

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

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HB 312



STATE OF ALASKA
HOUSE OF REPRESENTATIVES

update

April 1, 1985

M E M O R A N D U M

TO: House Resources Committee
FROM: Representative Peter Goll
SUBJECT: Briefing Paper for House Bill 312

DUDE CREEK CRITICAL HABITAT AREA

Location

Gustavus, Alaska

Land Status

There are no in-holdings; the parcel proposed for the critical habitat area is state-owned or selected.

History

The residents of Gustavus have been working on the proposal for the past three years. The critical habitat status was selected after a careful review of the available land management options.

The concept was endorsed in a community-wide January, 1984, referendum by a 66-25 vote. A committee of resident citizens was formed to work with the Alaska Department of Fish and Game to develop proposed legislation.

The resulting legislation (House Bill 312) and accompanying letter of intent received the unanimous endorsement of the Gustavus Community Association on March 4, 1985.

Purpose

The wet meadow at the western edge of the community of Gustavus is a major resting area for the Pacific population of Lesser Sandhill Cranes during their annual migration between western Alaska and southern California.

Research shows that half or more of the entire Pacific population of Lesser Sandhill Cranes uses the Dude Creek meadow during the September and April-May migratory periods. The adjacent national park is little used by the cranes.

The crane habitat at Gustavus has been greatly reduced in recent years by development and natural reforestation. The proposed critical habitat area includes the largest remaining block of appropriate habitat in the area. The wet meadow favored by the cranes is very susceptible to alteration by draining. The birds also are very easily disturbed by human presence.

The proposed legislation requested by Gustavus is designed to give the Alaska Department of Fish and Game authority to manage human uses of the Dude Creek wet meadow to protect the habitat needed by the cranes. The legislation and letter of intent also make it clear that existing compatible human uses will be accommodated. The letter of intent also gives ADF&G clear direction to work in close cooperation with Gustavus residents in drafting a management plan.

Call
Nelso
Monday 14th

Representative Peter Goll
Alaska State Legislature
Pouch V
Juneau, AK 99811

Gustavus
Jan. 5, 1985

Dear Representative Goll,

In January, 1984, a referendum (enclosure 1) was sent to all registered Gustavus voters, asking whether they favored creation of a 4100-acre Critical Habitat Area to protect migrating sandhill cranes. This capped a two-year community effort to research the need for protection and the various protective options available.

A committee of Gustavus residents was then formed to act on this mandate. In consultation with Debra Clausen, ADF&G, Habitat Division, we developed a package of background information (enclosure 2), a proposed draft of enabling legislation (enclosure 3), and a boundary map (enclosure 4). This material has now been displayed at the post office for several weeks, and to date we have received no adverse comment on it. We hope that you and Senator Eliason will now begin the process of enactment into law.

In the course of our work on the crane issue, three clearcut community opinions have emerged. First, there is strong sentiment in favor of crane protection. Second, people favor the idea of a Critical Habitat if the community is fully involved in preparing legislation and management plan. And third, many feel that human use should be regulated only to the extent necessary. In particular, the following public uses and activities should be allowed: wildlife viewing, firewood harvesting, mechanical and non-mechanical access, hiking, berry picking, and grazing, unless such activities are documented to be detrimental to the migrating sandhill cranes or their habitat.

There is general agreement that present use types and amounts are not threatening the cranes or their habitat in the area proposed for legislative action. The protective effort was begun because cranes have been substantially excluded from other parts of Gustavus and could be eliminated throughout if future use and development proceed in an unplanned fashion.

Lloyd Prouty, Debbie Woodruff, Morgan DeBoer and I will be glad to provide further information or assist in any way you wish.

Sincerely,

Greg Streveler, Chairman
"Crane Committee"



best
Alaska State
Representative

Gustavus Community Association Referendum JANUARY, 1984

Established two years ago, the referendum was initiated to sample the opinions of the whole community, that is the registered voters of this election district. While not legally binding it is nonetheless recognized by the State of Alaska as a valid polling device.

Those responding are requested to return the completed referendum questions no later than Feb. 5th by mailing them to Box 62 Gustavus, AK 99826.

