

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4960 HRES HB 198 - HB 212

532

federal agencies are responsible for trespass enforcement on Native land during the withdrawal, selection and adjudication processes. However, once title is transferred by interim conveyance, such land is considered private land, subject only to completion of a survey. At this point, Native corporation land falls under the State of Alaska's jurisdiction. Since it is private land, it is the state's responsibility to provide law enforcement and respond to trespass complaints and if necessary prosecute trespassers.

The most difficult situation, however, is determining who is responsible for trespass situations involving the misuse of 17(b) easements. In those situations where the easement user strays from the 17(b) easement onto adjoining land, the trespass is on the property rights of the private land owner. Therefore, the responsibility for any action rests with the owner because it is a trespass on the corporation's property rights. Furthermore, if an easement user utilizes land within the 17(b) easement for purposes other than what was specified for that easement, but does not obstruct or damage the easement (e.g. overnight camping on a 17(b) easement), the underlying landowner must take action on the unauthorized use. The exception is when damage or obstruction to the 17(b) easement occurs. In this situation, the easement holder (BLM or other governmental agency) is responsible for taking action because actual interference or damage to the easement itself has occurred.

It is difficult for private landowners to get state officials to aggressively prosecute those cases involving trespass on private land. The various law enforcement agencies by and large do not view trespass as a major crime, consequently little is done to enforce the state's trespass laws, even when requested to do so by a landowner experiencing trespass problems. However, more frequently, agencies responsible for trespass enforcement take no action whatsoever on reported trespass violations, either due to lack of time, funding or manpower.

Lack of Surveys on Conveyed Land and 17(b) Easements

A potential stumbling block to effective enforcement against trespass lies in the lack of identifiable boundaries of the property and easements. Since the majority of the land which has been conveyed to Native corporations is not yet surveyed, there is the possibility that some instances of trespass are occurring on the periphery of Native corporation land. Consequently, there may be cases where legitimate questions will arise as to whether an alleged trespass did, in fact, occur. In those situations, the only way to settle the dispute is to have the area in question surveyed.

As long as Native corporation land remains unsurveyed, it will be difficult to make a clear determination as to whether or not a trespass did occur. Without such a determination, prosecutors may actually decline to prosecute trespass cases. The need to determine boundaries prior to prosecuting trespass cases places an undue burden on Native corporations and substantially increases the costs associated with trespass enforcement and prosecution.

Statutory Issues

The initial determination of whether to pursue a civil or criminal action against a trespass is usually made on a case-by-case basis by the affected Native corporation. In determining which cases to prosecute the guideline is usually intent--was it inadvertent or deliberate and is the impact minimal or profound. Clearly any use of the land which can lead to a claim of adverse possession or a prescriptive easement, thereby jeopardizing or diminishing a Native corporation's ownership rights is a situation which justifies pursuing a trespass action.

The primary problem associated with trespass enforcement is the statutory requirement that notice against trespass be "given by posting in a reasonably conspicuous manner" (AS 11.46.350). The posting requirement is ambiguous since the definition of "a reasonably conspicuous manner" is subject to varied

interpretations. In most situations under the present law, posting is interpreted to mean that the land must be posted at frequent intervals, i.e., every 100 feet along all exterior property boundaries including lake and river edges. Given the vastness of Native corporations' land holdings, this requirement for posting or fencing is unrealistic. The present law leaves everything to interpretation. This can lead to conflict between a landowner and the law enforcement officer and prosecutor. A landowner's interpretation of the minimum posting requirement may result in the land owner not posting his land sufficiently to satisfy law enforcement officers or prosecutors. For example, under a strict interpretation of the law, if a float plane lands on a lake or river inside a private landowner's property boundaries, the land would not be considered to be posted "in a reasonably conspicuous manner," if signs were posted only on the property's exterior boundaries. To be considered adequately posted, the courts could interpret the law to mean that signs have to be posted along the shores of all interior lakes and rivers.

As it now stands, private landowners are unable to gain assistance from the state criminal process even if there is a flagrant and purposeful instance of trespass if the landowner has not met the posting requirements. Private landowners with large tracts of land must post literally hundreds and thousands of signs to meet the letter of the law. This is a very expensive and burdensome requirement for landowners. The law does not consider the uniqueness of Native land ownership patterns (vast tracts of undeveloped private land). In fact, in many areas of the state, it is impossible for landowners to post signs simply because there are no trees on which to attach "no trespassing" signs.

It is difficult to keep all private lands adequately posted in remote areas because signs weather and people constantly vandalize them. As it is now written, the state's posting requirement for large land areas, such as those owned by the Native corporations, is unrealistic and in many instances cannot be implemented economically or practically by the large landowners.

Another problem associated with prosecution of trespass cases lies with the State Criminal Code which defines trespass relative "to intent to commit a crime" The revised Criminal Code provides that "a person, who without intent to commit a crime on the land, enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, is privileged to do so, (emphasis added) unless; 1) notice against trespass is personally communicated to that person by the owner of the land or some authorized person; or 2) notice against trespass is given by posting in a reasonably conspicuous manner under the circumstances."*

For the most part, Alaska's statutes are subject to varying interpretation and place the burden of proof that trespass has occurred on the landowner. As it now stands, the statute may be interpreted in a manner which will permit a person to enter on private land to go hunting, fishing, camping, prospecting, etc., so long as the person is not intending to commit a crime and the land is unused, unfenced, and no one advises the user to the contrary. The statute reflects the philosophy that if a landowner wants to exclude intruders, the landowner should be solely responsible for taking steps to do so. The entire burden of protecting one's lands is thereby placed on the landowner.

In summary, it is difficult for Native corporations to get federal and state officials to aggressively prosecute those cases involving casual trespass on Native

* AS 11.46.320 and AS 11.46.330

lands. In their present form, the Alaska's statutes are very vague as to what constitutes trespass, consequently they do not provide private land owners with adequate protection against trespasses nor does it allow for the prosecution of trespass even though the landowner's rights may have been infringed upon. The criminal code is not an effective tool for dealing with trespass simply because people, by and large, do not view trespass as something which should be punished by criminal statutes. This is in significant contrast to the lower 48 where several states make it a crime to hunt on private land if the hunter has not gotten permission from the landowner beforehand.*

When selecting trespass cases for prosecution care must be taken to differentiate between acts which are fundamentally civil in nature and those which constitute criminal trespass. It is not reasonable to expect that all trespass offenses will be prosecuted as criminal actions. It is important to note, however, that a civil action is usually not a very satisfactory remedy because it is expensive for the private landowner to hire attorneys to file the action and there is no certainty of recovering more than nominal amounts for damages. Unless state trespass laws are amended so that the enormous evidentiary burden placed on the landowner is removed, the majority of trespass activities will remain unabated and will continue to be difficult to prosecute.

TRESPASS AND EASEMENT MANAGEMENT POLICIES

There have been and will continue to be times when the uniqueness of each Native corporation's land management style and situation mandates a trespass policy which may differ from that of other corporations. In fact, there are numerous possible ways to address the extensive trespass issue from both the Native corporation and public agency perspective.

Native Corporation Land Management Policies and Practices

Recently, many village and regional corporations have developed their own land management policies to ensure that Native corporation land is suitably protected from trespass. It has been difficult for the Native corporations without land policies to gain agency support for enforcement of existing trespass laws. The Alaska Federation of Natives has recommended that each corporation draft an unauthorized use policy which addresses the corporation's liability should someone be injured on Native corporation land while trespassing; the corporation's policy for prosecuting trespass; and a definition of what constitutes trespass. In addition, the corporations are being encouraged to establish guidelines for determining which trespass actions will be prosecuted as criminal actions and which will be prosecuted as civil cases.

Another approach village and regional corporations have taken is to identify land which is of primary interest to them and concentrate on trespass and unauthorized use on said land, recognizing that it may be impossible for law enforcement agencies to effectively respond to all trespass incidents occurring on the corporation's land. The balance of the land is then managed and protected against trespass by the Native corporation. Another alternative has been to identify classes of trespass and set priorities relative to the degree to enforcement necessary to protect the corporations' interests.

Finally, in order to provide a greater degree of protection against unauthorized use of their land, individual Native corporations have begun to implement permit systems for controlling access. The permit allows an individual to enter onto the

* State of Wisconsin Criminal Code §94.13

corporation's land for a specific activity, thereby eliminating a part of the unauthorized use problem. Furthermore, the permit provides the corporation with a means of notifying individuals of the stipulations for using the corporation's land and protects the corporation from liability claims should the individual be injured while occupying the land.

Joint Cooperation Policies Between Native Corporations and Public Agencies

In January 1985, the Alaska Land Use Council (ALUC) adopted a work item addressing unauthorized use and trespass on both public and private land. A work group, including federal and state agencies and Native corporations, was established to develop recommendations on trespass. Under the leadership of the Alaska Federation of Natives, the group developed a comprehensive set of recommendations on the subject. The group primarily focused its attention on ways to foster cooperation among landowners, and recommend actions which should be taken by public agencies and private landowners to prevent and alleviate the growing problem of trespass and unauthorized use, especially inadvertent use which constitutes the majority of the trespass incidents now occurring. The Work Group's recommendations were adopted by the Alaska Land Use Council in November 1985 and are now in effect. They are entitled "Trespass Abatement Recommendations".

The underlying direction of the work group's recommendations is a good neighbor approach which encourages public and private land owners to cooperate to prevent trespass on adjoining land. The recommendations were designed so that they would not conflict with nor contradict the responsibility of each landowner to enforce applicable laws and regulations on his own land.

The work group paid considerable attention to the question of who should be responsible for implementing the recommendations. It was recognized that the affected land owner, public or private, has the primary responsibility for initiating actions to prevent trespass, as well as working with neighboring landowners to develop ways to resolve trespass problems occurring on one another's land.

Although the ALUC trespass abatement recommendations provide direction to state and federal agencies on trespass and easement management, several problems still exist. Under existing policies and procedures, public agencies are unable or unwilling to respond to the trespass problems that now exist. On the state level, this may result from there being no state policy about investigating and prosecuting instances of trespass on Native corporation land. Furthermore, it does not appear that the relationships, if any, have been determined between state and federal law enforcement and prosecution agencies in relation to trespass enforcement and abatement responsibilities on Native corporation land.

The problem between federal and state agencies is further compounded because the incidence of unauthorized use and lack of information about land ownership and trespass policies is so widespread that a rigid policy of enforcement and prosecution by the agencies cannot be implemented at this time. Often times trespass problems go unsubstantiated due to uncertainties about land status including: location of boundaries between uplands and the beds of navigable waters, the location of on-the-ground boundaries, the timeliness of Native allotment applications, and so forth.

Because of the complexity of the problems involved in the overall trespass issue and agency perception that the public dislikes trespass enforcement, there has been a reluctance on the part of public agencies to expend the manpower and resources necessary to effectively deal with the problem. Trespass prevention and abatement problems continue to be of very low priority in terms of personnel and funding. Furthermore, state and federal policies and laws must be written so that they provide the private landowner with adequate protection against trespass. State and federal policies and laws need to be established or revised so they are easier to enforce, allow for prosecution of trespassers and provide the private land owner with greater protection against trespasses than now exists.

SUMMARY

Trespass often occurs because of the complexity of land ownership patterns in Alaska and the common misconception that any open and unused land is public land. The confusion is further compounded by the fact that federal and state agencies have different land management policies which may affect private landowners. Consequently, it is often difficult to determine whether a trespass was caused by inadvertence or by indifference to private property rights. It is safe to assume that the public will never be knowledgeable about all aspects of the trespass problem in Alaska, therefore the problems will continue to occur as both in-state and out-of-state residents continue to hunt, fish, camp, etc., in remote areas of Alaska. As more people move to and visit Alaska, it is expected that this situation will intensify. At the same time, Native corporations and other landowners will become more sophisticated in the management of their lands and more concerned about easement control and trespass in general. The days when various segments of the public could assume a right to relatively uncontrolled use of land in Alaska are over.

Increasing recognition of land values and the competing demands for the use of land resources requires a more vigorous and effective program to facilitate lawful use of private land. Land managing agencies need to recognize the opportunities to educate the public about changes in land ownership and identify specific land that has been transferred to the private sector. Since the Native corporations' land holdings are so vast and the boundaries so intermingled with other state, federal and private land, any reasonable approach to the trespass problem clearly must be multifaceted if it is to be successfully addressed in a manner that will not tax the resources of the private landowner or the management agencies.

Furthermore, existing laws and public policy must be redirected to help protect vast privately owned tracts of land from trespass in a manner that continues to provide access to public land. It is an appropriate time to consider amending the inadequate trespass laws with the intent of protecting the private property rights of Alaskans.

REFERENCES

Alaska Land Use Council Trespass Work Group, September 1985, "Recommendations on Trespass" committee memorandum

LeBlanc, E.M., April 1986, "Section by Section Analysis for HB660 -State of Alaska Legislature, unpublished paper

Messick, M.J., August 1981, Trespass and Unauthorized Use of Native Lands in Alaska, pp. 1-42, State of Alaska, Dept. of Public Safety

Opinions

No trespassing — protecting private property in Alaska



by
Janie
Leask

Several members of a hunting party stray onto private land without realizing it. The land is unmarked, and each of the hunters assumes they are still on public land. At the end of the day, the hunters build a fire and camp overnight. Is this a trespass situation?

A contractor needs to clear some land for construction of a small structure on public land. Rather than keeping to the easement with the bulldozer he needs to do the work, he decides to take a shortcut across some privately owned land. What harm can there be in crossing just once?

In another area of the state, several men make their way furtively onto unmarked land they clearly know is privately owned. They vandalize the area by digging up some old gravesites, in search of native artifacts they can sell. They find nothing of value, and do irreparable damage to the site.

