

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3849 SCRA SB 19 25



# RECORDS CERTIFICATION



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

*James O. Smith*  
Signature of Camera Operator

*10/31/89*  
Date

S B

1 9

Introduced: 1/24/85  
Referred: Community & Regional Affairs,  
Resources and Finance

1 IN THE SENATE

BY V.FISCHER AND KETTULA

2

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

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

8

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

9

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

10

Sec. 16.20.031. ANCHORAGE COASTAL STATE WILDLIFE REFUGE. (a)

11

The following described state-owned land and water is established as  
12 the Anchorage Coastal State Wildlife Refuge and shall be managed for  
13 the protection of waterfowl, shorebirds, and other fish and wildlife  
14 species and for the use and enjoyment of the people of the state:

15

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

16

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

17

contour

18

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

19

tour

20

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

21

contour

22

SW 1/4 seaward of the 20 foot elevation contour

23

Section 30: SE 1/4 SE 1/4

24

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

26

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

28

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

29

Section 36: S 1/2

1 S 1/2 N 1/2  
2 (3) Township 12 North, Range 4 West, Seward Meridian  
3 Sections 6 - 9: Seaward of the 20 foot elevation  
4 contour  
5 Section 15: NW 1/4 seaward of the 20 foot elevation  
6 contour  
7 SW 1/4 NE 1/4 seaward of the 20 foot elevation  
8 contour  
9 Government Lot 5 and the remainder of the W 1/2 SE  
10 1/4, all  
11 SW 1/4  
12 Section 16: Seaward of the 20 foot elevation contour  
13 Sections 17 - 22  
14 Section 23: Government Lot 1 and the remainder of the  
15 SW 1/4, all seaward of the 20 foot elevation contour  
16 Government Lot 2 and the remainder of the S 1/2 NW  
17 1/4, all seaward of the 20 foot elevation contour  
18 Government Lots 3 and 4, and the remainder of the SE  
19 1/4, all seaward of the 20 foot elevation contour  
20 Section 24: Tract A, Shorecrest Subdivision (Plat No.  
21 81-68, Anchorage Recording District)  
22 Section 25: Government Lots 1 and 2, and the remainder  
23 of the W 1/2, all  
24 Tract A, Johns Park Estates, and the remainder of the  
25 NE 1/4, excluding Skyway Park Estates, Addition No. 1  
26 all seaward of the 20 foot elevation contour Govern-  
27 ment Lots 3 and 4, and the remainder of the SE 1/4,  
28 all  
29 Sections 26 - 36

1 (4) Township 12 North, Range 5 West, Seward Meridian  
2 Sections 1 - 2  
3 Sections 11 - 14  
4 Sections 23 - 26  
5 Sections 35 - 36  
6 (5) Township 12 North, Range 3 West, Seward Meridian  
7 Section 29: That portion of the SW 1/4 southwesterly  
8 of the Alaska Railroad right-of-way and southerly of  
9 Oceanview Subdivision, Addition No. 6  
10 Section 30: That portion of Tract A, Johns Park  
11 Estates, seaward of the 20 foot elevation contour  
12 Government Lot 2 and that portion of the SE 1/4 NW  
13 1/4 southwesterly of Oceanview West Subdivision,  
14 Addition No. 1  
15 Government Lots 3 and 4 and the remainder of the SW  
16 1/4, all  
17 That portion of the SW 1/4 NE 1/4 and the SE 1/4  
18 southwesterly of Oceanview Subdivision, Addition No.  
19 4 and Addition No. 6  
20 Section 31  
21 Section 32: All lands southwesterly of the Alaska  
22 Railroad right-of-way  
23 Section 33: All lands westerly of the Alaska Railroad  
24 right-of-way  
25 (6) Township 11 North, Range 3 West, Seward Meridian  
26 Section 3: Government Lot 5  
27 Section 4: That portion southwesterly of the Old  
28 Seward Highway right-of-way and The Landings  
29 Subdivision which is northeasterly of the New Seward

1 Highway right-of-way

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

4 Sections 5 - 8

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

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

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

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

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

15 Sections 1 - 4

16 Sections 10 - 12

*delete*  
17 (b) The management of the Anchorage Coastal State Wildlife  
18 Refuge established under (a) of this section is assigned to the De-  
19 partment of Fish and Game and, except as provided in (c) of this  
20 section, shall be managed under a management plan prepared by the  
21 Department of Fish and Game under AS 16.20.040 - 16.20.060.

22 (c) Land owned by the Municipality of Anchorage that lies within  
23 the boundary of the Anchorage Coastal State Wildlife Refuge described  
24 in (a) of this section may be included in the Anchorage Coastal State  
25 Wildlife Refuge. An agreement between the Department of Fish and Game  
26 and the Municipality of Anchorage for the management of the land  
27 within the Anchorage Coastal State Wildlife Refuge that is owned by  
28 the Municipality of Anchorage shall be approved by the Municipality of  
29 Anchorage and by the Department of Fish and Game.

1           (d) If state law permits a use or activity on land within state  
2 game refuges that is not permitted on the land owned by the Municipal-  
3 ity of Anchorage, the use or activity is not permitted on the land  
4 owned by the Municipality of Anchorage within the Anchorage Coastal  
5 State Wildlife Refuge.

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

13           (f) The land and water areas of the Anchorage Coastal State  
14 Wildlife Refuge are closed to mineral entry under AS 38.05.185 -  
15 38.05.275.

16 \* Sec. 2. AS 16.20.030(b) is repealed.

Jan 23

Called Bev Ward - ARCO

Jim Jinks - Ak Miners (Phil Holdsworth, local lobbyist) 276-0347

Paula Easley - RDC - 276-0700

Ak Supp. Indus. Alliance (The Alliance) 562-0100 - 3 times - no answer

CIRI - 274-8638 - Huhndorf out of town

George ~~Christ~~ Kruste, Exec Vice President

P.O. Drawer 4-N

Arc 99509

Chip Dennerlein - ~~786-8461~~

Peggy Hackett - 264-4960

Audubon Society - 276-7034 -- called twice - no answer

Jan 25 Peter Scholes - interested in sponsor substitute changes -- suggested he talk to Ginger Baim Szymanski's ofc -- asked if there was a teleconf. on SB-19 - said "no"

2/14 copies of back-up sent to Mark in Diane Pierce's ofc

Senator Vic Fischer

Alaska State Legislature  
Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Rec'd morning of  
1/24/85



January 23, 1985

EXPLANATION OF CHANGES IN SPONSOR SUBSTITUTE  
FOR SENATE BILL 19

Both the Department of Fish and Game and the Division of Mining have asked that technical changes be made to SB 19. Attached is a draft Sponsor Substitute with changes highlighted in yellow.

1. Page 4, line 21, after Department of Fish and Game add "under AS 16.20.040-16.20.060."

The Department of Fish and Game was concerned that since the bill creates a "wildlife" refuge as opposed to a "game" refuge, their management authority could be challenged unless it was specifically spoken to in statute. The drafter, Dick Bradley, did not feel this was a problem but in order to make it clear, added the highlighted language.

2. Page 4, line 29, delete "Board of Game" and insert "Department of Fish and Game".

The Department of Fish and Game, not the Board, has management authority and responsibility for preparing a management plan. This was a drafting error. Again, this change is at the request of the ADF&G. (See attached letter from Commissioner Collinsworth.

3. Page 5, line 14 & 15, delete "AS 38.05.135 - 38.05.280" and insert "AS 38.05.185 - 38.05.275."

This is a cite change requested by the Division of Mining to correct a technical error. AS 38.05.280 doesn't exist. It should have been written as AS 38.05.275. Further, the cite (which describes the kind of mineral entry prohibited within the refuge) should begin at AS 38.05.185 instead of AS 38.05.135.

Under SB 19 oil and gas leasing would be prohibited. Under the amended language in the sponsor substitute oil and gas leasing, exploration, and/or development would not be prohibited, nor would it necessarily be permitted.

The permitting process governing oil and gas leasing/development in or under refuges is already addressed in existing statutes. The amended language in the sponsor substitute makes SB 19 consistent with statutes establishing other game refuges in Alaska.

/qj

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF FISH AND GAME**

**OFFICE OF THE COMMISSIONER**

P.O. BOX 3-2000  
JUNEAU, ALASKA 99802  
PHONE: 907 465-4100

December 27, 1984

Senator Vic Fischer  
Pouch V  
State Capitol  
Juneau, Alaska 99811

Dear Senator Fischer:

Thank you for your letter of November 26, 1984, requesting comments on the draft Anchorage Coastal State Wildlife Refuge bill. Members of my Anchorage staff have been working with your staff, the Municipality of Anchorage, and the Alaska Department of Natural Resources on this draft legislation. The department supports this proposed extension of the existing Potter Point State Game Refuge as a way to help protect important waterfowl and shorebird habitat in the Anchorage area. However, we believe that two changes to the proposed legislation are necessary. First, the term "wildlife refuge" currently has no meaning in state statutes. We assume that you want the management and regulatory provisions of AS 16.20.040-.060 to apply to the Anchorage Coastal State Wildlife Refuge. If so, it is not clear that those provisions would be applicable, given your proposed designation of a wildlife refuge. If they are not applicable, we are left with no statutory protection for the area. Therefore, we recommend that you take one of the following actions: 1) call it the Anchorage Coastal State Game Refuge or 2) call it the Anchorage Coastal State Wildlife Refuge (A State Game Refuge). Reference to a State Game Refuge needs to appear in the proposal.

The other requested change is with regard to AS 16.20.031 (c). The last sentence of that paragraph should read, "An agreement between the Department of Fish and Game and the Municipality of Anchorage for the management of the land within the Anchorage Coastal State Wildlife Refuge that is owned by the Municipality of Anchorage shall be approved by the Municipality of Anchorage and by the Department of Fish and Game [Board of Game]." The Department of Fish and Game, not the Board of Game, has authority for managing state game refuges.

I might mention that we have found that a boundary survey of refuges is important to their proper management. If you

Senator Vic Fischer

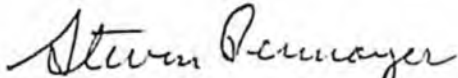
-2-

December 27, 1984

agree, you may want to consider a fiscal note which will provide for it.

Thank you for the opportunity to review the proposed bill. If I can be of assistance to you in the furtherance of this legislation, please contact me.

Sincerely,



Don W. Collinsworth  
Commissioner

cc: Ginger Baim  
Roger Poppe

1 IN THE SENATE

BY V. FISCHER AND KETTULA

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

10 Sec. 16.20.031. ANCHORAGE COASTAL STATE WILDLIFE REFUGE. (a)

11 The following described state-owned land and water is established as  
12 the Anchorage Coastal State Wildlife Refuge and shall be managed for  
13 the protection of waterfowl, shorebirds, and other fish and wildlife  
14 species and for the use and enjoyment of the people of the state:

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

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

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

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

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

23 Section 30: SE 1/4 SE 1/4.

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

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

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

29 Section 36: S 1/2

1 S 1/2 N 1/2

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

3 Sections 6 - 9: Seaward of the 20 foot elevation  
4 contour

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

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

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

12 Section 16: Seaward of the 20 foot elevation contour

13 Sections 17 - 22

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

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

22 Section 25: Government Lots 1 and 2, and the remainder  
23 of the W 1/2, all  
24 Tract A, Johns Park Estates, and the remainder of the  
25 NE 1/4, excluding Skyway Park Estates, Addition No. 1  
26 all seaward of the 20 foot elevation contour Govern-  
27 ment Lots 3 and 4, and the remainder of the SE 1/4,  
28 all

29 Sections 26 - 36

- 1 (4) Township 12 North, Range 5 West, Seward Meridian  
2 Sections 1 - 2  
3 Sections 11 - 14  
4 Sections 23 - 26  
5 Sections 35 - 36  
6 (5) Township 12 North, Range 3 West, Seward Meridian  
7 Section 29: That portion of the SW 1/4 southwesterly  
8 of the Alaska Railroad right-of-way and southerly of  
9 Oceanview Subdivision, Addition No. 6  
10 Section 30: That portion of Tract A, Johns Park  
11 Estates, seaward of the 20 foot elevation contour  
12 Government Lot 2 and that portion of the SE 1/4 NW  
13 1/4 southwesterly of Oceanview West Subdivision,  
14 Addition No. 1  
15 Government Lots 3 and 4 and the remainder of the SW  
16 1/4, all  
17 That portion of the SW 1/4 NE 1/4 and the SE 1/4  
18 southwesterly of Oceanview Subdivision, Addition No.  
19 4 and Addition No. 6  
20 Section 31  
21 Section 32: All lands southwesterly of the Alaska  
22 Railroad right-of-way  
23 Section 33: All lands westerly of the Alaska Railroad  
24 right-of-way  
25 (6) Township 11 North, Range 3 West, Seward Meridian  
26 Section 3: Government Lot 5  
27 Section 4: That portion southwesterly of the Old  
28 Seward Highway right-of-way and The Landings  
29 Subdivision which is northeasterly of the New Seward

1 Highway right-of-way

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

4 Sections 5 - 8

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

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

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

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

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

15 Sections 1 - 4

16 Sections 10 - 12

17 (b) The management of the Anchorage Coastal State Wildlife  
18 Refuge established under (a) of this section is assigned to the De-  
19 partment of Fish and Game and, except as provided in (c) of this  
20 section, shall be managed under a management plan prepared by the  
21 Department of Fish and Game under AS 16.20.040 - 16.20.060.

22 (c) Land owned by the Municipality of Anchorage that lies within  
23 the boundary of the Anchorage Coastal State Wildlife Refuge described  
24 in (a) of this section may be included in the Anchorage Coastal State  
25 Wildlife Refuge. An agreement between the Department of Fish and Game  
26 and the Municipality of Anchorage for the management of the land  
27 within the Anchorage Coastal State Wildlife Refuge that is owned by  
28 the Municipality of Anchorage shall be approved by the Municipality of  
29 Anchorage and by the Department of Fish and Game.

1 (d) If state law permits a use or activity on land within state  
2 game refuges that is not permitted on the land owned by the Municipal-  
3 ity of Anchorage, the use or activity is not permitted on the land  
4 owned by the Municipality of Anchorage within the Anchorage Coastal  
5 State Wildlife Refuge.

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

13 (f) The land and water areas of the Anchorage Coastal State  
14 Wildlife Refuge are closed to mineral entry under <sup>3</sup>AS 38.05.135 -  
15 38.05.275.