1. Road Maintenance-

Fact: In 1983 the Alaska State Legislature appropriated \$115,000 to upgrade Tong Road, Same Old Road, Salmon River Road and Rink River Road. An additional 27 thousand dollars was appropriated which was not used. The question arises on whether or not to spend this money for the maintenance of existing roads or upgrading other roads or returning the money to the state. Since receiving this request for this referendum, solicited legal opinion states that the GCA can be held liable for damages incurred as a result of this recent upgrade or any future maintenance or improvements to the roads or the Goode River Bridge.

Question:

1. The \$27,000 should be used for maintaining the four recently upgraded roads. Yes No
2. The \$27,000 should be used to upgrade other local access roads. Yes No
3. The \$27,000 should be used to hire a professional engineer to inspect the recently upgraded roads and to pay for any necessary corrections for safety, therefore minimizing liability to GCA. Yes No
4. The \$27,000 should be returned to the State. Yes NO

Pro Statement:

The \$27,000 could be used for several years to maintain local access roads, including snow removal. It has been estimated that it would cost somewhere between \$3,000 and \$6,000 a year to maintain these local access roads.

Winter snow removal would allow access year round and would allow the Fire Department and EMTs to respond to fire and medical emergencies. Pot holes could be filled in the spring and the roads could be graded throughout the spring.

Con Statement:

The acceptance of the \$27,000 will put the community in the road maintenance business while the intent of the \$115,000 was to bring the roads up to standard. Acceptance establishes a precedent for other new roads that will be built, with the community expected to maintain them. This also represents another step in our inertia towards local government, and if and when Gustavus incorporated road maintenance and liability costs would be substantial.

II. Jetfoil Service-

Fact: In early December of 1983, representatives from Boeing Marine and the State Division of Marine Transportation met with the community, informing residents of their plan to bring jetfoil service to Gustavus. Plans called for a 240 passenger boat coming once a week with a 40 lb. baggage limit at a price of \$30 on a test basis for the summer of '84, with alterations planned for the existing float. In response to protest expressed at the meeting the state agreed to postpone service until the question was put to the community in the form of a referendum. (P.S. On 12/13/83, a phonecall was received from DOT stating they could not wait for results of this referendum to do their schedule and therefore

question: were removing Gustavus from the 1984 summer route. The GCA would still like your opinion on this matter so please answer the question
1. Should the State of Alaska bring jetfoil service to the community of Gustavus? Yes No

Pro Statement:

Jetfoil service would provide a cheaper means of transportation and would thus enable more people to visit who would spend tourist dollars in our community. Other communities would be more accesible and may lead to full-time ferry service, which would allow increased freight and vehicular services. This would be an alterr ive for those who do not like to fly.

Con Statement:

The community has repeatedly petitioned against regular ferry service inthe past and jetfoil service represents the same. Alterations to the existing float could possibly imperil local usage and existing barge service, There are no existing facilities to handle a large influx of visitors and subsequent impact could be substantial and detrimental to the community.

III. Dude Creek Meadows Protection-

Fact: In May of 1983 a questionnaire was sent to the registered voters of Gustavus asking if the sandhill cranes which, during migration, feed and rest along Dude Creek be given some sort of protection. Eighty-one percent of those questioned replied "yes." A committee was established to research the options available for protecting sandhill cranes and recommended the Community Association request the state legislature through Fish and Game, establish some 4,000 acres along Dude Creek as sandhill crane critical habitat.

Question:

- (Option 1)
1. Should approximately 4,000 acres paralleling Dude Creek be designated as 'critical habitat' for the sandhill crane? 66 Yes (No) 25
2. If "no", would you support inclusion of only the area west of Dude Creek (Option 2), or some other type of protection other than "critical habitat" ?
Yes No Specify _____