Everyone would certainly recognize the latter incident as a serious case of trespass, and few would argue the need

for prosecution. But there is also the potential for serious harm in the first two cases cited. In the first, there is the potential for a forest fire, as well as some likelihood for adverse impact to the subsistence resources of the region. In the second, there is a possibility of serious damage to the land by heavy equipment. A bulldozer crossing the tundra only one time can cause severe surface degradation. In both of the first two cases, repeating the trespass violations over a period of time may have a much more adverse impact on the land, and on subsistence activity in the area.

My last column focused on trespass problems brought

about by the complex and time-consuming process of land transfer initiated by the Statehood Act and the Alaska Native Claims Settlement Act. The need for public education on the issue was also discussed. Today's column will focus on efforts being undertaken to alleviate the problem of trespass in Alaska.

In January of 1985, the Alaska Land Use Council began work to address unauthorized use and trespass on both public and private land. A working group was established with representation from the state of Alaska, the federal government and a representative of the Alaska Federation of Natives.

The result of the working group's efforts was a formal set of Trespass Abatement Recommendations that was unanimously adopted by the ALUC in October of 1985.

The Trespass Abatement Recommendations took a "good neighbor" approach which encourages public and private landowners to cooperate to prevent trespass on ad-

joining land. The recommendations identify specific ways to offer public education intended to prevent unauthorized use of public and private land. For example, state and federal agencies are now providing trespass related information on agency maps, brochures and land planning documents. Private and public landowners are jointly establishing priorities for preparation of user information maps. They are also identifying and focusing attention on areas subject to high use and trespass.

The state's Department of Natural Resources, in cooperation with Bristol Bay Native Corporation, is developing an Easement Atlas for the Bristol Bay region. This joint mapping program will not only provide accurate land ownership information, but will also show the location of all valid public easements and right of way in the region.

These and other efforts to identify privately held lands adjoining public areas are

the impossibility of marking the boundaries of the vast land tracts privately held in Alaska. For example, Doyon Ltd., one of the regional corporations created by ANCSA, is the largest private landowner in the United States. Some blocks of land held by Doyon, although not entirely contiguous, would well exceed the size of Rhode Island.

Other cooperative efforts brought about by the recommendations include coordination of information for public education; public service announcements; visitor center displays that illustrate land status through maps and publications; and development of formal agreements such as Land Bank agreements and land exchanges as vehicles to report suspected trespass incidents.

In addition to actions already being implemented, the working group's recommendations included establishing a central depository for land use policies and DNR easement information; a school educational program

that introduces materials on the history of the various land acts impacting Alaska and their effect on land ownership; and a landowner educational program that teaches sound land management principles and protection from trespass.

All of these recommendations are good ideas. They focus on public education of the issue, a much more reasonable approach to the problem than attempting to prosecute every person who inadvertently crosses private land.

As a final suggestion, Alaska statutes need to be rewritten to better protect landowners under both authorized and unauthorized use situations. AFN, with input from private property owners, has drafted proposed legislation for introduction in the legislature. It is a first step to protecting private property interests.

Janie Leask, an Alaska native, is president of the Alaska Federation of Natives.

HB

210

STATE OF ALASKA



REPRESENTATIVE
FRAN ULMER

P.O. Box V
JUNEAU, ALASKA 99811
(907) 465-4947

HOUSE OF REPRESENTATIVES

April 14, 1987

TO: Representatives Herrmann and Cotten
Co-Chairs, House Resources Committee
and
Members of the Resources Committee

FROM: Representative Fran Ulmer

SUBJECT: House Bill 210

As the sponsor of House Bill 210, "An Act establishing the Point Bridget State Park; and providing for an effective date", I support this bill and hope you will pass it out of the Resources Committee with favorable recommendations.

Juneau, the Capital city, does not have a state park. Although state parks have been established throughout Alaska, the only state park in Southeast Alaska is the Chilkat State Park in Haines. For several years, there has been much discussion by Juneau residents expressing concern for dwindling state lands in the area and pointing out the need for additional recreational lands that a state park could provide.

House Bill 210 would establish the Point Bridget State Park for the primary purposes of protecting the area's recreational and scenic resources and to preserve and enhance the continued use of the area for hunting and fishing as well as recreational activities. The bill defines the geographic boundaries of the park, and it is my understanding the Department of Natural Resources will propose an amendment to this section of the bill to clarify and expand the boundaries. I support this amendment.

The bill further provides that management for the state-owned land and water would be assigned to the Department of Natural Resources for control, maintenance, and development consistent with the purposes set out in Section 1 of this bill. The Department of Fish & Game would be responsible for the management of fish and game resources in the park, consistent with the sustained-yield principle. The Boards of Fisheries and Game, and the Commissioner of Fish & Game, would be responsible for adopting regulations governing fish and game management in

the park. Furthermore, the Department of Natural Resources would be required to consult with Fish & Game before adopting regulations governing the fish and game management. The last section of the bill provides for a July 1, 1987 effective date.

Point Bridget has been selected because this land has outstanding park qualities. Also, it is the only remaining large and contiguous parcel of state land in Juneau with park potential. Point Bridget is located about 40 miles from downtown Juneau and is accessible from Glacier Highway. Maps are available in your bill packets which detail the exact location.

Recreational opportunities are abundant in this area. The area offers typical recreational opportunities such as hiking, picnicking, berry picking, flower gathering, camping, fishing and hunting. Great opportunities exist for bear viewing and bird watching.

Many groups and individuals have expressed support for this selection, including the Juneau Area State Parks Advisory Board, the Juneau Audubon Society and many noted wildlife supporters. Selected letters and comments of support are included in your bill packets. There are also several individuals here, today, who would like to provide additional testimony.

In working with the Department of Natural Resources earlier this session, it was determined there would be no development for the park at this time. Modest future development might be accomplished by volunteer interest groups.

The Resources Committee should also be aware that this parcel of state land has been included in the pool of state lands being considered to replace the University trust lands which were conveyed to the Municipality of Anchorage. Presently, the site is not designated as one of the priority parcels. I have spoken with the Commissioner of Natural Resources, Judith Brady, and Tom Hawkins, the Director of Land and Water Management as well as officials of the University. At this time, public hearings have been scheduled for the University land settlement, and it is appropriate that the Legislature consider this park bill proposal, so that this hearing can become a part of that public hearing process as well.

The University has no plans or use for this parcel of land. Juneau residents are concerned that, if this site were to be selected by the University, it would later be sold for development and public access to beaches and tidewater would be prohibited.

Similar legislation, Senate Bill 190, sponsored by Senator Jim Duncan has, also, been introduced to establish a Point Bridget State Park in Juneau.

Creation of Juneau's first state park at Point Bridget is an investment for future residents and visitors. As demands for recreational opportunities grow, the need for park areas will increase.

Thank you for your favorable consideration of House Bill 210.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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PHONE: (907) 465-2400

April 13, 1987

The Honorable Sam Cotten, Co-Chair
The Honorable Adelheid Herrmann, Co-Chair
House Resources Committee
P.O. Box V
Juneau, AK 99801

Dear Representatives Cotten and Herrmann:

Subject: House Bill 210, which would establish the Point Bridget State Park.

Position: At this time, the Department of Natural Resources is unable to take a position on House Bill 210. A portion of the land to be included in the park is also included in the replacement pool of land proposed for settlement of pending litigation between the University of Alaska and the Municipality of Anchorage, and the University of Alaska and the State of Alaska (see attached document).

Background: The proposed litigation settlement (including the proposed pool of land) is currently being reviewed by the public. Comments will be accepted through May 13, 1987, and will be carefully considered before a final decision on the land to be included in the pool is made.

Recommendation: We suggest that the record of public testimony concerning House Bill 210 be provided to the Department for inclusion in the public comment record for the proposed settlement land pool.

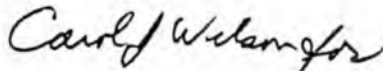
The Honorable Sam Cotten
The Honorable Adelheid Herrmann

-2-

April 13, 1987

We look forward to working with the bill's sponsor and the committee concerning the establishment of a State Park in Juneau.

Sincerely,



Judith M. Brady
Commissioner

Attachment

cc: Representative Fran Ulmer
Senator Jim Duncan
Representative Bill Hudson
House Committee members
George Sullivan
Rod Swope

QUESTION #3: Provide a list of the land to be transferred to the University of Alaska, the status of the transfer, schedule of events and a copy of the restricted title document for Chena panel.

a: List of the land to be transferred to the University:

Appendix C of the preliminary decision will be provided.

b: Status of the transfer:

The Department is at the preliminary decision stage. The list of lands is subject to a thirty-day public notice/review process.

c: Schedule of Events: The following is a tentative schedule of events.

- 4/13/87 Start of comment period.
- 4/23/87 Public hearings are held in Anchorage, Fairbanks and Juneau.
- 5/13/87 The public notice period ends. The Department completes title work and finalizes the replacement land pool.
- 5/29/87 The University completes appraisals on replacement lands. The University and Department meet to equalize values and negotiates final replacement lands.
- 6/12/87 The Department issues the final decision and best interest finding. (The final finding under AS 38.05.185(a) (Mineral closing) is expected to take place 6/2/87)
- 6/15/87 Settlement agreement tentatively approved, subject to final approval by the Board of Regents. Pool land not subject to the settlement agreement are released and considered available for other purposes.
- To be set Settlement agreement approved by Board of Regents and University dismisses the Supreme Court appeal. Department begins to convey replacement land to the University.

d. Provide a copy of the restricted title on Chena Parks Recreation area. The University, Division of Parks and Division of Land and Water Management are working on this selection to determine what specific restrictions will apply and how the panel will be appraised. As soon as Restrictions are completed a copy will be provided.

The proposed transfer is subject to public notice/review process. A final decision will be made after public comments are received.

*Tentative
Schedule -
R. LeFlore
Sent copy
this to
Sharon
Barton 4/10*

*4 pp. Admin.
Dec. +
Public
Notice
Attached*

STATE OF ALASKA
DIVISION OF LAND AND WATER MANAGEMENT
PRELIMINARY DECISION
AOL 223456

I. Introduction

The action being considered in this preliminary decision is the designation and conveyance of certain lands and interest in land to the University of Alaska trust to replace seven parcels of University grant land (Appendix A) selected by the Municipality of Anchorage under former AS 29.18.206.

This action will settle pending litigation: University of Alaska v. Municipality of Anchorage, et al., (Alaska Supreme Court Nos. 1815 and 1825) and University of Alaska v. State of Alaska, et al., (Alaska Superior Court, case no. 3AR-86-14754 Civ.). Further, conveyance of land and interest in land to the University approximately equal in value to the lands previously conveyed to the Municipality is authorized by former AS 29.18.206 and AS 38.05.810.

II. Background

The Municipal Entitlement Act as amended, former AS 29.18.206, enabled the Municipality of Anchorage to select University land in partial fulfillment of its land entitlement. The legislature by this same act directed the Department to replace this University grant land with replacement land of approximately equal value.

The University, the Municipality, and the State have been involved in a dispute over this land since at least 1979. The seven parcels were acquired by the State under the Congressional Act of 1929 in trust for the University. In 1979, the parcels were selected by the Municipality and were approved for conveyance to the Municipality by the State in 1980 and 1986 decisions. Previous attempts to reach an agreement between the Municipality, the University and the State to resolve the dispute have failed.

In 1985, the University challenged the State's transfer of the seven parcels to the Municipality as a violation of the Congressional Act of 1929. The Superior Court found in favor of the Municipality and the State. The issue is on appeal before the Alaska Supreme Court (University v. Municipality, cited above). On November 25, 1986, the Municipality and the State reached agreement settling the Municipality's claims under former AS 29.18. The University challenged that agreement (University v. State, cited above) in an effort to preserve possible replacement lands. The University and the State then again began discussions to settle the issue of replacement land.

III. Authority for the Preliminary Decision

On December 18, 1986, the State and the University signed a Memorandum of Understanding to attempt to settle this dispute (Appendix B). This preliminary decision is consistent with the terms of that Memorandum of Understanding, with former AS 29.18.206 and with AS 38.05.810. Notice of

Preliminary Decision

Page 2

this preliminary decision and an opportunity for public comment will be given under AS 38.05.945.

IV. Proposed Action

A. Value of seven parcels in Anchorage

As provided in the Memorandum of Understanding, appraisals of the seven parcels in Anchorage have been done under appraisal instructions approved by both the State and the University (included in Appendix B). The value of the seven parcels which have been approved for conveyance to the Municipality has been established as \$24,752,000 for purposes of this settlement. The University has accepted this valuation. After full consideration of all the circumstances relevant hereto, I believe that settlement of this matter based on this valuation amount is in the best interests of the State. The appraisals of the seven parcels are available for public review.

B. Replacement land pool

As provided in the Memorandum of Understanding, the University and the State have agreed to the identification of parcels of State land shown in Appendix C for the replacement land pool. This pool includes parcels presently under sale contracts which are referred to as Subdivision Mortgage Areas. All parcels are listed in priority order for conveyance and will be subject to valid existing rights. Appendix D lists the proposed replacement land pool with intra-agency comments solicited by the Division of Land and Water Management. Appendix D includes information which will be considered as part of public and agency review pursuant to AS 38.05.945.

For the Subdivision Mortgage Areas, the State would convey to the University the land subject to the land sale contracts, and the land sale contracts would be transferred to the University effective January 1, 1988. The University would then be responsible for administering the contracts and passing title to purchasers as contracts are paid off. Through December 31, 1987 all proceeds resulting from these contracts would accrue to the State. However, for purposes of calculating the value of the contracts to be subtracted from the value of the former University lands, the remaining principal on the contracts would be calculated as of the close of business Wednesday, February 18, 1987. In the event that a contract is paid off prior to December 31, 1987, the payment will be received for the benefit of the University, and the State will retain only the principal portions of payments which would otherwise have been made in 1987. In the event that a contract is relinquished or terminated prior to December 31, 1987, the State will convey to the University the land which had been subject to the contract.

