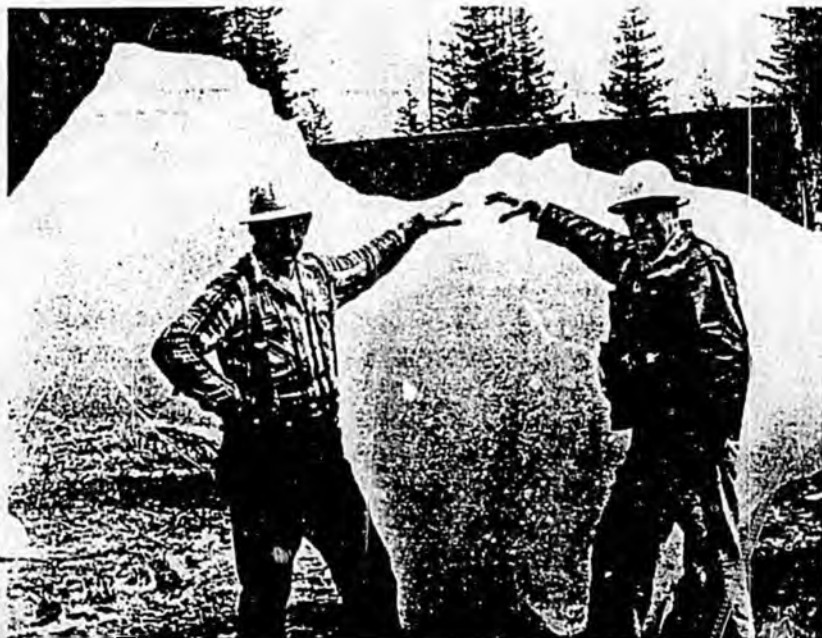
Dick Borch, President Alaska Sports and Wildlife Club, recently wrote an excellent letter to the editor of Island News, the Prince of Wales Island weekly. It is hoped the Alaska Department of Fish and Game read it and recognize Dick's remarks are coming from more than 60 years of sports hunting in Alaska. In the early 60s, the ADF & G introduced wolves on Coronation Island to conduct a deer predator study. The wolves ate all the deer then swam to other islands. Dick reports the wolves are now gnawing their way through the deer population on Revilla Island. He suggested the introduction of Roosevelt Elk which can co-exist with deer and would have a better survival rate with the wolves.

## They do it different

South Central Timber Development's 40 employees started logging the end of March at Icy Bay. Cliff Husted, ATIE Safety Director, made a trip to camp in May and snapped these pictures showing how they do it up north.



Mosquito nets keep the bugs away from the logger's face.



They use large ice cubes in their martinis. Floyd Johnson, partner, and Larry Varner, Camp Manager, explain why they need such

CITY OF WRANGELL, ALASKA

RESOLUTION NO. 10-84-213

A RESOLUTION OF THE CITY OF WRANGELL, ALASKA,  
URGING THE U. S. FOREST SERVICE AND THE ALASKA  
DEPARTMENT OF FISH AND GAME TO PARTICIPATE IN  
AN ELK TRANSPLANT IN SOUTHEAST ALASKA: AND  
ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The Alaska Sports and Wildlife Club has made a proposal  
advocating the establishment of an elk herd in Southeast Alaska; and

WHEREAS, the Alaska Sports and Wildlife Club believes that the  
multiple use management concept of the Wrangell District would be more  
beneficial to the hunters of this area if an elk herd were made avail-  
able for propogation and ultimate hunting in Southeastern Alaska; and

WHEREAS, the Club has worked with the U. S. Fish and Wildlife and  
the U. S. Forest Service and advocates proper management of Alaska's  
recreational lands; and

WHEREAS, Sports and Wildlife activities are an important part of  
Wrangell's tourism and subsistance attraction.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WRANGELL,  
ALASKA:

1. The Council urges the U. S. Forest Service and the  
Alaska Department of Fish and Game to participate  
in an elk transplant to Southeastern Alaska.
2. The City Clerk is hereby directed to send a copy of  
this resolution to Governor Bill Sheffield; Area  
Biologist Robert Wood, Alaska Department of Fish  
and Game; and Forest Supervisor Win Green, U. S.  
Forest Service.