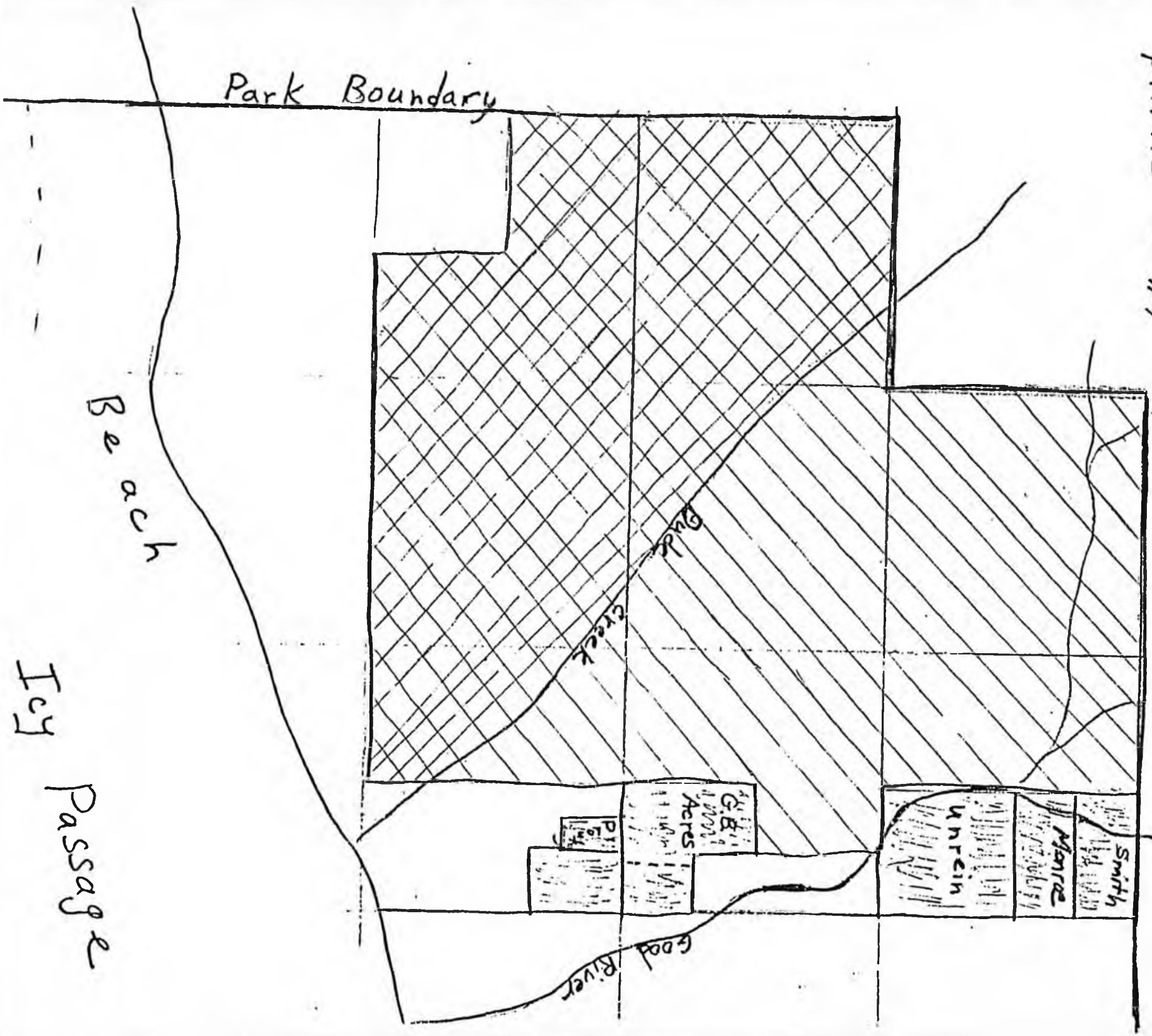
Pro Statement:

The setting aside of approximately 4,000 acres of Gustavus wetlands for a critical habitat designation for the approximately 7,000 sandhill cranes who rest and feed annually in the Dude Creek meadows signifies the commitment to the well-being of a particular species of waterfowl. Boundaries protect only the areas most heavily used by the cranes. All traditional uses such as hunting, trapping, firewood harvest and all-terrain vehicle use will continue as long as they do not interfere with the species. The area would serve for perpetuity as a recreational area. Community input on the area's management can be very strong if we help write the legislation and management plan.