16 \* Sec. 2. AS 16.20.030(b) is repealed.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**Municipality  
of  
Anchorage**



P.O. BOX 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4960

TONY KNOWLES,  
MAYOR

INTER-GOVERNMENTAL AFFAIRS

February 20, 1985

Hon. Edna DeVries  
Pouch V  
Juneau, Alaska 99811

Dear Sen. DeVries:

During a recent hearing concerning S.B. 19, creating the Anchorage Coastal State Wildlife Refuge, you asked whether the Anchorage Assembly supported the legislation. At that time, I responded by highlighting several actions which the Assembly had taken with respect to the management of lands within the Refuge for preservation and public recreation purposes, including adoption of the Coastal Zone Management Plan and an Anchorage Wetlands Plan. While both of these documents and other actions spoke directly to land use, we wanted to make certain that the Assembly had an opportunity to speak directly on the issue of S.B. 19 itself.

Attached is Assembly Resolution 85-42, recommending enactment of S.B. 19 creating the Anchorage Coastal State Wildlife Refuge, which was passed by the Assembly on February 19, 1985.

If I can be of any further assistance in moving along S.B. 19, please call on me. I will be in Juneau the first three days of next week, and can be reached at 586-2401, or may see you on the Hill.

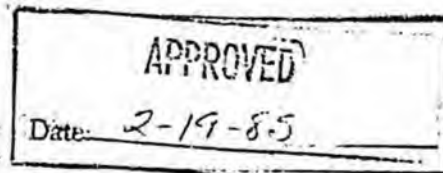
Sincerely,



Chip Dennerlein

Enclosure

cc: Sen. Vic Fischer  
Rep. Mike Szymanski



Submitted by: Assemblywoman Angvik  
Prepared by: Department of Property  
and Facility Management  
For reading: February 19, 1985

ANCHORAGE, ALASKA  
AR NO. 85-42

A RESOLUTION RECOMMENDING ENACTMENT OF SENATE BILL NO. 19 CREATING THE ANCHORAGE COASTAL STATE WILDLIFE REFUGE

WHEREAS, the existing Potter Point State Game Refuge which extends from Potter Point to Point Campbell including Potter Marsh ensures the protection of habitat for waterfowl, shorebirds and other fish and wildlife species on tidelands and coastal wetlands along Turnagain Arm; and

WHEREAS, the Potter Point State Game Refuge provides an extraordinary opportunity for tourists and Anchorage residents to view and otherwise enjoy coastal wildlife in a natural setting; and

WHEREAS, the Municipality is building the Coastal Trail to enhance public access from built-up portions of Anchorage to its coastline and open spaces along Cook Inlet; and

WHEREAS, the Assembly in 1979 approved the Anchorage Coastal Management Plan which provides that the coastal wetlands between Point Woronzof and Point Campbell shall be classified as an "Area Meriting Special Attention" (AMSA); and

WHEREAS, the Pt. Woronzof-Pt. Campbell Wetlands Master Plan, a 1982 element of the Anchorage Coastal Management Plan, recommends that the lands within the AMSA should be made part of the Potter Point State Game Refuge; and

WHEREAS, the Administration has worked with the State Departments of Natural Resources and Fish and Game to prepare legislation effecting the inclusion of State lands below the bluff between Point Woronzof and Point Campbell in the renamed Anchorage Coastal State Wildlife Refuge; and

WHEREAS, a bill creating the Anchorage Coastal State Wildlife Refuge has been introduced in the Legislature this year as Senate Bill No. 19.

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The Anchorage Municipal Assembly recommends prompt enactment of Senate Bill No. 19, which expands the Potter Point State Game Refuge to include tidelands and near shore upland between Point Woronzof and Point Campbell and renames the refuge as Anchorage Coastal State Wildlife Refuge.

Section 2. Copies of this resolution shall be distributed to the Governor and all members of the State Legislature.

PASSED AND APPROVED by the Anchorage Municipal Assembly this \_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Municipal Clerk

Proposed amendment to CS SS SB 19 (C&RA)

Offered by: V. Fischer  
2/26/85

Page 4, line<sup>23</sup>. Insert a new subsection to read:

(c) "The managment plan prepared under AS 16.20.040-16.20.060 shall assure continued surface access to Fire Island and recommend corridors for constructed access and utilities between Fire Island and the Anchorage mainland."

Redesignate and renumber subsequent subsections.

/gb

25 + 26 at 2:30 P.M.  
to Mayors  
~~24 + 25~~  
Side 29 -

Jan Cook  
assure 7 chapters  
Amendments -  
second - Home Rule -  
School District -  
population - 1st class City -

Submitted by: Assemblywoman Angvik  
Prepared by: Department of Property  
and Facility Management  
For reading:

ANCHORAGE, ALASKA  
AR NO.

A RESOLUTION RECOMMENDING ENACTMENT OF SENATE BILL NO. 19 CREATING THE ANCHORAGE COASTAL STATE WILDLIFE REFUGE

WHEREAS, the existing Potter Point State Game Refuge which extends from Potter Point to Point Campbell including Potter Marsh ensures the protection of habitat for waterfowl, shorebirds and other fish and wildlife species on tidelands and coastal wetlands along Turnagain Arm; and

WHEREAS, the Potter Point State Game Refuge provides an extraordinary opportunity for tourists and Anchorage residents to view and otherwise enjoy coastal wildlife in a natural setting; and

WHEREAS, the Municipality is building the Coastal Trail to enhance public access from built-up portions of Anchorage to its coastline and open spaces along Cook Inlet; and

WHEREAS, the Assembly in 1979 approved the Anchorage Coastal Management Plan which provides that the coastal wetlands between Point Woronzof and Point Campbell shall be classified as an "Area Meriting Special Attention" (AMSA); and

WHEREAS, the Pt. Woronzof-Pt. Campbell Wetlands Master Plan, a 1982 element of the Anchorage Coastal Management Plan, recommends that the lands within the AMSA should be made part of the Potter Point State Game Refuge; and

WHEREAS, the Administration has worked with the State Departments of Natural Resources and Fish and Game to prepare legislation effecting the inclusion of State lands below the bluff between Point Woronzof and Point Campbell in the renamed Anchorage Coastal State Wildlife Refuge; and

WHEREAS, a bill creating the Anchorage Coastal State Wildlife Refuge has been introduced in the Legislature this year as Senate Bill No. 19.

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The Anchorage Municipal Assembly recommends prompt enactment of Senate Bill No. 19, which expands the Potter Point State Game Refuge to include tidelands and near shore upland between Point Woronzof and Point Campbell and renames the refuge as Anchorage Coastal State Wildlife Refuge.

Section 2. Copies of this resolution shall be distributed to the Governor and all members of the State Legislature.

PASSED AND APPROVED by the Anchorage Municipal Assembly this \_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Municipal Clerk

A M E N D M E N T

TO: SSSB 19

Page 4, line 17 through line 21, delete all material and substitute new material to read:

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



Official Business

# Alaska State Legislature

## Senate

### Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman  
Members:  
Senator Ferguson, Vice Chairman  
Senator Coghill  
Senator Sturgulewski  
Senator V. Fischer

Pouch V  
Juneau, Alaska 99811

C&RA Committee Meeting -- Tuesday, Jan 29 '85

#### AGENDA

#### I. Call meeting to order

Members present --- (Sturgulewski out of town)

Welcome to public....

Those who testify please sign the Register and repeat their name and affiliation before the microphone for the recording secretary.

#### II. Legislation before Committee

Sponsor Substitute for Senate Bill 19, creating the Anchorage Coastal State Wildlife Refuge by Senator Vic Fischer and Senator Kerttula

- The bill <sup>1)</sup> adds land to the existing Potter Point Game Refuge,
- 2) renames the area the Anchorage Coastal State Wildlife Refuge,
  - 3) provides a more precise legal description of subject lands,
  - 4) Permits management of that part of the proposed Refuge under Municipal of Anchorage ownership ~~and managed~~ by the Department of Fish and Game subject to approval by the Municipality; ~~and~~ <sup>5)</sup> prohibits the acquisition of private land within the Refuge by eminent domain, ~~however~~ <sup>but</sup> private land may be acquired through purchase, exchange, or "otherwise", and
  - 6) closes the land and water areas of the Anchorage Coastal State Wildlife Refuge from mineral entry under AS 38.05.185-38.05.275. AS 16.20.030(b) is repealed by this act.

*(AS 16.20.030 established the Potter Point Game Refuge)*

Yesterday, Commissioner Wunnicke, had delivered to my office a proposed amendment to this bill.

I also have received written testimony from the Audubon Society President, Thebe Tobish, which will be made a part of the record of this hearing. All committee members do have copies.

The departments of Fish and Game and Natural Resources have submitted fiscal notes of zero. Senator Vic Fischer, bill sponsor, will be the first to testify.

(Edna,

Fischer's office tells me that ADF&G and DNR have reached an agreement and he will be presenting an amendment on their behalf.....

I suggest that you announce that in light of the presentation of an amendment that neither you or the committee has seen prior to the meeting....that you will take testimony .... but that the committee will not take any action on the bill today.....)

*pipelines -*

*time limit of  
negot plan -  
within 3 years -  
3*

*CC&A Substitute  
Alaska State -*

*no surface access on their  
lands -*

Rec'd in file 11:10 a.m.  
Jan 29 '85  
ya



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

Post Office Box 101161  
Anchorage, Alaska  
99510

Thede Tohish - President  
Anchorage Audubon Society

27 January 1985

Senator Edna Armstrong-DeVries  
Chairman--Senate Resources Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator DeVries and Members of the Resources Committee;

As President of the 1410 member Anchorage Audubon Society, I would like to enter Anchorage Audubon's comments on Senate Bill-19 into the official record with your committee. As you undoubtedly know, Anchorage Audubon has been quite active in the history of Potter Refuge, especially in Potter Marsh. We were instrumental in initiating the now successful Potter Marsh Task Force which has worked towards implementation of a management scheme. The Task Force joined various agencies and public groups to affect and facilitate data gathering for an operational plan which is now in preparation by A.D.F. and G..

For background to this bill it is useful to outline the importance of the refuge to the peoples of Anchorage. The interesting and valuable Potter Marsh User Survey compiled by the Habitat Division of A.D.F. and G., documented the heavy and consistent use of the Potter Marsh section of the refuge by Anchorage residents and visitors. This heavy, public, non-consumptive use of the refuge points directly to the overall nature of this refuge: it is predominantly an urban refuge, and habitat management is as vital as wildlife management. The Anchorage Coastal State Wildlife Refuge is unique in the state system because of its user definition and location in the center of the state's largest population. The Anchorage Coastal Trail will open up the remainder of this urban refuge to the public; thus the timely need to give habitat equal management mandate. The general outline and direction of the final management plan must address this urban habitat, non-consumptive aspect of the refuge. We would like to request that the Resource Committee specify in the legislation that the operational plan adopted by Fish and Game address specific habitat management applications, i.e. maintenance of water quality and quantity. The future of this refuge as a resource for its principal users, the Anchorage public, depends on the maintenance of the integrity of its unique tracts of undisturbed habitat.

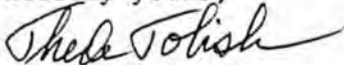
Wording in the current version of SSSB-19 includes definition of the entire refuge boundary as closed to mineral entry; we reiterate the importance and necessity of this clause to the maintenance of undisturbed habitat throughout the refuge. Also, wherever wording refers to fish and wildlife within the refuge, we would like species named. For instance all salmon and other indigenous fish should be specified in any section that refers to "fish" in the current version. Anchorage Audubon also requests that the current refuge boundaries as defined remain unchanged; they are clearly delineated and cover sufficient area to maintain entire vegetative communities.

Finally, we feel it imperative to specify that the managing agency be required to finish and commence implementation of the refuge operational/management plan within one year of passage of this legislation.

Anchorage Audubon would like to thank you for accepting our ideas and comment into the record on Senate Bill-19. We strongly encourage the adoption of this bill with our comments included. This unique refuge should serve as a model for future urban refuges in Alaska.

Thank you for your support and consideration.

Sincerely yours,



Thede Tobish

CC Rep. Mike Szymanski  
Sen. Vic Fischer  
Sen. Jay Kerttula  
Dennis Kelso

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M  
JUNEAU, ALASKA 99811  
PHONE:

January 28, 1985

*Wunnicke amendment*

The Honorable Vic Fischer  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Fischer:

I am writing to indicate the Department's support for SSSB 19 (Anchorage Coastal State Game Refuge) and to request a clarifying amendment in the bill (attached).

The amendment would clarify that land management will be the responsibility of the Department of Natural Resources, as it is in other game refuges under statute. The Department's land management actions must be consistent with the management plan, as it affects land and realty actions, required under AS 16.20.031(b) as proposed in the bill.

The amendment is particularly needed for two reasons. First, there is the possibility that some of the oil and gas rights within the proposed refuge will be leased out in Sale 46A, scheduled for late February, 1985. The Department of Natural Resources will continue to administer these leases within the proposed refuge. Second, without clarification, the current language on the bill could be interpreted as giving the Department of Fish and Game the land management responsibility for the refuge. Neither DFG nor ADF&G wishes to transfer land management responsibility for the refuge.

I appreciate your attention to this proposed amendment and will have my staff available at the first hearing of the bill on Tuesday afternoon.

Sincerely,

*Esther C. Wunnicke*  
Esther C. Wunnicke  
Commissioner

cc: Commissioner Don Collinsworth  
Senator Edna DeVries (Chair, Senate C&RA)

DNR AMENDMENT TO SSSB 19

(g) Management of the surface and subsurface estate is the responsibility of the Department of Natural Resources and shall be consistent with the management plan prepared under (b) of this section. Entry upon the Anchorage Coastal State Game Refuge for purposes of exploration and development of oil and gas resources shall be permitted when compatible with the protection of waterfowl, shorebirds, and other fish and wildlife species and with the recreational use and enjoyment of the refuge. Existing leases shall continue in full force and effect according to their terms.

# Senator Vic Fischer



Alaska State Legislature

Pouch V • Juneau, Alaska 99811 • (907) 465-4954

## SECTIONAL ANALYSIS/ SPONSOR SUBSTITUTUE FOR SENATE BILL 19 ("An act creating the Anchorage Coastal State Wildlife Refuge")

### Scope of legis"ation:

SSSB 19 would (1) add additional tidelands and near shore upland to the existing Potter Point State Game Refuge, extending its boundaries from Point Campbell to Point Woronzof, (2) rename the area the "Anchorage Coastal State Wildlife Refuge", (3) provide a more precise legal description for refuge lands, (4) permit management of Municipal land by the Alaska Department of Fish and Game subject to approval by the Municipality and (5) restrict property acquisitions by the state and municipality for inclusion within the Refuge to "purchase, exchange, or otherwise", prohibiting acquisition by eminent domain.

### Section 1 - AS 16.20.031 (a):

Enacts new section, AS 16.20.031(a) ANCHORAGE COASTAL STATE WILDLIFE REFUGE. Establishes the Anchorage Coastal State Wildlife Refuge and designates certain state-owned land and water described in subsection (1) through (7) as part of that refuge to be managed for the protection of waterfowl, shorebirds, and other fish and wildlife species and for the use and enjoyment of the people of the state.