APPROVED AND ADOPTED \_\_\_\_\_ OCTOBER 23 \_\_\_\_\_, 1984

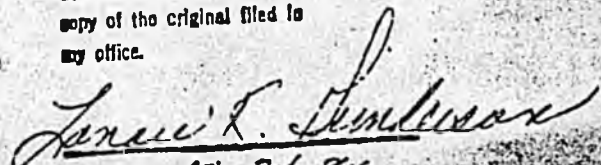


William B. Privett, Mayor

ATTEST

  
CITY CLERK

Certified a true and correct  
copy of the original filed in  
my office.

  
City Clerk 10-24-84  
City of Wrangell, Alaska

We are aware that if either-sex hunting was to be initiated, it might be necessary to use a permit system due to limited moose numbers. This, of course, increases administrative requirements and restricts opportunities for hunters. It might be possible, however, to continue the open bull season and add a limited number of cow permits.

We received reports of occasional moose sightings on Mitkof, Kupreanof, and Prince of Wales Islands, and we also found the remains of a moose on Sokolof Island during our visit there. But our impression, from talking with knowledgeable people, is that these islands are even more marginal habitat than the pockets where moose occur on the mainland. Efforts to increase the carrying capacity for moose on these islands would therefore have rather low priority but should not be entirely discounted. We feel that any means of increasing the diversity of ungulates throughout southeast Alaska would be worth considering, especially if species can be found with diverse food habits and ecologic niche preferences. Broadening the variety of herbivores has been amply demonstrated in many parts of the world to improve the conversion of vegetation to useful animal products.

#### Introduction of Elk

For this same reason we believe that further efforts should be pursued to introduce Roosevelt elk to this area. Elk have demonstrated that they can survive the rigorous conditions of Afognak Island and if sufficient numbers could be planted in one area, we feel they would have a reasonable chance of becoming established. An isolated island might be selected for such a trial; Zarembo Island has been suggested as a possible site.

We are also aware of the previous attempts to introduce Roosevelt elk to southeast Alaska, (including Gravina and Revilla Islands). In spite of these failures, we consider it worthwhile to try again.

Before elk introduction is contemplated, however, it would be logical to analyze

the potential demand for this species and to assess their probable biological impact on the habitat as well as the possibility of spread to other islands.

Members of the Alaska Department of Fish and Game have expressed strong reservations about the potential for competition between elk and deer and this should certainly be considered. Some background information which would aid the assessment of this aspect should be available from Oregon, Washington, and Vancouver Island where Roosevelt elk and Columbian black-tailed deer coexist.

There is some indication, however, that Roosevelt elk do not compete with deer to the extent that is often found with Rocky Mountain elk and deer. Additionally, Roosevelt elk do cause serious damage by browsing to Douglas-fir seedlings in Oregon and Washington, and it would be necessary to evaluate their preferences for the species of commercial conifers in southeast Alaska. Taber and Radeke (1980) point out that Roosevelt elk do browse on hemlock.

#### Retention Areas

In the planning process, particularly in the case of timber sales, areas to be retained uncut to meet wildlife needs should be designated as temporary or permanent depending upon management objectives. Beach front areas, because of their critical values for deer winter range, furbearers, and eagles, are among the best examples of sites for permanent retention. In contrast, intermediate elevation sites may or may not require the same consideration for permanency depending upon local conditions. Both temporary and permanent retention areas will lose value and ability to meet their needs if they are altered by unplanned changes in size or design. Blowdown of trees in windstorms is a good example. Ruth and Harris (1979) present a good discussion of the factors contributing to blowdown risks and ways in which risks can be reduced.

Voting "Yes":	Elkins Bartholomew Hansen Thomas McCarty
Voting "No":	None
Absent:	King Cruise
4 votes required for passage	
Effective date:	8/20/84

K E T C H I K A N      G A T E W A Y      B O R O U G H

Resolution No. 590

A RESOLUTION OF THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH, ALASKA, URGING THE U.S. FOREST SERVICE AND THE ALASKA DEPARTMENT OF FISH AND GAME TO PARTICIPATE IN AN ELK TRANSPLANT IN SOUTHEASTERN ALASKA; AND ESTABLISHING AN EFFECTIVE DATE

R E C I T A L S

A. The Alaska Sports and Wildlife Club has made a proposal advocating the establishment of an elk herd in Southeast Alaska. The Alaska Sports and Wildlife Club believes that the multiple use management concept of the Ketchikan District would be more beneficial to the hunters of this area if an elk herd were made available for propagation and ultimate hunting in Southeastern Alaska.