Con Statement:

Because Gustavus is already surrounded by 2 million acres of Park, any lands restricted for use within our community would only hinder further growth and is merely an attempt to lock up more of our state. Agricultural and recreational uses may be restricted by Fish & Game and/or "environmental concerns" and others who may not be truly in touch with our needs - this could be dangerous. To lock up lands used only a couple months a year by the cranes, and likely to change by natural succession is unwise.

option 1  about 4100 acres
option 2  about 1800 acres
private land 



Background Information

Location: The proposed Dude Creek Critical Habitat Area is located in Southeast Alaska immediately west of the settlement of Gustavus; two miles southeast of Bartlett Cove, headquarters of Glacier Bay National Park (USGS quad Juneau B-6).

Area Description: Dude Creek bisects a low gradient alluvial fan formed by the outwash from the Glacier Bay ice sheet at its Neoglacial maximum. Outwash formation ceased and revegetation began approximately 200 years ago, following ice recession from the Bartlett Cove area.

A generally high water table has favored the development of extensive wet meadows dominated by several species of sedge, moss, and horsetail. Willow thickets, scrub pine forests, then luxuriant Sitka spruce stands are arrayed in rough bands paralleling Dude Creek and nearby Good River. This pattern has developed in response to the increasingly depressed water table as the watercourses are approached. To the seaward, meadows grade into a broad band of thickets and scrub forests. This band approximately parallels the present beach and occupies former tidelands that

have risen isostatically in response to recession of Neoglacial ice in nearby Glacier Bay.

The Dude Creek wet meadows are the largest of their kind in the Icy Strait region. Their vegetation differs substantially from that of the muskegs that are extensive on Pleasant Island, Chichagof Island, and portions of the northern Mainland. Cranes do not appear to stop over regularly in muskegs during migration.

Justification: The Dude Creek Uplands of Gustavus provide level, wet, even marshy, open country remote from human activity. Situated on the Pacific flyway, the meadows have been used in fall and spring by staging lesser sandhill cranes at least since the time of the earliest Gustavus homesteaders. Streveler and Matkin (1983) recorded almost 13,000 cranes passing through the Gustavus area in fall of 1982. Over half of them were observed to have landed, mostly in the proposed critical habitat area. The observed cranes represent approximately half of the Pacific flyway population estimated by Herter (1983).

The loss of wild wetlands along the Pacific flyway has led the four Pacific states and the Province of British

Columbia to coordinate efforts to identify and preserve critical habitats for cranes. Habitats of key importance provide cranes with food sources suitable for fat deposition, shallow water for roosting, visibility for protection from predators, and remoteness from human activity. Such sites must be sufficiently abundant along the migratory route so as to be available when cranes are forced down by adverse weather. Clearly if the Pacific flyway population of lesser sandhill cranes is to flourish, then sites, such as the proposed area, which are of demonstrated value to cranes must be accorded protection.

Statutory designation of the Dude Creek crane meadows as a critical habitat area will allow management of the staging site for the perpetuation of those characteristics which attract the cranes. Without such protection, continued use of the area by cranes can not be assured.

Land Status: There are just ^{over}~~under~~ 4,000 acres of state-owned property within the candidate special area managed by the Department of Natural Resources, all but one quarter section of which is classified as grazing and timber. 160 acres within the area are in federal ownership.

During territorial days, the land was controlled by the federal government under the Bureau of Land Management. In the late 1930's, the National Park Service sought to put any unpatented lands in a bear preserve status, forcing out those who did not have completed patented homesteads. Included was Henrietta House's homestead along the Dude Creek, hence the name of the creek for her nickname.

In 1957, this area was once again opened to homesteading along with other unpatented lands in Gustavus, and in early 1960 homesteading was closed with the coming of statehood.

This land was then designated State Mental Health lands with Section 16 designated school lands. As far as is known, there are no current leases of this land although a grazing lease is being sought by Al Unrien in the northern portion of the proposed critical habitat area.

The only known rights of ways or easements are along pre-existing traditional section lines.

Area's History: As far as is known, the A.L. Parkers were the first to use the area. Between 1916 and

1939 they grazed as many as 200 cattle in the proposed critical habitat area. They fenced and did some ditching.

Cross-country skiing, berry picking, hiking, hunting, and firewood gathering have all been traditional uses of this area.

In the mid-1950's, the possibility of the establishment of a White Alice communication station was studied with the lower Dude Creek Meadows in mind. Miles of radio cable were strung by helicopter with a camp established along the creek.