Preliminary Decision

Page 3

Parcel priority 20, Cape Yakataga is limited to timber rights only. Parcels classified as agriculture would be conveyed subject to the provisions of AS 38.05.321.

At a special meeting of the University of Alaska Board of Regents on February 21, 1987, the Board accepted the replacement land pool identified in Appendix C for purposes of this settlement.

I have reached the preliminary decision that the replacement pool is acceptable for purposes of settling the pending litigation.

C. Replacement Process

The parcels in the replacement land pool are listed in priority of conveyance. These lands will be appraised pursuant to appraisal instructions agreed to by the University and the State (Appendix E). To replace the Anchorage parcels, lands of approximate equal value to the above value of the seven Anchorage parcels will be conveyed to the University. If additional land is necessary to accomplish this, the University will nominate additional, mutually acceptable lands and the Department will issue another preliminary decision for these lands.

D. Mineral Order

Only the surface estate of the parcels identified in Appendix C will be conveyed to the University. The intent of the University land trust is to provide a long term stable source of revenue for benefit of the University. This includes significant surface uses which would be incompatible with mining. Therefore, under the authority of AS 38.05.185(a), I propose to close those lands to be conveyed to the University which are not already closed to locatable mineral entry.

V. Best Interest Determination

I have considered the requirements of former AS 29.18.206, AS 38.05.810, and AS 38.05.035(e), the state's general trust responsibilities to the University, the Memorandum of Understanding dated December 18, 1986 and the advantages of settling pending litigation. Based on the knowledge and information we have at this time, it is my decision that the proposed action described herein is in the State's best interest.

VI. Public Comment

As required by the Alaska Constitution and AS 38.05.945, no action under AS 38.05.035(e) can be final until after the public has had an opportunity to review and comment. Comments will be accepted from the public if received

Preliminary Decision
Page 4

in writing by the Division of Land and Water Management at P.O. Box 107005,
3601 "C" Street, Anchorage, Alaska 99510-7005 before the close of business,
(4:30 pm) May 13, 1987.

Dated: 5/10/87

State of Alaska
Department of Natural Resources

By: Judith M. Brady

Judith M. Brady
Commissioner

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND AND WATER MANAGEMENT
3601 "C" Street, P.O. Box 7005
Anchorage, Alaska 99510-7005

PUBLIC NOTICE UNDER AS 38.05.945

PROPOSED CONVEYANCE, REDESIGNATION, AND CLOSURE
TO LOCATABLE MINERAL ENTRY FOR
UNIVERSITY GRANT LANDS

Subject to the provisions of AS 38.05.945, notice is hereby given that the Department of Natural Resources (Department) proposes to redesignate (under former AS 29.18.206), convey (under AS 38.05.810(a)) certain interests in state land to the University of Alaska (University), and close the lands to locatable mineral entry under the authority of AS 38.05.185(a). The mineral estate will be retained by the state pursuant to AS 38.05.125. A preliminary decision has been made under AS 38.05.035(e) that such actions are in the best interest of the state. That decision may be modified as a result of public and agency review solicited by this notice.

The purpose of the state land conveyance is to replace University Grant land that was transferred to the Municipality of Anchorage (Municipality) while University land was managed by the Department. The value of the land transferred to the Municipality has been established at approximately \$25,000,000. The state proposes to replace University Grant land by conveying enough land to the University to equalize that amount. Parcels of state land will be selected from a statewide pool in the order which has been prioritized by the University until the approximate value is equalized.

Land Descriptions and Information

The areas and approximate acreages shown below are to be redesignated, conveyed, and closed to mineral entry as necessary under this notice. Each description is followed by a listing of the priority rankings which reflect the order in which lands will be conveyed to the University to equalize the value of their former lands.

More detailed information on the state land pool affected by the above actions is available for review at the following information offices of the Division of Land and Water Management: Southcentral Region, 3601 "C" Street, Suite 1080, Anchorage, Alaska (phone: 762-2202); Northern Region, 4420 Airport Way, Fairbanks, Alaska (phone: 479-2243); or Southeast Region, 400 Willoughby, Juneau, Alaska (phone: 465-3400). Additionally, a copy of this notice and a land description summary are posted at the following U.S. Post Offices: Angoon, Auke Bay, Cape Yakataga, Central, Chatanika, Clam Gulch, Cold Bay, Craig, Delta Junction, Denali National Park, Gustavus, Homer, Hydaburg, Kasilof, Ketchikan, Pelican, Petersburg, Sitka, Talkeetna, Valdez, Ward Cove, Whittier, and McCarthy.

SOUTHCENTRAL REGION

- Anchorage Area -- approximately 1 acre in 3 parcels (priority areas 14, 21, 32)
- Cold Bay/King Cove Area -- approximately 15 acres in 1 parcel (priority area 114)
- Cook Inlet (Kodiak Island, Falgin Island) -- approximately 1,980 acres in 3 parcels (priority areas 39, 51, 81)
- CORDOVA AREA -- approximately 310 acres in 4 parcels (priority areas 34, 70, 103, 104, 122)
- ECMER AREA -- approximately 1,300 acres in 5 parcels (priority areas 9, 89, 102, 126, 145)
- ILIAMA LAKE AREA -- approximately 1,330 acres in 1 parcel (priority area 100)
- Kasilof -- approximately 544 acres in 5 parcels (priority area 127)
- Kenai Area -- approximately 94 acres in 3 parcels (priority areas 86, 87, 109)
- McCarthy Area -- approximately 1,350 acres in 7 parcels (priority areas 56, 139)
- McKinley Village -- approximately 390 acres in 1 parcel (priority area 97)
- Port Moller Area -- approximately 13.4 acres in 3 parcels (priority area 129)
- Prince William Sound -- approximately 608 acres in 2 parcels (priority areas 59, 69)
- Seward Area (Nuka Island) -- approximately 2,220 acres in 2 parcels (priority areas 17, 82)
- Talkeetna Area -- approximately 94 acres in 2 parcels (priority area 46)
- Valdez Area -- approximately 1,890 acres in 6 parcels (priority areas 10, 13, 71, 88, 94, 107)
- Wasilla Area -- approximately 2 acres in 1 parcel (priority area 72)
- Yakutatga Area -- approximately 2,170 acres in 1 parcel (priority area 20)

SOUTHEAST REGION

- Admiralty Island (Angoon) -- approximately 3.72 acres in 1 parcel (priority area 41)
- Craig Area -- approximately 3,240 acres in 2 parcels (priority areas 16, 50)
- Juneau Area -- approximately 1,470 acres in 7 parcels (priority areas 18, 35, 36, 37, 90, 123, 143)
- Ketchikan Area -- approximately 3,860 acres in 7 parcels (priority areas 25, 78, 80, 85, 125, 141, 142)
- Pelican Area -- approximately 830 acres in 1 parcel (priority area 106)
- Petersburg Area -- approximately 4,670 acres in 6 parcels (priority areas 55, 57, 61, 98, 121, 124)
- Sitka Area -- approximately 543 acres in 3 parcels (priority areas 23, 30, 45,)
- Thomas Bay Area -- approximately 1,170 acres in 1 parcel (priority area 33)
- Wrangell Area -- approximately 4.76 acres in 1 parcel (priority area 48)

NORTHERN REGION

- Elg Delta Area -- approximately 5 acres in 1 parcel (priority area 119)
- Central Area -- approximately 1.25 acres in 1 parcel (priority area 91)
- Fairbanks Area -- approximately 717 acres in 5 parcels (priority areas 15, 95, 96)

Mineral Closing Order

Some land in the proposed conveyance pool is already closed to mineral entry having been previously reviewed under the public and agency review processes. The closed land consists of subdivision lots within subdivisions located statewide (priority areas 1, 3, 12, 19, 27, 28, 31, 38, 40, 47, 60, 62, 64, 66, 68, 76, 77, 83, 105, 110, 112, 116, 117, 118, 126, 128, 138, 144).

The Department of Natural Resources has prepared a draft finding under the authority of AS 38.05.185(a) that use of the lands for the benefit of the University includes significant surface uses which are incompatible with mining. Therefore, all lands identified for redesignation and conveyance to the University will be closed to locatable mineral entry, subject to public comment as required by AS 38.05.945. A final finding under AS 38.05.185(a) is expected to take effect June 12, 1987. Additional notice identifying lands subject to this mineral closing will be given as a part of the final finding under AS 38.05.185(a).

Public Hearings

Public hearings on the proposed conveyance, redesignation, and mineral closing actions are scheduled for April 23, 1987 (Thursday):

Anchorage - 7:00 p.m. at the Pioneer Schoolhouse, 3rd & Eagle

Fairbanks - 7:00 p.m. at the University of Alaska Campus, Rm. 466
Duckaring Bldg.

Juneau - 7:00 p.m. at the Tlingit-Haida Community Center, 3235 Hospital
Drive

Any comments, objections, expressions of interest pertaining to the proposed action, or assertions of a claim to the property involved must be received in writing by the Division of Land and Water Management at P.O. Box 107005, Anchorage, Alaska 99510-7005 on or before 4:30 p.m. on May 13, 1987. This deadline is required to supplement the administrative hearing record and to receive public comment solicited by this notice.

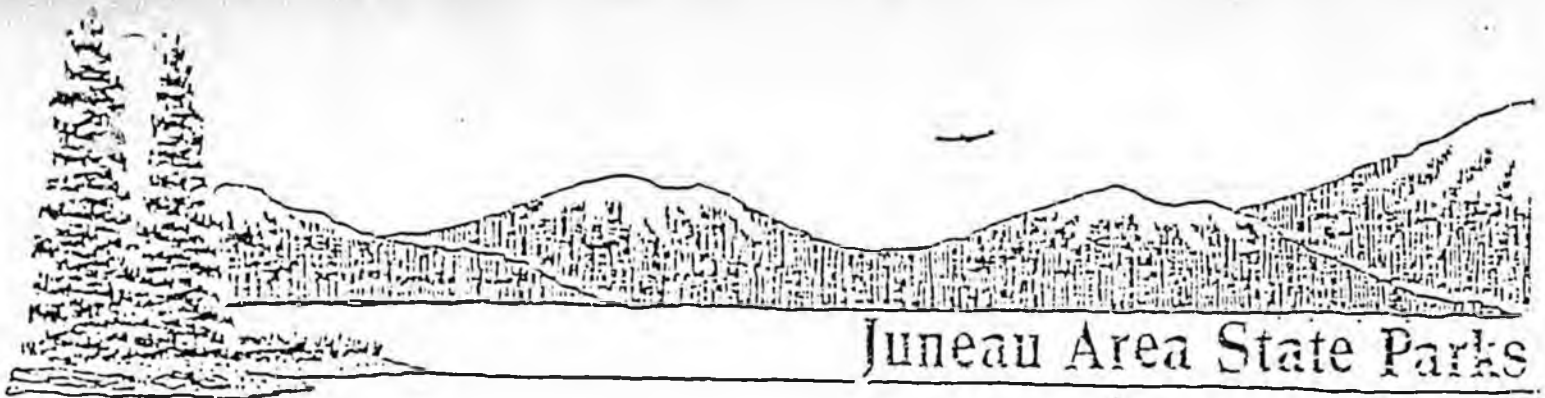
The Division of Land and Water Management reserves the right to waive technical defects in this publication.

Tom Hawkins, Director
Division of Land and Water Management

Publish _____

*See attached
for pages + publication dates*

Publication dates: April 13, 1967 ^{Monday} (~~Friday~~) - ^{AD-10 Lang/SP} Anchorage Times ^{AD-10 Lang/SP} 080
Fairbanks Daily News Miner 082
Juneau Empire 084
Ketchikan Daily News 083
Peninsula Clarion (Kenai) 086
Daily Sitka Sentinel 081
Island News (Thorne Bay) 085
April 15, 1967 (Wed.) - Frontiersman (Palmer/Wasilla) 087
~~† Petersburg Pilot 088~~
Valdez Vanguard 089
Copper Valley Views (Copper Ctr) 090
The Delta Paper (Delta Jct) 091
April 16, 1967 (Thurs) - Cordova Times 092
Wrangell Sentinel 093
Seward Phoenix Log 094
Homer News 095
Petersburg Pilot 088



Juneau Area State Parks

Advisory Board

400 Willoughby Avenue

Juneau, Alaska 99801

Point Bridget State Park Proposal

A Summary

NEED FOR PT. BRIDGET STATE PARK:

- Pt. Bridget has outstanding park qualities.
- Pt. Bridget is the only remaining large and contiguous parcel of state land in Juneau with park potential.
- There is only one state park in Southeast, located in Haines.
- State park facilities should be available in the capital city.

RECREATIONAL OPPORTUNITIES AT PT. BRIDGET:

- Birds arrive in great concentrations because of the marine, intertidal, and meadow habitat.
- Bear viewing opportunities are the highest of any area in Juneau.
- Fishing for salmon and Dolly Varden is available in Cowee Creek.
- Hiking, picnicking, berry picking, camping, hunting, photography, etc. is available in the summer.
- Cross country skiing at sea level is available in the winter long after snow has left other low levels.