B. The Alaska Sports and Wildlife Club was organized in 1947. Over the years, the Club has worked with the U.S. Fish and Wildlife and the U.S. Forest Service and advocates proper management of Alaska's recreational lands. The Club works to combat the declining deer population in Southeast Alaska, builds and maintains recreational cabins, provides skiffs on popular sportfishing lakes and supports many other sports and wildlife activities.

C. Sports and Wildlife activities are an important part of Ketchikan's tourism attraction.

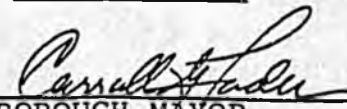
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH, ALASKA, as follows:

Section 1. The Assembly urges the U.S. Forest Service and the Alaska Department of Fish and Game to participate in an elk transplant to Southeastern Alaska.

Section 2. The Borough Clerk is hereby directed to send a copy of this resolution to Governor Bill Sheffield; Area Biologist Robert Wood, Alaska Department of Fish and Game; and Forest Supervisor Win Green, U.S. Forest Service.

Section 3. This resolution is effective upon adoption.

ADOPTED this 20th day of August, 1984.

  
BOROUGH MAYOR

ATTEST:

Giorgiana Booth  
BOROUGH CLERK

APPROVED AS TO FORM:

Wesley W. Wall  
MUNICIPAL ATTORNEY

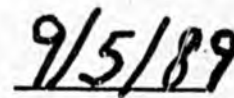


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

H B

186

Original sponsors: Szymanski and Clocksin

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 186 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Anchorage Coastal Wildlife  
7 Refuge."

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

9 \* Section 1. AS 16.20 is amended by adding a new section to read:

10 Sec. 16.20.031. ANCHORAGE COASTAL WILDLIFE REFUGE. (a) The  
11 following described state-owned land and water is established as the  
12 Anchorage Coastal Wildlife Refuge and shall be managed as a state game  
13 refuge for the protection of waterfowl, shorebirds, salmon, and other  
14 fish and wildlife species, and their habitat and for the use and  
15 enjoyment of the people of the state:

16 (1) Township 13 North, Range 4 West, Seward Meridian

17 Section 20: SE 1/4 seaward of the 20 foot elevation  
18 contour

19 SE 1/4 NE 1/4 seaward of the 20 foot elevation con-  
20 tour

21 Section 29: E 1/2 seaward of the 20 foot elevation  
22 contour

23 SW 1/4 seaward of the 20 foot elevation contour

24 Section 30: SE 1/4 SE 1/4

25 Section 31: All seaward of the 20 foot elevation  
26 contour except NW 1/4 NW 1/4

27 Section 32: All seaward of the 20 foot elevation  
28 contour

29 (2) Townsh\_p 13 North, Range 5 West, Seward Meridian

1 Section 36: S 1/2

2 S 1/2 N 1/2

3 (3) Township 12 North, Range 4 West, Seward Meridian  
4 Sections 6 - 9: Seaward of the 20 foot elevation  
5 contour

6 Section 15: NW 1/4 seaward of the 20 foot elevation  
7 contour

8 SW 1/4 NE 1/4 seaward of the 20 foot elevation  
9 contour

10 Government Lot 5 and the remainder of the W 1/2 SE  
11 1/4, all

12 SW 1/4

13 Section 16: Seaward of the 20 foot elevation contour  
14 Sections 17 - 22

15 Section 23: Government Lot 1 and the remainder of the  
16 SW 1/4, all seaward of the 20 foot elevation contour  
17 Government Lot 2 and the remainder of the S 1/2 NW  
18 1/4, all seaward of the 20 foot elevation contour  
19 Government Lots 3 and 4, and the remainder of the SE  
20 1/4, all seaward of the 20 foot elevation contour

21 Section 24: Tract A, Shorecrest Subdivision (Plat No.  
22 81-68, Anchorage Recording District)

23 Section 25: Government Lots 1 and 2, and the remainder  
24 of the W 1/2, all

25 Tract A, Johns Park Estates, and the remainder of the  
26 NE 1/4, excluding Skyway Park Estates, Addition No. 1  
27 all seaward of the 20 foot elevation contour Govern-  
28 ment Lots 3 and 4, and the remainder of the SE 1/4,  
29 all

