

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

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HRES

SB

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SB

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RECORDS CERTIFICATION



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Signature of Camera Operator


Date

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Alaska State Legislature

Advisory Council Members
Senator Kerttula, Chairman
Senator Bennett
Senator Fahrenkamp
Senator Vic Fischer



Pouch V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: Richard Ramsey

FROM: Pete Jeans *PJ*
Senior Advisor
Senate Advisory Council

DATE: March 9, 1984

RE: In-State Preference Purchasing

In response to your request earlier today, the following is a breakdown of responses we received to our letter sent to all the states September 23, 1983 regarding laws or regulations addressing "In-State Preference Purchasing" of agricultural goods produced within their state.

A total of 31 states responded. Of that total 15 stated that they do not have a law or regulation that mandates a preference for the purchase of in-state goods and services specifically relating to public purchasing of agricultural products. In-state purchasing is encouraged in a majority of these states. Those states responding were:

California	Illinois
Mississippi	Connecticut
Oklahoma	New Hampshire
Utah	Nevada
Nebraska	Virginia
Maryland	Illinois
Kentucky	Delaware
Georgia	

Memorandum
Richard Ramsey

-2-

March 9, 1984

A total of 16 states responded that they did have statutory provisions that provide for in-state bidders preference for the purchase of goods and services made under state purchasing laws however, these states do not permit the sacrifice of price or quality in giving this preference. Here again, there is no regulations relating specifically to public purchasing of agricultural products. A number of these states also have regulations stating "preference shall be given to purchasing American made products and purchases from American based businesses whenever possible." Those states responding were:

New Mexico	North Dakota
Maine	New York
Minnesota	Hawaii
Florida	Arkansas
Missouri	Missouri
Colorado	Iowa
Ohio	Alabama
South Dakota	North Carolina

I have attached copies of these responses along with the regulations which have been cited. I hope this will be of use to you. If I can provide you with any additional information on this, please let me know.

MAR 12 1985

Gold Nugget Farms



ALASKA VACUUM COOLING

P.O. BOX 1722 • PALMER, ALASKA 99645
(907) 745-4017

March 11, 1985

Senator Arliss Stungulewski, Chairwoman
Senate Resources Committee
Pouch V
Juneau, Alaska 99802

Dear Senator Stungulewski:

We are and have been successful vegetable farmers in the
Matanuska Valley for eight years.

We would like your support for SB 57, SB 40, SB 120 and SB 216.

Alaska agriculture needs this legislation very desperately and
it would have very little fiscal impact on the state.

Thank you.

Sincerely,

Jerry L. & Paula J. Giaucue
Owner/Operators
GOLD NUGGET FARMS

cc: Senator Jalmer Kerttula
Senator Edna Armstrong DeVries
Representative Ron Larson
Representative Katie Hurley



Matanuska Valley Grown Produce

To: Senators Keathley and Coghlin

From: Alaska Rural Development Council

Re: Agricultural bills discussed at the Alaska Rural Development Council meeting

The Board of Directors of the Alaska Rural Development Council met as a workshop to review Senate bills, 40, 41, 42, 57, 110, 120, 154 and 155, and House bill, 11, 33, 39, 192 and 193; and Senate Joint Resolutions No. 1.

Our comments on this legislation is as follows:

H. B. 11 - support as written

S. B. 40 - This legislation addresses the same topic as SB 154 and was discussed by the board jointly. Carol Lewis, economist with the Agricultural and Forestry Experiment Station was requested to review the tax bills, make an economic evaluation regarding their impact on farmer operators and comment on potential administration required. She reviewed her work with us and the board's decision was to support SB 154 as the enabling legislation with regulations to be established providing and administrative formula similar to the one she selected. A copy of this is attached.

The board would like to add that they feel this is necessary legislation at present

but over the long term would tend
encourage the concentration of agricultural
financing with the state instead of
encouraging farm financing from other
sources.

S.B. 41 - Supported with the suggested
change that the ending date of the note be
extended by the time allowed in the moratorium.
Moratorium ~~has~~ the presently fallen the payments
over they start and could be a disadvantage
rather than an advantage.

S.B. 42. The council encourages the
enactment of SFR no. 1 with a strong
administrative approach to improving
agricultural rights patent protection.
The council feels that SB 42 allows for excessive
administrative discretion that could work against
the preservation of agricultural land. If the
legislature feels a bill is required the council
would support H.B. 33 over SB. 42.

The council ~~feels~~ believes that the pursuit
of a constitutional change that would enhance
the preservation of Alaska's very limited
agricultural land resource should be
pursued.

31

SJR # 1 - support as discussed ~~in~~ in
the comments regarding SB 42.

H.B. 33 - discussed with SB 42

S.B. 57 - The council supports this
proposed legislation as long overdue.

S.B. 110 - The council believes this is
desirable legislation, but, because of
the limited availability of funds at the
present time, does not encourage
it right now.

SB 120 - The council supports this
legislation as written

S.B. 154 - The council supports this
legislation as described in the discussion
of SB. 40.

S.B. 155 - The council feels that splitting
or combining agricultural parcels should
be permitted under strict guidelines.

H. B. 11. The council supports this legislation
as written.

H. B. 33. - the proposed legislation was discussed
with S. B. 42 and SJR # 1.

H.B. 39. The council does not oppose this
legislation if the state believes the cost of
acquisition is realistic.

H. B. 192 - This is a companion bill to
S. B. 4A which the council supports
with a change as previously discussed.

H. B. 193 - a companion to S. B. 40 and
was previously discussed.

~~H. B.~~

The Alaska Rural Development Council
is an organization that has been active
in discussing Alaska's rural needs since
1947 and considers it a privilege to
comment on this proposed legislation.
If we can be of any further assistance
please contact us.

Sincerely,

Sig. Restad Chairman

P.S. please excuse the hand writing, no
typist was available when these were being
produced.

586-2323

Greater Fairbanks

Chamber

of Commerce

Po Box 74446

First National Center

700 Customary Street

FAIRBANKS CHAM

Fairbanks, AK. 99707

March 5, 1985

Senator Don Bennett
Alaska State Legislature
Fouch V (MS 3100)
Juneau, Alaska 99811

file you
file 

Dear Don:

With oil prices continuing to dominate the news, concern is growing about the future stability of the Alaskan economy. It becomes important, then, that we look for ways to diversify our economy, and begin now to develop some reasonable alternatives. I realize this isn't an original idea, but we need to take it seriously, none the less.

Agriculture is an industry that holds much promise for the Interior of Alaska. It is renewable, it gets land into the hands of people who will use it productively, it can help us become less dependent on imports, it's clean, and on and on.

The Greater Fairbanks Chamber of Commerce is very supportive of agricultural development in the Interior and around the state. Our Agriculture Committee has reviewed several pieces of legislation that are in the works in one committee or another in the Senate. We would like to pass on our ideas for your consideration when these bills come before you.

In some cases, we have supported a bill "in concept", as the final form will probably change.

Thank you in advance for your consideration. Let us know if we can be of further assistance.

Best regards,

Buki Wright
President

cc: Governor Bill Sheffield
Esther Wunnicke, Commissioner of Natural Resources
Bill Heim, Director, Division of Agriculture
Adelheid Herrman, Chairman, House Resources Committee

The Agricultural Development Committee and the Board of Directors of the Greater Fairbanks Chamber of Commerce urges your support for the following legislation to encourage agricultural development in Interior and South Central Alaska.

1. Support is urged for SB39 to build the roads and bridges necessary to develop both the agricultural and mineral resources in the Totchaket area of Interior Alaska.
2. Support is urged for the concept of production credits, as outlined in SB40 and SB154, to assist Alaska's agricultural industry in its early stages of development.
3. Support is urged for SB41 to increase from five years to ten years, the moratorium on payments for the sale of state land for agricultural purposes. This bill will assist Alaskan farmers in adjusting to the new worldwide economic conditions in agriculture.
4. Support is urged for the concept of SB42 as it relates to the transfer of land title from state to private ownership. This concept will enhance the ability of Alaskan farmers to obtain financing from private sector sources for agricultural production.
5. Support is urged for SB57, which would require a clause be inserted in all state bids, requiring agricultural products originating in this state be used wherever competitively priced and available and of like quality as compared with agricultural products originating outside the state.
6. Support is urged for SB110 to increase the amounts of long term loans available from the State of Alaska to any one borrower for agricultural purposes. This legislation will increase the loan limits to be more in line with the economy of scale necessary for economically sound, modern farming and will enhance the ability of borrowers to repay.
7. Support is urged for the concept of SB155, relating to the splitting and combining of agricultural parcels, with the suggestion the bill be amended to allow the minimum parcel size be 320 acres. This legislation will permit increased flexibility in the development of economically sound full-time and part-time farming enterprises in Alaska.
8. Support is urged for SB120 to increase the limits of the Agricultural Revolving Loan Fund, to assist in the establishment of Commodity Marketing Associations, and to increase the number of members on the Agricultural Revolving Loan Fund Board.

DON CHEMICAL CO., INC.

ALASKA MILL & FEED CO., INC.

Manufacturers of
SOAP
WAXES
CLEANERS

114 NORTH ORCA
P. O. BOX 1246
ANCHORAGE, ALASKA 99510
TELEPHONE (907) 279-4519

Manufacturers of
A COMPLETE
LINE OF
FEEDS

March 4, 1985

Copy Res Chas & Comm

MAR 8 1985

Senator Jay Kerttula
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Kerttula:

Please reference your letter of February 25th concerning Senate Bill 57.

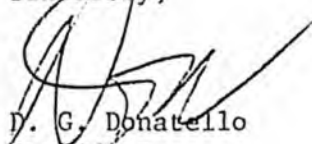
We think Senate Bill 57 is a good start, but we would like to see two qualifications added to the Bill.

1. Local Alaskan Businesses should be given a 5% bid preference.
2. An additional 5% preference should be given to items that are produced and processed within the State of Alaska.

The above incentives would give local companies and producers a stronger position in the market place. The local producer of milk, vegetables, meat, etc. would be encouraged to produce a quality product that would be available in sufficient quantities to supply the local population.

Good luck with Senate Bill 57. We appreciate your help.

Sincerely,


D. G. Donatello
President

DGD/dsd

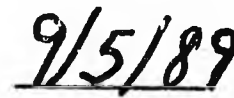


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Signature of Camera Operator


Date

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Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4907

Senate Committee on Resources

March 6, 1985

COMMITTEE ON RESOURCES
LETTER OF INTENT
FOR
Committee Substitute for SB 83 (Resources)

The amendment to AS 16.43.250(a) in section 5 of CS for Senate Bill 83 (Resources) is in response to the Alaska Supreme Court decision in Rutter vs. Commercial Fisheries Entry Commission, Opinion Number 2712, August 26, 1983. In that decision, the Supreme Court invalidated a portion of the hand troll point system for failure to comply with the specific terms of the statute. However, the amendment is not intended to circumvent or change in any way the result of the Rutter decision. The Commercial Fisheries Entry Commission is implementing and has adopted, pursuant to the Rutter decision, supplemental point regulations in the hand troll fishery.

It was the intent of the legislature that the Commission should be able to disregard one or more particular hardship standards when ranking applicants if the standards were unreasonable in light of the particular fishery. This amendment clarifies that intent. The legislature recognizes that patterns of participation and extent of economic dependence vary from fishery to fishery and intended that, in developing point systems for limited fisheries, the Commission should exercise some discretion in how to measure past participation and economic dependence.

The effect of enacting this legislation would be to ratify and protect reasonable point systems already in place in the AYK salmon fisheries and the limited herring fisheries which did not include percentage of income derived from the fishery, reliance on alternative occupations and/or consistency of participation during a given year.

Senator Arliss Sturgulewski
Chairman, Senate Resources Committee

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 1/10/85

REQUEST

Bill/resolution No.: SB ⁸³ 78
 Title: "An Act amending the Limited Entry Act"
 Sponsor: Governor
 Requestor: Sponsor
 Date of Request:

FISCAL DETAIL

Agency Affected: Dept. of Fish & Game
 Program Category Affected: Natural Resource Management
 BRU, Program or Subprogram(s) Affected: Commercial Fisheries Entry Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	17.0	1.7	1.7	1.7	1.7

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The only section of the bill which would have fiscal impact is section 3, allowing the Commission to charge interest on fee arrearages.

(Analysis on attached page)

Prepared By: Christine Kelly, Licensing Admn. Phone: 465-4081
 Division: Commercial Fisheries Entry Commission Date: 1/10/85

Approved by Commissioner: *[Signature]* Date: 1-10-85
 Agency: C.F.E.C.

Distribution (by Agency preparing fiscal note):

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

7/1/84

SB 78

FISCAL ANALYSIS FOR SEC. ⁴~~3~~ - "An Act Amending the Limited Entry Act"

In 1979, the Commission began screening its permit holder data base for potential cases of residency fraud. These efforts are estimated to have yielded 513 actionable cases of residency fraud as of 1984, for which approximately \$189,300 has been assessed. Past experience indicates that the Commission can expect to collect \$113,600 of the total amount outstanding, as some of the permit holders will prevail on their claims and have their records cleared and others will drop out of the fisheries making it unlikely their arrearages will ever be collected. On the average, arrearages are collected 20 months after being assessed due to lengthy due process and adjudicatory proceedings.

Calculated at the legal rate of interest (10.5%) for 18 months (the legislation provides a 60-day grace period) interest on outstanding arrearages which will be collected is estimated at \$17,900. In each subsequent year, the Commission expects to discover about 50 actionable cases of residency fraud among new entrants to the fisheries, for which \$11,100 in arrearages would be collected. Interest on this amount would be \$1,700 annually. Although the legislation would allow the Commission to charge interest on other types of arrearages (such as bad checks) this interest is estimated to be less than \$100 annually.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 1/10/85

REQUEST

Bill/Resolution No.: SB 78
 Title: "An Act amending the Limited Entry Act"
 Sponsor: Governor
 Requestor: Sponsor
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Fish & Game
 Program Category Affected: Natural Resource Management
 BRU, Program or Subprogram(s) Affected: Commercial Fisheries Entry Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	17.9	1.7	1.7	1.7	1.7

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The only section of the bill which would have fiscal impact is section 3, allowing the Commission to charge interest on fee arrearages.