(Section 1, subsections (1) through (7) describe the legal boundaries of the state-owned land and water included in the refuge.)

(b): assigns management responsibilities for the Anchorage Coastal State Wildlife Refuge to the Alaska Department of Fish and Game and, except as provided by (c) requires the Refuge to be managed under a management plan prepared by the Department of Fish and Game under AS 16.20.040-16.20.060. (These statutes set general guidelines for ADF&G in managing game refuges and in permitting use, lease or disposal of real property in refuges created under AS 16.20.010-16.20.080).

(c) permits land owned by the Municipality of Anchorage that lies within the boundaries of the Anchorage Coastal State Wildlife Refuge to be included in the Refuge. Requires an agreement between the Department of Fish and Game and the Municipality of Anchorage for the management of municipal owned land within the Refuge to be approved by the Municipality and by the Department of Fish and Game.

(d) provides that a use or activity on land within state game refuges that is allowed by state law will not be permitted on land owned by the Municipality of Anchorage within the Anchorage Coastal

State Wildlife Refuge if such use or activity is not allowed on land owned by the Municipality of Anchorage.

(Example: The discharge of firearms is prohibited on Municipal land. The discharge of firearms within a state wildlife refuge may be permitted under state law but would not be permitted on that portion of land within the refuge that is owned by the Municipality of Anchorage.)

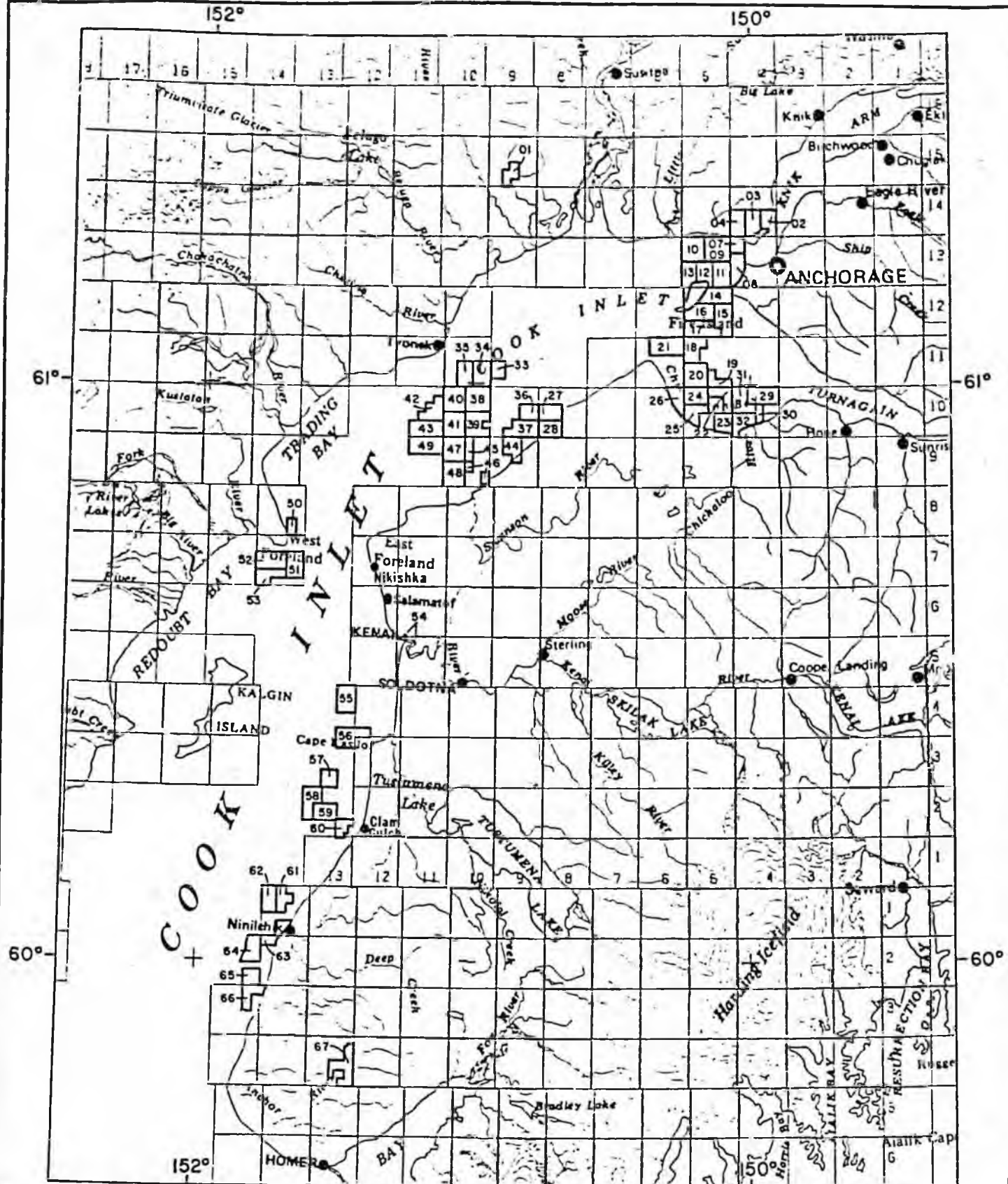
(e) prohibits the Municipality of Anchorage or the state from acquiring privately owned land within the Anchorage Coastal State Wildlife Refuge by eminent domain for inclusion within the Refuge. The Department of Fish and Game or the Municipality of Anchorage may acquire privately owned land within the Anchorage Coastal State Wildlife Refuge by purchase, exchange or otherwise, except by eminent domain.

(f) closes the land and water areas of the Anchorage Coastal State Wildlife Refuge to mineral entry under AS 38.05.185-38.05.275. (This does not affect oil and gas leasing).

Section 2:

Repeals AS 16.20.030(b) (existing statute establishing the Potter Point State Game Refuge).

/gb



STATE OF ALASKA  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF OIL & GAS  
**OIL AND GAS LEASE SALE 46A**  
**COOK INLET TRACT MAP**

NOTE THIS MAP IS NOT TO BE CONSIDERED AN OFFICIAL TRACT MAP. A SET OF THE 1:250,000 SCALE TRACT MAPS IS AVAILABLE AT THE DEPT. OF NATURAL RESOURCES, DIVISION OF OIL AND GAS, 833 CORDOVA ST. P.O. BOX 18077, ANCHORAGE, ALASKA 99501. PHONE 1807/288-2488

DATE APPROVED 12/28/84  
 BASE MAP COPYRIGHT 1976  
 ENVIRONMENTAL INFORMATION SYSTEMS CENTER, 1874 ALL RIGHTS RESERVED. INCLUDING REPRODUCTION IN ANY FORM OR BY ANY MEANS, WITHOUT PERMISSION IN WRITING FROM THE U.S. GEOLOGICAL SURVEY.

SCALE 1:1,000,000 1 inch = 16 Miles  
 10 0 10 20 30 40 50 Miles

DIRECTOR, DIV OF OIL & GAS  
 KAY BROWN *Kay Brown*

LEASING MANAGER,  
 PAMELA ROGERS *Pamela Rogers*

DRAWN BY O.D.S.  
 CHECKED BY *WIK*

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No.: SSSB 19  
 Title: Anchorage Coastal State  
           Game Refuge  
 Sponsor: V. Fischer  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected:  
           Land and Water

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

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

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

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

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

No fiscal impact, unless survey is required

Prepared By: Ned Farquhar Phone: 465-2400  
 Division: Commissioner's Office Date: January 23, 1985  
 Approved by Commissioner: *James D. ...* Date: January 23, 1985  
 Agency: Natural Resources

*N.A.  
SKB*

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

7/1/84



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 19	SPONSOR Senator Vic Fischer
DEPARTMENT POSITION Strongly Support			
PREPARED BY Habitat Div. - Debra Clausen	DATE 1/24/85	COMMISSIONER'S SIGNATURE <i>Steven Rasmussen</i>	DATE 1/25/85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL Anchorage Residents
ORGANIZATIONAL SUPPORT FOR BILL Municipality of Anchorage Department of Natural Resources Potter Marsh Task Force (Interagency)	ORGANIZATIONAL OPPOSITION TO BILL None known

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Establishment of the Anchorage Coastal State Wildlife Refuge will protect important waterfowl and shorebird habitat in the Anchorage area. It will provide for public use and enjoyment of the Refuge. The bill will enhance the existing Potter Point State Game Refuge and has been actively endorsed by the Potter Marsh Task Force, an inter-agency group.

ANALYSIS OF BILL/PROGRAM EFFECTS

The bill will:

- (1) Change the name of Potter Point State Game Refuge to Anchorage Coastal State Wildlife Refuge.
- (2) Extend the refuge to encompass wetlands and nearshore waters lying between Point Campbell and Point Woronzoff.
- (3) Clarify the legal boundaries of the refuge.
- (4) Provide for the management of lands lying within the refuge.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: SB 19  
 Title: An Act Creating the Anchor-  
 age Coastal State Wildlife Refuge  
 Sponsor: Senator Vic Fischer  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Fish and Game  
 Program Category Affected: \_\_\_\_\_  
Game Resource Conservation  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Game

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Phil Koehl Phone: 465-4190  
 Division: Game Date: 1/24/85

Approved by Commissioner: Steen Pennington Date: 1/25/85  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: SSSB 19  
 Title: Anchorage Coastal State  
Game Refuge  
 Sponsor: V. Fischer  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected:  
Land and Water

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact, unless survey is required

Prepared By: Ned Farquhar Phone: 465-2400  
 Division: Commissioner's Office Date: January 23, 1985  
 Approved by Commissioner: *James D. ...* Date: January 23, 1985  
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

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

7/1/84

*N.A. 5/8*

Municipality  
of  
Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 786-8401

TONY KNOWLES,  
MAYOR

OFFICE OF PUBLIC SERVICES

June 20, 1984

Sen. Vic Fischer  
1538 Orca Street  
Anchorage, Alaska 99501

Dear Vic:

It may seem a bit early to talk about legislation to be introduced next session, but no grass grows under our feet! So, take a deep breath - here it is, your chance to sponsor legislation expanding and redesignating the Anchorage Coastal Wildlife Refuge. As you know, during this last year, the Municipality has been working with various agencies through the Potter Marsh Task Force. One of the issues has been to look over the boundaries of the entire Potter Point State Game Refuge.


In reviewing the boundaries, it was noted that there were portions of state lands and lands conveyed to the Municipality in the vicinity of Pt. Campbell which lie below the toe of the bluff but which are not now included in the State Refuge. The Municipality has been willing to include its lands within the exterior boundary of the Refuge and provide for coordinated management with other state lands.

Initially, the Municipality had hoped to have the legislation in a form which could be introduced and acted on this session. Naturally, we wanted to be able to present an essentially non-controversial piece of legislation that could be supported by both the Municipality and state departments. Understandably, the Department of Fish and Game would like to improve the Refuge boundaries, but there were also some substantive technical land management and resource issues which fall within the responsibilities of the Department of Natural Resources. In the course of doing things right, the process of refinement, coordination and signoff by various interests took a bit longer than I wished, and final resolution was not achieved in time to enable the legislation to move forward this year. However, the draft legislation has now received formal signoff from all divisions in DNR, and Commissioner Wunnicke approved the legislation in May. In fact, the Commissioner noted that the legislation represented "good work in considering all affected responsibilities of DNR".

Sen. Vic Fischer  
June 20, 1984  
Page Two

So here we are. Despite the fact that this session has just ended, I would like to begin talking with you about your legislative program for next year. I and the rest of the Potter Marsh Task Force are aware of your continued interest and support in this area, and I think this legislation could be a positive part of your program for next year.

Sincerely,



Chip Bennerlein  
Executive Manager,  
Public Services

# MEMORANDUM

To Chip  
5/7/84

To Yungana  
9/11/84

# State of Alaska

DEPT. OF NATURAL RESOURCES, DIV. OF LAND & WATER MGMT., SOUTHCENTRAL DISTRICT

TO: Esther C. Wunnicke  
Commissioner

DATE: April 6, 1984

FILE NO:

THRU: James K. Barnett  
Deputy Commissioner

TELEPHONE NO: 276-2653

THRU: Bob Arnold  
Deputy Commissioner

SUBJECT: Decision Memorandum #57  
Anchorage Coastal Game  
Refuge

FROM: Tom Hawkins  
Director

*Tom Hawkins*

## Statement of Issue

What is the Department of Natural Resources position on proposed legislation establishing Anchorage Coastal State Game Refuge?

## Background

This legislation, as drafted by the Municipality of Anchorage, proposed to amend AS 16.20.030(b) which established Potter Point Game Refuge. The amending legislation would accomplish the following objectives:

1. Rename the area "Anchorage Coastal State Game Refuge."
2. Add additional lands to the Refuge tidelands and near shore upland from Point Campbell to Point Woronzof.
3. Provide a more precise legal description for refuge lands.
4. Permit management of Municipal land by the Alaska Department of Fish and Game subject to approval by the Municipality.
5. Restriction on property acquisitions by the State to "purchase, exchange, or otherwise ....."

## Issues

1. Extension of Refuge.

The present refuge ends at Point Campbell. This proposed legislation would extend the refuge northward to Point Woronzof which would include state tidelands offshore of municipal lands for a stretch of four miles. These tidelands are all covered with offshore prospecting permits or issued leases about to expire.

2. Name of Refuge.

The issue is self-explanatory. One suggested change in the title would substitute the word "Wildlife" in place of "Game". Wildlife would better describe the diversity of species found within the area.

3. Legal Description

- a. Throughout the proposed description, the 20 foot contour is used as a landward limit for the refuge. This is not a widely accepted method of describing land due to the resulting difficulties of locating those boundaries on the ground.

The 20 foot contour, in this case approximates the "toe of the slope" along the escarpment from Potter Creek to Point Woronzof. One area of departure from this generality is the delta outwash from Rabbit Creek; here the slopes are more gentle and the "toe" of the slope is less apparent, therefore the 20 foot contour is less discernable on the ground. If the 20 foot contour is left as a part of the legal description it will be especially important for the legislation to carry with it an appropriation for survey. DTS estimated the cost of survey for the Potter Marsh area at \$172,000. DTS is currently working on a refinement of the legal description.

4. Management Authority on MOA land.

The proposed legislation is specific. It restricts state management to the Department of Fish and Game of Municipality-owned land within the refuge boundaries. The assumed intent is consolidated and therefore consistent management. Clarification of this delegation related to land use authorizations should be forwarded in the proposed legislation as we interpret ADF&G's permitting authority to be limited. It is recognized that ADF&G has broad powers to manage the State's fish and wildlife resources, A.S. 16.20.010(1), regardless of the land ownership. Responsibility for surface use authorizations should remain with the Municipality as the ADF&G does not have that mandate.