1 Sections 26 - 36

2 (4) Township 12 North, Range 3 West, Seward Meridian

3 Sections 1 - 2

4 Sections 11 - 14

5 Sections 23 - 26

6 Sections 35 - 36

7 (5) Township 12 North, Range 3 West, Seward Meridian

8 Section 29: That portion of the SW 1/4 southwesterly  
9 of the Alaska Railroad right-of-way and southerly of  
10 Oceanview Subdivision, Addition No. 6

11 Section 30: That portion of Tract A, Johns Park  
12 Estates, seaward of the 20 foot elevation contour  
13 Government Lot 2 and that portion of the SE 1/4 NW  
14 1/4 southwesterly of Oceanview West Subdivision,  
15 Addition No. 1

16 Government Lots 3 and 4 and the remainder of the SW  
17 1/4, all

18 That portion of the SW 1/4 NE 1/4 and the SE 1/4  
19 southwesterly of Oceanview Subdivision. Addition No.  
20 4 and Addition No. 6

21 Section 31

22 Section 32: All lands southwesterly of the Alaska  
23 Railroad right-of-way

24 Section 33: All lands westerly of the Alaska Railroad  
25 right-of-way

26 (6) Township 11 North, Range 3 West, Seward Meridian

27 Section 3: Government Lot 5

28 Section 4: That portion southwesterly of the Old  
29 Seward Highway right-of-way and The Landings

1 Subdivision which is northeasterly of the New Seward  
2 Highway right-of-way

3 That portion southwesterly of the Alaska Railroad  
4 right-of-way

5 Sections 5 - 8

6 Section 9: That portion southwesterly of the Alaska  
7 Railroad right-of-way

8 That portion northeasterly of the New Seward Highway  
9 right-of-way

10 Section 10: That portion westerly of the Old Seward  
11 Highway right-of-way which is northeasterly of  
12 the New Seward Highway right-of-way

13 That portion southwesterly of the Alaska Railroad  
14 right-of-way

15 (7) Township 11 North, Range 4 West, Seward Meridian

16 Sections 1 - 4

17 Sections 10 - 12

18 (b) Except as provided in (d) of this section, the Department of  
19 Fish and Game and the Department of Natural Resources shall exercise  
20 their respective authorities over the Anchorage Coastal Wildlife  
21 Refuge consistent with a management plan prepared by the Department of  
22 Fish and Game under AS 16.20.040 - 16.20.060.

23 (c) A management plan prepared under AS 16.20.040 - 16.20.060  
24 shall assure continued surface access to Fire Island and recommend a  
25 corridor for constructed access and utilities between Fire Island and  
26 the Anchorage mainland.

27 (d) Land owned by the Municipality of Anchorage that lies within  
28 the boundary of the Anchorage Coastal Wildlife Refuge described in (a)  
29 of this section may be included in the Anchorage Coastal Wildlife

1 Refuge. An agreement between the Department of Fish and Game and the  
2 Municipality of Anchorage for the management of the land within the  
3 Anchorage Coastal Wildlife Refuge that is owned by the Municipality of  
4 Anchorage shall be approved by the Municipality of Anchorage and by  
5 the Department of Fish and Game.

6 (e) The state or the Municipality of Anchorage may not acquire  
7 privately owned land within the Anchorage Coastal Wildlife Refuge  
8 described in (a) of this section by eminent domain for inclusion  
9 within the Anchorage Coastal Wildlife Refuge. The Department of Fish  
10 and Game or the Municipality of Anchorage may acquire privately owned  
11 land within the Anchorage Coastal Wildlife Refuge by purchase, ex-  
12 change, or otherwise except by eminent domain.

13 (f) The land and water areas of the Anchorage Coastal Wildlife  
14 Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275.

15 \* Sec. 2. The initial management plan prepared under AS 16.20.031(b) as  
16 enacted in sec. 1 of this Act shall be completed within one year of the  
17 effective date of this Act.

18 \* Sec. 3. AS 16.20.030(b) is repealed.  
19  
20  
21  
22  
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27  
28  
29

Bradley  
3/4/85 ✓

Original sponsors: Szymanski and Clocksin

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 186 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Anchorage Coastal Wildlife  
7 Refuge."