(Analysis on attached page)

Prepared By: Christine Kelly, Licensing Admn. Phone: 465-4081
 Division: Commercial Fisheries Entry Commission Date: 1/10/85
 Approved by Commissioner: *Russell Swann* Date: 1-10-85
 Agency: CFEC

Distribution (by Agency preparing fiscal note):

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

7/1/84

SB 78

4

FISCAL ANALYSIS FOR SEC. ~~8~~ - "An Act Amending the Limited Entry Act"

In 1979, the Commission began screening its permit holder data base for potential cases of residency fraud. These efforts are estimated to have yielded 513 actionable cases of residency fraud as of 1984, for which approximately \$189,300 has been assessed. Past experience indicates that the Commission can expect to collect \$113,600 of the total amount outstanding, as some of the permit holders will prevail on their claims and have their records cleared and others will drop out of the fisheries making it unlikely their arrearages will ever be collected. On the average, arrearages are collected 20 months after being assessed due to lengthy due process and adjudicatory proceedings.

Calculated at the legal rate of interest (10.5%) for 18 months (the legislation provides a 60-day grace period) interest on outstanding arrearages which will be collected is estimated at \$17,900. In each subsequent year, the Commission expects to discover about 50 actionable cases of residency fraud among new entrants to the fisheries, for which \$11,100 in arrearages would be collected. Interest on this amount would be \$1,700 annually. Although the legislation would allow the Commission to charge interest on other types of arrearages (such as bad checks) this interest is estimated to be less than \$100 annually.

MEMORANDUM

To: House Resources Committee
From: Janet Fries, Committee Aide
Date: May 3, 1985

Re: SB 83 - AMENDING THE LIMITED ENTRY ACT

SB 83 contains a series of technical amendments to the Limited Entry Act. The enclosed memorandum from Bruce Twomley, Chairman, Commercial Fisheries Entry Commission, gives a sectional analysis of the CS for SB 83 (Resources) passed by the Senate, as well as an explanation of changes from the original bill. The original Transmittal Letter from the Governor, also enclosed, has been annotated so that it accurately reflects the CS adopted by the Senate.

The attached Fiscal Note indicates zero cost to the state with a potential increase of \$17,900 THE first year and approximately \$1,700 per year after that. This increased revenue would result from interest payments to the state on fees where a permit was issued to an applicant as a resident and the applicant was later determined to be a non-resident (Section 4).

MEMORANDUM

State of Alaska

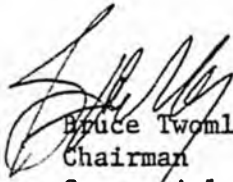
TO: House Resources Committee
M/S 3100

DATE: May 2, 1985

FILE NO:

TELEPHONE NO:

FROM:


Bruce Twomley
Chairman
Commercial Fisheries Entry Commission
M/S 0302

SUBJECT: Analysis of CSSB 83
(Res)

Introduction

CSSB 83 (Res) passed the Senate by a vote of 16 to 0 on April 25, 1985. Before its passage, three standing committees of the Senate (Resources, Judiciary, and Finance) examined the bill in detail. The only modifications to the original SB 83 were the removal of original Section 5 and substitution of a new Section 7 (consequently the numbers of former Sections 6 and 7 became 5 and 6, respectively); modification of the language in Section 5 (formerly Section 6 of SB 83); and modification of the language of Section 10.

The Commercial Fisheries Entry Commission (CFEC) supports passage of CSSB 83 (Res). Portions of the Bill are critical to the sound and efficient management of the Limited Entry Program. The following is a brief section by section analysis of the Bill.

Section 1

This amendment to the Limited Entry Act [the Act] would plug a loophole identified by a Superior Court in the State's prohibition against the leasing of entry permits. A person renting a permit to another and requiring at the end of the rental period that the permit be transferred to a third party would be subject to the prohibition.

Section 2

Section 2 would make clear that permits in an estate are exempt from the claims of creditors. Section 2 would complete a statutory scheme which exempts entry permits in all other cases. Previously it was generally understood that permits in an estate were exempt, but a Superior Court held otherwise. A majority of the State's Supreme Court reversed the Superior Court holding that the legislature intended that permits be exempt from the claims of creditors of an estate. Timperly v. Jeffries, Op. No. 2765 (December 16, 1983). However, the Court was required to vacate its decision, when one justice in the majority was asked to withdraw from the case because of a claimed conflict of interest. Supreme Court Order No. 5483 (January 11, 1984). The same majority of justices who decided Timperly remains on the Court and would reasonably be expected to decide the same issue in the same way, when it again reaches the Alaska Supreme Court. The effect of Section 2 would be to save the time and the expense required for a second lawsuit on this issue to reach the Supreme Court at considerable cost to both the private parties and to the State.

Section 3

This is a housekeeping provision which would eliminate a reference to a federal agency which no longer exists and would drop an ambiguous term.

Section 4

Out-of-state residents have made false claims of Alaska residency to the Commission in order to pay reduced permit renewal fees available to residents of Alaska. This section would authorize the Commission to charge the legal rate of interest on fee arrearages more than 60 days overdue from these nonresidents.

Section 5

Section 5 would provide the Commission with some discretion in determining which measures of hardship should reasonably be employed in a given fishery. Absent the adoption of Section 5, some twelve fisheries throughout the State would be subject to very disruptive and expensive technical legal challenges to point schemes which are reasonable as adopted by the Commission. The Senate as a whole addressed Section 5 with the adoption of the detailed statement of legislative intent originally provided by the Senate Resources Committee on March 6, 1985. A copy of the statement is attached. Adoption of Section 5 will save the costs to the State of otherwise unnecessary litigation. It will also be of benefit to several thousand fishermen reliant upon the fisheries in question.

Section 6

Section 6 is a housekeeping provision which would authorize the Commission to issue a single educational entry permit (as opposed to several permits) to an appropriate educational institution.

Section 7

This section was added by the Resources Committee at the request of Senator Zharoff to ensure that, where practicable, a hearing conducted by the Commission with respect to limitation of a fishery be held in proximity to a meeting of the Board of Fisheries.

Section 8

Section 8 involves both housekeeping and substantive changes to the existing statute which authorizes revocation of a permit belonging to one who intentionally provides false information to the Commission to obtain a benefit. Section 8 would amend the statute to make clear that the Commission has authority to do less than complete revocation by way of suspension of a permit for up to three years and the imposition of an administrative fine of not more than \$5,000. The Commission would be in a position to more closely tailor the remedy to fit the offense. Section 8 would also authorize the Commission to do more by empowering

May 2, 1985

the Commission to affect all permits in the hands of an individual who defrauds the Commission and by empowering the Commission to bring administrative proceedings against third parties to a transaction who intentionally supply false information to the Commission (for example, permit brokers).

Consistent with the Superior Court's holding in the Kjarstad case, subsection (f) makes clear that the Commission can bring enforcement proceedings against an individual who obtained a permit upon false information from the beginning of the program.

Section 9

This is a clean-up provision which ties a criminal provision of the Act to the appropriate Class A misdemeanor statute.

Section 10

Section 10 makes clear the Commission's authority to do what it has always done by regulation and in practice: protect certain information provided by fishermen from public disclosure.

BT:dan

Attachment

cc: Margot Knuth

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF

POUCH V
JUNEAU, ALASKA, 99811
(907) 465-4907



Senate Committee on Resources

March 6, 1985

COMMITTEE ON RESOURCES
LETTER OF INTENT
FOR

Committee Substitute for SB 83 (Resources)

The amendment to AS 16.43.250(a) in section 5 of CS for Senate Bill 83 (Resources) is in response to the Alaska Supreme Court decision in Rutter vs. Commercial Fisheries Entry Commission, Opinion Number 2712, August 26, 1983. In that decision, the Supreme Court invalidated a portion of the hand troll point system for failure to comply with the specific terms of the statute. However, the amendment is not intended to circumvent or change in any way the result of the Rutter decision. The Commercial Fisheries Entry Commission is implementing and has adopted, pursuant to the Rutter decision, supplemental point regulations in the hand troll fishery.

It was the intent of the legislature that the Commission should be able to disregard one or more particular hardship standards when ranking applicants if the standards were unreasonable in light of the particular fishery. This amendment clarifies that intent. The legislature recognizes that patterns of participation and extent of economic dependence vary from fishery to fishery and intended that, in developing point systems for limited fisheries, the Commission should exercise some discretion in how to measure past participation and economic dependence.

The effect of enacting this legislation would be to ratify and protect reasonable point systems already in place in the AYK salmon fisheries and the limited herring fisheries which did not include percentage of income derived from the fishery, reliance on alternative occupations and/or consistency of participation during a given year.

Senator Arliss Sturgulewski
Chairman, Senate Resources Committee



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Limited Entry Act. This bill clarifies some provisions of the Act, updates others, specifies a variety of civil penalties for providing false information in applications for permits, and responds to recent court decisions interpreting the Act. Almost all of the bill's provisions were introduced last session in SB 422, but that bill was still in committee when the legislature adjourned.

Section 1 of the bill, which amends AS 16.43.150(g) to provide that the transfer of an entry permit may not be conditioned on a subsequent transfer of the permit, clarifies that it is the intent of the legislature to prohibit such transfers. The amendment is in response to the superior court decision in Gilliland v. State, No. 1JU-81-838, which held that such a transfer was permissible because it is not expressly prohibited by the statute.

Section 2 of the bill clarifies that the legislature intends entry permits to be exempt from the claims of creditors of the estate of a deceased permit holder. This is in response to the Alaska Supreme Court's decision in Timperly v. Jeffries, wherein an evenly divided court affirmed a superior court holding that the permit is subject to creditors' claims once the permit becomes a part of the decedent's estate.

Section 3 of the bill merely deletes reference to a federal agency that no longer exists, and eliminates the ambiguous term "net" from the phrase "net family income."

Section 4 of the bill authorizes the Commercial Fisheries Entry Commission to collect interest on fee arrearages. An application submitted to the commission is not

considered complete until the appropriate fee is paid. Accordingly, in almost all circumstances there is no need for the commission to be able to charge interest. The only exception occurs when an applicant is issued a permit as a resident and is later determined to be a nonresident. The applicant must then pay the difference between the fee charged residents and nonresidents. The commission believes that it would be appropriate if the applicant were also required to pay interest on this difference.

Section 5 of the bill amends AS 16.43.220(a) to clarify that an interim-use permit expires upon the commission's final determination that an applicant is not entitled to an entry permit. Without this clarification, the statute could be interpreted by the courts as requiring the commission to continue issuing interim-use permits to an applicant until he or she has exhausted all available judicial remedies, including an appeal to the Alaska or even the United States Supreme Court. The commission believes that once it has reached its final determination that an applicant is not entitled to an entry permit, and the applicant chooses to appeal that determination, the issue of whether or not the applicant should receive an interim-use permit should be left to the discretion of the court, rather than being required by the Limited Entry Act. It has consistently interpreted AS 16.43.220 in this fashion.

If the alternative interpretation were adopted, and the commission were required to issue interim-use permits to an applicant until he or she has exhausted all judicial remedies, this could motivate applicants to file even the most frivolous appeals because of the value of the interim-use permit. The issue of the proper interpretation of AS 16.43.220 is presently before the Alaska Supreme Court, but it is not known how soon a decision will be rendered. This amendment could provide the clarification that the court may need, or cure the harm that could be caused if the court misinterprets the statute.

Section 5

~~Section 6~~ of the bill clarifies that the commission has some discretion in what criteria it uses to determine the hardship that an applicant would suffer if excluded from a fishery. This is in direct response to the recent Alaska Supreme Court decision in Rutter v. State, 668 P.2d 1343 (Alaska 1983), in which the court held that the commission lacks such discretion. The commission does not intend to use these amendments to avoid implementing Rutter; the amendment would only ratify and protect point systems used in other limited fisheries that were not challenged in Rutter.

- Section 6 ~~Section 7~~ of the bill merely authorizes the commission to issue to an educational institution one entry permit that will be valid for all of the gear types that the institution operates. Currently, it is necessary to issue a separate permit for each of the gear types.
- Section 7 - Added in Senate Finance. See Memorandum from Chairman Twombly.
- Section 8 ~~Section 8~~ of the bill sets out various amendments to AS 16.43.960, relating to the civil penalties that may be imposed for knowingly providing false information to the commission for the purpose of obtaining a permit. The section clarifies that the commission may suspend or transfer to another person, as well as revoke, permits obtained by fraud. The section also clarifies that the commission may take such action against any or all of the permits held by the person who attempts to defraud the commission, and not just the permit for which false information was knowingly supplied. Next, the section clarifies that knowingly supplying false information for the purpose of obtaining a duplicate permit is also grounds for revocation, suspension, or transfer of the permit. Section 8 also deletes unnecessary procedural detail that duplicates the provisions set out in AS 16.43.110(b). The section further authorizes the commission to impose an administrative fine of not more than \$5,000 on a person or entity that knowingly supplies false information. This parallels the criminal fine that may be imposed under AS 16.43.970 (b).

Expanding the types of penalties that the commission can impose under AS 16.43.970 is desirable in view of the limited resources of the district attorneys' offices to prosecute violations under AS 16.43.970. The heavy workload of the district attorneys' offices precludes their giving the same priority to relatively minor offenses, for which there are also civil penalties, that they do to the prosecution of more serious crimes. Expanding the types of penalties that the commission may impose will enhance the commission's ability to effectively deter and rectify fraud committed to obtain permits. It does this by enabling the commission to tailor penalties to fit particular offenses.