5. State land acquisitions.

The proposed legislation reads "the State may not acquire by eminent domain privately owned land within the refuge boundary ...". The refuge encompasses several miles of the Alaska Railroad and the Seward Highway (old and new). The proposed wording would not distinguish land acquisition for transportation purposes from refuge purposes. The substitution presented below should clarify this situation.

"The State may not acquire land for refuge purposes by eminent domain within the refuge boundary ...".

6. Refuge Management Plans.

The "management" plan being developed by ADF&G, DNR and other agencies is following the "Special Areas Program" which describes the ADF&G's planning process for refuges, critical habitat areas, sanctuaries, ranges and endangered species habitat. The Division of Land and Water Management, in its participation on the task force has not recommended a separate DNR plan for the area. DLWM approach has been to contribute to the development of the two primary ADF&G products: a "Strategic Plan" and an Operational Plan. The Strategic Plan provides long-range policy guidance and the operation plan provides a working document for specific projects, updated yearly or as needed. This type of cooperative involvement will then provide the background necessary for the development of DNR regulations governing non-refuge related land uses that may be applied for within the refuge.

With the above background, additional language should be developed in order to incorporate the DNR land use regulation responsibility into section (b)(5) of the proposed legislation. A draft of this wording follows:

"The Anchorage Coastal State Wildlife Refuge will be managed in accordance with management plans prepared by the Alaska Department of Fish and Game and endorsed by the Boards of Fish and Game; and land use regulations developed by the Alaska Department of Natural Resources, in consultation with the Municipality of Anchorage."

7. Mineral Estate.

No mention is made in the proposed mineral estate. The tidal and submerged land enclosed in the proposed boundary is completely covered by offshore prospecting permit applications, some of which are now being adjudicated by the Division of Mining. Division of Mining has suggested a boundary change near the Point Woronzof applications. Refer to attached map.

Options

1. Refuge extension.

- a. Extend refuge as proposed by municipality. This area is included with the Municipality's AMSA as a part of the coastal plan.
- b. Extend refuge but modify seaward limit as proposed by Division of Mining; see attached map. This would reduce conflict in area of OPP's being adjudicated.

- c. Do not extend refuge. This option would allow OPP operations to continue in an area of high interest to gold placer/gravel interests.
2. Name of Refuge.
  - a. Anchorage Coastal State Game Refuge.
  - b. Anchorage Coastal State Wildlife Refuge.
  - c. Other.
3. Legal Description.
  - a. Utilize a combination of survey methods and legal descriptions; Aliquot part descriptions where they apply to surveyed state, municipal and private lands. Use metes and bounds descriptions to areas unsurveyed. Use a surveyed meander to approximate the toe of bluff or the 20 foot contour line with the toe of bluff controlling where it is apparent.
  - b. Utilize a 20 foot contour and aliquot part boundaries as presently proposed.
4. ADF&G management of MOA land.
  - a. Comment to MOA of ADF&G limited authority.
  - b. Legislation as proposed.
5. State land acquisition.
  - a. Suggested ~~wording~~ <sup>working</sup> above.
  - b. Other wording.
6. Refuge management plans.
  - a. ADF&G planning lead with ADNR input and ADNR regulations.
  - b. ADNR management plan plus ADF&G system.
7. Mineral Estate.
  - a. Close all lands within Refuge boundary.
  - c. Close all lands within Refuge boundary as amended by Division of Mining.

Decision Memorandum #57  
April 6, 1984  
Page 5

Recommended Option

1. Extend refuge boundary to include nearshore uplands and tidelands from Point Campbell to Point Woronzof using the seaward boundary suggested by Division of Mining.
2. Name - Anchorage Coastal State Wildlife Refuge.
3. Legal Description.
  - a. Utilize the combination of metes/bounds, meander and aliquot part descriptions.
4. ADF&G and MOA utilize a cooperative agreement which specifies management responsibilities for each organization.
5. State land acquisition wording above.
6. Option a - ADF&G plans with complimentary ADNR land use regulations.
7. Close all lands to mineral entry using the amended boundary suggested by Division of Mining.

TJH:PCB:dm

Decision Memo #57

Tom Hawkins  
Tom Hawkins, Director  
Division of Land and Water Management

AGREE  DISAGREE

Date 4/16/84

Comments: \_\_\_\_\_

Neil Johnsen  
Neil Johnsen  
Division of Parks

Date 16 APRIL 84

Comments: \$ Outdoor Recreation

Kay Brown  
Kay Brown  
Division of Minerals and Energy Management

Date 4-16-84

Comments: \_\_\_\_\_

Pedro Denton  
Pedro Denton  
Division of Mining

Date 4-16-84

Comments: \_\_\_\_\_

Ross Scharf  
Ross Scharf  
Division of Geological and Geophysical Survey

Date 4-16-84

Comments: \_\_\_\_\_

James R. Anderson

4-16-84

Decision Memorandum #57

John Sturgeon  
John Sturgeon  
Division of Forestry

✓  
Date 4-16-84

Comments: \_\_\_\_\_  
\_\_\_\_\_

Bill Heim  
Bill Heim  
Division of Agriculture

✓  
Date 4/16/84

Comments: \_\_\_\_\_  
\_\_\_\_\_

Robert Arnold  
Robert Arnold, Deputy Commissioner  
Department of Natural Resources

✓  
Date 5/2/84

Comments: \_\_\_\_\_  
\_\_\_\_\_

James K. Barnett  
James K. Barnett, Deputy Commissioner  
Department of Natural Resources

✓  
Date 4-16-84

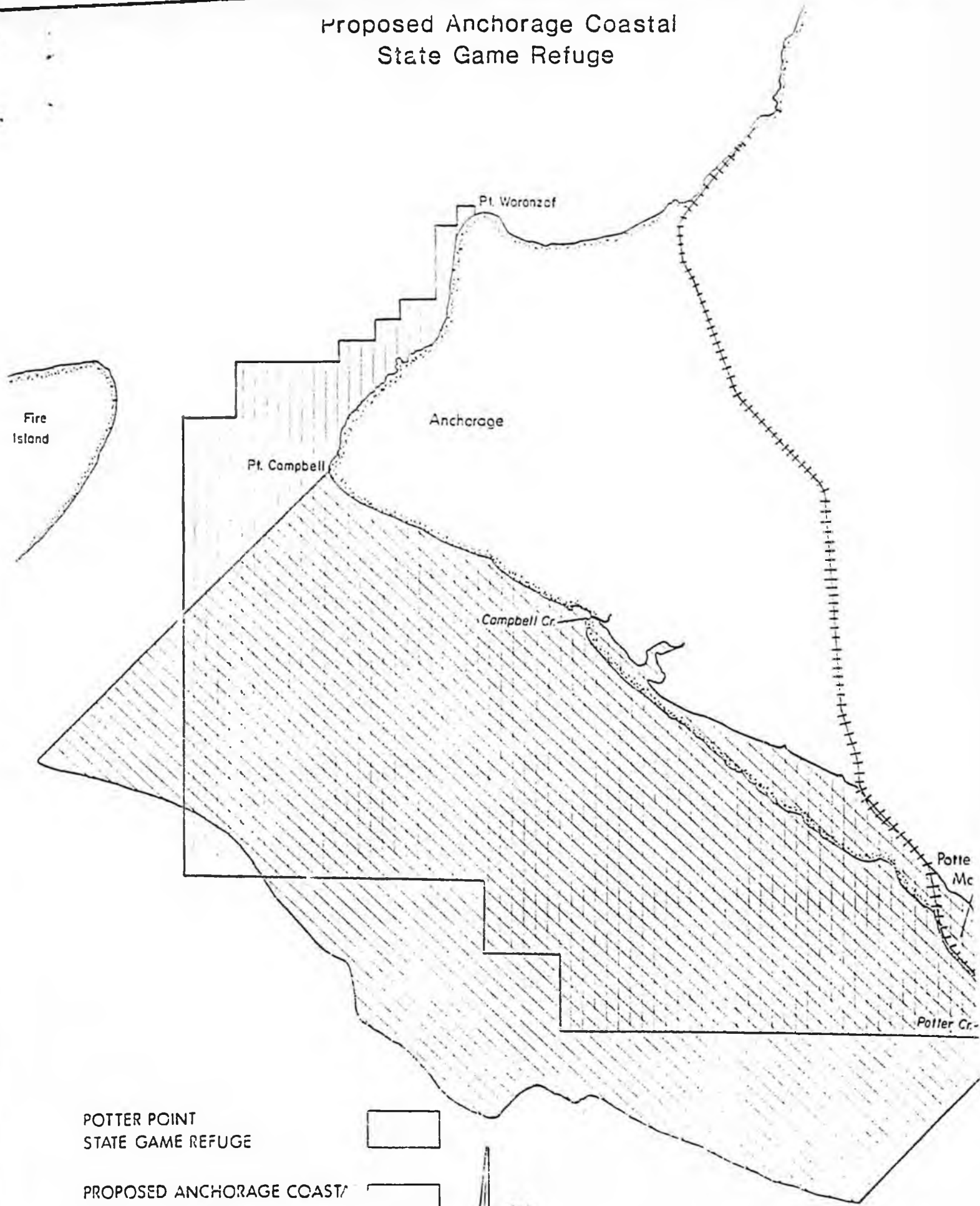
Comments: \_\_\_\_\_  
\_\_\_\_\_

Esther C. Wunnicke  
Esther C. Wunnicke, Commissioner  
Department of Natural Resources

5-2-84 Wunnicke  
Date \_\_\_\_\_

Comments: Good work in considering all affected  
responsibilities of DNR. W

# Proposed Anchorage Coastal State Game Refuge



POTTER POINT  
STATE GAME REFUGE



PROPOSED ANCHORAGE COAST/  
STATE GAME REFUGE



0 1 2 3 miles



Municipality  
of  
Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4317

TONY KNOWLES,  
MAYOR

DEPARTMENT OF PROPERTY & FACILITY MANAGEMENT

July 19, 1984

Ginger Balm  
Office of Senator Vic Fischer  
1024 West 6th Avenue  
Anchorage, Alaska 99501

*Ginger*  
Dear ~~Ms. Balm~~:

Chip Dennerlein asked that I send you the enclosed information for Senator Fischer's consideration in establishing his priorities for the 1985 session of the Legislature. The legislation, which in its essence extends the Potter Point State Game Refuge northward to Point Woronzof, was drafted cooperatively by the Municipal Property Management Division and State Fish and Game last November. The need for the bill is established in an element of the Anchorage Coastal Management Plan entitled "Pt. Woronzof-Pt. Campbell Wetlands Master Plan" (enclosed).

This past spring the draft legislation underwent thorough review and approval by the State Department of Natural Resources. The bill has not been redrafted to reflect the department's recommendations, all of which are acceptable to the Municipality. Further, DNR's Division of Technical Services will prepare a legal description for the refuge boundary that would be preferable in its form and specificity.

The Senator should be aware that this legislative proposal has not been subject to public comment or formal Municipal review. We are aware of private parties, including CIRI, that may have an interest in access from the Inlet across the tidal wetlands between Point Campbell and Point Woronzof to public uplands in the vicinity of the International Airport.

Please call 264-4806 if I can be of further assistance.

Sincerely,

Peter Scholes  
Land Bank Officer

264-4806

enclosures (3)



Official Business

# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • 1024 W. 6th Ave., Suite 204 C,  
Anchorage, Alaska 99501  
(907) 278-3654

To: Billy Berrier, Director  
Legislative Legal Services

From: Senator Vic Fischer, Chairman  
Senate State Affairs Committee

Date: July 30, 1984

Re: Bill drafting request/ Potter Point State Game Refuge

I would like a bill drafted, reflecting my sponsorship, extending the boundaries of the Potter Point State Game Refuge to Point Woronzof, as per the attached information.

The enclosed draft should be amended to include all the recommended options from page 6 of DNR's April 6, 1984 decision memorandum #57. Please contact the Division of Technical Services in DNR for a more adequate legal description of the land involved, as per the attached letter from Peter Scholes, MOA Land Bank Officer.

I would like a working draft of this bill as soon as possible in order to schedule public hearings in Anchorage this fall on the proposal. Contact Ginger Baim in my Anchorage office at 278-3654 if you have any questions.

Enclosures

/gb

## Senator Vic Fischer

---

Alaska State Legislature  
1024 W. 6th Avenue, Suite 204C  
Anchorage, Alaska 99501 (907) 278-3654  
During Session • Pouch ✓ • Juneau, Alaska 99811 (907) 465-4954



November 8, 1984

To: Dick Bradley, Attorney  
Legislative Legal Services

From: Ginger Balm, Aide to  
Senator Vic Fischer

Re: New draft request for Anchorage Coastal State Wildlife  
Refuge bill (Work Order # 14-0014).

Before circulating the above bill for comments I'll need some changes to the current draft version. They are:

- A new legal description incorporating the 'tighter' boundary recommended by the Division of Mines. Attached is a complete and accurate legal description for the Anchorage Coastal State Wildlife Refuge. Please contact Debby Clausen at 267-2346 (ADF&G habitat Division) if you have any questions.
- On page 3, line 18, after Fish and Game delete 'and approved by the Board of Game'.

In addition to these changes, the Division of Habitat remains concerned that naming the refuge a wildlife refuge as opposed to a game refuge will present problems to them. Specifically they ask whether their authority, as outlined by statute, over game refuges is assumed to apply to wildlife refuges as well. I'd like a written opinion from you to set them at ease.

I know from working with you in the past that you believe legislation should specifically speak to the issues at hand and leave little for 'assumption' or interpretation. I also know you don't like to clutter legislation with unnecessary language. However, if you feel it's best to incorporate language into the bill to clear up the question, feel free to do so.

Finally, all parties agree that "Anchorage Coastal State Wildlife Refuge" is an unpleasant mouthful and a thoroughly uninspired title. Should a better name occur to you while drafting the bill please speak up - we could use some better suggestions.

I'd like a new draft as soon as possible in order to solicit comments. Call me at 278-3654 should you have any further questions and thanks, as usual, for your help.

Enclosure

**MEMORANDUM** (Brief Communications)

State of Alaska

TO:	Name <i>Ginger Basin</i>	Dept./Div./Sect. <i>Senator Vic Fischer's Office</i>	Mail Stop
FROM:	Name <i>Debby Clausen</i>	Dept./Div./Sect. <i>ADF+G Habitat Division</i>	Telephone <i>267-2346</i>
SUBJ.:	Proposed Anchorage Coastal State <del>Game</del> <sup>Wildlife</sup> Refuge		Date <i>11/6/84</i>

Attached is the legal description that DNR's Division of Technical Services prepared for the proposed Anchorage Coastal State Game Refuge. I have checked this description and think it provides the best legal description developed so far.