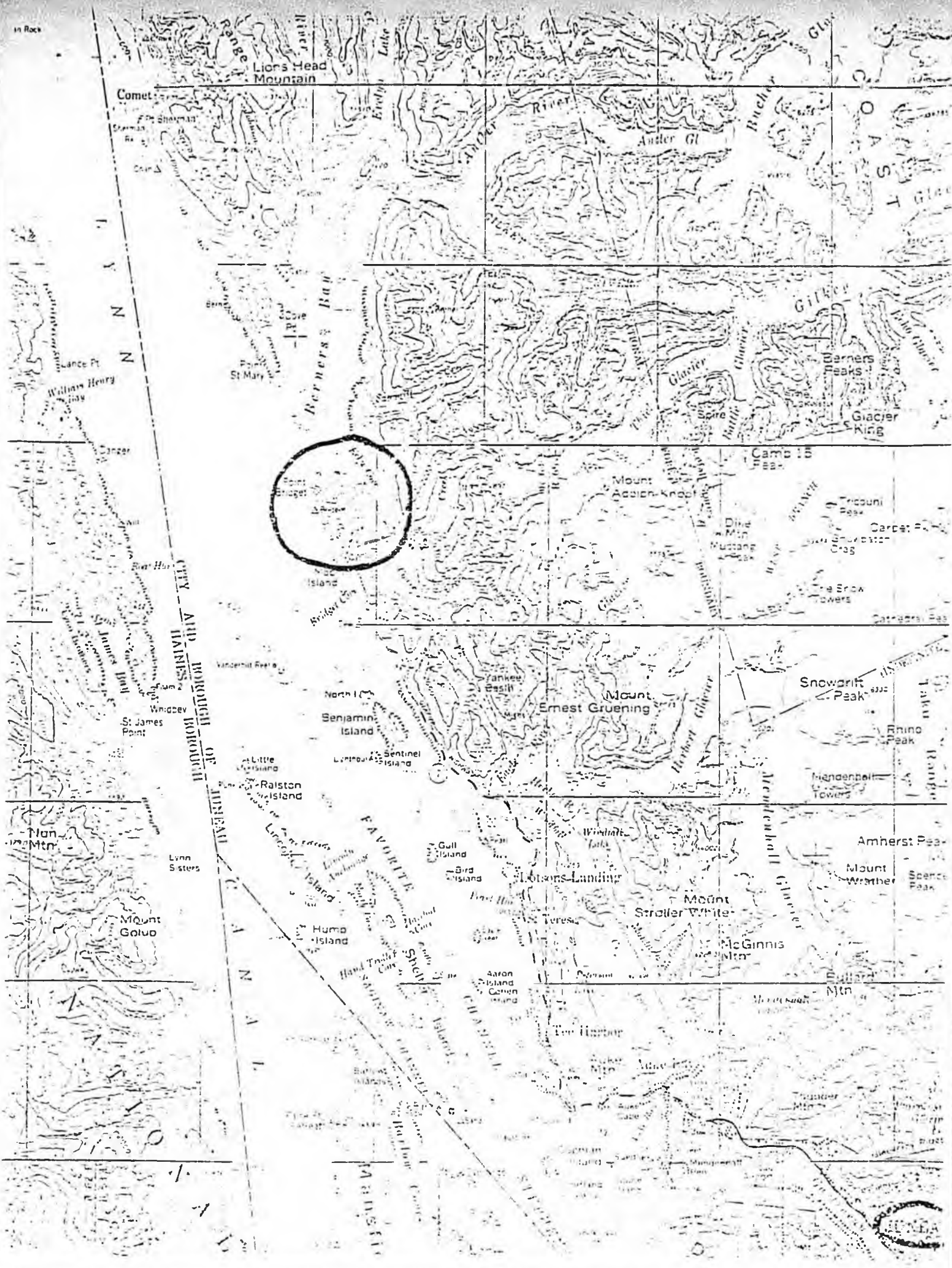
PT. BRIDGET DETAILS

- Highway access about 40 miles from downtown near the end of the Glacier Highway.
- 2,758 acres in park proposal.
- Lands include intertidal meadows, 800 foot tree covered hills, a small freshwater lake, Cowee Creek, viewpoint bluffs along Lynn Canal, shoreline along Berners Bay.

COSTS FOR PROPOSED PARK

- No fiscal notes are attached to the legislative bills.
- Modest future development might be accomplished by volunteer interest groups.

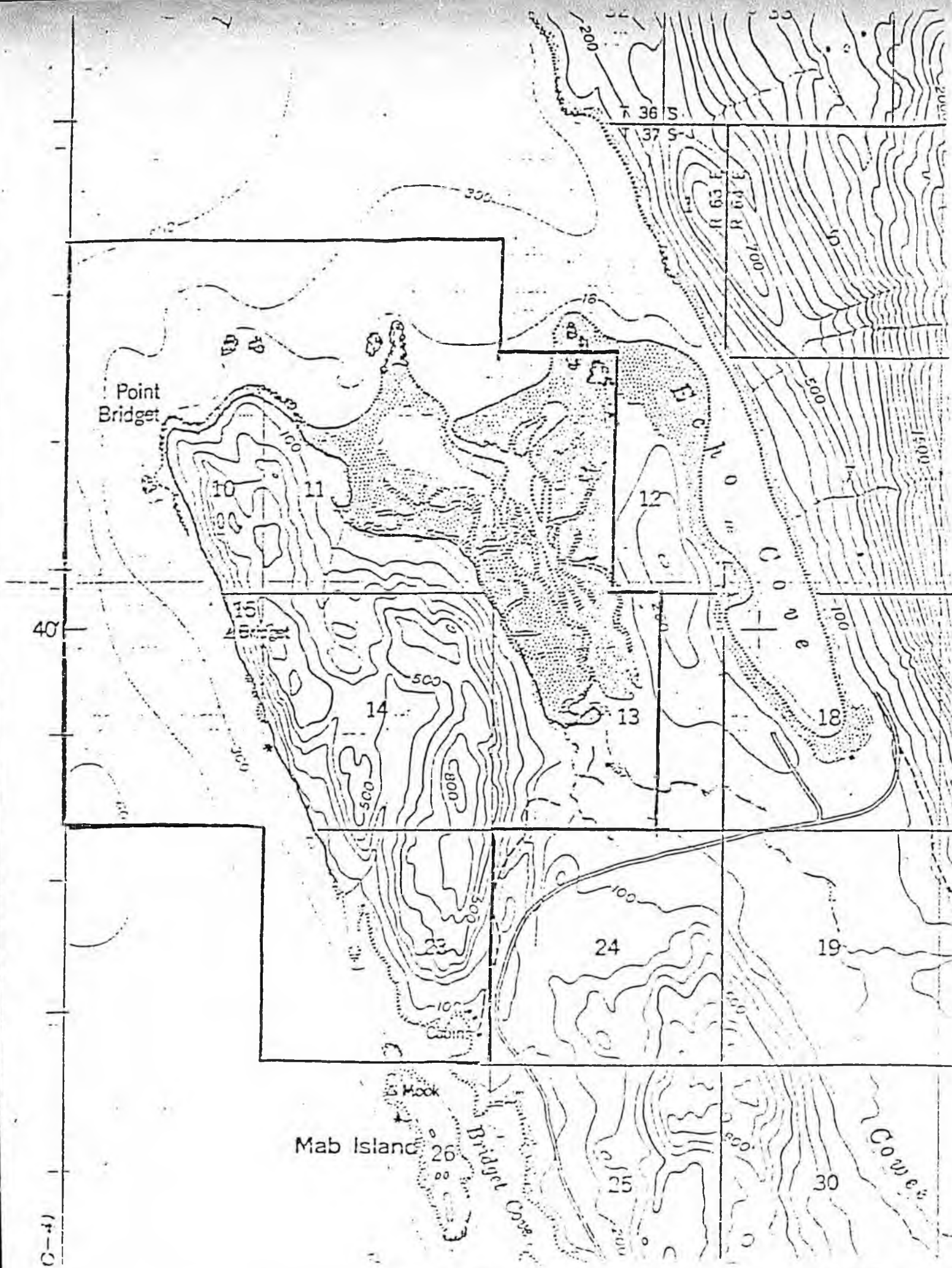
In Rock



CITY AND MOUNTAIN OF HAINES

FAVORITE





Point
Bridget

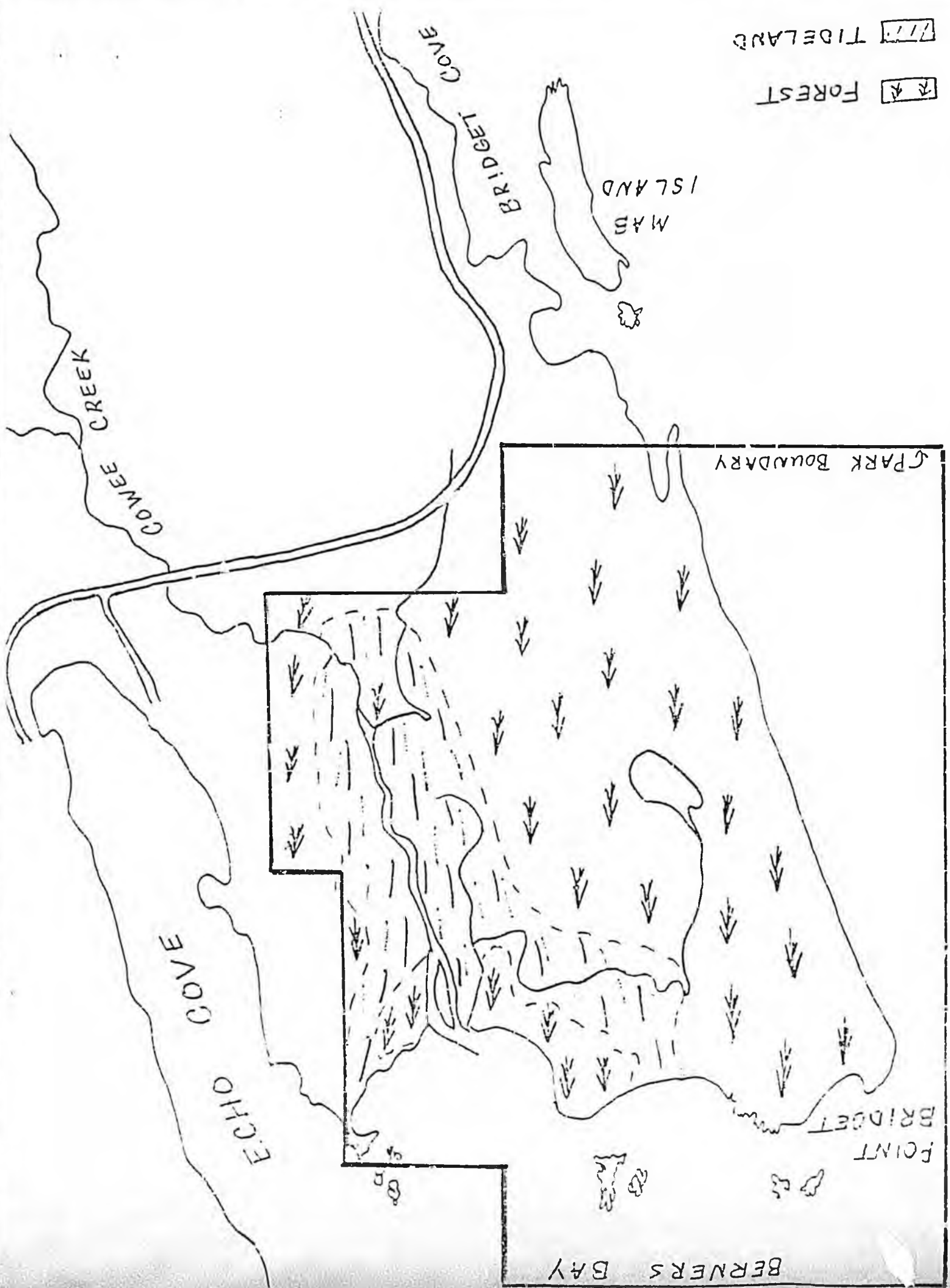
Mab Island

Cowe

40

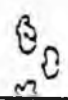
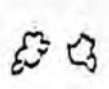
C-4)

TIDELAND
FOREST



BERNERS BAY

LEWIS CREEK



POINT BRIDGET

ECHO COVE

U.S.S. 2925

U.S.S. 1153

U.S.S. 1154

STATE LAND

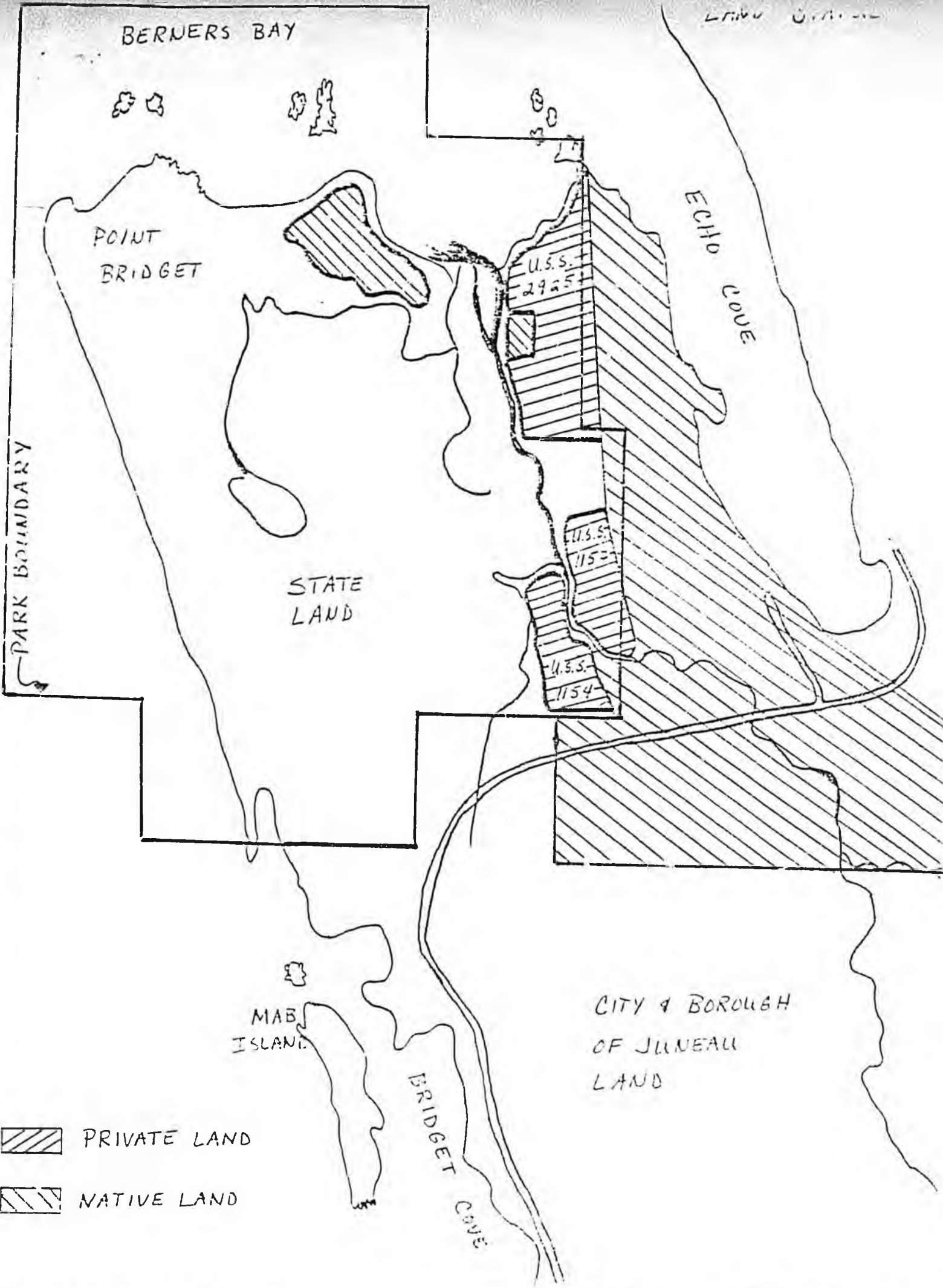
PARK BOUNDARY

MAB ISLAND

CITY & BOROUGH OF JUNEAU LAND

BRIDGET COVE

-  PRIVATE LAND
-  NATIVE LAND



POINT BRIDGET STATE PARK

A PROPOSAL

A STATE PARK FOR JUNEAU:

Although state parks have been established throughout Alaska, none exist in the capital city. In fact the only state park in Southeast Alaska is the Chilkat State Park in Haines. The Alaska State Park system contains 3,116,956 acres of land. The Southeast Region manages 84,704 acres of park lands 606 of which are in the Juneau District.

In recent years city and borough and Native land selections have taken land that might have been considered for possible state park designation. Although there are several areas throughout Juneau with high park potential, declining state revenues make purchase of these lands an impractical consideration.

The only remaining large and contiguous parcel of state land in Juneau with park potential is located at Pt. Bridget. Although managed by the Division of Land and Water Management, the land has no status that protects it from possible future development that would negate its park potential.

The recreational potential of the Pt. Bridget land has long been recognized. In 1970 the Chief of Habitat Development, Department of Fish and Game wrote to the Division of Lands regarding the state land selection in the Berners Bay-Echo Cove area. Joe Blum wrote, "The Department of Fish and Game wishes to go on record as requesting that a "green belt" concept be developed for Cowee Creek... We would also like to see a recreation area developed around Point Bridget. The location would offer excellent beach fishing plus an unsurpassed scenic viewpoint."

In addition, two bills have been introduced in the Alaska House and Senate to establish the park, the area has been identified by the Juneau Area State Parks Advisory Board as a prime park site since 1984, and local residents support the proposal.

Creation of Juneau's first state park at Pt. Bridget is an investment for future residents and visitors. As demands for recreational opportunities grow the need for park areas will increase.

CHARACTERISTICS OF PT. BRIDGET

The proposed Pt. Bridget State Park containing approximately 2,758 acres, is about 40 miles from downtown Juneau and accessible by road.

--Surrounding Land:

The proposed park lands are bordered on the north by Berners Bay a popular water, hunting, and fishing recreation area, which has been proposed for logging; on the east by Native land selections, which could be developed, and the Echo Cove water access point to Berners Bay; on the west by Lynn Canal; and on the south by City and Borough of Juneau land designated as open space.

There are some private inholdings in the proposed area the largest of which is a church-owned Echo Bay Bible Camp. None of the land in this proposal is included in the proposed timber sale at Berners Bay.

--Habitat Features:

The Pt. Bridget area encompasses a variety of habitat features. One of the most important is an uplifted tideland that is rarely submerged. Cowee Creek meanders through the tideland meadow and supports a variety of wildlife. It is one of the only three Department of Fish and Game identified waterfowl and shore bird areas on the Juneau road system. Bears are seen along the creek. Beavers have built a network of dams and resulting ponds. Dolly Varden and several species of salmon are found in Cowee Creek. The meadows also offer a colorful assortment of wildflowers during the blooming season including shooting stars, lupine, columbine, and wild iris.

--Terrain Features:

The Lynn Canal shoreline, on the east, is rugged with rocky cliffs that provide sweeping panoramas of the Chikot Mountains, Berners Bay and the coastal mountains to the east.

The Berners Bay shoreline, on the north, provides normal beach walking conditions to the actual Pt. Bridget. Near the end of the meadow an unusually large berm separates the intertidal area from the beach.

There are also large sections of wooded acreage in the proposed park.

There are several hills, the highest point is 800 feet, and a small lake at about 300 feet.

Currently trail access exists along Cowee Creek. Other, trails also exist including an older tram trail.

RECREATIONAL OPPORTUNITIES AT PT. BRIDGET:

Opportunities abound in this area for outdoor enthusiasts of all ages. This is one of the few areas in Juneau that incorporates so many varied uses and opportunities.

--Bear Viewing: This is generally recognized as the best opportunity for bear sighting in the Juneau area.

--Bird Watching: The combination of marine, intertidal and meadow areas has created one of Southeast's best areas for birds.

--Fishing: Dolly Varden, silver and chum salmon are available in Cowee Creek.

--Summer Use: The area offers typical recreational opportunities such as hiking, picnicking, berry picking, a profusion of flowers, photography, camping, and hunting.

--Winter Use: Because of the generally cooler temperatures in this area snow for cross country skiing remains at sea level long after it has gone from lower elevations in Juneau.

--Educational Opportunities: The availability of different ecosystems within one area provides an excellent forum for study and observation and could be used by such organizations as the school district sea week, parks and recreation hikes and outdoor programs, high school and university classes.

A BIRD VIEWING AREA OF UNUSUAL DIMENSIONS:

The Pt. Bridget area is only 1 of 3 areas of waterfowl and shore bird concentration on the Juneau road system according to the Department of Fish and Game.

The "Alaska Habitat Management Guide-Southeast Region" produced by the department's division of Habitat in 1986 identified shorebirds that might be seen: "The shorebird population consists primarily of semipalmated and black-bellied plovers, greater and lesser yellowlegs, spotted, least, western, pectoral, and rock sandpipers, dunlin, short-billed dowitcher, common snipe, black turnstone, red-necked phalarope, and sandhill crane."

The book also identified waterfowl that might be seen:

"The duck population consists primarily of mallard, northern pintail, green-winged and blue-winged teals, northern shoveler, American widgeon, greater and lesser scaups, common and Barrow's goldeneyes, bufflehead, oldsquaw, harlequin, black, white-winged scoters, and common, red-breasted, and hooded mergansers. Geese include the Vancouver and dusky Canada, greater white-fronted, and snow goose. Swans include trumpeter and tundra swan."

There is at least one identified eagle nesting site near the point.

NEED FOR A STATE PARK IN JUNEAU

--Juneau has no State Park:

The lack of state parks in the Juneau Borough was recognized in a 1977 city and borough "Comprehensive Park and Recreation System Plan."

They determined that throughout all of Southeast there were about 82 acres of park land/1000 people and none in the Juneau Borough. This compared with 1,077 acres of state parks/1,000 population in Southcentral Alaska, 296 acres of state parks/1,000 in Interior, and 3,900 acres/1,000 statewide.

The report's recommendation said, "It is evident by comparing the per capita park acreage in other portions of the state to the City and Borough of Juneau that there is a substantial lack of park land in Juneau. On this basis it appears that the State of Alaska should fulfill its responsibility by acquiring and developing regional parks within the area of Juneau that can be reached by normal means of transportation within two to three hours." Pt. Bridget is less than an hour by car from downtown Juneau.

"State parks should be geographically balanced on a regional basis to provide high quality natural areas for use by nearby residents as well as by visitors." according to the "Alaska State Park System: Statewide Framework" published in 1982.

The most recent plan which studied recreation resources and users in Alaska is Outdoor Recreation:Alaska, December 1986, by the Division of Parks and Outdoor Recreation. Statistics presented in this plan show that Southeast Alaska has the highest participation in 10 of 23 categories of activities even though there is only 7% of the states recreation facilities and trails located here. Fishing, hunting, camping, and hiking are all identified among most popular activities for Southeast residents.

--Juneau's Interest in Parks is High:

The 1975 Juneau Comprehensive Parks and Recreation System Plan reported, "Use of regional parks, for example, was found to be from 100 percent to 350 percent of what would be expected in the 'average' community."

There is good reason to believe that this enthusiasm for outdoor recreation has not diminished in recent years. In 1982 the Juneau Area Recreation Plan identified numerous outdoor recreation sites and facilities that were in high demand by Juneau residents.

Among the priority recommendations by the plan were coastal parks and recreation beaches along the Glacier Highway, including areas accessible by road in the Point Bridget area. Development of trail access to the lake at Point Bridget area and stocking the lake with trout were both identified as important future recreation considerations.

More recent public responses to the city's budget survey further add to the documentation of public demand for quality outdoor recreation sites and facilities in the Juneau area.

--Juneau Residents Are Active Outdoor Recreationists

In the Alaska Public Survey, conducted in 1979, 84% of the survey respondents reported that outdoor recreation opportunities were a principle reason for living in the area. In that survey, beachcombing, hiking, and walking were the most popular activities identified with 75% of all residents participating. Fishing was mentioned most frequently of all responses as the activity that Juneau residents wanted to do more often.

The results of the survey were summarized in the 1982 Juneau Area Recreation Plan by the Alaska Division of Parks: "The predominant features of these popular recreation activities are the dependence on relatively undisturbed natural areas, abundant fish and wildlife, marine access, and the opportunity for an uncrowded, or dispersed, recreation experience."

PUBLIC SUPPORT FOR THE PT. BRIDGET STATE PARK:

Bob Armstrong, author of "Guide to the Birds of Alaska";

"The habitat combination of marine, intertidal and large expanse of transition meadows between the intertidal and forest has created one of the best areas for birds in all of Southeastern Alaska...

"...the Kowee Creek meadows are the only extensive nesting habitat for these birds (waterfowl and shorebirds) that remains along the Juneau road system...

"In summer the wildflowers are gorgeous within these meadows. And, best of all, the area is relatively easy to hike about. Fishing in the river is good for Dolly Varden and coho salmon...

"I strongly support your proposal to establish the Point Bridget State Park. I feel protection of this unique area from other potential types of development is of the most immediate importance."

Judy Hall Alaback, Conservation Chair, Juneau Audubon Society

"The Juneau Audubon Society supports your proposal for the establishment of Point Bridget State Park...

"This and surrounding areas are already heavily used for recreation by Juneau residents and visitors."

Richard Gordon:

"I strongly support this well-timed proposal...

"Other Juneau road-system river mouth meadows are either developed (Switzer Creek), or largely in private hands (Peterson Creek on Douglas Island, Amalga Harbor area meadows)...

"Extremely suitable due to extensive unforested lands and beaches..."

Joe Blum, Chief, Habitat Development, Department of Fish and Game, 1970:

"The Department of Fish and Game wishes to go on record as requesting that a 'green belt' concept be developed for Cowee Creek."

"We would like to see a recreation area developed around Point Bridget."

James King:

"Alaska is the envy of communities around the world because of our opportunity to dedicate such wonderful wild areas to public use. Lets not let them down."

DIV. OF LANDS
ALASKA

STATE OF ALASKA

KEITH H. MILLER, GOVERNOR

JUN 4 1970

RECEIVED
Juneau, Alaska

DEPARTMENT OF FISH & GAME

OFFICE OF THE COMMISSIONER

SUPPORT BUILDING
JUNEAU 99801

June 2, 1970

Mr. Mike Leach
Division of Lands
Department of Natural Resources
Goldstein Building
Juneau, Alaska 99801

Dear Mike:

This letter is in regards to the State selection of lands in the Berners Bay-Echo Cove area. The Department of Fish and Game wishes to go on record as requesting that a "green belt" concept be developed for Ccwee Creek. This system supports an annual run of silver and chum salmon plus Dolly Varden. The creek has a great recreation potential which the "green belt" will help to protect. We will be happy to assist you in establishing the criteria for this concept.

We would also like to see a recreation area developed around Point Bridget. The location would offer excellent beach fishing plus an unsurpassed scenic viewpoint.

Your consideration in this matter will be greatly appreciated.

Sincerely yours,

Joe Blum
Joe Blum *in view*
Chief, Habitat Development

cc: B. Hilliker
R. Andrews
C. Rosier
D. Strode

DIVISION OF LANDS SOUTHEASTERN DISTRICT OFFICE JUNEAU, ALASKA	
DATE	
BY	
TO	
FROM	
REMARKS	

Senator Jim Duncan
Alaska State Senate
Pouch V
Juneau, AK 99811

4/6/87

Dear Senator Duncan,

This is to congratulate you for your vision in proposing the Point
Bridget State Park (Senate Bill NO. 190) and urge its passage.

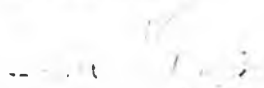
The Point Bridget Park would complement the adjacent Borough park
that extends from Sunshine Cove to Bridget Cove and the two could be
jointly managed as a "World Class" park. It may be difficult for
some Alaskans, surrounded as we are by wilderness, to visualize this
area as a World Class park but consider there are few if any easily
accessible Alaska State Parks or US National Parks that include so
much and so varied a wild coast.