Finally, sec. 8 of the bill clarifies that the commission can take action against a permit for any fraud occurring after January 1, 1973. This issue was recently addressed by the superior court in Kjarstad v. State, No. 1JU-81-1484 Civ. (Nov. 4, 1983). The superior court held that the revocation of a permit for fraud occurring before the enactment of AS 16.43.960 is permissible because the commission has always had the inherent power

to revoke a permit for fraud. The court indicated that AS 16.43.960 "merely codified this existing authority and provided a standard procedure for its exercise."

Section 9 of the bill amends AS 16.43.970(b) to state that knowingly making a false statement of any kind to the commission to obtain a benefit constitutes the crime of unsworn falsification, as set out in AS 11.56.210. Correspondingly, this section deletes the provision in AS 16.43.970(b) making it a separate crime to provide false information to the commission. Finally, this section clarifies that it is also a violation of AS 11.56.210 to knowingly make a false statement of any kind to the commission for the purpose of obtaining a duplicate permit. The other revisions to AS 16.43.970(b) merely simplify the language used; the deletion of the reference to a \$5,000 fine merely has the effect of relying on the relevant provisions of the Criminal Code - (AS 11), thus helping to assure consistency.

Section 10 of the bill authorizes the commission to provide that certain information submitted by applicants is not subject to public disclosure. This is a matter of special importance to the commission because it must have honest responses and disclosures from applicants, who need the assurance of limited confidentiality. The commission is presumably authorized to make this information confidential under the right to privacy recognized in art. I, sec. 22, of the Alaska Constitution. Explicit statutory authority, however, would remove any uncertainty as to the matter.

Sincerely,



Bill Sheffield
Governor

SB 51

The Health, Education and Social Services Committee considered SENATE BILL NO. 51 (state aid for school construction; efd) and recommended it be replaced with

CS FOR SENATE BILL NO. 51 (HESS)

and do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Josephson, DeVries, Paul Fischer and Sturgulewski.

SENATE BILL NO. 51 was referred to the Finance Committee.

SB 83

The Finance Committee considered SENATE BILL NO. 83 (amending the Limited Entry Act) and recommended the Resources Committee Substitute and Letter of Intent be adopted with a majority do pass. The report was signed by Senator Faiks, Co-Chairman and concurred in by Senators Kerttula, Paul Fischer, Eliason, Ferguson and Sackett. Senator Halford signed "no recommendation".

"Finance Letter of Intent

CS for SB 83 (RES)

It is the intent of the Legislature that the Commercial Fisheries Entry Commission shall consider applications from fishermen of the A-Y-K Fishery who qualify to receive a limited entry permit but failed to submit an application due to language, culture, poverty, lack of education, or residence in remote locations. The CFEC is requested to work with the 28 people that the Commission identified in a 2-25-80 memorandum on this matter."

SENATE BILL NO. 83 was referred to the Rules Committee.

SB 105

The Finance Committee considered SENATE BILL NO. 105 (Palmer Hay Flats State Game Refuge; efd) and recommended it be replaced with

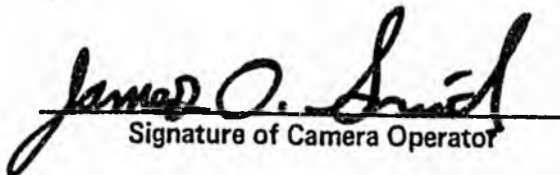
CS FOR SENATE BILL NO. 105 (FIN)

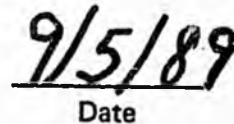


RECORDS CERTIFICATION



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Signature of Camera Operator


Date

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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST House CS for
CSS8105
Bill/Resolution No.: Resources
Title: Palmer Hay Flats State
Game Refuge
Sponsor: Senator Kerttula
Requestor: _____
Date of Request: _____

FISCAL DETAIL
Agency Affected: _____
Program Category Affected: Operating
Budget
BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-				
CAPITAL		-0-				
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No additional costs will be specifically incurred as a result of this bill.

Prepared By: Bruce Baker ^{Kt for} Phone: _____
Division: Habitat Division Date: 5/8/85
Approved by Commissioner: [Signature] Date: 5-8-85
Agency: Alaska Department of Fish and Game

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

7/1/84

May 8, 1985

Palmer Hay Flats State Game RefugeLand Acquisition SB105

Private lands within the Palmer Hay Flats State Game Refuge could be exchanged for state lands in the Matanuska-Susitna Borough or purchased with funds provided through various sources, including but not limited to, the state's waterfowl stamp program, Federal Pittman-Robertson wildlife aid program, private donations, and conservation foundations.

Original sponsor: Kerttula

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 105 (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 the Palmer Hay Flats State Game
7 Refuge; and providing for an effective date."

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

9 * Section 1. The legislature determines that wetlands important to the
10 protection of waterfowl and salmon in the Spring Creek area lie outside of
11 the boundaries of the Palmer Hay Flats State Game Refuge. The Spring Creek
12 area also provides one of the major public access points to the hay flats
13 although the land is privately owned. The legislature therefore determines
14 that it is in the public interest to protect the Spring Creek wetlands
15 through extension of the Palmer Hay Flats State Game Refuge under this Act.

16 * Sec. 2. AS 16.20.032(a) is amended to read:

17 (a) The following state-owned land and water is established as
18 the Palmer Hay Flats State Game Refuge:

19 (1) Township 16 North, Range 1 West, Seward Meridian

20 Sections 1 - 12 [INCLUSIVE]

21 Section 13: N1/2

22 Sections 14 - 18 [INCLUSIVE]

23 (2) Township 17 North, Range 1 West, Seward Meridian

24 Section 25 [: ALL]

25 Section 26: S1/2, S1/2N1/2, N1/2NE1/4, NE1/4NW1/4

26 Section 27: S1/2, SE1/4NE1/4

27 Section 31: Lot 4, SE1/4, E1/2SW1/4, SE1/4NE1/4,
28 S1/2SW1/4NE1/4

29 Section 32: S1/2, S1/2NE1/4, NE1/4NE1/4,

SE1/4NW1/4

Sections 33 - 36

[SECTION 33: ALL

SECTION 34: ALL

SECTION 35: ALL

SECTION 36: ALL]

(3) Township 17 North, Range 1 East, Seward Meridian

Section 19: Lots 3 and 4, E1/2SW1/4, S1/2SE1/4

Section 22:

excluding NW1/4NW1/4

excluding N1/2NE1/4NW1/4

excluding NE1/4NE1/4NE1/4

Section 25: Lots 1 - 6, NW1/4, N1/2NE1/4, N1/2-SW1/4, SW1/4SW1/4

Section 26: SE1/4NE1/4, S1/2

Section 27: Lot 1, N1/2, N1/2S1/2, SE1/4SW1/4, S1/2SE1/4

Section 28: Lots 1 - 2, N1/2SE1/4, SW1/4SE1/4, S1/2SW1/4

Section 30: Lots 1 - 4, E1/2, E1/2W1/2

Section 31: Lots 1 - 10, NE1/4NW1/4, SW1/4NE1/4, N1/2NE1/4 [LOTS 5, 7, 8, 9, 10]

Section 32: Lots 3 - 7, NE1/4, SW1/4SW1/4, NE1/4-SE1/4

Section 33: Lots 5 - 9, S1/2SE1/4, SW1/4NW1/4, including all state tide and submerged land

Section 34: Lots 1 - 3, E1/2NW1/4, SW1/4, E1/2

Section 35: Lots 1 - 5, NW1/4, N1/2SW1/4, SW1/4-SW1/4, N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4

1 Section 36: Lots 1 - 10, SE1/4SW1/4, S1/2SE1/4,
2 NE1/4SE1/4

3 (4) Township 16 North, Range 1 East, Seward Meridian

4 Sections 4 - 9

5 [SECTION 4, 5, 6, 7, 8, 9: ALL]

6 Section 17: N1/2

7 Section 18: N1/2

8 All state tide and submerged land

9 (5) Township 16 North, Range 1 East, Seward Meridian

10 Section 2: Portion lying west of the Alaska
11 Railroad

12 Section 3: Lot 1, excluding portions lying east
13 of the Alaska Railroad centerline, Lots, 2, 3,
14 4, 5, 6, NW1/4, NW1/4, NE1/4

15 Section 10: Lots 1, 2, 3, 4, 6, and portions
16 lying west of the Alaska Railroad

17 Section 15: All state land lying north of the
18 south bank of the Knik River and west of the
19 Alaska Railroad

20 Section 16: All state land lying north of the
21 south bank of the Knik River

22 * Sec. 3. AS 16.20.032 is amended by adding a new subsection to read:

23 (e) Notwithstanding the provisions of (a) of this section, the
24 land described in this subsection is excluded from the Palmer Hay
25 Flats State Game Refuge established under (a) of this section for the
26 establishment of a transportation and utility corridor. Land within
27 the transportation and utility corridor that is determined by the
28 commissioner of transportation and public facilities to be unnecessary
29 for future transportation or utility corridors becomes a part of the

Palmer Hay Flats State Game Refuge. The commissioner of transportation and public facilities is directed to provide access to the Palmer Hay Flats State Game Refuge during future development of state highways in the area. The land that is excluded from the Palmer Hay Flats State Game Refuge under this subsection is described as

Township 17 North, Range 1 East, Seward Meridian

Section 22: SE1/4NW1/4, W1/2NE1/4, SE1/4NE1/4, S1/2-NE1/4NE1/4, NW1/4NE1/4NE1/4, NE1/4SW1/4, W1/2SE1/4

Sections 27 and 34: a corridor 300 feet on either side of the existing highway centerline

* Sec. 4. The commissioner of natural resources shall include land acquired from the Matanuska-Susitna Borough in the Palmer Hay Flats State Game Refuge established under AS 16.20.032.

* Sec. 5. (a) The commissioner of natural resources may exchange state land located within the Matanuska-Susitna borough for privately owned land determined desirable for inclusion in the Palmer Hay Flats State Game Refuge. The commissioner of natural resources may also offer to purchase at fair market value from willing sellers privately owned land determined desirable for inclusion in the Palmer Hay Flats State Game Refuge.

(b) An offer made by the commissioner of natural resources under this section for a purchase or exchange that remains unaccepted for two years after tender is withdrawn.

(c) An exchange or purchase authorized under (a) of this section shall be accomplished under AS 38.05 or AS 38.50.

(d) The commissioner of natural resources shall include land acquired under this section in the Palmer Hay Flats State Game Refuge established under AS 16.20.032.

* Sec. 6. The addition of land to the Palmer Hay Flats State Game Refuge under secs. 2 and 4 - 5 of this Act may not be an occasion for the

1 delay in or prohibition of the expansion or improvement of the Glenn
2 Highway, the Parks Highway, or the Wasilla Bypass, or the construction of
3 the interchange at the Parks and the Glenn Highways, nor may it restrict
4 the present or future use of land retained by an owner of land under sec. 5
5 of this Act.

6 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
7 10.070(c).

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Bradley
5/7/85✓

Original sponsor: Kerttula

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IN THE SENATE

BY THE RESOURCES COMMITTEE

HOUSE CS FOR CS FOR SENATE BILL NO. 105 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the Palmer Hay Flats State Game Refuge; and providing for an effective date."

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

* Section 1. The legislature determines that wetlands important to the protection of waterfowl and salmon in the Spring Creek area lie outside of the boundaries of the Palmer Hay Flats State Game Refuge. The Spring Creek area also provides one of the major public access points to the hay flats although the land is privately owned. The legislature therefore determines that it is in the public interest to protect the Spring Creek wetlands through extension of the Palmer Hay Flats State Game Refuge under this Act.

* Sec. 2. AS 16.20.032(a) is amended to read:

(a) The following state-owned land and water is established as the Palmer Hay Flats State Game Refuge:

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

Sections 1 - 12 inclusive

Section 13: N1/2

Sections 14 - 18 inclusive

(2) Township 17 North, Range 1 West, Seward Meridian

Section 25: All

Section 26: S1/2, S1/2N1/2, N1/2NE1/4, NE1/4NW1/4

Section 27: S1/2, SE1/4NE1/4

Section 31: Lot 4, SE1/4, E1/2SW1/4, SE1/4NE1/4,

S1/2SW1/4NE1/4

Section 32: S1/2, S1/2NE1/4, NE1/4NE1/4,

1 SE1/4NW1/4

2 Section 33: All

3 Section 34: All

4 Section 35: All

5 Section 36: All

6 (3) Township 17 North, Range 1 East, Seward Meridian

7 Section 19: Lots 3 and 4, E1/2SW1/4, S1/2SE1/4

8 Section 22:

9 excluding NW1/4NW1/4

10 excluding N1/2NE1/4NW1/4

11 excluding NE1/4NE1/4NE1/4

12 Section 25: Lots 1 - 6, NW1/4, N1/2NE1/4, N1/2-
13 SW1/4, SW1/4SW1/4

14 Section 26: SE1/4NE1/4, S1/2

15 Section 27: Lot 1, N1/2, N1/2S1/2, SE1/4SW1/4,
16 S1/2SE1/4

17 Section 28: Lots 1 - 2, N1/2SE1/4, SW1/4SE1/4,
18 S1/2SW1/4

19 Section 30: Lots 1 - 4, E1/2, E1/2W1/2

20 Section 31: Lots 1 - 10, NE1/4NW1/4, SW1/4NE1/4,
21 N1/2NE1/4 [LOTS 5, 7, 8, 9, 10]

22 Section 32: Lots 3 - 7, NE1/4, SW1/4SW1/4, NE1/4-
23 SE1/4

24 Section 33: Lots 5 - 9, S1/2SE1/4, SW1/4NW1/4,
25 including all state tide and submerged land

26 Section 34: Lots 1 - 3, E1/2NW1/4, SW1/4, E1/2

27 Section 35: Lots 1 - 5, NW1/4, N1/2SW1/4, SW1/4-
28 SW1/4, N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4

29 Section 36: Lots 1 - 10, SE1/4SW1/4, S1/2SE1/4,

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NE1/4SE1/4

(4) Township 16 North, Range 1 East, Seward Meridian

Section 4, 5, 6, 7, 8, 9: All

Section 17: N1/2

Section 18: N1/2

All state tide and submerged land

(5) Township 16 North, Range 1 East, Seward Meridian

Section 2: Portion lying west of the Alaska
Railroad

Section 3: Lot 1, excluding portions lying east
of the Alaska Railroad centerline, Lots, 2, 3,
4, 5, 6, NW1/4, NW1/4, NE1/4

Section 10: Lots 1, 2, 3, 4, 6, and portions
lying west of the Alaska Railroad

Section 15: All state land lying north of the
south bank of the Knik River and west of the
Alaska Railroad

Section 16: All state land lying north of the
south bank of the Knik River

21 * Sec. 3. AS 16.20.032 is amended by adding a new subsection to read:

22 (e) Notwithstanding the provisions of (a) of this section, the
23 land described in this subsection is excluded from the Palmer Hay
24 Flats State Game Refuge established under (a) of this section for the
25 establishment of a transportation and utility corridor. Land within
26 the transportation and utility corridor that is determined by the
27 commissioner of transportation and public facilities to be unnecessary
28 for future transportation or utility corridors becomes a part of the
29 Palmer Hay Flats State Game Refuge. The commissioner of transporta-
tion and public facilities is directed to provide access to the Palmer

1
2 Hay Flats State Game Refuge during future development of state
3 highways in the area. The land that is excluded from the Palmer Hay
4 Flats State Game Refuge under this subsection is described as

5 Township 17 North, Range 1 East, Seward Meridian

6 Section 22: SE1/4NW1/4, W1/2NE1/4, SE1/4NE1/4, S1/2-
7 NE1/4NE1/4, NW1/4NE1/4NE1/4, NE1/4SW1/4, W1/2SE1/4

8 Sections 27 and 34: a corridor 300 feet on either side
9 of the existing highway centerline

10 * Sec. 4. The commissioner of natural resources shall include land
11 acquired from the Matanuska-Susitna Borough in the Palmer Hay Flats State
12 Game Refuge established under AS 16.20.032.