*Debby*

*106-14-0014  
DEBBY*

*LETTER FROM DNR'S DIVISION  
DEBETE "AND APPROVED BY THE  
BOARD OF GAME"  
PAGE 13*

LEGAL DESCRIPTION FOR PROPOSED ( )  
ANCHORAGE COASTAL GAME REFUGE

0/15/8

(A) T13N, R4W, Seward Meridian.

New Boundary

0.15

Section 20 - SE1/4 Seaward of the 20 foot elevation contour.

SE1/4 NE1/4 Seaward of the 20 foot elevation contour.

Section 29 - E1/2 Seaward of the 20 foot elevation contour.

SW1/4 Seaward of the 20 foot elevation contour.

Section 30 - SE1/4 SE1/4.

Section 31 - All seaward of the 20 foot elevation contour except NW1/4  
NW1/4.

Section 32 - All seaward of the 20 foot elevation contour.

(B) T13N, R5W, Seward Meridian.

Section 36 - S1/2, all.

S1/2 N1/2, all.

(C) T12N, R4W, Seward Meridian.

Section 6-9 - Seaward of the 20 foot elevation contour.

Section 15 - NW1/4 Seaward of the 20 foot elevation contour.

SW1/4 NE1/4 Seaward of the 20 foot elevation contour.

Govt. Lot 5 and the remainder of the W1/2 SE1/4, all.

SW1/4, all.

Section 16 - Seaward of the 20 foot elevation contour.

( (

Section 17-22 - all.

Section 23 - Govt. Lot 1 and the remainder of the SW1/4, all seaward of the 20 foot elevation contour.

Govt. Lot 2 and the remainder of the S1/2 NW1/4, all seaward of the 20 foot elevation contour.

Govt. Lots 3 and 4, and the remainder of the SE1/4, all seaward of the 20 foot elevation contour.

Section 24 - Tract A, Shorecrest Subdivision (Plat #81-68 Anchorage Recording District), all.

Section 25 - Govt. Lots 1 and 2, and the remainder of the W1/2, all.

Tract A, Johns Park Estates, and the remainder of the NE1/4, all seaward of the 20 foot elevation contour, and excluding Skyway Park Estates, Addn. No. 1.

Govt. Lots 3 and 4, and the remainder of the SE1/4, all.

Section 26-36 - all.

(D) T12N, R5W, Seward Meridian.

Section 1-2 - all.

Section 11-14 - all.

Section 23-26 - all.

Section 35-36 - all.

(

(

(E) T12N, R3W, Seward Meridian.

Section 29 - That portion of the SW1/4 southwesterly of the Alaska Railroad right of way line and southerly of Oceanview Subdivision, Addition No. 6.

Section 30 - That portion of Tract A, Johns Park Estates, seaward of the 20 foot elevation contour.

Govt. Lot 2 and that portion of the SE1/4 NW1/4 southwesterly of Oceanview West Subdivision, Addn. No. 1.

Govt. Lots 3 and 4 and the remainder of the SW1/4, all.

That portion of the SW1/4 NE1/4 and the SE1/4 southwesterly of Oceanview Subdivision, Addn. No. 4 & Addn. No. 6.

Section 31 - all.

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

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

(F) T11N, R3W, Seward Meridian.

Section 3 - Govt. Lot 5, all.

Section 4 - That portion southwesterly of the Old Seward Highway right of way line and The Landings Subdivision which is northeasterly of the New Seward Highway right of way line. Also that portion southwesterly of the Alaska Railroad right of way line.

( (

Section 5-8 - all.

Section 9 - That portion southwesterly of the Alaska Railroad right of way line. Also that portion northeasterly of the New Seward Highway right of way line.

Section 10 - That portion westerly of the Old Seward Highway right of way line which is northeasterly of the New Seward Highway right of way line. Also that portion southwesterly of the Alaska Railroad right of way line.

(G) T11N, R4W, Seward Meridian.

Section 1-4 all.

Section 10-12 all.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

November 21, 1984

SUBJECT: Anchorage Coastal State Wildlife Refuge  
(Work Order No. 14-0014)

TO: Senator Vic Fischer

FROM: Richard A. Bradley  
Legislative Counsel

I have reviewed Ginger Baim's request for a revision of the bill. I may say that the letter was not received in this office until November 19.

And I have some comments.

I have included the description generally as you requested. But I believe that the description may be further improved on. In several places, the word "all" is added to the description; we generally do not use that word when the description standing alone without it comprehends everything. Thus, for example in T13N, R5W, to say "Section 36 - S1/2, all" adds nothing to the identical phrase without it. In those cases, the word has been deleted.

But there is a slightly different usage of "all" within the descriptions that seems to offer possibilities of improvement. For example, in T12N, R4W, Section 15, the language reads: "Gov't Lot 5 and the remainder of W1/2 SE1/4, all." As I understand what is requested there, it should be adequate simply to say "Section 15, W1/2 SE1/4." The fact that the "W1/2 SE1/4" of sec. 15 has been subdivided does not change the fact that what is requested is all of that subdivision of sec. 15.

I believe that in the following instances in addition to the one described, this problem is presented:

- (1) T12N, R4W, Section 23, SE1/4;

Senator Vic Fischer  
November 21, 1984  
Page 2

(2) T12N, R4W, Section 25, W1/2; and

(3) T12N, R4W, Section 25, SE1/4.

I note that the Division of Habitat expresses concern that "naming the refuge as a wildlife refuge as opposed to a game refuge will present problems to them." They seem particularly concerned that naming this refuge as a wildlife refuge creates problems since what they manage under AS 16.20 are game refuges.

I do not understand why the word "wildlife" is particularly preferred to "game". I note that the usual style within AS 16.20 is to describe the management concerns as those involving "game", although AS 16.20 addresses, perhaps accidentally, "Conservation and Protection of Alaskan Wildlife."

But the location of the assigned section to those sections of AS 16.20 concerned with State Game Refuges seems to indicate clearly that the Department of Fish and Game is assigned the management responsibility for the Refuge. And existing Sec. 16.20.031(c) seems to assign management responsibility to the Department of Fish and Game.

But assuming that you would prefer to retain the existing style, I have modified the language of sec. 31(b) slightly to follow the direct language more typically employed in the establishment of state parks.

Normally I would not address the question of the naming of a state park or refuge; this is the kind of thing that legislators are better at than are we lawyers. But since you asked, it seems that the only options that you have (apart from the game vs. wildlife question) lie with the words "Anchorage" and Coastal". One or the other might be deleted or have you considered simply the Turnagain Arm State Wildlife Refuge?

I will be in Anchorage November 19 and 20 taking bill requests; give me a call there if I may assist further.

RAB:ojb  
J9/070

**Municipality  
of  
Anchorage**



POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4111

TONY KNOWLES  
MAYOR

November 27, 1984

Sen. Vic Fischer  
1024 W. Sixth, #204-C  
Anchorage, Alaska 99501

Dear Vic:

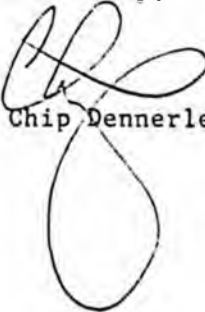
I very much appreciate receiving a copy of your November 26 letter and attachments on the Anchorage Coastal State Wildlife Refuge.

Mayor Knowles has established the post of Manager for Intergovernmental Affairs, and has asked me to assume that responsibility. In addition to helping coordinate efforts with the Legislature, I will be working to facilitate cooperation and coordination with various state and federal agencies concerning a variety of projects affecting Anchorage. Together with the continuing involvement of Bill Miles, this new effort should serve to increase Anchorage's effectiveness with the Legislature in general, and further enhance the working relationship between the Municipality and the Anchorage delegation in particular. Naturally, the upcoming session is foremost in all of our minds, but I will be available to work with you throughout the year.

Our office is at 804 Hill Building, although our mailing address is the same. Our telephone number is 264-4960.

I look forward to a continued working relationship to benefit all of Anchorage. Please don't hesitate to call me. I will certainly be calling on you.

Sincerely,

  
Chip Dennerlein

fo  
6

8  
it

SK/GB



Official Business

# Alaska State Legislature

Pouch V  
State Capitol  
Juneau, Alaska 99811

November 26, 1984

Dear Friend:

Attached is background information on draft legislation that would extend the boundaries of Potter Marsh to Point Woronzof and rename the area as the Anchorage Coastal State Wildlife Refuge.

The attached information should speak for itself. The measure has been reviewed and tentatively approved by agencies charged with land, water, and fish and game management in the area. However, there has been no public review of this specific proposal and, therefore, no "official" action.

We intend to file this legislation in both Houses during the 1985 session. The enclosed draft is a working document to help generate public comment. It can and probably will be changed during the public review process prior to filing, depending on the comments we receive from you.

At this stage, we are asking that comments be submitted, either in writing or directly by phone, no later than January 1, 1985. Please call either Ginger Baim in Senator Fischer's office at 278-3654 or Roger Poppe in Rep. Szymanski's office at 276-6731 should you have any questions.

Thanks for your help on this issue. We are looking forward to hearing from you and hope we can count on your support in creating the Anchorage Coastal State Wildlife Refuge.

Best regards,

Handwritten signature of Senator Vic Fischer.

Senator Vic Fischer

Handwritten signature of Rep. Mike Szymanski.

Rep. Mike Szymanski

WORK DRAFT

WORK DRAFT

WORK DR

14-001  
Bradle  
11/21/

1 IN THE SENATE

BY V. FISCH

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

10 Sec. 16.20.031. ANCHORAGE COASTAL STATE WILDLIFE REFUGE. (

11 The following described state-owned land and water is established  
12 the Anchorage Coastal State Wildlife Refuge and shall be managed for  
13 the protection of waterfowl, shorebirds, and other fish and wildlife  
14 species and for the use and enjoyment of the people of the state:

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

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

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

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

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

23 Section 30: SE 1/4 SE 1/4

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

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

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

29 Section 36: S 1/2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

S 1/2 N 1/2

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

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

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

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

SW 1/4

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

Section 23: Government Lot 1 and the remainder of th  
SW 1/4, all seaward of the 20 foot elevation contou

Government Lot 2 and the remainder of the S 1/2  
1/4, all seaward of the 20 foot elevation contour

Government Lots 3 and 4, and the remainder of the  
1/4, all seaward of the 20 foot elevation contour

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

Section 25: Government Lots 1 and 2, and the remaind  
of the W 1/2, all

Tract A, Johns Park Estates, and the remainder of th  
NE 1/4, excluding Skyway Park Estates, Addition No.

all seaward of the 20 foot elevation contour Govern  
ment Lots 3 and 4, and the remainder of the SE 1/4

all

Sections 26 - 36

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

- (4) Township 12 North, Range 5 West, Seward Meridian  
Sections 1 - 2  
Sections 11 - 14  
Sections 23 - 26  
Sections 35 - 36
- (5) Township 12 North, Range 3 West, Seward Meridian  
Section 29: That portion of the SW 1/4 southwesterly  
of the Alaska Railroad right-of-way and southerly  
Oceanview Subdivision, Addition No. 6  
Section 30: That portion of Tract A, Johns Park  
Estates, seaward of the 20 foot elevation contour  
Government Lot 2 and that portion of the SE 1/4  
1/4 southwesterly of Oceanview West Subdivision  
Addition No. 1  
Government Lots 3 and 4 and the remainder of the  
1/4, all  
That portion of the SW 1/4 NE 1/4 and the SE 1/4  
southwesterly of Oceanview Subdivision, Addition No.  
4 and Addition No. 6  
Section 31  
Section 32: All lands southwesterly of the Alaska  
Railroad right-of-way  
Section 33: All lands westerly of the Alaska Railroad  
right-of-way
- (6) Township 11 North, Range 3 West, Seward Meridian  
Section 3: Government Lot 5  
Section 4: That portion southwesterly of the Old  
Seward Highway right-of-way and The Landings  
Subdivision which is northeasterly of the New Seward

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

Highway right-of-way

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

Sections 5 - 8

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

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

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

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

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

Sections 1 - 4

Sections 10 - 12

(b) The management of the Anchorage Coastal State Wildlife Refuge established under (a) of this section is assigned to the Department of Fish and Game and, except as provided in (c) of this section, shall be managed under a management plan prepared by the Department of Fish and Game.

(c) Land owned by the Municipality of Anchorage that lies within the boundary of the Anchorage Coastal State Wildlife Refuge described in (a) of this section may be included in the Anchorage Coastal State Wildlife Refuge. An agreement between the Department of Fish and Game and the Municipality of Anchorage for the management of the land within the Anchorage Coastal State Wildlife Refuge that is owned by the Municipality of Anchorage shall be approved by the Municipality of Anchorage and by the Board of Game.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

(d) If state law permits a use or activity on land within state game refuges that is not permitted on the land owned by the Municipality of Anchorage, the use or activity is not permitted on the land owned by the Municipality of Anchorage within the Anchorage Coastal State Wildlife Refuge.

(e) The state or the Municipality of Anchorage may not acquire privately owned land within the Anchorage Coastal State Wildlife Refuge described in (a) of this section by eminent domain for inclusion within the Anchorage Coastal State Wildlife Refuge. The Department of Fish and Game or the Municipality of Anchorage may acquire privately owned land within the Anchorage Coastal State Wildlife Refuge by purchase, exchange, or otherwise except by eminent domain.

(f) The land and water areas of the Anchorage Coastal State Wildlife Refuge are closed to mineral entry under AS 38.05.135 and 38.05.280.

\* Sec. 2. AS 16.20.030(b) is repealed.

# Senator Vic Fischer

Alaska State Legislature

Pouch V • Juneau, Alaska 99811 • (907) 465-4954



## SECTIONAL ANALYSIS/ SPONSOR SUBSTITUTUE FOR SENATE BILL 19 ("An act creating the Anchorage Coastal State Wildlife Refuge")

### Scope of legislation:

SSSB 19 would (1) add additional tidelands and near shore upland to the existing Potter Point State Game Refuge, extending its boundaries from Point Campbell to Point Woronzof, (2) rename the area the "Anchorage Coastal State Wildlife Refuge", (3) provide a more precise legal description for refuge lands, (4) permit management of Municipal land by the Alaska Department of Fish and Game subject to approval by the Municipality and (5) restrict property acquisitions by the state and municipality for inclusion within the Refuge to "purchase, exchange, or otherwise", prohibiting acquisition by eminent domain.

### Section 1 - AS 16.20.031 (a):

Enacts new section, AS 16.20.031(a) ANCHORAGE COASTAL STATE WILDLIFE REFUGE. Establishes the Anchorage Coastal State Wildlife Refuge and designates certain state-owned land and water described in subsection (1) through (7) as part of that refuge to be managed for the protection of waterfowl, shorebirds, and other fish and wildlife species and for the use and enjoyment of the people of the state.

(Section 1, subsections (1) through (7) describe the legal boundaries of the state-owned land and water included in the refuge.)