In 1959, Joe Calbich filed on 160 acres in the middle of the Dude Creek area. A road and ditching were undertaken, followed by the construction of a cabin. However, he did not meet his clearing and residency requirements, so he lost this homestead.

With respect to observation and contact with the cranes, oldtimers confirm their existence in this area but felt that the cranes were dispersed over the whole Gustavus area because Gustavus, as we know it today, was basically wet meadows except for areas along major rivers, creeks, and sloughs. With major changes due to

glacial uplift and drainage done in conjunction with the airport construction and main roads, a major part of the "wet areas" of Gustavus were reduced.

National Resources/Wildlife: The natural resources contained inside the proposed habitat area are as follows:

1. Firewood
2. Berries
3. Furbearing mammals
4. Waterfowl (for subsistence hunting)
5. Fish (in Dude Creek)
6. Grazing land (these grazing lands were used from the 1920's until the late 19^{30's}~~40~~'s. Some of the early homesteaders used this land for their herds of cattle.)

Sandhill cranes are the Dude Creek area's premier wildlife species. Thousands stop briefly in the area's wet meadows during the spring and especially the fall migration.

Geese of several species, but primarily Canadas, rest and forage in the meadows through much of the year, but especially during spring and fall. Flocks of up to 300

have been recorded. A few mergansers and mallards may reside and raise young along the area's watercourses. Snipe, least sandpipers and savannah sparrows nest in the meadows, while the usual array of Southeast Alaskan songbirds nest in the shrublands and forests. A few horned owls nest in the best timber. Moderate numbers of raptors, notably marsh hawks, pass through the area during migration.

In general, fall and winter bird populations are sparse. Ravens, magpies, and eagles occur in small numbers. Chickadees and crossbills are most notable among the small songbirds.

Except for the occasional abundance of longtailed voles, mammal populations are not large. A few black bears occupy the area's wooded fringes. Coyotes and occasionally wolves traverse the area. Marten are at times common in the forests and adjacent habitats, while weasels are periodically abundant. A few otters occasionally occupy Dude Creek and Good River, which have very small fish populations. Red squirrels abound in the forests, and porcupines occur sparsely along creeks and forest edges.

Much thoroughfare by the larger mammals occurs along the forested Dude Creek corridor, which provides the last wholly intact upland link between the Gustavus beach and wildlands within Glacier Bay National Park.

Public Access: Access by the public to the proposed Dude Creek Critical Habitat Area can be obtained along all section lines. The preferred access is on the section line extending from the west on the God River Road which is Township 40 South, Range 58 East, Copper River Meridian. This section line runs between sections 11, 12, 13, 14, and extends west.

Threats to the Cranes: Vegetative succession appears to be proceeding toward forest over much of the Dude Creek area. This tendency is enhanced by creek entrenchment and consequently improved drainage in response to land uplift. Two processes appear to be occurring: spreading of the brush and forest zones, and the establishment of pine and willow seedlings throughout much of the meadows.

Any human activity that improves drainage will accelerate the shift away from wet meadow, and hence from the habitat most important to cranes. Ditching must therefore be avoided in or upgradient from the

meadows. The proposed Critical Habitat Area's boundaries include all key parts of the wet meadow watershed, except for certain private lands at its Southeast margin and Glacier Bay National Park to the north. Therefore, prohibition of ditching in the proposed Critical Habitat Area will substantially protect watershed characteristics. It will be desirable, however, to seek cooperation from adjacent landowners.

Harrassment of cranes by people or their domestic animals is a second potential threat. Cranes are notoriously shy, and now frequent only the most remote wet meadows available. For this reason, it will probably be necessary to strictly regulate human use of the Critical Habitat Area lands themselves during the migration season.

Development of lands outside Critical Habitat Area boundaries may become a major concern in this context^x. It will be desirable to classify adjacent state lands for uses compatible with cranes. Private landowners should be drawn into cooperative agreements if possible, but acquisition of certain adjacent private lands may become very desirable to preclude development with inescapable effects on the Critical Habitat Area.