13 * Sec. 5. (a) The commissioner of natural resources ^{MAY Exchange} ~~(may) dispose~~ of
14 state land located within the Matanuska-Susitna borough ~~in exchange~~ for
15 privately owned land determined desirable for inclusion in the Palmer Hay
16 Flats State Game Refuge. The commissioner of natural resources may also
17 offer to purchase at fair market value from willing sellers privately owned
18 land determined desirable for inclusion in the Palmer Hay Flats State Game
19 Refuge.

20 (b) An offer made by the commissioner of natural resources under this
21 section for a purchase or exchange that remains unaccepted for two years
22 after tender is withdrawn.

23 (c) An exchange or purchase authorized under (a) of this section
24 shall be accomplished under AS 38.05 or AS 38.50.

25 (d) The commissioner of natural resources shall include land acquired
26 under this section in the Palmer Hay Flats State Game Refuge established
27 under AS 16.20.032.

28 * Sec. 6. The addition of land to the Palmer Hay Flats State Game
29 Refuge under secs. 2 and 4 - 5 of this Act may not be an occasion for the
delay in or prohibition of the expansion or improvement of the Glenn

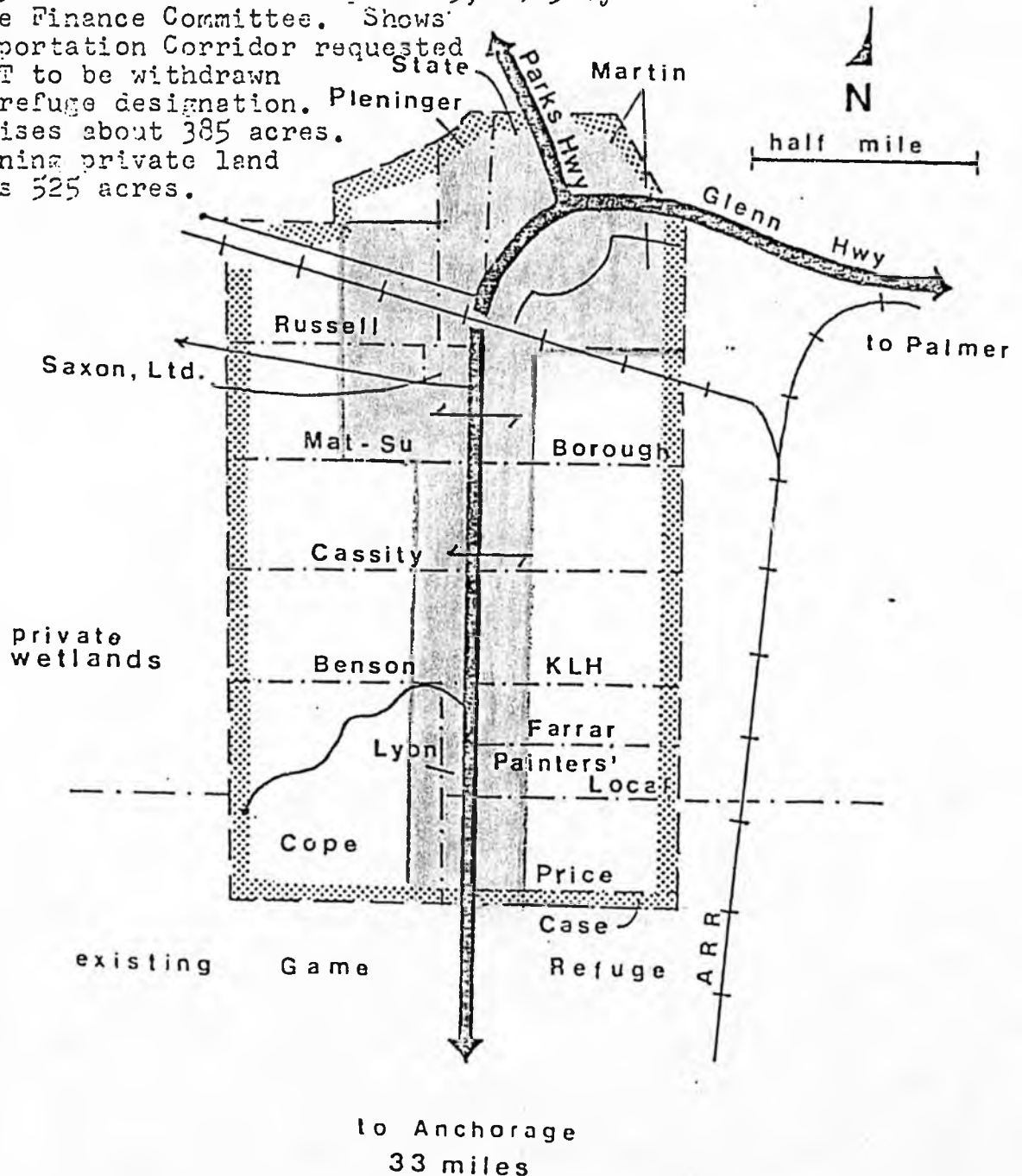
1 Highway, the Parks Highway, or the Wasilla Bypass, or the construction of
2 the interchange at the Parks and the Glenn Highways, nor may it restrict
3 the present or future use of land retained by an owner of land under sec. 5
4 of this Act.

5 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
6 10.070(c).
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Proposed extension of Palmer Hay Flats State Game Refuge

Fig.1 Land owners

SB 105 Amendment adopted April 25, 1985 by Senate Finance Committee. Shows Transportation Corridor requested by DOT to be withdrawn from refuge designation. Comprises about 385 acres. Remaining private land totals 525 acres.



PALMER HAY FLATS
A PROPOSAL TO EXTEND THE GAME REFUGE

BY
MICHAEL BRONSON
FOR
SEN. J. KERTTULA

NOVEMBER 30, 1984

PALMER HAY FLATS

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* VALUE OF PROPOSED EXTENSION TO PUBLIC	8
* PLANS TO FILL WETLANDS	10
FIGURES	
ADDENDA	

ABSTRACT

THE LEGISLATURE IS REQUESTED TO EXTEND THE PALMER HAY FLATS STATE GAME REFUGE TO TAKE IN 916 ACRES OF WETLANDS ALONG THE GLENN HIGHWAY BY PURCHASE FROM WILLING SELLERS.

PARTS OF THIS OPEN AREA NEAR THE JUNCTION OF THE PARKS AND GLENN HIGHWAY ARE SCHEDULED FOR PRIVATE COMMERCIAL DEVELOPMENT. CURRENTLY, SEVERAL LAND OWNERS ARE CONSIDERING FILLING THE MARSHES FOR A TRUCK CARGO TRANSFER YARD, A RETAIL STORE BUILDING, A GRAVEL AIRSTRIP AND A 30-ACRE CAMPER PARK. SUCH USES, HOWEVER, WOULD REDUCE FISH AND GAME POPULATIONS AND PUBLIC ACCESS IN AS PRODUCTIVE AN AREA AS PARTS OF THE ADJACENT STATE GAME REFUGE.

THE WETLANDS OF THE PROPOSED EXTENSION ARE MOST VALUABLE TO THE PEOPLE OF ANCHORAGE AND THE MAT-SU BOROUGH JUST AS THEY ARE. THE CREEKS THROUGHOUT THE AREA ARE MAJOR FRY REARING GROUNDS FOR SILVER SALMON. RABBIT SLOUGH NEAR WASILLA CREEK GETS UP TO 6,000 FISHERMAN-DAYS OF USE PER YEAR. HUNTERS GAIN ACCESS TO THE REFUGE ACROSS PRIVATE LAND THERE AT THE RATE OF ABOUT 2,000 USER-DAYS PER YEAR. SMALL GAME IS HARVESTED BY HUNTERS AND TRAPPERS. MOOSE WINTER AND CALVE IN THE AREA, AND LARGE BIRDS OF PREY ARE COMMON YEAR ROUND.

VARIOUS GROUPS HAVE EXPRESSED INTEREST IN KEEPING THE HAY FLATS OPEN FOR ESTABLISHED OUTDOOR USES. AMONG THEM ARE THE AD HOC COMMITTEE FOR THE PALMER HAY FLATS, MAT-SU CHAPTER OF DUCKS UNLIMITED, MAT-SU CHAPTER OF ALASKA FUR TRAPPERS ASSOCIATION, ANCHORAGE AUDUBON SOCIETY, AND THE ALASKA CENTER FOR THE ENVIRONMENT. THE MAT-SU BOROUGH, ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, AND DEPARTMENT OF FISH AND GAME HAVE ALSO SHOWN SUPPORT OF STATE ACQUISITION OF THE AREA FROM WILLING SELLERS.

THE MINIMUM COSTS OF THE EXTENSION WOULD EQUAL \$535,000 (I.E., 1984 ASSESSED VALUATION) PLUS APPRAISAL FEES AND STAFF TIME. PRIVATE OWNERS IN THE AREA HOLD 786 ACRES ASSESSED AT \$470,300. THE MAT-SU BOROUGH OWNS 130 ACRES VALUED AT \$65,000. MANY OF THE 13 PRIVATE OWNERS ARE INTERESTED IN SELLING OR TRADING THEIR LAND. CURRENTLY, NO HOMES OR BUSINESSES EXIST IN THE PROPOSED EXTENSION.

PROPOSED LEGISLATION

THIS LEGISLATION WOULD EXTEND THE PALMER HAY FLATS STATE GAME REFUGE ALONG THE GLENN HIGHWAY TO TAKE IN AN ADDITIONAL 916 ACRES OF WETLANDS.

THE LEGISLATION WOULD BE IMPLEMENTED BY THE FOLLOWING MEANS:

- DIRECT THE DEPARTMENT OF NATURAL RESOURCES TO OFFER FAIR MARKET VALUE TO WILLING SELLERS AMONG THIRTEEN OWNERS OF 786 ACRES. OFFERS UNACCEPTED TWO YEARS AFTER THEY ARE TENDERED WILL BE WITHDRAWN. (TABLES 1 AND 2)
- DIRECT THE DEPARTMENT OF NATURAL RESOURCES TO OFFER STATE LAND IN TRADE FOR 130 ACRES OWNED BY THE MAT-SU BOROUGH. TRADES WOULD BE ON A DOLLAR-FOR-DOLLAR BASIS AND INVOLVE STATE LAND WITHIN THE MAT-SU BOROUGH.
- APPROPRIATE AT LEAST \$500,000 TO DEPARTMENT OF NATURAL RESOURCES FOR PURCHASES, APPRAISALS, AND SURVEYS. PARCELS SHOWN IN FIG. 1.
- TO PROTECT RESIDENTS ON THE BLUFF OVERLOOKING THE AREA, DISCHARGE OF FIREARMS NORTH OF THE RAILROAD TRACK IN THE PROPOSED EXTENSION WOULD BE DISALLOWED.
- THE ACQUIRED LAND WOULD BE MANAGED BY THE DEPARTMENT OF FISH AND GAME AS PART OF THE PALMER HAY FLATS STATE GAME REFUGE. SEE FIG. 2.