(b): assigns management responsibilities for the Anchorage Coastal State Wildlife Refuge to the Alaska Department of Fish and Game and, except as provided by (c) requires the Refuge to be managed under a management plan prepared by the Department of Fish and Game under AS 16.20.040-16.20.060. (These statutes set general guidelines for ADF&G in managing game refuges and in permitting use, lease or disposal of real property in refuges created under AS 16.20.010-16.20.080).

(c) permits land owned by the Municipality of Anchorage that lies within the boundaries of the Anchorage Coastal State Wildlife Refuge to be included in the Refuge. Requires an agreement between the Department of Fish and Game and the Municipality of Anchorage for the management of municipal owned land within the Refuge to be approved by the Municipality and by the Department of Fish and Game.

(d) provides that a use or activity on land within state game refuges that is allowed by state law will not be permitted on land owned by the Municipality of Anchorage within the Anchorage Coastal

State Wildlife Refuge if such use or activity is not allowed on land owned by the Municipality of Anchorage.

(Example: The discharge of firearms is prohibited on Municipal land. The discharge of firearms within a state wildlife refuge may be permitted under state law but would not be permitted on that portion of land within the refuge that is owned by the Municipality of Anchorage.)

(e) prohibits the Municipality of Anchorage or the state from acquiring privately owned land within the Anchorage Coastal State Wildlife Refuge by eminent domain for inclusion within the Refuge. The Department of Fish and Game or the Municipality of Anchorage may acquire privately owned land within the Anchorage Coastal State Wildlife Refuge by purchase, exchange or otherwise, except by eminent domain.

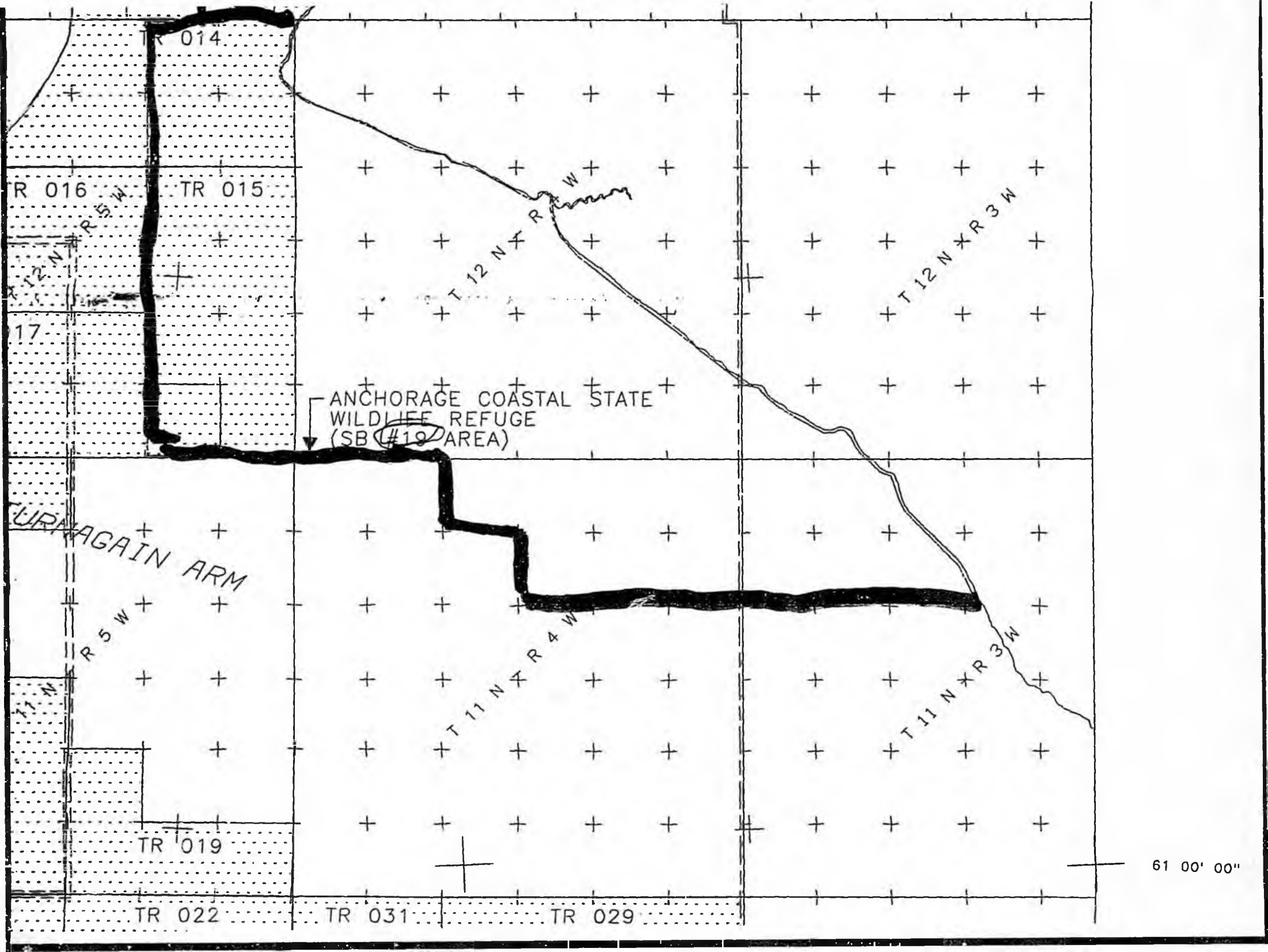
(f) closes the land and water areas of the Anchorage Coastal State Wildlife Refuge to mineral entry under AS 38.05.185-38.05.275. (This does not affect oil and gas leasing).

Section 2:

Repeals AS 16.20.030(b) (existing statute establishing the Potter Point State Game Refuge).

/gb

THE FOLLOWING DOCUMENT HAS  
NOT BEEN FILMED BUT IS  
AVAILABLE IN THE ORIGINAL  
FILE



TR 014

R 016 TR 015

17

ANCHORAGE COASTAL STATE  
WILDLIFE REFUGE  
(SB #19) AREA

UPR AGAIN ARM

TR 019

TR 022

TR 031

TR 029

61 00' 00"



# Alaska State Legislature

Official Business

## Community & Regional Affairs Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 23, 1985

Edna,

Follows is info for your Tuesday, 26 Feb Committee meeting....

Your meeting begins at 4:15 instead of 3:30p due to the Joint Session to hear "State of the Judiciary" and your agreement to give Senator Fahrenkamp some of your time for her HESS meeting.

At 4:15 there will be a teleconference hookup with Anchorage and Mat-Su for purposes of getting testimony on SB 26 - Senator Josephson's bill on notification to Community Councils of certain actions. There now is a Sponsor Substitute as per your memo to Josephson outlining the committee's comments on how the bill ought to be changed. Dave Finkelstein, Josephson's aide is suppose to have a position paper on the bill and at least one new fiscal note. He did not have either as of Saturday, Feb 23. -- I did talk to Joe Lentz' wife about the teleconference, Joe was not at home. I have also notified the Anchorage Federation of Community Councils in Anchorage and the two Anchorage Community Councils in your district.

The Committee is also to take up CSSSSB 19 -- Vic Fischer's bill for an Anchorage Coastal Wildlife Refuge. A committee substitute has been drafted as per the Committee's instructions and Fischer plans to offer an amendment as requested by Cook Inlet Region which will permit surface access to Fire Island. Aspen Corporation (Chuck Becker) was going to protest the bill, but since Becker was in your office, the corporation has been denied a permit by the Dept of Natural Resources, so I don't know if they will protest now.

Vic also has secured a resolution from the Anchorage Assembly in support of the Anchorage Coastal Wildlife Refuge.

On Feb 28....you are to hear in committee...

SB 69 - Regulating the sale of alcoholic beverages, and  
SB 137 - Providing for an office of senior citizen housing and  
an older Alaskans housing fund...

We were requested by the Older Alaskans Commission to hold a teleconference on SB 137-- and it has been set up for Anchorage, Mat-Su, Fairbanks, and Juneau.

I have had no word from any committee member concerning your memo asking for suggestions on holding hearings on SB 142-- Title 29 changes.

*Hvonney*

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

**DIVISION OF OIL AND GAS**

POUCH 7-034  
ANCHORAGE, ALASKA 99510

January 11, 1985

**Sale 46A**  
**Information to Bidders**

**A. Acceptance and Rejection of Bids**

The state hereby expressly reserves the right to reject any bid on any tract. No bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless the following conditions have been met:

1. The bidder has ~~complied with this notice~~ and applicable state regulations and statutes.
2. The bid is the ~~highest~~ valid cash bonus bid.
3. The amount of the bid has ~~been determined to be adequate~~ by the Commissioner of Natural Resources.
4. No bid containing or accompanied by any condition, qualification, or material alteration will be considered.

**B. Pre-Qualification of Bidders**

In order to submit bids for this sale, bidders must be qualified to bid prior to the sale date of February 26, 1985. Qualification procedures are as follows:

1. Individuals - An individual bidder must have a Statement of Qualifications on file at DO&G certifying that he or she is at least 18 years old and a citizen of the United States or is eligible for and has filed for citizenship, or is an alien person entitled to a similar lease by virtue of a treaty between the United States and the nation of which the alien person is a citizen. The statement must include the bidder's name, address, and telephone number and must be signed and dated. If an agent is signing the bid form on behalf of an individual, an original or certified copy of a notarized power-of-attorney document evidencing the authority of the agent to act on behalf of the individual must be on file at DO&G. If a guardian, trustee, or legal representative of an individual is signing on behalf of that individual, a certified copy of the court order authorizing him to act in that capacity and to fulfill the

individual's obligations arising under any lease issued to the individual must be on file at DO&G. A signed statement as to the citizenship and age of the guardian, trustee, or legal representative and the individual must also be submitted to DO&G.

2. Corporations - Corporations must have the following ~~documents on file~~ at DO&G prior to the lease sale:
  - a. Copy of ~~1984 Certificate of Good Standing~~. Bidders do not need a copy of the 1985 Certificate of Good Standing.
  - b. The ~~current address and phone number~~ of the corporation.
  - c. A list of ~~current officers~~ of the corporation that are ~~authorized to sign bids~~ on behalf of the corporation.
  - d. An original or certified copy of a notarized power-of-attorney authorizing any agent who is not a current officer but who has been designated by the corporation to sign a bid on behalf of the corporation.

A Certificate of Good Standing can be obtained by sending 60 cents to State of Alaska, Department of Commerce and Economic Development, Corporation Section, Pouch D, Juneau, Alaska 99811 and requesting the certificate. The Certificate of Good Standing provides written proof that the corporation has paid all taxes, complied with all applicable laws, and is thus qualified to do business in the state. If information previously filed by corporations that have previously qualified to do business in Alaska is still current, this information may be incorporated together with a statement as to any material changes or amendments.

3. Corporations That Have Not Previously Qualified To Do Business in Alaska - A corporation that has not previously qualified to do business in Alaska must submit the following documents to DO&G:
  - a. If the corporation is a foreign corporation, it must submit a copy of its Certificate of Authority. If the corporation is a domestic corporation, it must submit a copy of its Certificate of Incorporation. A foreign corporation is one that has been incorporated outside the State of Alaska. A domestic corporation is one that has been incorporated within the State of Alaska.
  - b. The current address and phone number of the corporation.
  - c. A list of current officers of the corporation that are authorized to sign a bid on behalf of the corporation.

- d. An original or certified copy of a notarized power-of-attorney authorizing any agent who is not a current officer but who has been designated by the corporation to sign a bid on behalf of the corporation.

In order to receive a Certificate of Authority, foreign corporations must submit a packet of completed forms entitled "Instructions for qualifying a foreign corporation to do business in the State of Alaska" to the Department of Commerce and Economic Development, Corporation Section, Pouch D, Juneau, Alaska 99811. This form can be obtained by writing or telephoning DO&G, Pouch 7-034, Anchorage, Alaska, 99510 (907-276-2653). In order to receive a Certificate of Incorporation, domestic corporations must submit Articles of Incorporation to the Department of Commerce and Economic Development. Upon proper application, the Department of Commerce and Economic Development will issue a Certificate of Authority or Certificate of Incorporation. Please allow two to three weeks for the processing of these certificates.

4. Partnerships or Other Unincorporated Associations - A partnership or unincorporated association must submit the following documents to DO&G prior to the lease sale:
  - a. A statement describing the business relationships between members or partners.
  - b. A statement of qualifications for each member stating that each member is at least 18 years of age and a citizen of the United States, or is eligible for and has filed for citizenship, or is an alien person entitled to a similar lease by virtue of a treaty between the United States and the nation of which the alien person is a citizen.
  - c. If an agent is signing the bid form on behalf of the partnership or association, an original or certified copy of a notarized power-of-attorney defining the agent's authority to sign the bid on behalf of the partnership or association.

C. Bid Submission

Bids will be received by the Director of the Division of Oil and Gas or her authorized agent in Room 39 (3rd Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska, between the hours of 9 a.m. and 4 p.m. on February 25, 1985. Bids that are mailed to the Director, DO&G, Pouch 7-034, Anchorage, Alaska 99510 must be received no later than February 25, 1985. Bids will also be received at the Division's temporary office at the Anchorage Westward-Hilton Hotel, 500 W. 3rd Ave., in Anchorage between 8 a.m. and 9 a.m. on February 26, 1985. No bids will be received after 9 a.m., February 26, 1985.

Bids will be received and processed on February 26, 1985 in the following manner:

1. 8 a.m.-9 a.m. - bids will be received in the "Alaska Room."
2. 9 a.m. - closing of bid submission.
3. 9 a.m.-10:30 a.m. - opening of the bids by DO&G personnel. The opening of bids is for the sole purpose of publicly announcing and recording bids received. No bids will be accepted or rejected at this time.
4. 10:30 a.m. - public reading of the bids will begin in the "Main Ballroom."

D. Form for Submission of Bids

1. A separate bid must be submitted for each tract.
2. Each bid must be submitted separately in a single envelope. The envelope should be marked "State of Alaska Competitive Oil and Gas Lease Sale 46A; not to be opened until 9 a.m., February 26, 1985; Tract # \_\_\_\_\_." No other statements, information, or identification should appear on the outside of the envelope.

The following items must be contained in each envelope:

- a. An executed bid form DO&G 1-85 or an exact copy of that form. The bidder or the agent authorized to receive notices on behalf of all bidders should state his or her name, company (if applicable), address, and telephone number on the bid form. All lease-interest percentages must be represented by numbers with the fractional interest carried out to no more than five decimal places. No bids with the lease-interest represented by fractions will be accepted unless the fraction can be expressed in decimals of no more than five digits without rounding off. The sum of the lease-interest ownerships covered by this bid must be exactly 100.00000 percent.
- b. Bid Deposit: Check or money order made payable to the "Department of Revenue, State of Alaska." Bid deposits must be in U.S. dollars and must be tendered in cash or by money order, cashier's check, certified check, or treasurer's check in the total amount of 20% of the total cash bonus being offered for the tract. No bid for less than a full tract will be considered. Checks drawn on Alaska banks will be presented February 26, 1985, for payment in federal funds at the Alaska National Bank of the North.