Support: The local forum for decision-making in Gustavus is the Gustavus Community Association. During a recent referendum ballot, every registered voter was polled regarding the establishment of a critical crane habitat located in the Dude Creek area. The response to this issue was ^{66-25 in favor of} ~~very positive in~~ establishing such an area.

There is marginal opposition to the overall size of the crane habitat as expressed by a few individuals and local farmers. The farmers who reside adjacent to the proposed site are concerned about the unavailability of future state leases allowing for expansion of their acreage. There has also been a question of whether or not a conflict exists between the crane and cattle's feeding site.

IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - FIRST SESSION
A BILL

For an Act entitled: "An Act Creating the Dude Creek
Critical Habitat Area"

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

Section 1. AS 16.20.230 is amended by adding a new
paragraph to read:

(12) (A) Dude Creek: All land and water contained
in the following areas:

Township 40 South, Range 58 East,
Copper River Meridian

Section 2 $W\frac{1}{2}$

Section 3

Section 9

Section 10

Section 11 $W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$

Section 14 Lot 3, $NW\frac{1}{4}$, $NW\frac{1}{2}SW\frac{1}{4}$,
 $SW\frac{1}{4}SW\frac{1}{4}$

Section 15

Section 16 $N\frac{1}{2}$, $SE\frac{1}{4}$

(B) The purpose of AS 16.20.230 (12) is to protect and enhance the lesser sandhill cranes and the wet meadow habitat which is a key roosting area for migrating lesser sandhill cranes, and to provide for continued public use and enjoyment of the area in a manner compatible with the protection of lesser sandhill cranes and their habitats.

(C) The Dude Creek Critical Habitat Area will be managed in accordance with a management plan prepared by the Department of Fish & Game in consultation with the community of Gustavus.

(D) Hunting, fishing and trapping will continue to occur in accordance with harvest regulations as established by the Boards of Fisheries and Game. The following public uses and activities shall be allowed: wildlife viewing; firewood harvesting; mechanized and non-mechanized access; hiking; berry picking; and grazing; unless such activities are documented to be detrimental to the migrating lesser sandhill cranes or their habitat.



Alaska Environmental Lobby, Inc.

204 N. Franklin Street, Suite 3 Juneau, Alaska 99801

907-586-2345

DUDE CREEK CRITICAL HABITAT AREA: HB312

Even the modest growth and development around small towns can have big consequences for the wildlife of Alaska. The case of Gustavus, in Southeast Alaska, is a good example. Half or more of the entire Pacific population of lesser sandhill cranes stop over in the Gustavus area during their Fall migration South. In years past, the cranes were dispersed over the whole Gustavus area, because wet meadows, their favorite habitat, were plentiful. But the construction of the airport and main roads, combined with natural forest succession, have severely reduced the wet meadows in the area. These meadows provided the cranes with rich food for their migration, shallow water for roosting, visibility for protection from predators, and remoteness from human activity. Most of the migrating cranes now concentrate in the Dude Creek area immediately west of Gustavus, one of the few areas where suitable meadows remain.

House Bill 312 would establish the Dude Creek Critical Habitat Area, for the protection and enhancement of the cranes and of the Dude Creek wet meadows, the key roosting area for the migrating cranes. The State owns almost all of the meadows--about 4100 acres presently managed by the Department of Natural Resources. The rest of the land (160 acres) is federally owned. Under the bill, the meadows would be open to public access, grazing, firewood harvesting, wildlife viewing, hiking and berry picking, as long as those activities didn't harm the cranes or their habitat. The Department of Fish and Game would develop a plan in consultation with the community of Gustavus and approved by the Board of Game for the management of the area.

Similar efforts to protect the flyway of the lesser sandhill cranes are being made in the four Pacific states, as well as in British Columbia. The concept of the Dude Creek Critical Habitat Area was endorsed in a community-wide referendum in Gustavus in January 1984, by a 66-25 vote. This bill has subsequently received the unanimous endorsement of the Gustavus Community Association.

The Alaska Environmental Lobby supports HB312 with enthusiasm. The sandhill cranes that stop over in Gustavus travel nearly statewide. Because of their distinctive profile, these handsome birds are often recognized at great distances as they fly. Although the critical habitat area is in Gustavus, it benefits all of Alaska.

Issue paper #5 prepared for the AEL by Brian Allen, 4/8/85

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