TABLE 1. LAND PARCELS IN PROPOSED GAME REFUGE EXTENSION

<u>R1ET17N</u> <u>PARCEL</u>	<u>OWNER</u>	<u>ACRES</u>		<u>ASSESSED</u>
		<u>ON HAY FLATS</u>	<u>ON BLUFF</u>	
22 A2	Stanley Planinger	16		\$ 8,100
22 A3	Lucille Martin	20	7	90,000
22 A4	c/o Bonnie McGee	38		19,000
22 B1	Jay Russell	100	8	54,000*
22 C1	Saxon Land Invest.	9		37,000
22 D1	Yvonne Cassity	151		75,500
27 A5	Painter's Local	34		17,000
27 A6	Ray Farrar	33.4		16,700
27 A9	Don Lyon	3		1,400
27 A10	KLH, Inc.	65		33,000
27 A11	Don Benson	86		42,000
27 B1	Glen Cope Estate	160		48,000
27 D2	Georgine Case	17.3		8,600
27 D3		0.3		100
27 D4	Tom Price	2		500
27 D5		51		18,400
	<u>Subtotal</u>	<u>786</u>		<u>\$470,300</u>
22 C2	Mat-Su Borough	82		
		<u>48</u>		
	<u>Subtotal</u>	<u>130</u>		<u>\$65,000</u>
	TOTAL	916 ACRES		\$535,300

* Assessed value is land only; does not include SFD improvements on bluff portion of parcel

TABLE 2. PROPERTY OWNERS IN PROPOSED EXTENSION

<u>NAME AND ADDRESS</u>	<u>NOTES ON PROPERTY</u>
DONALD BENSON PO BOX 1330 PALMER AK 99645	HAS PERMIT FOR AIRSTRIP
GEORGINE CASE 2153 MANTZ STREET ASHLAND KENTUCKY 41101	UNDEVELOPED
YVONNE CASSITY 211 WEST COOK ANCHORAGE AK 99501	WAS INTERESTED IN DISCUSSING LAND TRADE WITH BOROUGH; TALKED TO MSB LAND MANAGER
GLEN COPE ESTATE C/O PO BOX 582 PALMER AK 99645	IN PROBATE; PUBLIC ACCESS FOR 8,000 ANNUAL USER-DAYS; ORAL EXPRESSION OF TRADE INTEREST BY HEIRS
RAY FARRAR 2508 STANLEY DRIVE ANCHORAGE AK 99502	ILLEGAL FILL FOR DEFUNCT SUBDIVISION
KLH, INC. PO BOX 858 PALMER AK 99645	UNDEVELOPED
DON LYON PO BOX 1525 EAGLE RIVER AK 99577	NEAR HIGHWAY PULL-OUT; ORAL EXPRESSION OF INTEREST IN BOROUGH TRADE
LUCILLE MARTIN C/O BONNIE MCGEE 4812 SUNDI DRIVE ANCHORAGE AK 99502	SWAMP AND CREEK AT JUNCTION OF PARKS AND GLENN HIGHWAY. PURCHASE WOULD REQUIRE LOT SPLIT
MATANUSKA-SUSITNA BOROUGH BOX B PALMER AK 99645	UNDEVELOPED; ROAD AND RAILROAD FRONTAGE
PAINTER'S LOCAL 1818 W, NORTHERN LIGHTS ANCHORAGE AK 99503	UNDEVELOPED
STANLEY PLENINGER 4159 HOOD STREET ANCHORAGE AK 99503	POSSIBLE TRUCK YARD ON SPRING CREEK AT HIGHWAY

NAME AND ADDRESSNOTES ON PROPERTY

TOM PRICE
SRA 375-C
ANCHORAGE AK

APPLIED TO ARMY CORPS ENGINEERS
TO FILL FOR 30-ACRE CAMPER
PARK; CONTACTED BOROUGH ABOUT
INTEREST IN LAND TRADE

JAY RUSSELL
BOX 870792
WASILLA AK 99687

NORTHERN CORNER OF PARCEL ON
BLUFF CONTAINS RESIDENCE;
MOST OF PARCEL IS ON SPRING CR.;
PURCHASE WOULD REQUIRE LOT SPLIT

SAXON LAND INVESTMENTS, LTD.
106 SOUTH MENTOR
PASADENA CALIF 91106

PLAN TO FILL SEVERAL "NON-WETLANDS"
ACRES NEAR HIGHWAY FOR RETAIL
BLDGS

BACKGROUND INFORMATION

HISTORY OF PROTECTION

- 1967 BOROUGH ZONES MOST OF PALMER HAY FLATS AS "RECREATIONAL."
- 1974 BOROUGH DENIES CHUGACH ELECTRIC ASSOCIATION TRANSMISSION LINE ACROSS FLATS FOLLOWING PUBLIC OBJECTIONS TO LINE.
- 1975 PALMER HAY FLATS STATE GAME REFUGE CREATED ON 26 SQUARE MILES OF STATE LAND (FIG. 2)
- 1983 PUBLICITY BEGINS OVER PLANS TO FILL IN PRIVATE WETLANDS.
- 1984
- JANUARY BOROUGH NOMINATES PALMER HAY FLATS AS "AREA MERITING SPECIAL ATTENTION" UNDER NEW COASTAL ZONE MANAGEMENT PLAN.
- MARCH PLANNING COMMISSION REFUSES TO ZONE MORE PRIVATE LAND ON PALMER HAY FLATS TO HALT COMMERCIAL USES.
- APRIL BOROUGH OFFERS TO TRADE FOR LAND ON HAY FLATS. MOST OWNERS EXPRESS INTEREST AT MEETING.
- APRIL TO SEPT. EIGHT OWNERS OF LAND ON HAY FLATS INQUIRE WITH BOROUGH ABOUT TRADES (TABLE 3); NO TRADES COMPLETED.
- JULY REX TURNER WITHDRAWS APPLICATION FOR FLOAT PLANE BASIN ON HAY FLATS IN FACE OF OPPOSITION IN BOROUGH.
- SEPT. 14 SENATOR KERTTULA SUGGESTS STATE ACQUIRE "PRIORITY" WETLANDS FROM WILLING SELLERS DURING MEETING WITH CITIZENS GROUP.
- SEPT. 17 DNR STAFF SUPPORTS PUBLIC ACQUISITION FROM WILLING SELLERS.
- SEPT. 18 BOROUGH ASSEMBLY WITHDRAWS OFFER TO TRADE.

TABLE 3. OWNERS INQUIRING WITH MAT-SU BOROUGH ABOUT
LAND EXCHANGES ON PALMER HAY FLATS

TERRY BEAL FOR F. BEAL

JERRY BROWN

YVONNE CASSITY

DON MCGEE FOR L. MARTIN

TOM PRICE

KAREN ROUSEY

CAROL STRAUN

JANET STOUT

VALUE OF PROPOSED EXTENSION TO PUBLIC

THE PRIVATE WETLANDS NEAR SPRING CREEK AND RABBIT SLOUGH ARE PRODUCTIVE IN FISH AND GAME, AND SUSTAIN HIGH LEVELS OF USES INCOMPATIBLE WITH COMMERCIAL DEVELOPMENT.

HUNTING AND FISHING

RABBIT SLOUGH GETS UP TO 6,000 FISHERMAN-DAYS PER YEAR (FIG. 3, TABLE 3). MOST OF THIS USE IS ANGLERS FROM ANCHORAGE AND VALLEY FISHING WITH PERMISSION ON PRIVATE LAND FOR SILVER SALMON AND DOLLY VARDEN TROUT (ADF&G ANNUAL REPORT, 1977-1983). IN ADDITION, RABBIT SLOUGH IS AN ACCESS ROUTE TO THE GAME REFUGE FOR DUCK HUNTERS AT THE RATE OF ABOUT 2,000 USER-DAYS PER YEAR (JACK DIDRICKSON, PALMER AREA GAME BIOLOGIST, ADF&G, PERSONAL COMMUNICATION).

THE PROPOSED EXTENSION AND ADJACENT PRIVATE LANDS ALSO CONTAIN PRODUCTIVE SMALL GAME HABITAT. WHEN SNOWSHOE HARES ARE ABUNDANT, AS IN 1983 AND 1984, THE AREA IS INTENSIVELY HUNTED (PERSONAL OBSERVATION). MOREOVER, SOME 50 PEOPLE TRAP FURBEARERS ON THE PALMER HAY FLATS (JIM RIESE, PRES., MAT-SU CHAPTER, ALASKA FUR TRAPPERS ASSOC.). AN UNKNOWN NUMBER OF THESE PERSONS TRAP PARTS OF THE PROPOSED GAME REFUGE EXTENSION. MOST OF THEM ARE TRESPASSING.

SALMON REARING

SPRING CREEK AND RABBIT SLOUGH ARE MAJOR REARING AREAS FOR SILVER SALMON FRY. TRAPPING DATA INDICATE LARGE NUMBERS OF YOUNG SALMON THROUGHOUT THE PROPOSED EXTENSION (TABLE 4 AND UNPUBLISHED DATA ADF&G, PALMER). SOME EGGS ARE SPAWNED THERE, BUT MOST FRY PROBABLY MIGRATE TO THE AREA FROM WASILLA CREEK AND THE MATANUSKA RIVER (LARRY ENGELS, PALMER AREA FISHERIES BIOLOGIST, PERSONAL COMMUNICATION). FRESHWATER SLOUGHS AND MARSHES ARE CRITICAL TO SILVER SALMON POPULATIONS BECAUSE THE FISH SPEND ABOUT HALF THEIR LIVES IN SUCH HABITAT.

AESTHETICS

NON-CONSUMPTIVE PUBLIC USE IS ALSO SIGNIFICANT ON THESE PRIVATE WETLANDS NORTH OF THE REFUGE. SEVERAL DOZEN BIRD WATCHERS FREQUENT THE SPRING CREEK AREA ANNUALLY (THEDE TOBISH, PRES., ANCHORAGE AUDUBON SOCIETY, PERSONAL COMMUNICATION). LARGE HAWKS AND OWLS ARE COMMON THERE YEAR ROUND, AND WATERBIRDS ARE NUMEROUS DURING MIGRATION.

TRAVELERS APPRECIATE THE AREA'S OPEN SPACE AS WELL. ON AN AVERAGE DAY, 10,000 VEHICLES CROSS THE PALMER HAY FLATS ON THE GLENN HIGHWAY. NO HOMES OR BUSINESSES EXIST ON THE PRIVATE LANDS AND THE AREA IS INDISTINGUISHABLE FROM THE ADJOINING GAME REFUGE. AS TWO MEMBERS OF THE BOROUGH ASSEMBLY NOTED, THE HAY FLATS IS THE "GATEWAY TO THE MATANUSKA VALLEY" AND THE LAST REMAINING BUFFER ZONE BETWEEN THE VALLEY AND ANCHORAGE.

TABLE 4. FISHING ON RABBIT SLOUGH (ADF&G ANNUAL REPORTS)

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
FISHING-DAYS	2805	3446	4024	5726	4019	6261	3239
NO. SILVER SALMON	472	2112	1211	3555	814	1624	345
NO. DOLLY VARDEN	328	325	364	189	690	1289	1290

PLANS TO FILL WETLANDS

DURING THE PAST YEAR, FOUR LAND OWNERS EXPRESSED PLANS TO FILL IN AREAS ALONG THE GLENN HIGHWAY ON THE PALMER HAY FLATS. SEE FIG. 4.

THOMAS PRICE OF ANCHORAGE APPLIED TO THE U. S. ARMY CORPS OF ENGINEERS TO FILL IN 30 ACRES OF WETLANDS ALONG RABBIT SLOUGH FOR A CAMPER PARK.

DONALD BENSON OF PALMER HAS AN ARMY CORPS OF ENGINEERS PERMIT TO CONSTRUCT A HALF-MILE LONG GRAVEL AIRSTRIP EXTENDING WESTWARD FROM THE GLENN HIGHWAY. THE FILL WOULD SUPPORT SHOP BUILDINGS AND A PARKING LOT NEAR THE HIGHWAY.

SAXON LAND INVESTMENTS, LTD., A HOLDING COMPANY ASSOCIATED WITH TURNER CONSTRUCTION CO. OF EAGLE RIVER, HAS PUBLICIZED PLANS TO FILL PARTS OF A NINE-ACRE PARCEL ADJACENT TO THE HIGHWAY FOR RETAIL BUILDING. THE ARMY CORPS OF ENGINEERS EARLIER DENIED PERMISSION TO FILL IN THE WETLANDS PORTION OF THIS SITE.

THE MAT-SU BOROUGH PLANNING STAFF SAYS IT WAS APPROACHED REGARDING THE PROPERTY OF STANLEY PLENINGER ON SPRING CREEK. AN AGENT WAS INVESTIGATING THE FEASIBILITY OF A CARGO TRANSFER YARD THERE. NO APPLICATIONS FOR WETLANDS FILL HAVE BEEN SUBMITTED SO FAR, HOWEVER.