This historic place was named by Capt. George Vancouver in 1798,
perhaps for his mother, Bridget Benners. Juneau people use the area
for recreation and as our population increases so does that use.

Major expenditures for park development would not be needed or
desireable now. The area has a potential for hiking and skiing
trails, campsites and perhaps overnight cabins that could be
developed slowly by the volunteer organizations that do that sort of
thing.

In an increasingly recreation oriented society the Point Bridget
State Park will well serve the residents of Juneau, visitors from
other parts of Alaska and tourists. Alaska is the envy of
communities around the world because of our opportunity to dedicate
such wonderful wild areas to public use. Lets not let them down.

Sincerely,


James G. King
Alaska Resident For 38 years

1700 Branta Road
Juneau, Alaska 99801
April 8, 1987

Senator Jim Duncan
Pouch U
Juneau, Alaska 99811

Dear Senator Duncan:

I favor the Point Bridget area as a State Park and urge passage of your Senate Bill 180.

The Point Bridget State land is immediately north of beach front land owned by the City and Borough of Juneau. An upland beach trail on the Borough property could be extended to Point Bridget making an exciting addition to the already existing and planned system of upland beach trails in the City and Borough.

A trail on this proposed park would give foot access to a beautiful, wild stretch of coastline where the view west across Lynn Canal to the Chilkat Mountains, north toward Haines, across Berner's Bay and the mountains to the east provides a panoramic view that is spectacular. The meadows at the mouth of Cowee Creek with their flowers, fish in the stream and some of the best bird watching in the Borough are also a valuable part of this property.

Yours truly,

Mary Lou King
Mary Lou King

March 21, 1987

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811

Dear Senator Duncan:

I was delighted to hear of your proposal to create the Point Bridget State Park. This area has long been a favorite of mine for hiking, X-country Skiing, bird watching and fishing.

The habitat combination of marine, intertidal and large expanse of transition meadows between the intertidal and forest has created one of the best areas for birds in all of Southeastern Alaska. These transition meadows are particularly productive because of the beaver dams and sloughs, scattered spruce, dead snags and adjacent red alder and cottonwood trees. In and around these meadows I usually see more and a greater variety of birds than other areas in Juneau. In particular it is attractive to hawks, owls and falcons; woodpeckers; snipe and warblers. I see more of these types of birds than elsewhere.

Transition meadows between intertidal and forest are the areas where waterfowl and shorebirds nest. Most of this type of habitat has been destroyed by development at the Mendenhall Wetlands. This means that the Kowee Creek meadows are the only extensive nesting habitat for these birds that remains along the Juneau road system.

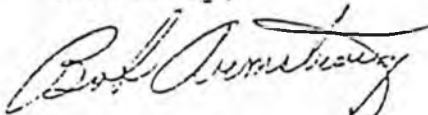
This area contains the most extensive and beautiful meadows I have seen in Southeast Alaska. In the last week I have gone x-country skiing in the area on two different occasions. The meadows offer miles of marvelous skiing. In one spot we estimated 2 miles of meadows between the forest and saltwater in one straight line! I like the area because, in normal winters of rain and warm weather, you can always ski on these meadows whereas other lowland areas of Juneau are bare of snow.

In summer the wildflowers are gorgeous within these meadows. And, best of all, the area is relatively easy to hike about. Fishing in the river is good for Dolly Varden and coho salmon.

I am concerned about development of the area. In particular road, campground, picnic areas etc. I believe the unique values of the area are its birds and wildlife. Development of this sort would, I feel, diminish these values considerably. Why not develop the area for hiking and x-country skiing? Right now its only about a one-half mile walk to the meadows from the existing road.

I strongly support your proposal to establish the Point
Bridget State Park. I feel protection of this unique area
from other potential types of development is of the most
immediate importance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Armstrong". The signature is written in dark ink and is positioned above the typed name.

Bob Armstrong
5870 Thane Road
Juneau, Alaska 99801

cc State Parks Advisory Board



JUNEAU AUDUBON SOCIETY

P.O. Box 1725 • Juneau, Alaska 99802

March 23, 1987

Senator Jim Duncan
P.O. Box V
Juneau, AK 99311

Dear Senator Duncan,

The Juneau Audubon Society supports your proposal for the establishment of Point Bridget State Park (S.E. 193). The diversity of lands to be included, ranging from beach to coastal wetlands to riparian habitats and old growth forests makes the area well suited for wildlife habitat and human recreation.

This and surrounding areas are already heavily used for recreation by Juneau residents and visitors. The Juneau Parks and Recreation hiking group leads hikes there and a well marked trail in the proposed park exists along Cowee Creek.

We agree that with its high proportion of residents that enjoy outdoor recreation, Juneau should have an easily accessible state park. We question the logic of allowing hunting in the Park. For safety reasons hunting may not be compatible with other forms of outdoor recreation, especially since the proposed park is less than 3000 acres in size.

Sincerely,

Judy Hall Alaback
Judy Hall Alaback
Conservation Chair

cc:
State Parks Advisory Board



Judith Entwife
Alaska Minerals & Energy Resource Education Fund
5925 Woods Street
Juneau, Alaska 99801

March 26, 1987

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811

COPY

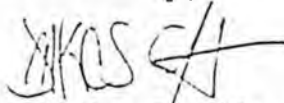
Dear Mr. Duncan,

In thirteen years as a classroom teacher I have been on the lookout for field trip sites to get my students first-hand experiences. Those sites need to meet the educational needs of the class and, of course, to be accessible. I was delighted to hear of your bill to establish a state park on Point Bridget, as it promises to be just such a site.

Point Bridget with its many diverse habitats--the beach, the wetland meadow, the salmon creek, small lake, even an eagle tree--in a compact area makes an excellent site for outdoor education. That same diversity makes it a fascinating outing for local families and visitors, a place to beachwalk or fish, to view eagles, black bear, waterfowl and wildflowers or pick berries. The eventual construction of road and picnic area would make it more accessible to local student groups, families, and tourists. In the meantime, it will remain available to the hikers, hunters, and fishers who use it now. We'll know that we won't lose our spot at the end of the road to private development.

Thank you for the insight to recognize the value of a Point Bridget State Park and your efforts to make it happen.

Sincerely,


Judith Entwife

Box 1512
Juneau, Alaska 99802
March 25, 1987

Honorable Jim Duncan
Alaska State Legislature
Box 7
Juneau, Alaska 99811

Dear Mr. Duncan,

I was extremely pleased to read in the Empire of your proposal for Juneau's first state park, at Bridget Point. I strongly support this well-timed proposal for the following reasons:

1. Extremely suitable due to extensive unforested lands and beaches.
2. Other Juneau road-system rivermouth meadows either developed (Switzer Creek), or largely in private hands (Peterson Creek on Douglas Island, Amalga Harbor area meadows).
3. Excellent wildlife. Upper meadows outstanding black bear habitat. Waterbirds on creek-mouth flats, waterfowl on sloughs midway up creek, Humpback Whales (I've seen) very close inshore.
4. Meadows outstanding for shooting stars and other wildflowers.
5. Gateway to boating on Berners Bay.

Some existing resources (marked on attached map):

1. Forested island with short but large-diameter trees, forest impressive because of open understory.
2. Unusual high berm at upper edge of beach.
3. Pond which old-timer tells me he bushwacks into, perhaps to fish.
4. Lovely open stream bottom, scattered cedars (rare near Juneau road system) on hillside.
5. Unmarked but good trail along east side of Cowee Creek, joining old road across meadow.
6. Unmarked but good (though very muddy) trail beginning in muskeg above west side of Cowee Creek, dead-ending partway across meadow. Both trails needed since creek too deep to cross comfortably.
7. Old tramway route, easy to follow though brushy. But ends are hard to find. I located south part by bushwacking behind cabins at northeast corner of Bridget Cove; did not find other end while walking (marshy) west edge of Cowee Meadow.
8. Old trail from north end of Bridget Cove, west to point just north of Mab Island, extremely rugged, brushy, and hard to follow; then north to northmost cove (within proposed park), lovely and easy to follow.

By coordinating with the Borough on the south, gaining rights of way and brushing old trails, and building new segments and restoring bridge across Cowee Creek, the State could readily create a splendid trail system. I recommend that developed sites be placed on the uplands or east of Cowee Creek, since the meadows west of the creek can be quite wet.