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

9 \* Section 1. AS 16.20 is amended by adding a new section to read:

10 Sec. 16.20.031. ANCHORAGE COASTAL WILDLIFE REFUGE. (a) The  
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12 <sup>New</sup> Anchorage Coastal Wildlife Refuge and shall be managed as a state game  
13 refuge for the protection of waterfowl, shorebirds, salmon, and other  
14 fish and wildlife species, and their habitat and for the use and  
15 enjoyment of the people of the state:

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18 contour

19 SE 1/4 NE 1/4 seaward of the 20 foot elevation con-  
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21 Section 29: E 1/2 seaward of the 20 foot elevation  
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23 SW 1/4 seaward of the 20 foot elevation contour

24 Section 30: SE 1/4 SE 1/4

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29 (2) Township 13 North, Range 5 West, Seward Meridian

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22 81-68, Anchorage Recording District)

23 Section 25: Government Lots 1 and 2, and the remainder  
24 of the W 1/2, all

25 Tract A, Johns Park Estates, and the remainder of the  
26 NE 1/4, excluding Skyway Park Estates, Addition No. 1  
27 all seaward of the 20 foot elevation contour Govern-  
28 ment Lots 3 and 4, and the remainder of the SE 1/4,  
29 all

Sections 26 - 36

(4) Township 12 North, Range 5 West, Seward Meridian

Sections 1 - 2

Sections 11 - 14

Sections 23 - 26

Sections 35 - 36

(5) Township 12 North, Range 3 West, Seward Meridian

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Section 30: That portion of Tract A, Johns Park Estates, seaward of the 20 foot elevation contour Government Lot 2 and that portion of the SE 1/4 NW 1/4 southwesterly of Oceanview West Subdivision, Addition No. 1

Government Lots 3 and 4 and the remainder of the SW 1/4, all

That portion of the SW 1/4 NE 1/4 and the SE 1/4 southwesterly of Oceanview Subdivision, Addition No. 4 and Addition No. 6

Section 31

Section 32: All lands southwesterly of the Alaska Railroad right-of-way

Section 33: All lands westerly of the Alaska Railroad right-of-way

(6) Township 11 North, Range 3 West, Seward Meridian

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1 Subdivision which is northeasterly of the New Seward  
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5 Sections 5 - 8

6 Section 9: That portion southwesterly of the Alaska  
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15 (7) Township 11 North, Range 4 West, Seward Meridian

16 Sections 1 - 4

17 Sections 10 - 12

18 (b) Except as provided in (c) of this section, the Department of  
19 Fish and Game and the Department of Natural Resources shall exercise  
20 their respective authorities over the Anchorage Coastal Wildlife  
21 Refuge consistent with a management plan prepared by the Department of  
22 Fish and Game under AS 16.20.040 - 16.20.060.

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24 shall assure continued surface access to Fire Island and recommend a  
25 *New* } corridor for constructed access and utilities between Fire Island and  
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27 (d) Land owned by the Municipality of Anchorage that lies within  
28 the boundary of the Anchorage Coastal Wildlife Refuge described in (a)  
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1 Refuge. An agreement between the Department of Fish and Game and the  
2 Municipality of Anchorage for the management of the land within the  
3 Anchorage Coastal Wildlife Refuge that is owned by the Municipality of  
4 Anchorage shall be approved by the Municipality of Anchorage and by  
5 the Department of Fish and Game.

6 (e) If state law permits a use or activity on land within state  
7 game refuges that is not permitted on the land owned by the Municipal-  
8 ity of Anchorage, the use or activity is not permitted on the land  
9 owned by the Municipality of Anchorage within the Anchorage Coastal  
10 Wildlife Refuge.

11 (f) The state or the Municipality of Anchorage may not acquire  
12 privately owned land within the Anchorage Coastal Wildlife Refuge  
13 described in (a) of this section by eminent domain for inclusion  
14 within the Anchorage Coastal Wildlife Refuge. The Department of Fish  
15 and Game or the Municipality of Anchorage may acquire privately owned  
16 land within the Anchorage Coastal Wildlife Refuge by purchase, ex-  
17 change, or otherwise except by eminent domain.

18 (g) The land and water areas of the Anchorage Coastal Wildlife  
19 Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275.

20 \* Sec. 2. The initial management plan prepared under AS 16.20.031(b) as  
21 enacted in sec. 1 of this Act shall be completed within one year of the  
22 effective date of this Act.

23 \* Sec. 3. AS 16.20.030(b) is repealed.  
24  
25  
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29

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST** CS (Res)  
 Bill/Resolution No.: HB 186  
 Title: Anchorage Coastal Refuge  
 Sponsor: Spumanski  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**  
 Agency Affected: Natural Resources  
 Program Category Affected: NRMC  
 BRU, Program or Subprogram(s) Affected: Land and Water Management

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<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-

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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*ok  
3/6/85*

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

No fiscal impact.