Proposed extension of Palmer Hay Flats State Game Refuge

Fig.1 Land owners

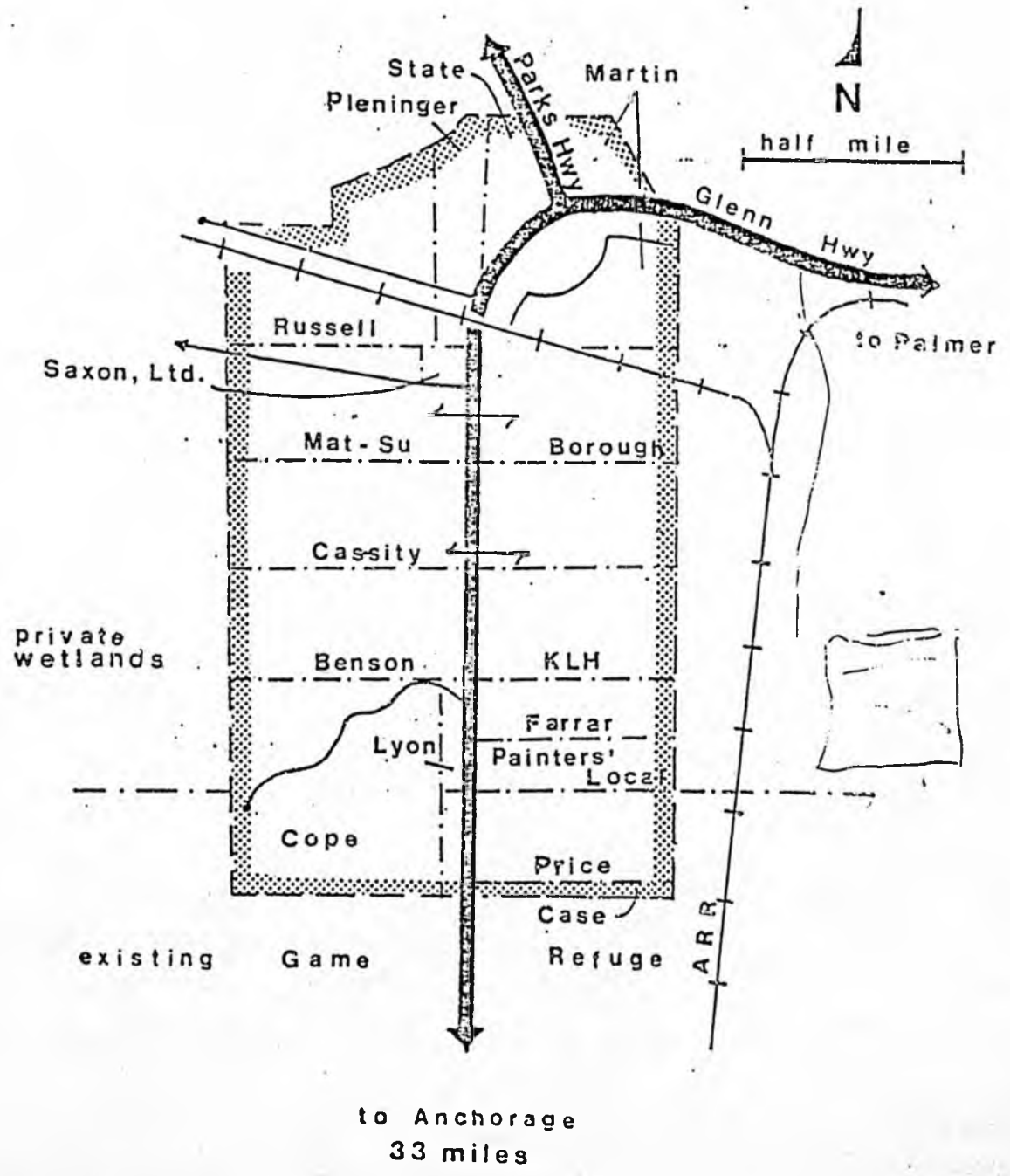
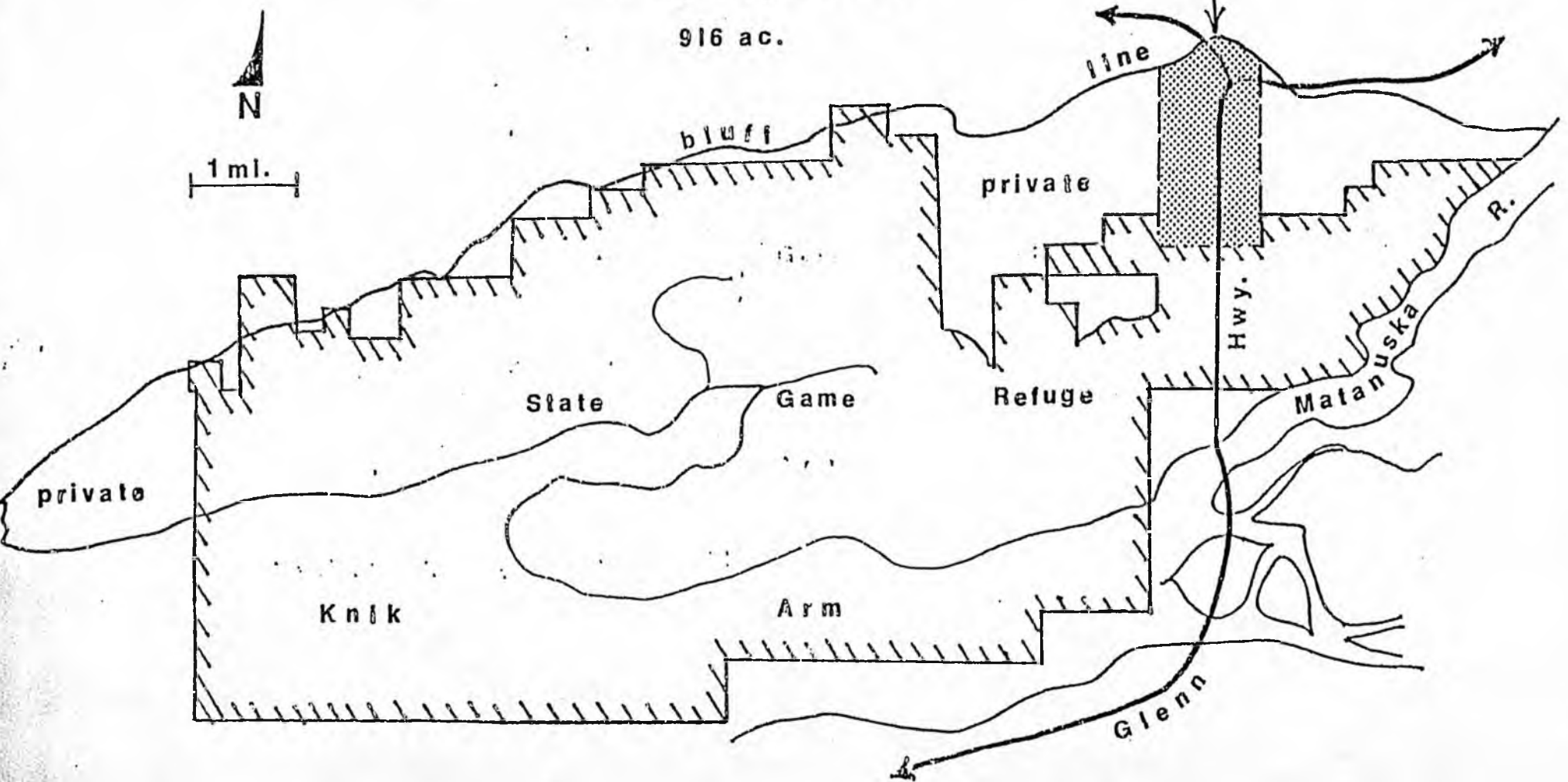


Fig. 2 Palmer Hay Flats

*San Juan River Plan
Glenn Highway Section
Map sec. 26*

Proposed extension of
State Game Refuge
916 ac.

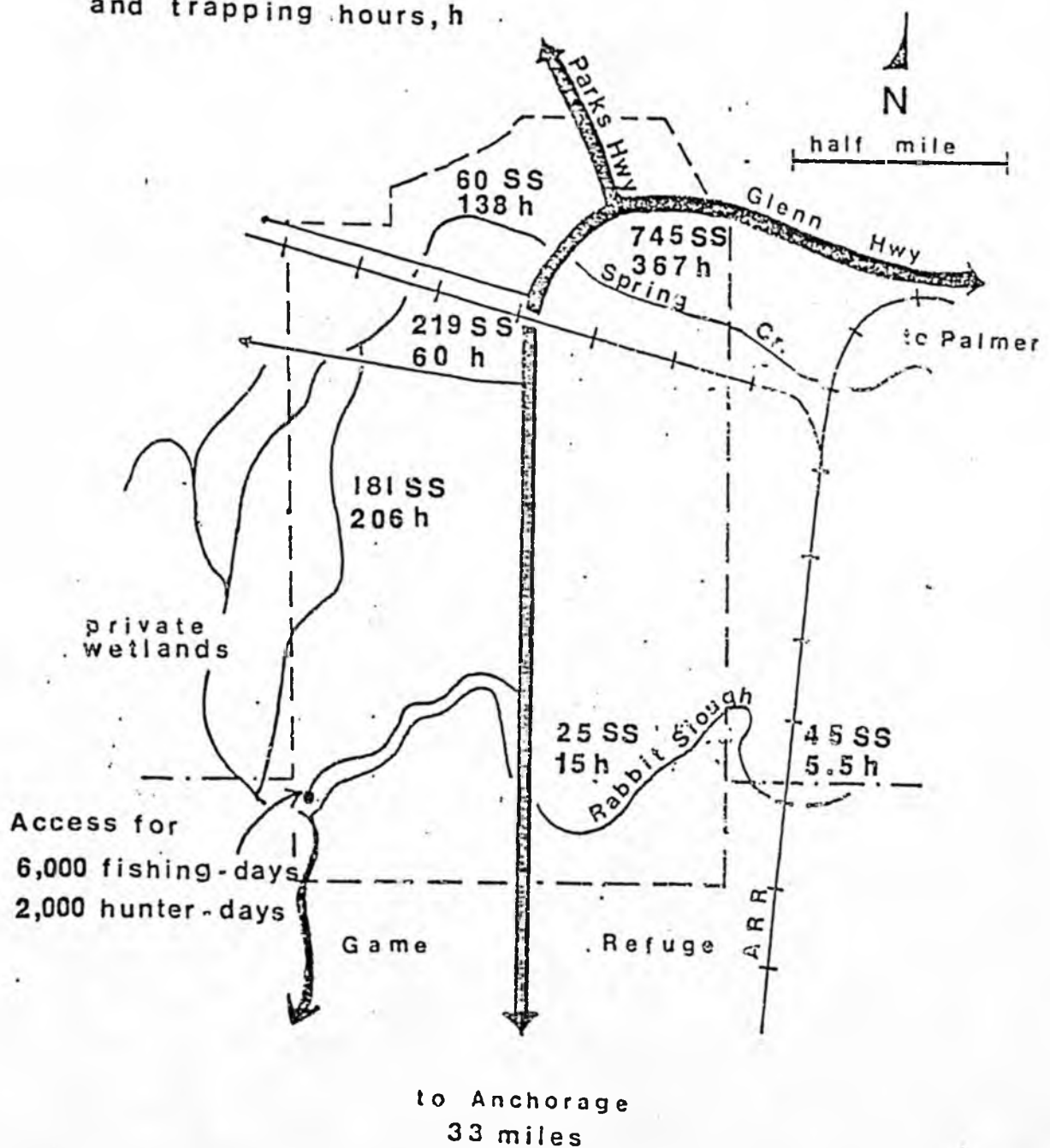


Proposed extension of Palmer

Hay Flats State Game Refuge

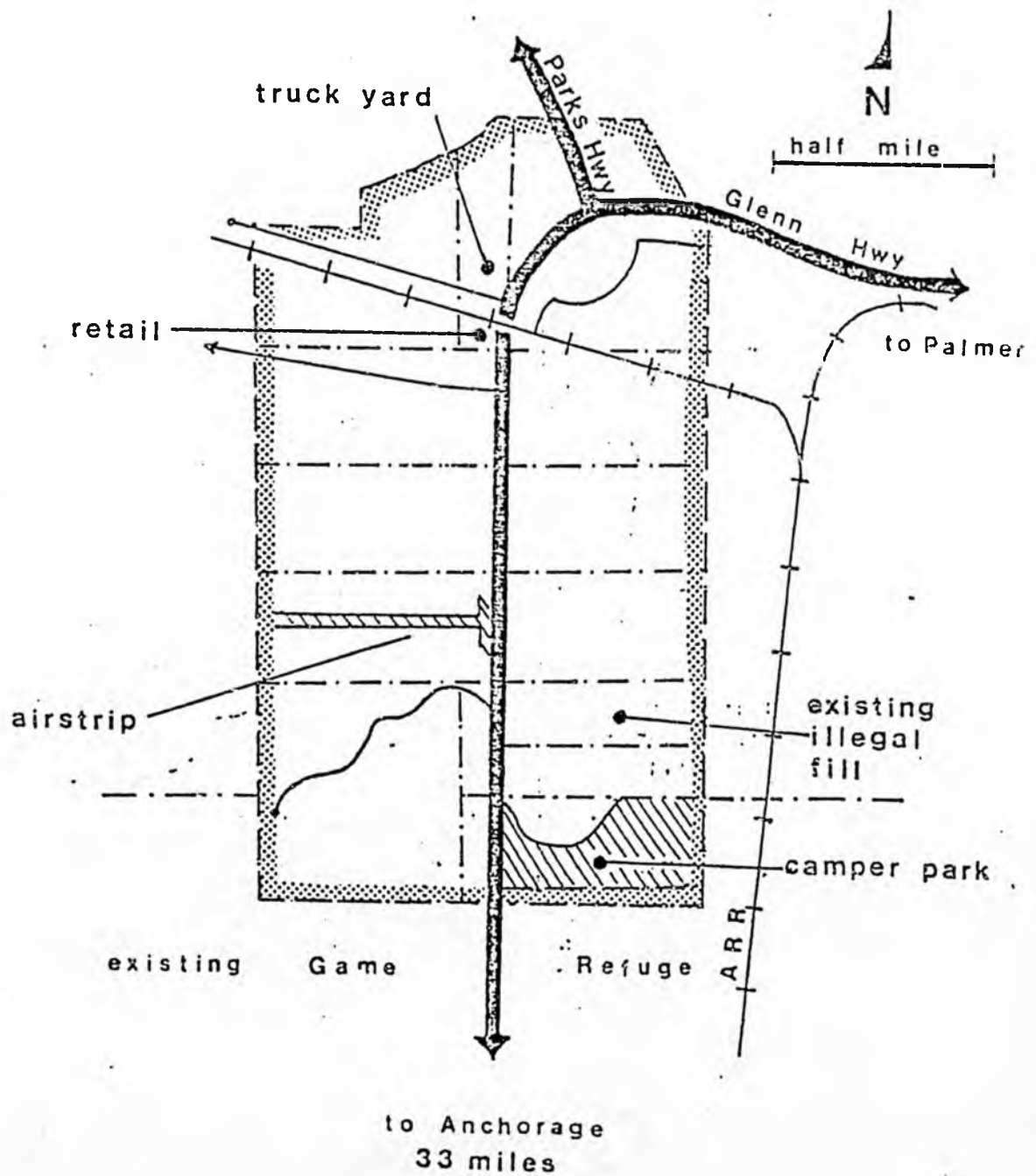
LIVE-TRAPPING DATA FROM STREAMS

Fig. 3 Silver salmon fry, SS,
and trapping hours, h



Proposed extension of Palmer Hay Flats State Game Refuge

Fig.4. Fill proposals



MATANUSKA-SUSITNA BOROUGH

RESOLUTION SERIAL NO. 85- 12

A RESOLUTION OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH SUPPORTING THE EXTENSION OF THE PALMER HAY FLATS STATE GAME REFUGE AND THE INCLUSION WITHIN THE EXTENSION OF APPROXIMATELY 130 ACRES OF BOROUGH LAND

WHEREAS, the Palmer Hay Flats is the gateway to the Matanuska-Susitna Borough; and

WHEREAS, the Hay Flats is currently the home of many species of wildlife and is important to the fishery resources; and

WHEREAS, most of the land proposed for the extension of the Palmer Hay Flats Game Refuge is wet and unsuitable for development; and

WHEREAS, this area receives intense recreational use throughout the year; and

WHEREAS, the State is in the process of trying to obtain funds to buy private property adjacent to the Flats in order to extend the refuge; and

WHEREAS, the Assembly supports the extension of the refuge to ensure the open natural character of the land will remain as the gateway to the Borough.