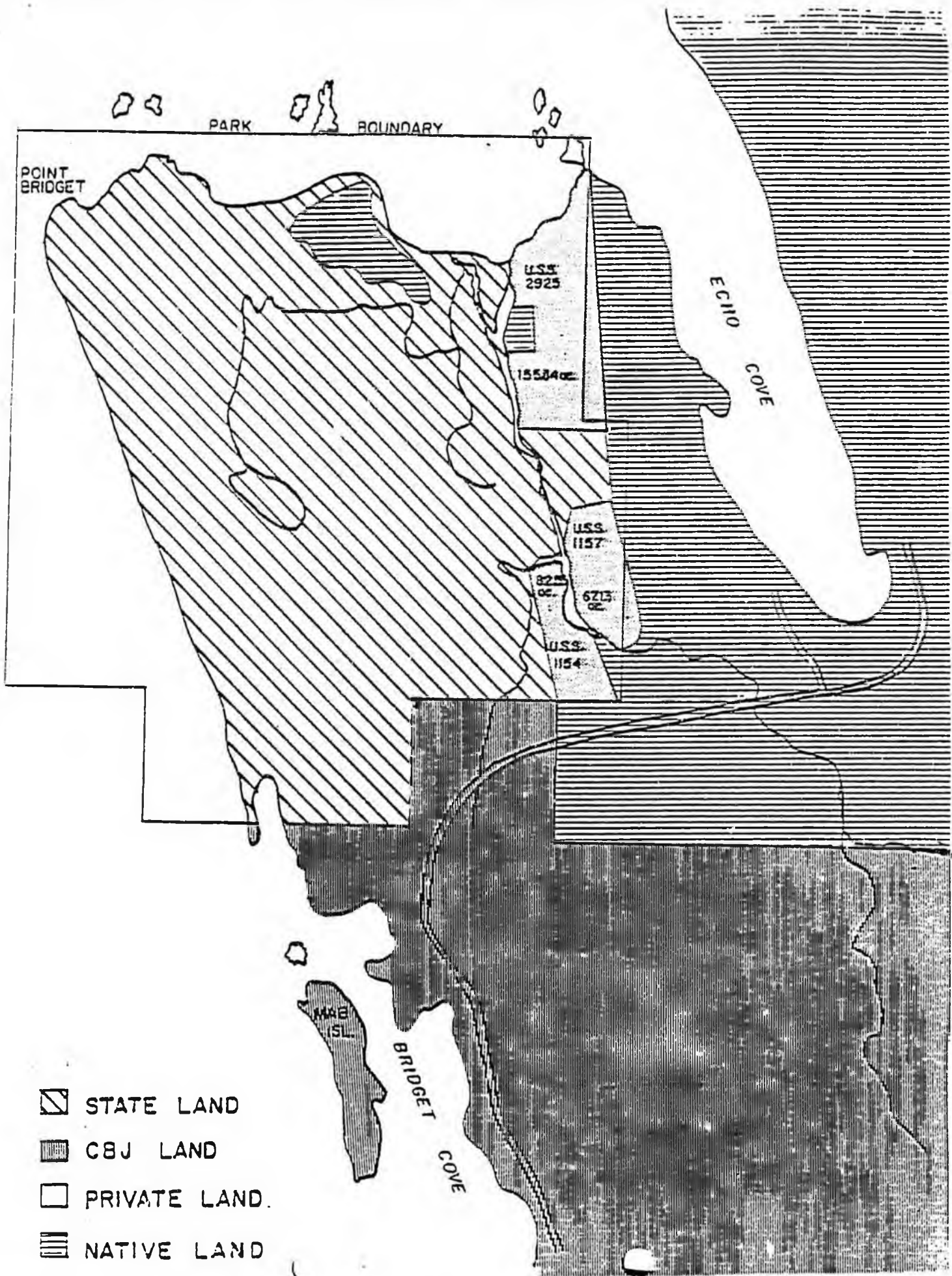
Sincerely yours,

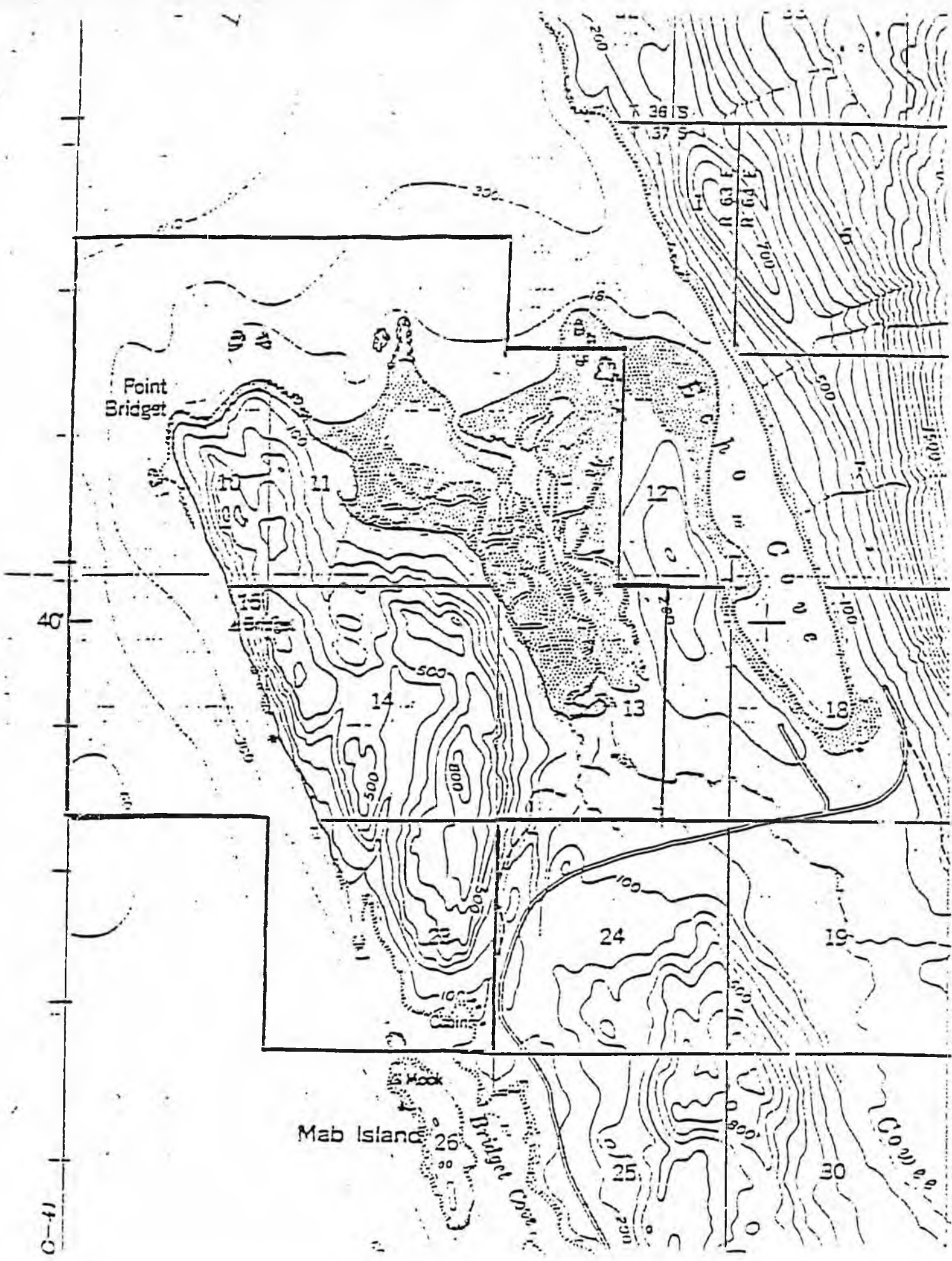
Richard J. Gordon

Richard J. Gordon

789-9560

cc: State Parks Advisory Board





Point
Bridget

Mab Island

Cove

0-4

36 S

37 S

38 S

39 S

40 S

G

H

11

13

14

18

24

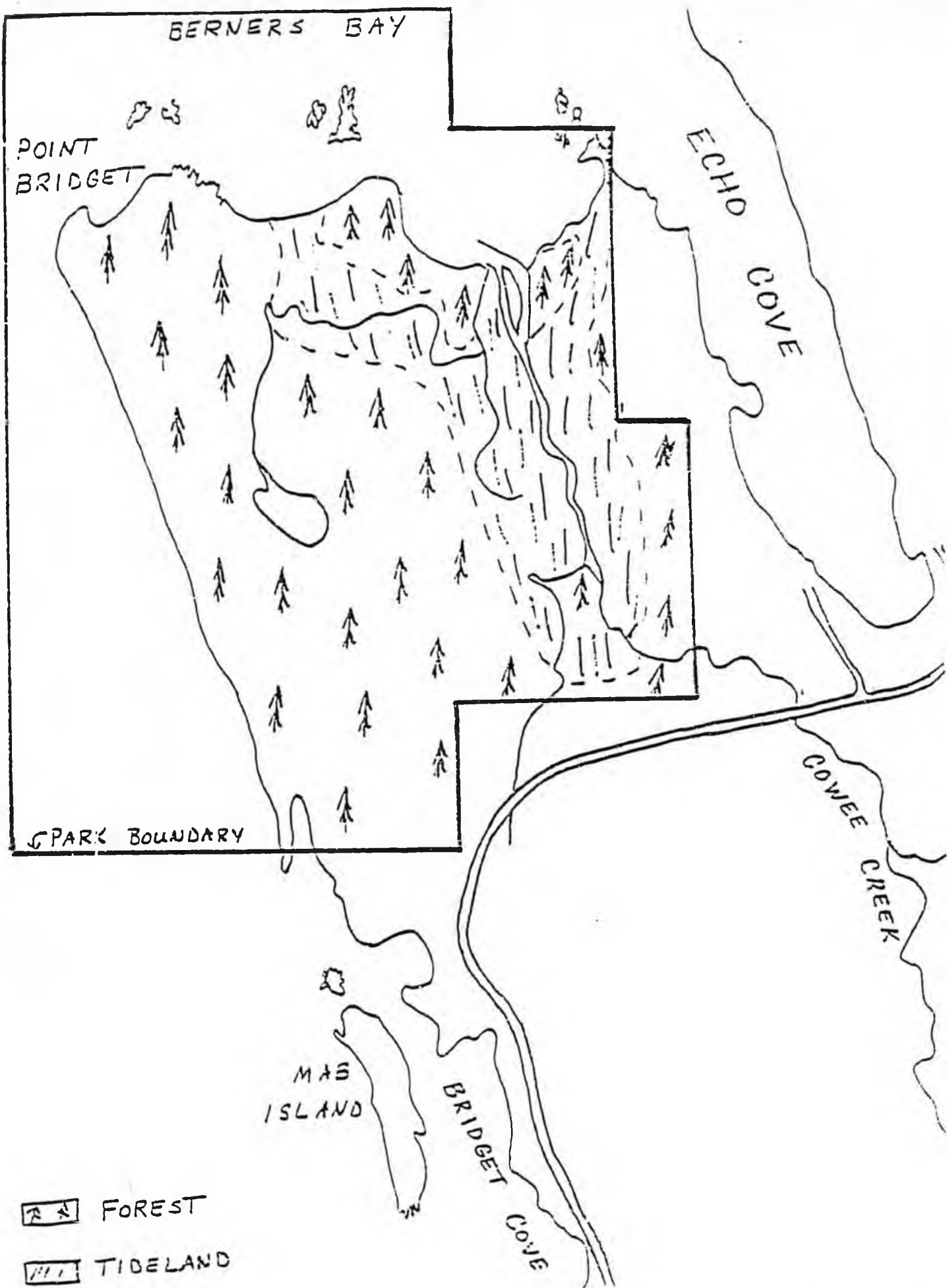
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
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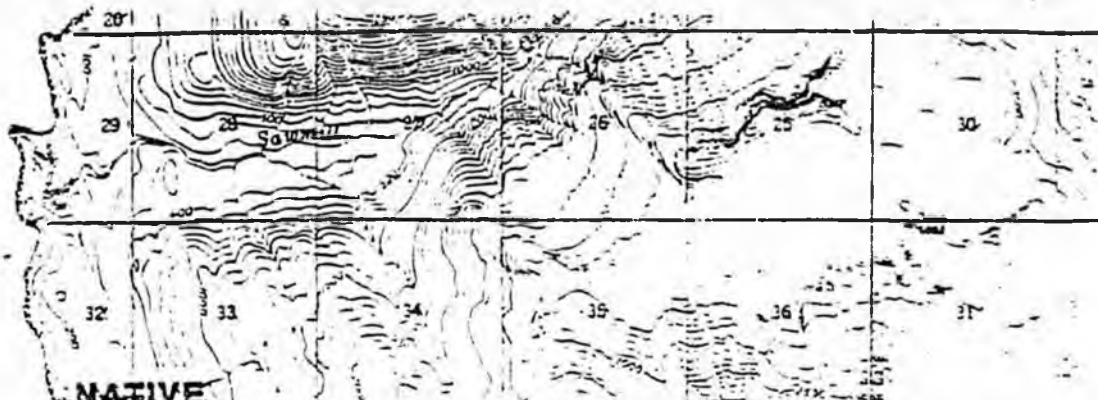
Bridget Cove



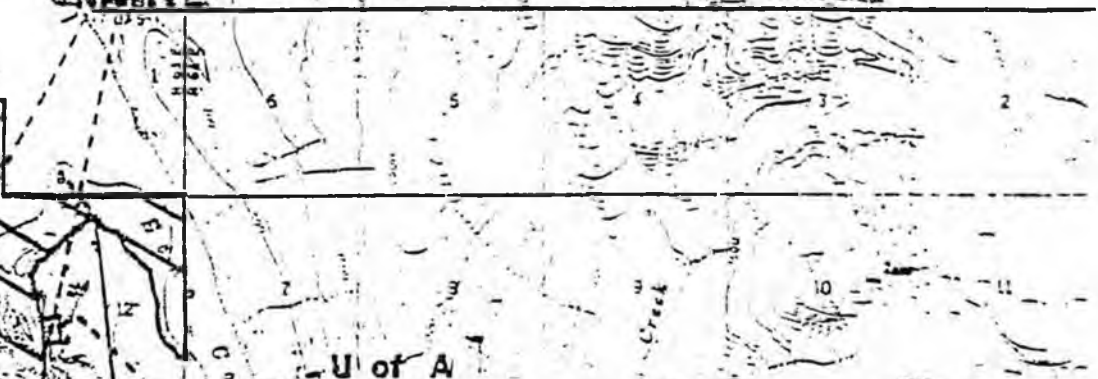
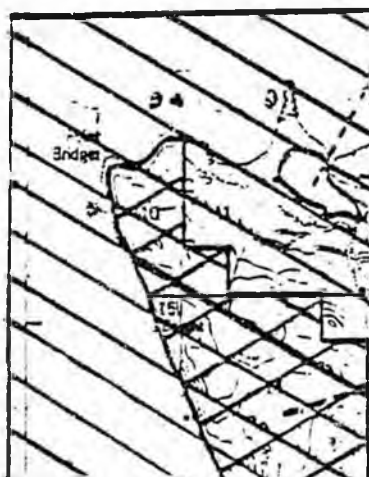
-  FOREST
-  TIDELAND



B E N N E R S

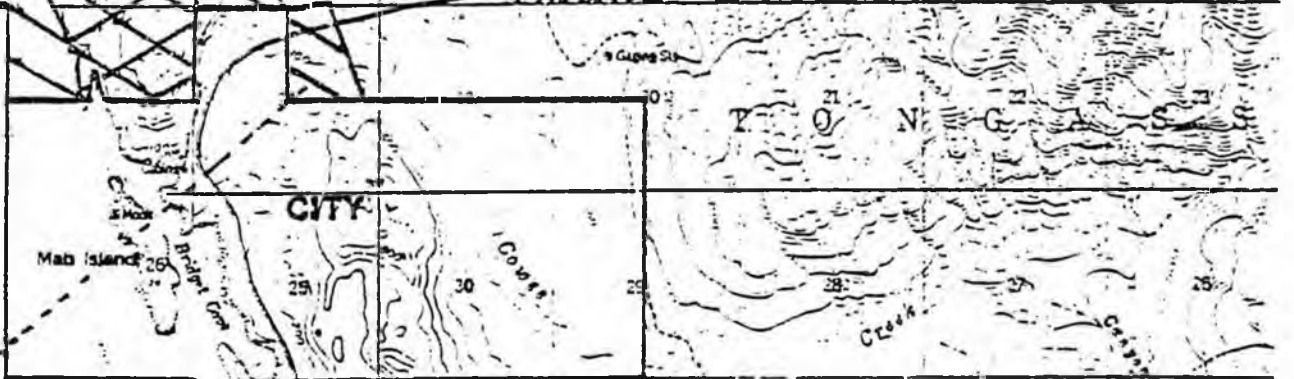


NATIVE



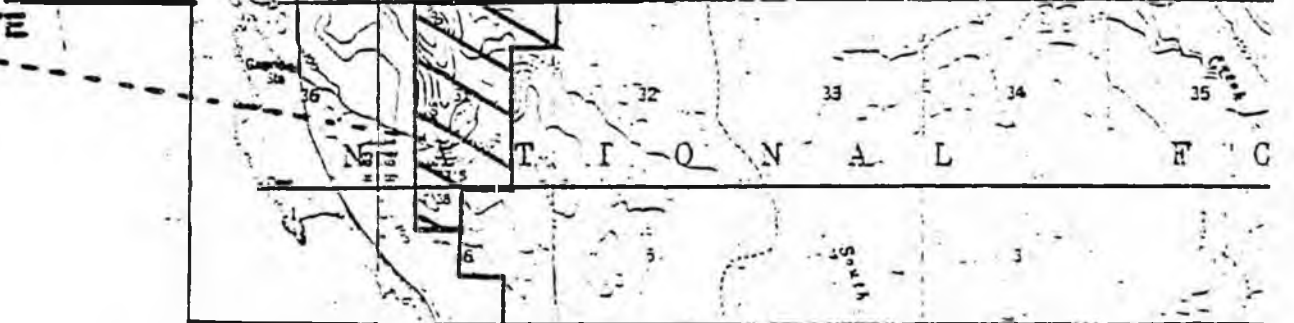
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PRIVATE

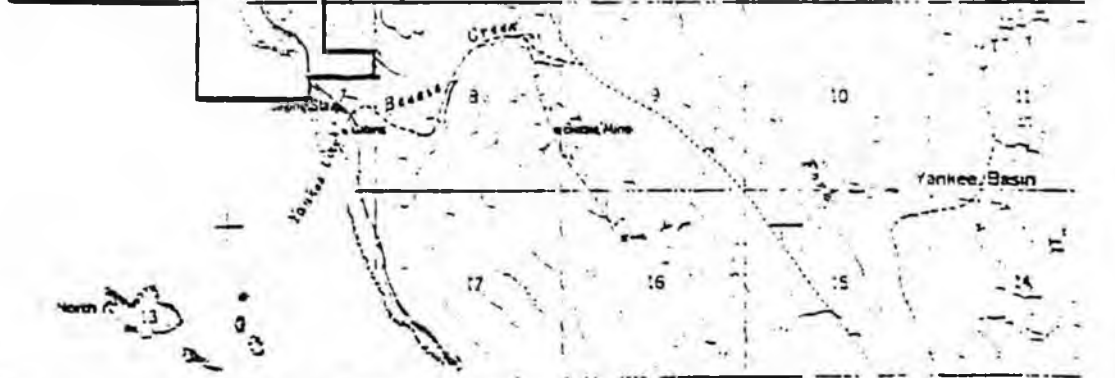


CITY

STATE



T I O N A L F G



Yankee Basin

Presented by: The Manager
Introduced: 04/20/87
Drafted by: B.J.B.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1234

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU IN SUPPORT OF THE ESTABLISHMENT OF THE PROPOSED POINT BRIDGET STATE PARK.