Prepared By: Ned Farquhar  
 Division: Commissioner's Office

Phone: 465-2400  
 Date: 21 February 1985

Approved by Commissioner: Ned Farquhar ✓ NF 3/6  
 Agency: Natural Resources

Date: 21 February 1985

- Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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**REQUEST**  
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<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

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Prepared By: Ned Farquhar  
 Division: Commissioner's Office

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

7/1/84

# League of Women Voters of Alaska

9151 Skywood Lane  
Juneau, Alaska 99801  
February 26, 1985

The Honorable Adelheid Herrmann, Co-Chairman  
The Honorable Richard Shultz, Co-Chairman  
House Resources Committee  
Alaska Legislature  
Pouch V  
Juneau, Alaska 99811

Re: HB 186: Anchorage Coastal Wildlife Refuge

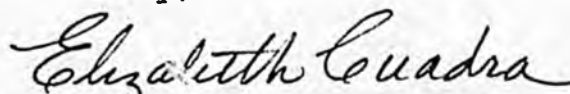
Dear Representatives Herrmann and Shultz:

The League of Women Voters of Alaska supports HB 186, creating the Anchorage Coastal Wildlife Refuge. We think the bill, as presently structured, sets aside and protects a unique area that is de facto critical habitat for a large population of water fowl and other wildlife, and which should be preserved in its natural state for the protection of the wildlife and the enjoyment of people who wish to view the wildlife.

Speaking from personal experience, when I first arrived in Alaska eight years ago, during my first week as an Anchorage resident, one of the most memorable experiences for myself and my small daughter was a visit to the area of the proposed refuge, where we spent several hours enjoying the viewing of a wide variety of water fowl (including their young). The availability of such an experience is especially important in a location close to a large population center such as Anchorage, where it can be enjoyed by many people, including children. The protection and wise management of that area is an important step toward preserving the kind of experiences that attracted most of us to become Alaskans.

Thank you for considering our views.

Sincerely,



Elizabeth Cuadra, Board Member  
(Natural Resources Portfolio)

DEC:sd

cc: Committee Members (Wallis, Sund, Thompson, M. W. Miller,  
Cato, Pearce, and Jerkins)  
Sponsors (Szymanski and Clocksin)



# Alaska State Legislature

House of Representatives

Representative Mike Szymanski

Finance Committee  
Oil and Gas Committee

11920 Johns Road  
Anchorage, Alaska 99515  
Phone (907) 349-3373

While in Session:  
Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4978, 4979

February 18, 1985

To: Rep. Adelheid Herrmann, Co-Chairman  
Rep. Richard Shultz, Co-Chairman  
House Resources Committee

From: Rep. Mike Szymanski

Re: Background/Intent of HB 186 - Anchorage Coastal Wildlife Refuge

In 1971 the Alaska State Legislature created Potter Point State Game Refuge (AS 16.20.030 (b)) which extends southeasterly along the coastline of Anchorage from Pt. Campbell to Potter Creek. Providing easily accessible wildlife viewing opportunities, this urban refuge provides an opportunity for enjoyment by city residents and enhances the Anchorage economy through its value as a tourist attraction.

In June 1983, the Municipality of Anchorage (MOA) established the Potter Marsh Task Force to address management problems that were developing both within and around the refuge, and to subsequently make recommendations for action. This legislation is one of the task force's recommendations for improving management of the refuge, and it is fully endorsed by the MOA, Alaska Department of Fish and Game (ADF&G), Alaska Department of Natural Resources (DNR), and interested public members.

HB 186 would:

1) Rename Potter Point State Game Refuge the "Anchorage Coastal Wildlife Refuge".

Section 1, AS 16.20.031 (a) would establish the Anchorage Coastal Wildlife Refuge to be managed for the protection of waterfowl, shore birds, salmon, and other fish and wildlife species, and their habitat and for the use and enjoyment of the people of the state. Section 3 repeals AS 16.20.030 (b) which is the existing statute establishing the Potter Point State Game Refuge. This new name more accurately reflects the refuge's location and relation to the city of Anchorage.

2) Provide a precise legal description, in surveyable section lines, of the boundaries of the state-owned land and water included in the refuge.