NOW, THEREFORE, BE IT RESOLVED that if the State can obtain funds to buy private properties to extend the Palmer Hay Flats Game Refuge, the Borough will include, under State management, the 130 acres that

have been selected and conveyed to the Borough lying adjacent to the
Palmer Hay Flats Game Refuge.

Dorothy A. Jones
Dorothy Jones/
Deputy Mayor

ATTEST:

Judy Gilbert for
Chris Seagraves, Clerk

REVIEWED AND APPROVED:

Gary Thurlow
Gary Thurlow, Manager

MATANUSKA-SUSITNA BOROUGH

FEB 8 1985

BILL ANALYSIS

Bill No. <u>SB 105</u>	Sponsor <u>Kerttula</u>
Borough Position <u>Support</u>	Borough Contact Person <u>Rob Stickle</u>

Similar Bills <u>None</u>	Conflicting Bills <u>None</u>
Organizational Support <u>ADF&G</u> <u>Local Groups</u>	Organizational Opposition <u>Unknown</u>

Fiscal Impact On Borough		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Operating _____	Capital _____		

Proposed Amendments:
NONE

Comments:

The Assembly passed a resolution that will allow for the donation of 135 acres of Borough land to the expanded Palmer Hay Flats State Game Refuge if this legislation passes. Copy of resolution attached.

ORIGINAL LICENSE

PALMER HAY FLATS STATE GAME REFUGE

AS 16.20.032 (a) The following state-owned lands and waters are established as the Palmer Hay Flats State Game Refuge:

- (1) Township 16 North, Range 1 West, Seward Meridian
Section 1 — 12 inclusive
Section 13: N $\frac{1}{2}$
Section 14 — 18 inclusive
- (2) Township 17 North, Range 1 West, Seward Meridian
Section 25: All
Section 26: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$
NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 27: S $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 31: Lot 4, SE $\frac{1}{4}$ E $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$, NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 32: S $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 33: All
Section 34: All
Section 35: All
Section 36: All state tide and submerged lands
- (3) Township 17 North, Range 1 East, Seward Meridian
Section 28: N $\frac{1}{2}$ SE $\frac{1}{4}$
Section 31: Lots 5, 7, 8, 9, 10
Section 32: NE $\frac{1}{4}$
Section 33: SW $\frac{1}{4}$ NW $\frac{1}{4}$, including all state tide and submerged lands
- (4) Township 16 North, Range 1 East, Seward Meridian
Section 4, 5, 6, 7, 8, 9: All
Section 17: N $\frac{1}{2}$
Section 18: N $\frac{1}{2}$
All state tide and submerged lands

(b) Selections under the Alaska Native Claims Settlement Act (PL 92-203, 85 Stat. 688) are recognized as valid prior claims to the land within the area described in (a) of this section. Land specified in (a) of this section may not include land patented to a Native corporation under that Act.

(c) Land selected by the Matanuska-Susitna Borough in Township 17, North Range 1 East S.M. shall be included in the Palmer Hay Flats State Game Refuge, subject to borough approval. If the borough relinquishes the selection of these lands, the selected lands become part of the Palmer Hay Flats State Game Refuge. *Relinquishment 2/10/00*

(d) The state may not acquire by eminent domain privately-owned land within state-owned lands specified in (c) of this section for inclusion in the Palmer Hay Flats State Game Refuge. The Department of Natural Resources may adopt, in accordance with the Administrative Procedure Act (AS 44.62), zoning regulations governing privately-owned land within the Palmer Hay Flats State Game Refuge.

FEB 12 1966

February 6, 1966

*cc'd out file
to:
Sen. Fabrenkamp
" Sturgulowski*

Senator John C. Sackett
Co-chairman Finance Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Sackett:

It is with a deep sense of urgency that I request your full support for passage of Senate Bill No. 105, introduced by Senator Kerttula.

I have lived in the Matanuska Valley for seven years and have grown to deeply appreciate the many values associated with the Palmer Hay Flats area. As a daily commuter to Anchorage, the "flats" provides an oasis of aesthetic quality in what otherwise has become a 45 mile strip development. Coincidentally, it is the safest part of the trip due to the lack of development. Any development along this single lane stretch of the Glenn Highway would create a horrendous safety hazard.

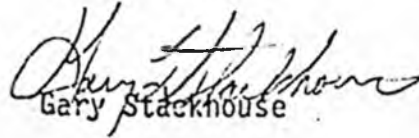
As a consumptive user of the fish and wildlife resources of this great state, I have become intimately familiar with those resources in the "flats" area. I have also seen the number of other users increase tremendously the past few years. Not only hunters, fishermen and trappers, but general recreationists as well. A great number of these users are Anchorage residents and non-residents. As you are well aware, the degree of access is a key factor to recreational use in any area. The location of the "flats" is ideal for serving well over 50% of the recreational users in the state. I, as well as others, especially enjoy the area as a place to share these experiences with our children without making a major expedition. It is also an ideal educational area and is used as such by local educators. Concurrent, with the rapid development in the valley, I have seen fish and wildlife resource habitats dwindle, thereby enhancing the importance of remaining areas, such as the Palmer Hay Flats.

As a business owner in Palmer, I have enjoyed watching the valley grow and have shared in some of the associated benefits. I have also experienced a growing concern that we are destroying many of the qualities which make the valley so attractive. This is due to a large extent by our failure to recognize these qualities and place them in a proper perspective, equal to strictly economic interests.

In view of declining state revenues, the relatively small cost associated with protecting a natural resource of this importance and magnitude is a bargain that should not be ignored.

Your support for this bill will help assure preservation of this beautiful natural area for the enjoyment of untold numbers of future Alaskans.

Sincerely,


Gary Stackhouse

cc: all Finance Committee members

League of Women Voters of Alaska

9151 Skywood Lane
Juneau, Alaska 99801
February 26, 1985

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

Re: SB 105: Palmer Hay Flats State Game Refuge

Dear Senator Sturgulewski:

The League of Women Voters of Alaska supports, in principle, SB 105, which would expand the Palmer Hay Flats State Game Refuge to incorporate certain important wetlands. The League has always considered the protection of important wetland habitats as a high priority matter, and has supported the setting aside for future public use such areas as State forests and marine parks in Alaska. We also supported the bill which established the Kenai River Management Area.

We are in a quandary, however, because of the large fiscal note connected with the need to purchase private lands to implement SB 105. This is of special concern in a time of declining State revenues and competing health related demands such as asbestos removal from schools. If, because of budgetary constraints, we had to choose between the purchase of these wetlands and the removal of any existing asbestos hazards from schools, we would choose the asbestos removal. This is consistent with one of the amplification provisions of the League's new "capital budget process" position, which states that life, health, safety and educational needs should take priority over other less basic needs.

Perhaps another financing mechanism (such as inclusion of the project cost in a State bond issue) should be explored, possibly by your committee jointly with the Finance Committee.

If a way can be found to acquire the wetlands necessary to expand the Palmer Hay Flats State Game Refuge in accordance with SB 105, without adversely impacting high priority health and education related needs, we would like to see it happen.

The Honorable Arliss Sturgulewski, Chairman
February 26, 1985
Page Two

Thank you for considering our views.

Sincerely,



Elizabeth Cuadra, Board Member
(Natural Resources Portfolio)

DEC:sd

cc: Committee Members (Fahrenkamp, Eliason, Zharoff, Halford,
Coghill and V. Fischer)
Sponsor (Kerttula)



APR 10 1985

COOK INLET
AQUACULTURE ASSOCIATION

P.O. BOX 3819
SOLDOTNA, AK 99669-3819
(907) 262-9419

*TK your
of file*

*7-10
105*

April 5, 1985

Senator Paul Fischer
Pouch V
Juneau, Alaska 99811

Dear Senator Fischer:

Sorry to have missed you during my recent visit in Juneau. I will be sure to meet with you on my next trip so that we can discuss ways to advance the Paint River project. Because the Paint River project will generate two million dollars worth of raw salmon annually plus an additional two million dollars through value added by processing it is important that, somehow, we find the \$4.4 million required to implement the project.

Senator Kerttula asked me to be sure to inform you of CIAA's support for his SB 105 which allows for the extension of the Palmer Hay Flats State Game Refuge. Because we operate the nearby Eklutna Salmon Hatchery we have, over the years become very familiar with the existing refuge as well as the area proposed for inclusion.

The State Game Refuge is an area of very low lying marshland set aside for fish and wildlife production and hunting and fishing activities. Access to much of the Refuge is across some of the privately owned lands which, hopefully, will be added to the refuge as a result of SB 105. These lands are currently abandoned but, at any time, could be reoccupied by their owners. It is unlikely that an owner attempting to live or run a business on the site would, for long, tolerate the number of people currently utilizing the premises as a driveway and a parking lot. The extension is essential to "legalize" public access to much of the Refuge.

The sloughs and marshes throughout the area are excellent rearing or "nursery" areas for coho salmon fry. Large numbers of fry can be found throughout the area. Any development of the area would require dredging, filling, diking and/or draining activities, all of which are expensive and all of which destroy the fitness of the area to produce young salmon.

April 5, 1985
Senator Fischer
Page 2

It seems to me that it is good public policy to preserve for fish production those lowland areas best suited for fish production. It is also good public policy to insure that development activities occur on higher ground; those areas best suited for development activities. The inclusion of additional lowland areas into the Palmer Hay Flats State Game Refuge keeps each type of activity confined to the area which best suits it.

Sincerely,

Thomas E. Mears

Thomas E. Mears,
Executive Director

cc: Sen. Kerttula
Bob Hunter, President, Alaska Sportfishing Association
Keith Goltz, Alaska Flyfishers
Steve Braund, Northern District Setnetters

FEB 23 1985

February 20, 1985

Re: SB 105, Palmer Hay Flats

Dear Senator Sackett:

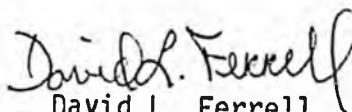
As a resident of the Mat-Su Valley, I would like to express my support for Senate Bill 105 to extend the Palmer Hayflats State Game Refuge. A number of concerned citizens are troubled about a series of proposed developments in the wetlands and salmon streams on the Hayflats along the Glenn Highway. There is a strong sentiment that it is the responsibility of the State of Alaska to protect these resources for all Alaskans. The most permanent form of protection is to place these lands in the public domain. Incorporation of these lands into the Palmer Hayflats Game Refuge is the most expedient and logical manner in which to accomplish this.

Recently the Mat-Su Assembly passed a unanimous Resolution to add 130 acres of Borough land if the State would purchase 786 acres of private land from willing sellers. I have followed events in the Hayflats over the past several years and have come to realize that Local, State and Federal agencies have consistently recommended that development in this area not be permitted. It appears that private property owners would be more than willing to sell their land to the State, as the land is unsuitable to build on and permits are difficult, if not impossible, to obtain.

I would like to inform you that Spring Creek, a salmon stream which flows through these lands, provides some of the best silver salmon habitat in the Valley. The stream provides "nursery grounds" for large numbers of juvenile silver salmon. The dollar value of this stream to sport and commercial fishermen may very likely exceed the dollar cost of purchasing these lands. The Mat-Su Borough is so intent on protecting this area that it has a program to swap uplands for wetlands. All of this leads me to conclude that the public wants this area maintained in its present natural condition. The passage of SB 105 is obviously in the Public Interest.

I would like to be kept advised of the progress of SB 105 and would like to receive copies of the minutes of the discussions that take place when this bill reaches the Finance Committee.

Sincerely



David L. Ferrell
SRA 6105
Palmer, AK 99645
(745-6575)

cc: Faiks
Halford
Kerttula
Ferguson
P. Fischer
Eliason
DeVries
Larson
Hurley
Bronson

FEB 23 1985

549 E. Caribou
Palmer, AK 99645
17 February 1985

Senator John Sackett
Chairman, Finance Committee
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Sackett:

I understand that SB105 relating to the Palmer Hatflats has been referred to the Finance Committee. Kindly register my voice in favor of that bill.

This Palmer Hayflats issue is one that hardly could have been foreseen in the years before the populatic. boom in the Matuska Valley. The boom has resulted in great numbers of Anchorage-Valley commuters traversing the Hayflats daily. This commuter traffic is a powerful incentive to locate businesses along the route, irrespective that the rich area's extensive bottomland is a large--and in some cases last--refuge for many local furred, feathered, and finned creatures. While I believe most local residents wish to keep the area as SB105 would allow us to do, the pressures from the few landowners along the route to have their day at the bank are very great, and compensation is probably the only practical solution.

Much can and is being done locally to protect this rich and popular recreational area, but this is one of those issues whereby State assistance is needed for a problem which transcends local causation, local usage, and local value. Please consider this Senate bill as a corrective to keep a little of the Alaska that pleases so much of the population, and therefore legislation of greater validity than creature comforts and profitability.