3. Under 11 AAC 82.430, joint bids must disclose, and the bid form must be signed by or on behalf of, each person who has any working interest in the bid or who will receive any working interest in any lease issued in this sale by virtue of any agreement or understanding, oral or written. This requirement does not mean that persons who are interested in a bid only as stockholders in a corporation must sign the bid and lease form and does not mean that the designated information must be furnished as to those persons. Joint bids must state the percentage of interest of each bidder and must designate one person who is authorized to receive notices on behalf of all the bidders.

E. Method of Handling Bid Deposits and Lease Awards

1. Bid deposits will be safeguarded against theft, misappropriation and loss. Receipt of a bid deposit by the state does not constitute and shall not be construed as acceptance of any bid on behalf of the state.
2. A bidder submitting a bid which is not the apparent high bid may pick up the bid deposit from 2:30 to 4 p.m., February 26, 1985, in Room 39, (Third Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska. Bid deposits also will be returned from 9 a.m. to 3 p.m. on February 27, 1985, in Room 39, (Third Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska.
3. A bidder whose bid deposit for an apparent high bid is tendered by cashier's check, treasurer's check, or certified check drawn on a non-Alaska bank must wire transfer funds in the amount of such bid deposit on February 27, 1985, no later than noon E.D.T. (8 a.m. A.D.T.), to: First Pennsylvania Bank of Phil., ABA # 031000024, for credit to State of Alaska, Account # 07/089250/00, Attn: Catherine Hess. It is not necessary that separate wire transfers be made if more than one bid deposit is being transferred to the account. Each apparent high bidder making a wire transfer to this account must Telex the following information to the Alaska Department of Revenue, Treasury Division (Telex No. 099-45-333) and the Department of Natural Resources, DO&G (Telex No. 090-25-360): the amount of each bid deposit comprising the wire transfer, the tract number to which each bid deposit applies, the originating bank of the wire transfer, and the name(s) of the bidder's partner(s), if any, on whose behalf a bid deposit is being wire transferred. Upon notification of receipt of a wire transfer, the cashier's check(s), treasurer's check(s) and certified check(s) for the bid deposit(s) corresponding to that wire transfer will be returned from 10 a.m. to 3 p.m., February 27, 1985 in Room 33 (Third Floor) of the Olympic Building, 555 Cordova Street, Anchorage, Alaska.
4. If a bid deposit for an apparent high bid is tendered in cash, by money order, or is a certified, treasurer's, or cashier's check drawn on an Alaska bank, the bidder will not be required to wire transfer federal funds for that bid deposit. Such checks will be presented February 26, 1985, for payment in federal funds at the Alaska National Bank of the North.

5. Upon rejection by the State of Alaska of any apparent high bid, the amount of the bid deposit for that bid will be mailed to the bidder. A bidder who is unable to pick up a bid deposit in the manner described above may submit with the bid written instructions for return of the bid deposit.
6. Upon acceptance of a bid by the Commissioner of Natural Resources, the successful bidder will be notified by certified mail of the lease award and will be sent two copies of the lease for signature. Within 30 days of the date that the bidder receives notification of the lease award, the bidder must: 1) sign both copies of the lease; 2) return them to the Division of Oil and Gas for execution; 3) pay the balance of the cash bonus and accrued interest, and 4) pay for the first year annual rental. Interest of 7.78% per annum (which is the market interest rate for 90-day U.S. Treasury bills prevailing during the week of January 7 - 11, 1985) will be charged on the balance of the cash bonus accruing from the date following the successful bidder's receipt of the notification of the lease award up to and including the date of payment. Interest must be paid on the cash bonus only and not on the first year of rental. Payment of the balance of the cash bonus, accrued interest and rental must be accomplished in the following manner:

The successful bidder will wire transfer federal funds in the amount of the balance of the cash bonus and accrued interest, and annual rental for the first year to: First Pennsylvania Bank of Phil., ABA #031000024, for credit to State of Alaska, Account #07/089250/00, Attn: Catherine Hess. The wire transfer should specify on whose behalf and on what tracts the balance, interest, and rental is being paid. If possible, bidders should use only one wire transfer. Interest calculations should be based on a 360-day year times the actual number of days that interest is owed.

In addition, the successful bidder must simultaneously send the following information by telex to the State of Alaska, Department of Revenue, Treasury Division (Telex No. 099-45-333): the amount of rental, interest, and balance of cash bonus being paid per tract; the name(s) of the bidder(s) on whose behalf the funds are being wire transferred; and the originating bank of the wire transfer.

## SALE MEASURES

AS 38.05.035(e) and the departmental delegation of authority provide the Director, Division of Oil and Gas, with the authority to impose conditions or limitations, in addition to those imposed by statute, to ensure that a resource disposal is in the state's best interests. Lease stipulations will be enforced throughout the term of the lease. Measures listed under Plans of Operations and Other Terms of Sale will be imposed through plans of operations and other permits to mitigate the adverse social and environmental effects of lease activities. These measures have been developed after considering A Social, Economic and Environmental Analysis of a State Oil and Gas Lease Sale in Upper Cook Inlet (Sale 33), A Social, Economic and Environmental Analysis of a State Oil and Gas Lease Sale in Lower Cook Inlet (Sale 35), agency revisions to these documents, public comments, and measures imposed in other oil and gas lease sales.

### Lease Stipulations

#### 1. Spill Prevention, Control, and Countermeasure (SPCC) Plan:

A Spill Prevention, Control, and Countermeasure Plan must be submitted to the Department of Environmental Conservation prior to onshore drilling operations and construction of onshore oil and gas storage facilities (with a capacity of greater than 660 gallons), transfer, and transportation facilities. In addition to addressing the prevention, detection, and clean up of oil, the SPCC plan for drilling operations should include, but not be limited to, methods for controlling blowouts, location of spill clean up equipment, identification and location of a suitable alternative drilling rig, and the time required to obtain equipment, mobilize, rig-up, and commence drilling of a relief well, if needed.

#### 2. Discovery of historic or archeologic objects:

In the event any site, structure, or object of historic or archeologic significance is discovered during operations on the leased area, the lessee must report such findings immediately to the Director, Division of Oil and Gas, and make every reasonable effort to preserve and protect such site, structure, or object from damage until the Director, Division of Oil and Gas, after consultation with the State Historic Preservation Officer, has given directions as to its preservation.

### Plans of Operations and Other Terms of Sale

Lessees must submit a detailed plan of operations to the Division of Oil and Gas for approval before conducting any exploratory or development operations. Plans of operations must identify the specific measures, design criteria and construction methods and standards that will be employed to meet the restrictions listed below. For exploration and development activities occurring within the Municipality of Anchorage or the Matanuska-Susitna Borough, the lessee shall concurrently submit an informational copy of its plan of operations to the municipality or borough. Review of plans of

operations and other required permits will be in accordance with consistency review procedures established under 6 AAC 50. Except as indicated, the restrictions listed below do not apply to geophysical exploration on state lands. Geophysical exploration activities are governed by 11 AAC 96. The following restrictions will be imposed on lands leased in this sale as a condition of the approval of plans of operation:

General:

1. Plans of operations for lease activities and specific permit applications which are subject to approval by the U.S. Corps of Engineers; which require a Certificate of Reasonable Assurance from the Department of Environmental Conservation; or which require other state agency authorizations must be submitted simultaneously for state agency review and approval at least 60 days prior to the conduct of such activities.
2. During the conduct of all activities related to this lease, the lessee will be subject to the standards of the ACMP, the Matanuska-Susitna Borough Coastal Management Plan, or the Municipality of Anchorage's Coastal Management Plan, as applicable. The Division of Oil and Gas will require, as a condition for consistency approval of lease operations, such modification or stipulations as may be necessary to ensure consistency with the Alaska Coastal Management Program, and with sound planning and management of coastal zone resources.
3. An Oil Discharge Contingency Plan will be required for offshore operations pursuant to AS 46.04.030.
4. Onshore exploration activities must be supported by vehicles which do not cause significant damage to vegetation or the ground surface, or by existing road systems and port facilities, or air service. Local roads in the vicinity of exploration sites may be allowed. Unrestricted surface travel may be permitted if an emergency condition exists. Construction of year-round roads will be prohibited during the exploration phase of oil and gas development unless it can be shown to be in the state's best interests to have a permanent road constructed. When allowed, permanent roads must be designed, constructed, and maintained to the satisfaction of the Director, Division of Oil and Gas.

Facilities and Structures:

5. The siting of onshore facilities, other than roads, docks or pipeline crossings, will be prohibited within 500 feet of all fishbearing streams and lakes unless it is shown to the satisfaction of the Director, DO&G, after consultation with the Department of Fish and Game, that alternative site locations outside this buffer zone are not feasible or prudent. Additionally, the siting of facilities within one-quarter mile of the banks of the Anchor and Kenai Rivers will be discouraged and may be prohibited. Road and pipeline crossings must be aligned perpendicular or near perpendicular to watercourses.
6. Measures will be required to minimize the impact of industrial development on key wetlands that are hydrologically important to fish, waterfowl, or shorebirds. Specific measures include the requirements that:

- a. Lessees must identify on a map or aerial photograph the largest surface area within which it is anticipated that a facility is to be sited, or an activity is to occur. The map or photograph must accompany the plan of operations submitted to the Division of Oil and Gas. The Division of Oil and Gas will consult with the Department of Fish and Game to identify the least environmentally sensitive area(s) within the industry-identified area of interest. The industry-identified surface area must be large enough to contain the proposed facility and to accommodate planned expansion.
  - b. Drill pads, roads, pipelines, and other facilities must be sited outside of productive wetlands that are hydrologically important to fish, waterfowl, or shorebirds, unless the Director, Division of Oil and Gas, after consultation with the Department of Fish and Game, determines that there are no feasible or prudent alternatives.
  - c. Where facilities must be sited within wetlands that are hydrologically important to fish, waterfowl, or shorebirds, such facilities will be sited, designed, and constructed in a manner that will maintain natural hydrological patterns and prevent oil contamination.
  - d. Draining or dewatering wetlands that are hydrologically important to fish, waterfowl, or shorebirds is prohibited, unless no feasible or prudent alternative exists.
  - e. Dredging or filling of key wetlands that are hydrologically important to waterfowl or shorebirds will not be allowed unless the activity will not cause adverse impacts to the wetlands and no feasible or prudent alternative exists.
7. Impermeable lining and diking will be required for sewage ponds and onshore oil storage facilities (with a storage capacity greater than 660 gallons). Buffer zones of not less than 100 feet and up to 1,500 feet will be required to separate onshore oil storage facilities (with a capacity greater than 660 gallons) and sewage ponds from marine areas and freshwater supplies, streams and lakes, and wetlands that are important to fish, waterfowl, or shorebirds unless the Director, Division of Oil and Gas, after consultation with the Department of Environmental Conservation, determines that such a requirement is not feasible or prudent. Sumps and reserve pits must be impermeable and otherwise fully contained through diking or other means.
  8. To the extent feasible and prudent, all lease activities and structures must be designed, sited, and constructed to maintain normal water flow and drainage patterns and to allow free movement and safe passage of fish and mammals.
  9. Facilities and surface transportation routes will, to the extent feasible and prudent, be sited and consolidated to avoid sensitive fish and wildlife habitat.
  10. Exploration facilities, with the exception of drill pads and airstrips, must be temporary and must not be constructed of gravel. However, use of existing abandoned gravel structures may be permitted on an individual

- a. Lessees must identify on a map or aerial photograph the largest surface area within which it is anticipated that a facility is to be sited, or an activity is to occur. The map or photograph must accompany the plan of operations submitted to the Division of Oil and Gas. The Division of Oil and Gas will consult with the Department of Fish and Game to identify the least environmentally sensitive area(s) within the industry-identified area of interest. The industry-identified surface area must be large enough to contain the proposed facility and to accommodate planned expansion.
  - b. Drill pads, roads, pipelines, and other facilities must be sited outside of productive wetlands that are hydrologically important to fish, waterfowl, or shorebirds, unless the Director, Division of Oil and Gas, after consultation with the Department of Fish and Game, determines that there are no feasible or prudent alternatives.
  - c. Where facilities must be sited within wetlands that are hydrologically important to fish, waterfowl, or shorebirds, such facilities will be sited, designed, and constructed in a manner that will maintain natural hydrological patterns and prevent oil contamination.
  - d. Draining or dewatering wetlands that are hydrologically important to fish, waterfowl, or shorebirds is prohibited, unless no feasible or prudent alternative exists.
  - e. Dredging or filling of key wetlands that are hydrologically important to waterfowl or shorebirds will not be allowed unless the activity will not cause adverse impacts to the wetlands and no feasible or prudent alternative exists.
7. Impermeable lining and diking will be required for sewage ponds and onshore oil storage facilities (with a storage capacity greater than 660 gallons). Buffer zones of not less than 100 feet and up to 1,500 feet will be required to separate onshore oil storage facilities (with a capacity greater than 660 gallons) and sewage ponds from marine areas and freshwater supplies, streams and lakes, and wetlands that are important to fish, waterfowl, or shorebirds unless the Director, Division of Oil and Gas, after consultation with the Department of Environmental Conservation, determines that such a requirement is not feasible or prudent. Sumps and reserve pits must be impermeable and otherwise fully contained through diking or other means.
  8. To the extent feasible and prudent, all lease activities and structures must be designed, sited, and constructed to maintain normal water flow and drainage patterns and to allow free movement and safe passage of fish and mammals.
  9. Facilities and surface transportation routes will, to the extent feasible and prudent, be sited and consolidated to avoid sensitive fish and wildlife habitat.
  10. Exploration facilities, with the exception of drill pads and airstrips, must be temporary and must not be constructed of gravel. However, use of existing abandoned gravel structures may be permitted on an individual

must be formulated and implemented by qualified instructors experienced in each pertinent field of study and must employ effective methods to ensure that personnel understand and use techniques necessary to preserve archeological, geological, and biological resources. The program must also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating. The lessee must also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Access:

17. No restriction of public access to, or use of, the leased area will be permitted as a consequence of oil and gas activities except in the immediate vicinity of drill sites, buildings and other related structures. Such areas where access is to be restricted must be identified in the plan of operations. No lease facilities or operations may be located where they would block public access to or along navigable and public water as defined in AS 38.05.965(12) and (16). If lease facilities will be located in the vicinity of these public waters, an easement will be reserved under AS 38.05.127 and 11 AAC 53.330 to ensure the right of public access.
18. Surface use will be restricted, as necessary, to prevent unreasonable conflicts with local subsistence harvests.