The 1971 legislation does not define any real or measurable limit as to how far the refuge boundary extends seaward, and the inland boundary is open to wide interpretation. Many times, this has resulted in confusion for state

agencies, private development interests, and the general public. Section 1, subsections (1) through (7) detail the legal refuge boundaries.

3) Add additional tidelands and near shore upland to the existing refuge.

The MOA has asked that refuge boundaries be expanded northward from Pt. Campbell to Pt. Woronzof to add municipally owned Preservation Wetlands to the refuge for management by ADF&G. The new boundaries (described in Section 1, subsections (1) through (7)) were cooperatively drawn by the MOA, ADF&G, and DNR to protect the habitat values of the wetlands while fully accommodating previously issued offshore mining permits. While the land and water areas of the Anchorage Coastal Wildlife Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275, oil and gas leasing will not be affected (Section 1 (f)).

4) Provide for management of municipal lands within the refuge by ADF&G.

At the request of the MOA, municipal lands will be managed by ADF&G as part of the refuge, with the requirement that this management be subject to approval by the MOA (Section 1, (c)). Section 1 (d) provides that any use or activity which is allowed on a state game refuge, but which is prohibited on municipal land, will also be prohibited on those MOA lands located within the Anchorage Coastal Wildlife Refuge. (Example: The discharge of firearms is prohibited on MOA land. The discharge of firearms within a state wildlife refuge may be permitted under state law, but would not be permitted on that portion of land within the refuge that is owned by the MOA.)

Section 1 (b) provides that, as in the past, both ADF&G and DNR would exercise their respective authorities over the refuge, except as provided in Section 1 (c). Management of the Anchorage Coastal Wildlife Refuge will be consistent with a management plan prepared by the ADF&G under AS 16.20.040 - 16.20.060. The plan will be completed within one year of the effective date of this Act (Section 2).

5) Restrict the state and municipality from acquiring property by eminent domain for inclusion within the refuge.

This would protect private property owners by requiring that property to be included within the Anchorage Coastal Wildlife Refuge be acquired by purchase, exchange, or otherwise (Section 1, (e)), and prohibiting acquisition by eminent domain.

Dove



ANCHORAGE  
**Audubon Society, Inc.**  
ALASKA CHAPTER OF NATIONAL AUDUBON SOCIETY

Thede Tobish-President  
Anchorage Audubon Society

25 February 1985

Post Office Box 101161  
Anchorage, Alaska  
99510

Representatives Adelaide Herrmann and Richard Shultz  
Co-Chairmen--House Resources Committee  
Pouch v  
Juneau, Alaska 99811

Dear Representatives Herrmann and Shultz and members of the Resources Comm.;

As president of the 1410 member Anchorage Audubon Society, I would like to enter Anchorage Audubon's comments on House Bill-186 into the official record with your committee. As you likely know, Anchorage Audubon has been quite active in the history of Potter Refuge, especially in Potter Marsh. We were instrumental in initiating the now successful Potter Marsh Task Force which has worked towards implementation of a management scheme for the marsh. The Task Force joined various agencies and public groups to affect and facilitate data gathering for an operational plan for the marsh now in preparation by A. D. F. and G.