Sincerely yours,

Joe Lawton
Joe Lawton

- cc:
Senators:
Faiks
Halford
Kerttula
Ferguson
Fischer
Eliason

Joe
Thanks for all your help in this matter. Best wishes
Joe

~~February~~ 18, 1985
SR-A-6145
Palmer, Alaska, 99645

FEB 23 1985

Co-chairperson Faiks
Finance Committee
Alaska State Senate
Pouch V
Juneau, Alaska, 99811

Ms. Faiks,

We are writing this letter in support of Senate Bill 105, proposing procurement of 910 acres to extend the existing Palmer Hay Flats State Game Refuge.

The wetlands of the proposed extention are most valuable to the people of Anchorage and the Matanuska-Susitna Borough just as they are. We feel the highest and best use of this wetlands area is as a refuge and reproductive area for silver salmon, moose, and waterfowl. Hunting and fishing for these species is high in season, as is year-round recreation use, since the area is close and readily accessible to the populations of Anchorage and the Matanuska Valley.

These wetlands provide high scenic value as well. Travelers along the Glenn Highway appreciate this natural buffer between the two population areas.

We urge you to vote in favor of Senate Bill 105 to help insure these values are preserved.

Sincerely,

Beth Estelle
Bob Estelle

Beth and Bob Estelle

cc: <u>Finance</u>	<u>Resources</u>	DeVries
Sackett	Sturgulewski	
Halford	Fahrenkamp	
Kerttula	Eliason	
Ferguson	Zharoff	
P. Fischer	Halford	
Eliason	Coghill	
	V. Fischer	

FEB 25 1985

February 22, 1985

Senator Jan Faiks
Co-chair, Senate
Finance Committee
Pouch V
Juneau, AK 99811

RE: SB 105

I support this bill. I have used the Spring Creek area and Hay Flats for over thirty years for recreation and hope to continue. Up to this time there has been very little pressure to develop this ground, primarily due to the extreme cost of site preparation. With the current boom and subsequent escalation in commercial real estate prices, there is real economic pressure to develop the road frontage.

Currently, zoning/subdivision restrictions such as Army Corps of Engineers, EPA, and Mat-Su borough regulations restrict development. These regulations were implemented under the premise that the long term economic/social interest must be protected, and I feel they are generally well applied. Commercial development in the Spring Creek area would be disruptive not only to the environment of the entire downstream drainage, but would also disrupt the traffic flow. The area is in the flood plain of the Matanuska River. The town of Matanuska (near subject properties) was moved to Palmer because of the extreme cost of fighting high water. Any facilities placed in the area covered by SB 105 are likely to experience this problem, with the burden eventually resting with the State. This irregular flooding also makes it extremely difficult to comply with EPA regulations should any development occur.

Preservation interests must be weighed against vested property interests. Many of the owners have held the property for several years, often predating wetland regulations. Only one owner has a permit to fill in a portion of the wetlands.

Although the proposed enabling legislation has a two year expiration for selling or exchange, hopefully after the offer is specifically tendered, the intent should be perpetual. Perhaps certain provisions could be enacted to allow continuation of the exchange provision beyond this time frame. Finally, all offers to exchange or sell property should be strictly voluntary.

Sincerely,



Ralph Hulbert
P.O. Box 1846
Palmer, AK 99645

CC: Sen. Sackett
Kerttula -
Ferguson
P. Fischer
DeVries
Rep. Hurley
Larson

FEB 27 1985

P.O. Box 3196
Palmer, Alaska 99645
February 21

Senator Sturgulewski
State Capital
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski,

An issue of interest to me will be coming before the Senate this session. That issue is the Palmer Hay Flats Bill. As you already know, this bill would acquire private land for inclusion into an existing special use area.

I strongly support passage of this bill in this session of the legislature. I believe this action is warranted in view of the long-range state interest to promote economic developments through economic diversification of the private sector. As a local boatbuilder, I feel the area should be protected for wildlife, sport fishing and scenic values. These ends support my personal business interests.

On a larger level, I feel the passage of the Hay Flats Bill will recognize the area as a national and international landmark. The area has already been selected by Ducks Unlimited, an international organization, as a special feeding and breeding ground along the Pacific Flyway for many species of wildfowl. In enacting this bill, the State of Alaska identifies itself among the few forward-looking nations and regions of the world seeking to keep land uses diverse and healthy.

Finally, as an educator, I strongly believe the state must take a leadership role in promoting the continuance of 'as is' landscape for the enjoyment and education of our state's youth. If regional planners are correct, the area surrounding the Hay Flats may soon approach the population density of the Anchorage bowl. By protecting the Hay Flats for young people to hunt, fish and recreate in, we teach good stewardship of Alaska's land resources.

Again, let me strongly state my support of this critical piece of state-wide legislation. It appears we have much more to gain than lose in this proposal.

Sincerely,

Rick Turner
Matanuska Forest Company
Palmer, Alaska

CC: Sens. Fahrenkamp
Eliason
Zharoff
Halford
Coghill
V. Fisher



FEB 27 1985

ALASKA FRONTIER TRAPPERS ASSN.
P.O. BOX 2856
PALMER, ALASKA 99645 □ (907)745-4660

February 18, 1985

Senator Arliss Sturgulewski
Resources Chairman
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

I am writing in regard to S.B. 105 introduced into the senate by Senator Kerttula. This bill is a very important piece of legislation to our organization and to outdoor-minded people of all pursuits. Senator Kerttula, in introducing this bill, is trying to preserve one of the most highly used and highly valued pieces of wildlife habitat in Alaska. Anyone who has crossed the flats on the Glenn Highway at any time of the year has surely seen the large numbers of ducks, geese, muskrat, beaver and other numerous species that inhabit this area.

The Mat-Su Borough has indicated its desire to see this area preserved by offering to let the Fish and Game Department include its 130 acres in the refuge to be managed as the rest of the area. With the population expanding as rapidly as it is in the Matanuska Valley, it is imperative that we preserve areas for our citizens to use and enjoy.

I would like to thank Senator Kerttula for introducing this legislation, as I believe it shows his desire to protect the outdoor lifestyle of many of his constituents.

Your support of S.B. 105 would be greatly appreciated.

Thank you,

James Reiss, President
ALASKA FRONTIER TRAPPERS ASSOC.

cc: Fahrenkamp
Eliason
Zharoff
Halford
Coghill
V. Fischer

FEB 27 1985

February 22, 1985

Senator A. Sturgulewski
Senate Resources Committee
Pouch V
Juneau, AK 99811

RE: SB 105

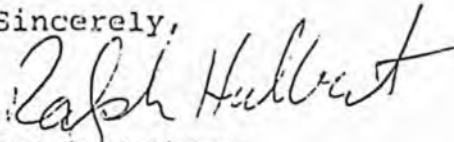
I support this bill. I have used the Spring Creek area and Hay Flats for over thirty years for recreation and hope to continue. Up to this time there has been very little pressure to develop this ground, primarily due to the extreme cost of site preparation. With the current boom and subsequent escalation in commercial real estate prices, there is real economic pressure to develop the road frontage.

Currently, zoning/subdivision restrictions such as Army Corps of Engineers, EPA, and Mat-Su borough regulations restrict development. These regulations were implemented under the premise that the long term economic/social interest must be protected, and I feel they are generally well applied. Commercial development in the Spring Creek area would be disruptive not only to the environment of the entire downstream drainage, but would also disrupt the traffic flow. The area is in the flood plain of the Matanuska River. The town of Matanuska (near subject properties) was moved to Palmer because of the extreme cost of fighting high water. Any facilities placed in the area covered by SB 105 are likely to experience this problem, with the burden eventually resting with the State. This irregular flooding also makes it extremely difficult to comply with EPA regulations should any development occur.

Preservation interests must be weighed against vested property interests. Many of the owners have held the property for several years, often predating wetland regulations. Only one owner has a permit to fill in a portion of the wetlands.

Although the proposed enabling legislation has a two year expiration for selling or exchange, hopefully after the offer is specifically tendered, the intent should be perpetual. Perhaps certain provisions could be enacted to allow continuation of the exchange provision beyond this time frame. Finally, all offers to exchange or sell property should be strictly voluntary.

Sincerely,



Ralph Hulbert
P.O. Box 1845
Palmer, AK 99645

cc: Sen. Fahrenkamp
Eliason
Zharoff
Halford
Coghill
V. Fischer

MAR 6 1985

7136 Terry Place
Anchorage, Alaska 99502
February 26, 1985

Jan Faiks, Chair
Finance Committee
State Capitol
Pouch V
Juneau, Alaska 99811

Faiks

Dear Ms. Faiks:

I am writing to urge your support of Senate Bill No. 105 for "an Act relating to the Palmer Hay Flats State Game Refuge; and providing for an effective date." The Spring Creek wetlands which are addressed by this bill are an integral component of the Palmer Hay Flats. Because these wetlands are privately owned, there is increasing pressure to develop them. I believe these wetlands are so important that they should be given public protection and included in the Palmer Hay Flats State Game Refuge.

I have hunted and fished, hiked and canoed in the Palmer Hay Flats wetlands at the head of Knik Arm, which are traversed by the Glenn Highway. I'm not aware of fish and wildlife population figures specifically for the Spring Creek area. However, the Hay Flats area receives heavy recreational fishing pressure and the Rabbit Slough-Spring Creek-Wasilla Creek complex are open only to single-hook fishing during a weekend-only season. According to the Alaska Department of Fish and Game, every spring some 100,000 ducks, 50,000 geese and 5,000 swans use the Palmer Hay Flats during migration. The Anchorage Audubon Society estimates that some 10,000 people are drawn to view and photograph this migratory spectacle. The Palmer Hay Flats is the most accessible waterfowl hunting area in the Cook Inlet region, and it annually ranks among the top three areas state-wide in number of hunter-days and duck harvest. In winter the Hay Flats provide important moose winter range.

The Palmer Hay Flats State Game Refuge is a valuable public asset; especially so because of its proximity to about half of Alaska's population. I hope to see areas such as the Spring Creek wetlands included in the Refuge and given the protection required to protect the public resources and recreational opportunities they provide.

Thank you for your support.

Sincerely,

Jon R. Nickles
Jon R. Nickles

*Good letter
+K. Jones*

cc: Finance Committee members

3/12/85

Senator Jan Faika
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska

MAR 15 1985

99811

Dear Senator;

I have been advised by our Matanuska Valley legislators that SB-105, an act creating an addition to the Palmer Hay Flats Game Refuge is now scheduled to be heard by the Senate Finance Committee of which you are co-chair.

I would appreciate taking a minute of your time to express my support for this bill that is so important to many of the residents of both the Valley and also the greater Anchorage area. In case you are not aware of the groups and people interested in this legislation, those that I am aware of are: the ad hoc committee for the Palmer Hay Flats, Mat-Su Chapter of Ducks Unlimited, Mat-Su Chapter of Alaska Fur Trappers Association, Anchorage Audubon Society, and the Alaska Center for the Environment. In addition, the Mat-Su Borough, Alaska State Department of Natural Resources, and the Alaska Department of Fish and Game have indicated their support for this legislation. As you can see this is a quite broad cross section of people supporting SB-105.

Just briefly, both consumptive (i.e. hunters, fishermen, trappers) and non-consumptive use (i.e. bird watchers, game animal watching) in this area is high and is incompatible with commercial development. The lands the proposed legislation would add to the refuge are also critical for access to the existing refuge, and it is my understanding that the only reason they are not currently in the refuge is that they were privately held when the refuge was originally formed from state lands.

Senator, looking down the road to the future and being a 10-year valley resident, seeing the tremendous growth experienced in the valley, emphasizes to me the need to preserve this area. Both as a needed buffer between the valley and the Anchorage area, and as a natural gateway to the Matanuska Valley where future generations can still enjoy seeing moose and waterfowl, along with a place to go small game hunting, trapping, and fishing.

Thank you for your time and attention to this legislation.

*INATEL KERTULLA,
For your information,
Thanks!*

David C. Churchill
P. O. Box 871646
Wasilla, Alaska

99687

FEB 27 1985



COOK INLET
AQUACULTURE ASSOCIATION

P.O. BOX 3819
SOLDOTNA, AK 99669-3819
(907) 262-9419

February 25, 1985

Senator Arliss Sturgulewski
Pouch V
Juneau, Alaska 99811

Dear Senator:

The Cook Inlet Aquaculture Association supports SB 105 which allows for the extension of the Palmer Hay Flats State Game Refuge. It is clear that the entire area is valuable for recreational fishing and hunting activities. The extension is essential to "legalize" public access to much of the Refuge.

It is probably more important to realize that the sloughs and marshes throughout the area are excellent rearing or "nursery" areas for large numbers of coho salmon fry. Dredging, filling, diking and draining, the very expensive things which can be done to marshlands to make them usable for commercial or residential purposes, all destroy the fitness of the area to harbor and nourish young salmon. We encourage the State to preserve these wetland habitats.

Sincerely,

A handwritten signature in cursive script that reads "Thomas E. Mears".

Thomas E. Mears,
Executive Director

cc: Suzanne Haines
Steve Braund

FEB 25 1985

20 February 1985

Senator Sturgulewski
Senator Fahrenkamp

Resource Committee
Pouch V
Juneau, Alaska 99811

RE: Senate Bill 105 Palmer Hay Flats State Game Refuge

Dear Senators

As a landowner in the flats area since the 1950's, we support public ownership of these lands.

The public uses our land and the neighboring private lands for hunting, fishing, trapping and wildlife viewing. Located between two major population centers, the numbers grow almost daily.

Yet, major objections and stumbling blocks are placed by State agencies and Mat-Su Borough for owners using or developing our lands.

We know there is strong public support for the Flats to stay as they are now. We are willing to work with the State in a sale or exchange. We and the neighboring land owners have expressed this at other public hearings.

We ask for your valuable support in solving this land conflict.

Sincerely,

Floyd Beal

Floyd Beal

FB/tb

cc: Senator Eliason
Zharoff
Halford
Coghill
V. Fischer