Third Party Interests:

19. If only the subsurface estate is owned by the state, or if the surface is owned by the state but subject to third party interests, the lessee must not enter upon such land until the lessee makes a good faith effort to agree with the surface interest holder on settlement of damages that may be caused by lease activities. If an agreement cannot be reached, the Director, Division of Oil and Gas, has the authority to approve the activity, provided adequate provisions have been made with the state to pay for any damages the surface interest holder may suffer.
20. The proposed activities under a plan of operations must not unreasonably diminish the use and enjoyment of lands encompassed within a native allotment. Before entering a pending or approved native allotment, lessees must contact the Bureau of Indian Affairs and the Bureau of Land Management and obtain approval to enter, if required. Lessees must also comply with applicable federal law on native allotments.

Archeological and Historical Sites:

21. Prior to the construction or placement of any onshore structure, road, or facility resulting from exploration, development, or production activities, the lessee must conduct an inventory of archeological and historical sites within the area affected by a proposed activity. Such inventory must consider literature provided by the Municipality of Anchorage, Matanuska-Susitna Borough, Kenai Peninsula Borough, and local residents; documentation of oral history regarding historic and

prehistoric uses of such sites; evidence of consultation with the Alaska Heritage Resources Survey and the National Register of Historic Places; and site surveys. The inventory must also include a detailed analysis of the potential effects estimated to result from the proposed activity. The inventory must be submitted to the Director, Division of Oil and Gas, and the Director of the Division of Parks and Outdoor Recreation. In the event that an archeological or historical site or area may be adversely affected by an activity, the Director, Division of Oil and Gas, after consultation with the Director of the Division of Parks and Outdoor Recreation, will direct the lessee as to what course of action will be necessary to mitigate the adverse effect.

#### Fishbearing Streams:

22. The measures listed below will be imposed by the Department of Fish and Game under Title 16 of the Alaska Statutes to protect anadromous streams. Similar provisions will be imposed by the Department of Natural Resources to protect nonanadromous fishbearing streams. Exceptions to these requirements may be allowed on a case-by-case basis by the agency having jurisdiction.
  - a. Alteration of river banks will be prohibited.
  - b. Operation of equipment within riparian habitats will be prohibited.
  - c. The operation of equipment, excluding boats, in open water areas of rivers and streams will be prohibited.
  - d. Bridges must be used as watercourse crossings whenever feasible. Culverts may be used only when bridges are shown not to be feasible or prudent. The siting, design, and construction of both bridges and culverts must be approved prior to the placement of either of these structures.
  - e. Removal of water from fishbearing waterbodies shall be subject to prior approval by the Division of Land and Water Management and the agency having jurisdiction. Compaction or removal of snow cover overlying fishbearing waterbodies will be prohibited except to accomplish perpendicular crossings. If ice thickness is not sufficient to facilitate a crossing, ice and/or snow bridges will be required.
  - f. Water intake pipes used to remove water from fishbearing streams and lakes must be surrounded by a screened enclosure to prevent fish entrainment and impingement. Pipes and screening must be designed and constructed so that the maximum water velocity at the surface of the screen enclosure is no greater than 0.1 foot per second. Screen mesh size must not exceed 0.04 inch unless the use of another size has been approved.
  - g. To protect fish and other aquatic fauna, geophysical surveys in freshwater will require the use of nonexplosive energy sources. Explosives must not be detonated within, beneath, or in close proximity to fishbearing waters unless the detonation of the explosive produces a pressure rise in the waterbody of no more than three psi or the

waterbody, including its substrate, is solidly frozen. The minimum acceptable offset from fishbearing streams and lakes for various size charges is:

1-2 pound charge	--	80 feet
5 pound charge	--	120 feet
10 pound charge	--	170 feet
25 pound charge	--	270 feet
100 pound charge	--	530 feet

Lessees are advised that there are numerous documented anadromous streams and lakes within the lease sale area, including the Kenai, Lewis, and Anchor Rivers. Specific information on the location of documented anadromous streams and lakes may be obtained by contacting the Department of Fish and Game.

Disposal of Wastes, Produced Waters, Drilling Muds, and Cuttings:

23. Solid waste disposal is subject to the approval of the Commissioner, Department of Environmental Conservation.
24. All garbage and refuse must be incinerated. Residue and non-burnables must be disposed of at an approved upland site. No new solid fill disposal sites, except possibly for the disposal of drilling muds and cuttings, will be approved during the exploratory phase.
25. Discharge of produced waters, drilling muds, and cuttings:
  - a. Disposal of produced waters to subtidal marine waters of Cook Inlet will be permitted, except as specified in Term 32a. Discharge of produced waters to freshwater bodies, intertidal habitat, and estuarine waters at river mouths is prohibited.
  - b. Disposal of produced waters in upland areas, including wetlands, will be by subsurface disposal techniques, except that the Commissioner of the Department of Environmental Conservation may permit alternate disposal methods if he determines that subsurface disposal techniques are not feasible or prudent.
  - c. Discharge of drilling muds and cuttings to lakes, streams, rivers, intertidal areas, and tidally influenced mouths of rivers is prohibited. Drilling muds and cuttings free of hydrocarbon contamination may be discharged to subtidal marine waters, except that in subtidal marine waters shallower than 3 fathoms, discharge will be restricted to the period occurring two hours before and two hours after each high tide event.
  - d. Disposal of drilling muds and cuttings during development and production will be subject to the conditions of NPDES permits issued by the Environmental Protection Agency and those State of Alaska Coastal Management Program consistency requirements incorporated in or accompanying the NPDES permit.

### Gravel Mining:

26. All gravel mining operations must be consistent with applicable area plans developed by the Department of Natural Resources in coordination with other state and local agencies.
27. In meeting gravel needs for exploration, development, and production, gravel from nearby abandoned drill pads, roads, airstrips, and existing material sites must be used first unless it is demonstrated to the Director, Division of Land and Water Management, after consultation with the Division of Oil and Gas and the Department of Fish and Game that use of these sources is not feasible or prudent or in the state's best interests. The Alaska Oil and Gas Conservation Commission will be consulted when gravel is to be removed from a wellhead.
28. Gravel mining sites for exploration activities will not be allowed within the active floodplains of watercourses, as defines in "Gravel Removal Guidelines Manual for Arctic and Subarctic Floodplains: (U.S. Fish and Wildlife Service, Woodward Clyde Consultants, 1980), unless it is demonstrated to the Director, Division of Land and Water Management, after consultation with the Department of Fish and Game, that no other feasible or prudent alternative exists and that the mining operation(s) will not cause significant environmental impacts. Mining site development and rehabilitation within active floodplains must follow the appropriate procedures outlined in the above referenced report, as determined by the Division of Land and Water Management, after consultation with the Department of Fish and Game. Under AS 16, Department of Fish and Game approval is required if the mining site is located within an anadromous stream or could block fish passage.
29. During development and production, gravel mining within active floodplains will be prohibited. Upland mining sites will be restricted to the minimum number necessary to efficiently develop the field. Where sufficient ground water is not available to meet the anticipated needs of lessees, lessees may be required to design and construct upland gravel sites to function as water reservoirs for future use.

### Seismic Activities:

30. State policy prohibits seismic activities that utilize high velocity explosives in or beneath marine waters.
31. Forest clearing by bulldozer or extensive forest clearing by other means solely for seismic exploration must be approved by the Director, Division of Oil and Gas, after consultation with the Division of Forestry and the Department of Fish and Game.

### Special Areas:

32. The management of legislatively designated state critical habitat areas and game refuges is the responsibility of the Department of Fish and Game under AS 16.20. The Department of Fish and Game is responsible for approving any exceptions to terms of sale imposed on Sale 46A leases in these areas. For activities occurring within a legislatively designated

state critical habitat area or refuge, the lessee will be required to obtain a permit from the Department of Fish and Game which specifies the terms and conditions of lease operations. Permits will be issued upon receipt and approval of detailed plans of operations for all applicable phases of oil and gas development. The Department of Fish and Game will require that all industrial operations within the refuges and critical habitat area comply with all terms and conditions of Sale 46A as well as the requirements listed in this term.

Portions of Tracts 63 and 66 are within the Clam Gulch Critical Habitat. Portions of Tracts 14, 15, 16, and 17 are within the Potter Point State Game Refuge. Portions of Tract 1, 4, 7, 9, and 10 are within the Susitna Flats State Game Refuge. The Municipality of Anchorage has proposed that the boundaries of the Potter Point State Game Refuge be enlarged to include tide and submerged lands extending from Point Campbell to Point Woronzof (portions of Tracts 8, 11, and 14). If the refuge boundaries are extended, the terms of sale applicable to the Potter Refuge will apply to the new area. Until the legislature decides whether to extend the refuge boundaries, plans of operations must address how activities and facilities within the proposed addition will be brought into conformance with terms of sale applicable to acreage within the refuge.

- a. Surface discharge of produced waters will be prohibited. In addition, offshore disposal of produced waters from tracts adjacent to Clam Gulch Critical Habitat Area will be prohibited in subtidal marine waters between the mean lower low water tide line and the three fathom isobath (18 feet).
- b. Disposal of drilling muds and cuttings will be allowed only at approved upland sites. Disposals will not be permitted within Potter Point State Game Refuge and the Clam Gulch Critical Habitat Area.
- c. Surface entry will be prohibited within the Clam Gulch Critical Habitat Area and Potter Point State Game Refuge. Directional drilling will be allowed from adjacent sites.
- d. From April 1 to October 31, aircraft overflights over Potter Point State Game Refuge and the primary waterfowl habitat within the Susitna Flats State Game Refuge will maintain a minimum altitude of 1500 ft. or a horizontal distance of one mile.
- e. No drilling will be permitted until the lessee demonstrates the capability to expeditiously detect, contain, and clean up any hydrocarbon spill that may result from lease activities before the spill significantly impacts fish and wildlife populations or their habitats. This includes the capability to drill a relief well in the event of a loss of well control.
- f. All lease facilities must be designed and constructed to prevent the spread of hydrocarbons and facilitate clean up, both above and below ground.
- g. Lease facilities must include all available design features to minimize the possibility of accidental oil spills or fires resulting from vandalism or hunting accidents.

- h. Upon abandonment or expiration of a lease, all facilities must be removed and the sites rehabilitated to the satisfaction of the Department of Fish and Game, unless the department determines that it is in the best interests of the public to retain some or all of the facilities. Specific rehabilitation requirements will be identified in the Habitat Protection Permit issued under AS 16.20.060.
  - i. All surface exploration and development activities within the Susitna Flats primary waterfowl area will be allowed only between November 1 and March 31, unless an extension is approved by the Department of Fish and Game. Routine maintenance and emergency repairs will be permitted on a year-round basis during the production phase. A detailed plan describing routine maintenance activities to be conducted between April 1 and October 31 must be submitted to the department for review and approval.
  - j. Gravel pads and wellheads are the only permanent above ground structures that will be allowed within the Susitna Flats primary waterfowl area. The design and construction of gravel pads and wellheads must be approved by the Department of Fish and Game and utilize the best available technology to minimize the visual, biological and physical impacts of these structures.
33. Lease activities shall not create an obstruction on the main channel of the Kenai River or obstruct its use by fishing boats and cargo boats.
34. Peregrine falcon nesting sites are not known to occur within the lease sale area. However, lessees are advised that disturbing a peregrine falcon nest violates federal law. If the lessee discovers active peregrine falcon nest sites, the lessee must immediately report the nest locations to the Director, Division of Oil and Gas. To comply with state and federal endangered species acts, the following restrictions will apply in the vicinity of peregrine falcon nest sites, except as approved by the Department of Fish and Game, after consultation with the U.S. Fish and Wildlife Service. All known nest sites will be considered active between April 15 and June 1. Nest sites not having a peregrine falcon present by June 1 will be considered inactive, and oil and gas activities near inactive nests will not be subject to the restrictions listed under b, c, and d below. Activities at existing development sites within two miles of newly established nests will not be subject to these restrictions.
- a. Within one mile (1.6 km) of all nest sites -- Facilities, including but not limited to roads, pipelines, disposal sites, gravel mines, storage facilities and camps will be prohibited.
  - b. Within one mile (1.6 km) of active nest sites -- Between April 15 and August 31, surface entry will be prohibited and aircraft overflights must avoid nest sites by an altitude of 1500 feet (457 m) above nest level.
  - c. Within two miles (3.2 km) of active nest sites -- Noisy activities, including blasting and gravel washing, will be prohibited between April 15 and August 31. Airfields, construction camps, disposal sites,

compressor stations, and other permanent facilities that occupy large areas, are noisy or require sustained human occupancy will be prohibited.

- d. Within 15 miles (24 km) of active nest sites -- Except for limited non-aerial applications of approved non-persistent insecticides, pesticide use will be prohibited.
35. If the lessee discovers previously unreported active or inactive bald eagle nest sites, the lessee must immediately report the nest locations to the Director, Division of Oil and Gas. Lessees are advised that oil and gas activities likely to disturb nesting eagles will be subject to the provisions of the Bald Eagle Act of 1940, as amended. Permanent facilities may be prohibited within one-quarter mile (0.4 km) and will be prohibited within 500 feet of bald eagle nests, whether currently active or inactive. Surface entry, fixed wing aircraft flights below 500 vertical feet, and helicopter flights below 1,500 vertical feet will be prohibited within 500 feet of all active bald eagle nests between April 1 and August 31. Temporary activities within 500 feet of bald eagle nest sites may be allowed between September 1 and March 31 if they will not alter bald eagle habitat. The Department of Fish and Game will make maps identifying documented bald eagle nest site locations available to the Director, Division of Oil and Gas, and lessees within 60 days of the date a request for approval of a plan of operations is received.
36. Surface entry for lease operations, and aircraft overflights below 1,500 vertical feet, will be prohibited within one-quarter mile of trumpeter swan nesting sites during the period May 1 through August 31. The siting of permanent facilities including roads, storage areas, powerlines, and above ground pipelines will be prohibited in a one-quarter mile buffer area unless approved by the Director, Division of Oil and Gas, in consultation with the Department of Fish and Game. At the request of lessees, trumpeter swan nesting sites will be identified by the Department of Fish and Game prior to the submission of plans of operations.
37. Surface entry within tidelands in Tracts 8, 11, 14, and 15, which are identified as tidal flats in the Municipality of Anchorage's coastal management plan, will be prohibited.
38. a. From April 1 to October 31, aircraft overflights over Chickaloon Flats will maintain a minimum altitude of 1500 feet or a horizontal distance of one mile.
- b. Pursuant to the Chickaloon Flats management agreement, site specific mitigation measures may be imposed on lease-related activities on state tidelands during the plan of operations process to protect the area's resource values.