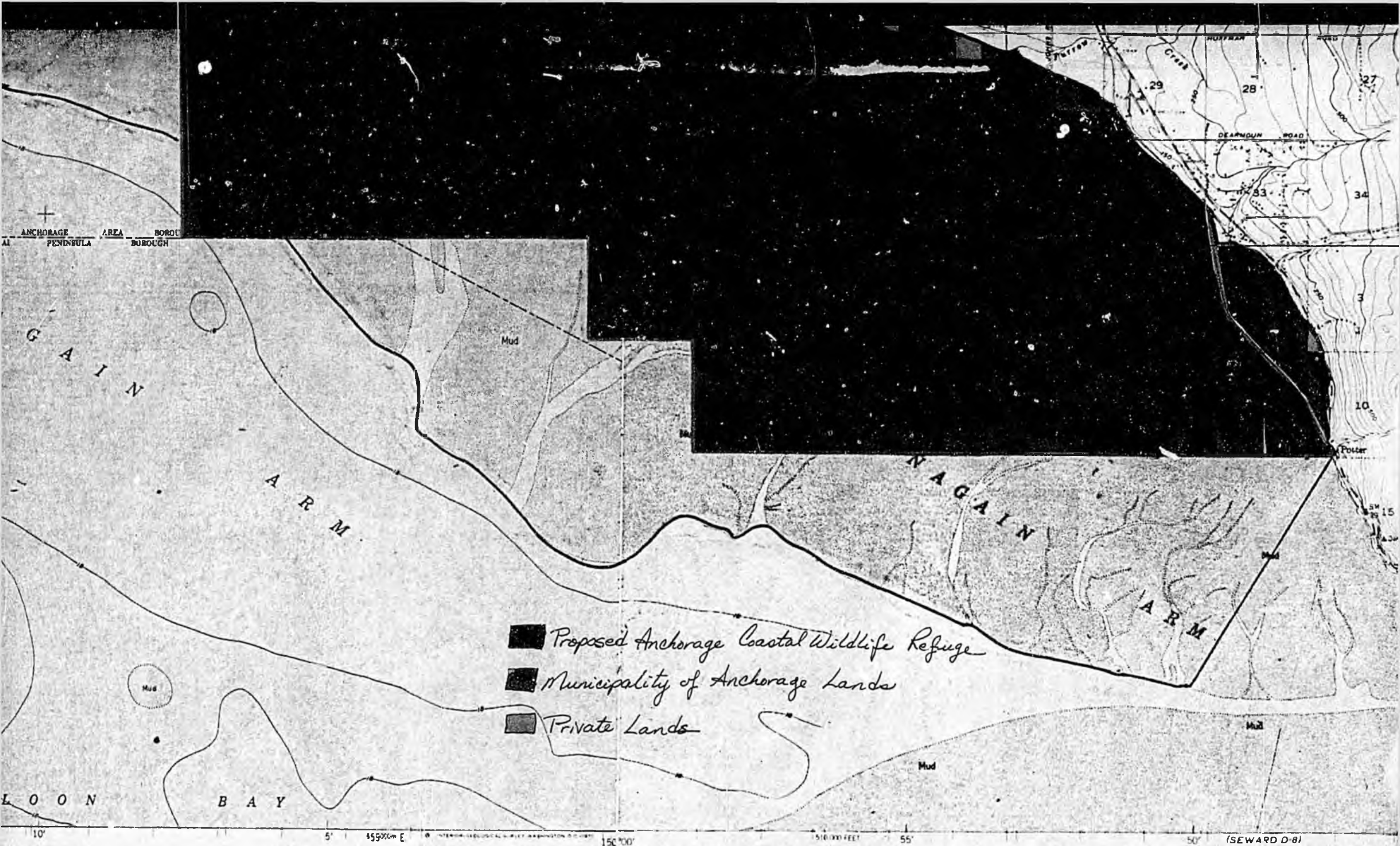
For background to this bill it is useful to outline the importance of the refuge to the peoples of Anchorage. The interesting and valuable Potter Marsh User Survey compiled by the Habitat Division of ADF and G, documented the heavy and consistent use of the Potter Marsh, south end of the refuge by Anchorage residents and visitors. This is predominantly an urban refuge. The Anchorage Coastal Wildlife Refuge is unique in the state's system because of its user definition and location within the center of Alaska's largest population and its related pressures. The future of this refuge area as a resource for its principal users, the Anchorage public, depends on the maintenance of the integrity of its unique tracts of undisturbed habitat. Thus the timely introduction of this bill for protection and proper management mandate.

Anchorage Audubon strongly supports the wording of HB-186 as currently presented. We feel it imperative to specify that the managing agency be required to finish and commence implementation of the refuge operational/management plan within one year of passage of this legislation.

Anchorage Audubon would like to thank you for accepting our comments into the record on HB-186. We encourage adoption of this bill. This unique refuge should serve as a model for future urban refuges in Alaska.

Thank you for your support and considerations.

Sincerely, *Thede Tobish*  
Thede Tobish



ANCHORAGE AREA BOROUGH  
 AL PENINSULA BOROUG

- Proposed Anchorage Coastal Wildlife Refuge
- Municipality of Anchorage Lands
- Private Lands

150°00' 510,000 FEET 55' 50' (SEWARD D-8)  
 Mapped, edited, and published by the Geological Survey  
 Control by USCGS and USCE  
 Topography by photogrammetric methods from aerial photographs  
 taken 1950. Field check 1952.

ROAD CLASSIFICATION  
 Light duty ———— Unimproved dirt