WHEREAS, the citizens in the Juneau area have demonstrated a high level of interest in participating in outdoor recreational activities, and

WHEREAS, Senate Bill No. 190 and House Bill No. 210, both of which relate to establishing the Point Bridget State Park on state-owned lands on Point Bridget, have been introduced in the state legislature, and

WHEREAS, Point Bridget has excellent recreational value for hiking, cross-country skiing, fishing, photography, nature study, wildlife viewing, and other outdoor activities, and

WHEREAS, the establishment of the proposed state park will serve to protect and preserve the recreational and scenic resources and to preserve and enhance the continued use of the area for hunting, fishing, and other recreational activities, and

WHEREAS, the establishment of the proposed state park is consistent with the land use envisioned for the area in the federal, state, and city-borough report entitled "Juneau Area Recreation Plan," June 1982, and

WHEREAS, the proposed state park abuts certain city and borough land that is within the Juneau open space and park system established pursuant to Ordinance 85-76am, and

WHEREAS, there is currently no state park in the Juneau area that is accessible by road, and

WHEREAS, the establishment of the proposed state park will complement and enhance the use of the abutting city and borough lands and the use of the proposed Echo Cove boat launch area;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. That the Assembly supports Senate Bill No. 190 and House Bill No. 210, both of which propose the establishment of the Point Bridget State Park to be located on approximately 2,758 acres of state-owned land on Point Bridget.

2. That the Assembly urges that Senate Bill No. 190 and House Bill No. 210 be amended to specifically provide for the reasonable right of developed access to existing private in-holdings within the proposed state park, and encourages the development of improved public access to the proposed state park.

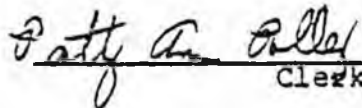
3. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 20th day of April, 1987.



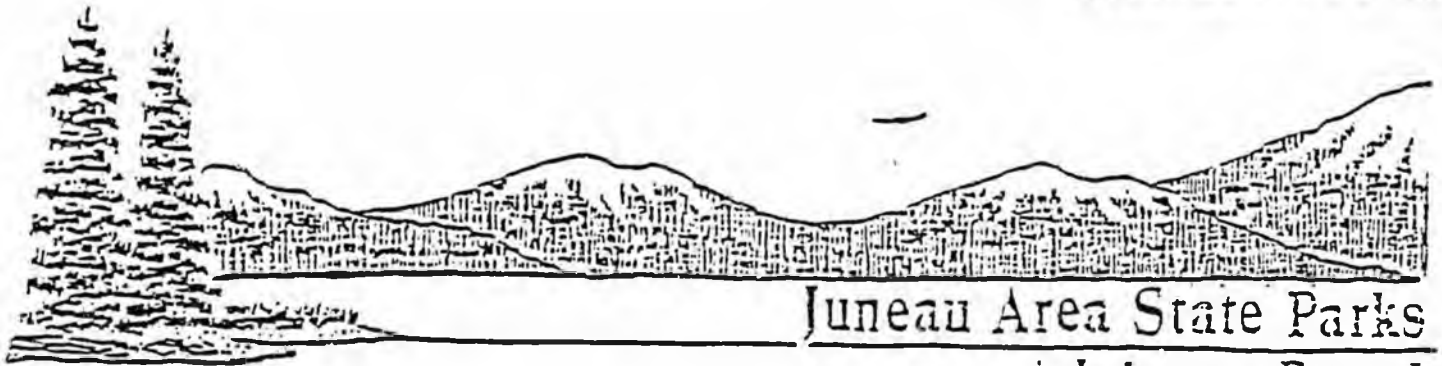
Mayor

Attest:



Clerk

RECEIVED APR 13 1987



Juneau Area State Parks Advisory Board

400 Willoughby Avenue

Juneau, Alaska 99801

Point Bridget State Park Proposal

A Summary

NEED FOR PT. BRIDGET STATE PARK:

- Pt. Bridget has outstanding park qualities.
- Pt. Bridget is the only remaining large and contiguous parcel of state land in Juneau with park potential.
- There is only one state park in Southeast, located in Haines.
- State park facilities should be available in the capital city.

RECREATIONAL OPPORTUNITIES AT PT. BRIDGET:

- Birds arrive in great concentrations because of the marine, intertidal, and meadow habitat.
- Bear viewing opportunities are the highest of any area in Juneau.
- Fishing for salmon and Dolly Varden is available in Cowee Creek.
- Hiking, picnicking, berry picking, camping, hunting, photography, etc. is available in the summer.
- Cross country skiing at sea level is available in the winter long after snow has left other low levels.

PT. BRIDGET DETAILS

- Highway access about 40 miles from downtown near the end of the Glacier Highway.
- 2,758 acres in park proposal.
- Lands include intertidal meadows, 800 foot tree covered hills, a small freshwater lake, Cowee Creek, viewpoint bluffs along Lynn Canal, shoreline along Berners Bay.

COSTS FOR PROPOSED PARK

- No fiscal notes are attached to the legislative bills.
- Modest future development might be accomplished by volunteer interest groups.

POINT BRIDGET STATE PARK

A PROPOSAL

A STATE PARK FOR JUNEAU:

Although state parks have been established throughout Alaska, none exist in the capital city. In fact the only state park in Southeast Alaska is the Chilkat State Park in Haines. The Alaska State Park system contains 3,116,956 acres of land. The Southeast Region manages 84,704 acres of park lands 606 of which are in the Juneau District.

In recent years city and borough and Native land selections have taken land that might have been considered for possible state park designation. Although there are several areas throughout Juneau with high park potential, declining state revenues make purchase of these lands an impractical consideration.

The only remaining large and contiguous parcel of state land in Juneau with park potential is located at Pt. Bridget. Although managed by the Division of Land and Water Management, the land has no status that protects it from possible future development that would negate its park potential.

The recreational potential of the Pt. Bridget land has long been recognized. In 1970 the Chief of Habitat Development, Department of Fish and Game wrote to the Division of Lands regarding the state land selection in the Berners Bay-Echo Cove area. Joe Blum wrote, "The Department of Fish and Game wishes to go on record as requesting that a "green belt" concept be developed for Cowee Creek... We would also like to see a recreation area developed around Point Bridget. The location would offer excellent beach fishing plus an unsurpassed scenic viewpoint."

In addition, two bills have been introduced in the Alaska House and Senate to establish the park, the area has been identified by the Juneau Area State Parks Advisory Board as a prime park site since 1984, and local residents support the proposal.

Creation of Juneau's first state park at Pt. Bridget is an investment for future residents and visitors. As demands for recreational opportunities grow the need for park areas will increase.

CHARACTERISTICS OF PT. BRIDGET

The proposed Pt. Bridget State Park containing approximately 2,758 acres, is about 40 miles from downtown Juneau and accessible by road.

--Surrounding Land:

The proposed park lands are bordered on the north by Berners Bay a popular water, hunting, and fishing recreation area, which has been proposed for logging; on the east by Native land selections, which could be developed, and the Echo Cove water access point to Berners Bay; on the west by Lynn Canal; and on the south by City and Borough of Juneau land designated as open space.

There are some private inholdings in the proposed area the largest of which is a church-owned Echo Bay Bible Camp. None of the land in this proposal is included in the proposed timber sale at Berners Bay.

--Habitat Features:

The Pt. Bridget area encompasses a variety of habitat features. One of the most important is an uplifted tideland that is rarely submerged. Cowee Creek meanders through the tideland meadow and supports a variety of wildlife. It is one of the only three Department of Fish and Game identified waterfowl and shore bird areas on the Juneau road system. Bears are seen along the creek. Beavers have built a network of dams and resulting ponds. Dolly Varden and several species of salmon are found in Cowee Creek. The meadows also offer a colorful assortment of wildflowers during the blooming season including shooting stars, lupine, columbine, and wild iris.

--Terrain Features:

The Lynn Canal shoreline, on the east, is rugged with rocky cliffs that provide sweeping panoramas of the Chikot Mountains, Berners Bay and the coastal mountains to the east.

The Berners Bay shoreline, on the north, provides normal beach walking conditions to the actual Pt. Bridget. Near the end of the meadow an unusually large berm separates the intertidal area from the beach.

There are also large sections of wooded acreage in the proposed park.

There are several hills, the highest point is 800 feet, and a small lake at about 300 feet.

Currently trail access exists along Cowee Creek. Other, trails also exist including an older tram trail.

RECREATIONAL OPPORTUNITIES AT FT. BRIDGET:

Opportunities abound in this area for outdoor enthusiasts of all ages. This is one of the few areas in Juneau that incorporates so many varied uses and opportunities.

--Bear Viewing: This is generally recognized as the best opportunity for bear sighting in the Juneau area.

--Bird Watching: The combination of marine, intertidal and meadow areas has created one of Southeast's best areas for birds.

--Fishing: Dolly Varden, silver and chum salmon are available in Cowee Creek.

--Summer Use: The area offers typical recreational opportunities such as hiking, picnicking, berry picking, a profusion of flowers, photography, camping, and hunting.

--Winter Use: Because of the generally cooler temperatures in this area snow for cross country skiing remains at sea level long after it has gone from lower elevations in Juneau.

--Educational Opportunities: The availability of different ecosystems within one area provides an excellent forum for study and observation and could be used by such organizations as the school district sea week, parks and recreation hikes and outdoor programs, high school and university classes.

A BIRD VIEWING AREA OF UNUSUAL DIMENSIONS:

The Ft. Bridget area is only 1 of 3 areas of waterfowl and shore bird concentration on the Juneau road system according to the Department of Fish and Game.

The "Alaska Habitat Management Guide-Southeast Region" produced by the department's division of Habitat in 1986 identified shorebirds that might be seen: "The shorebird population consists primarily of semipalmated and black-bellied plovers, greater and lesser yellowlegs, spotted, least, western, pectoral, and rock sandpipers, dunlin, short-billed dowitcher, common snipe, black turnstone, red-necked phalarope, and sandhill crane."

The book also identified waterfowl that might be seen: "The duck population consists primarily of mallard, northern pintail, green-winged and blue-winged teals, northern shoveler, American widgeon, greater and lesser scaups, common and Barrow's goldeneyes, bufflehead, oldsquaw, harlequin, black, white-winged scoters, and common, red-breasted, and hooded mergansers. Geese include the Vancouver and dusky Canada, greater white-fronted, and snow goose. Swans include trumpeter and tundra swan."

There is at least one identified eagle nesting site near the point.

NEED FOR A STATE PARK IN JUNEAU

--Juneau has no State Park:

The lack of state parks in the Juneau Borough was recognized in a 1977 city and borough "Comprehensive Park and Recreation System Plan."

They determined that throughout all of Southeast there were about 32 acres of park land/1000 people and none in the Juneau Borough. This compared with 1,077 acres of state parks/1,000 population in Southcentral Alaska, 396 acres of state parks/1,000 in Interior, and 3,900 acres/1,000 statewide.

The report's recommendation said, "It is evident by comparing the per capita park acreage in other portions of the state to the City and Borough of Juneau that there is a substantial lack of park land in Juneau. On this basis it appears that the State of Alaska should fulfill its responsibility by acquiring and developing regional parks within the area of Juneau that can be reached by normal means of transportation within two to three hours." Pt. Bridget is less than an hour by car from downtown Juneau.

"State parks should be geographically balanced on a regional basis to provide high quality natural areas for use by nearby residents as well as by visitors." according to the "Alaska State Park System: Statewide Framework" published in 1982.

The most recent plan which studied recreation resources and users in Alaska is Outdoor Recreation: Alaska, December 1986, by the Division of Parks and Outdoor Recreation. Statistics presented in this plan show that Southeast Alaska has the highest participation in 10 of 23 categories of activities even though there is only 7% of the states recreation facilities and trails located here. Fishing, hunting, camping, and hiking are all identified among most popular activities for Southeast residents.

--Juneau's Interest in Parks is High:

The 1975 Juneau Comprehensive Parks and Recreation System Plan reported, "Use of regional parks, for example, was found to be from 100 percent to 350 percent of what would be expected in the 'average' community."

There is good reason to believe that this enthusiasm for outdoor recreation has not diminished in recent years. In 1982 the Juneau Area Recreation Plan identified numerous outdoor recreation sites and facilities that were in high demand by Juneau residents.

Among the priority recommendations by the plan were coastal parks and recreation beaches along the Glacier Highway, including areas accessible by road in the Point Bridget area. Development of trail access to the lake at Point Bridget area and stocking the lake with trout were both identified as important future recreation considerations.

More recent public responses to the city's budget survey further add to the documentation of public demand for quality outdoor recreation sites and facilities in the Juneau area.

--Juneau Residents Are Active Outdoor Recreationists

In the Alaska Public Survey, conducted in 1979, 84% of the survey respondents reported that outdoor recreation opportunities were a principle reason for living in the area. In that survey, beachcombing, hiking, and walking were the most popular activities identified with 75% of all residents participating. Fishing was mentioned most frequently of all responses as the activity that Juneau residents wanted to do more often.

The results of the survey were summarized in the 1982 Juneau Area Recreation Plan by the Alaska Division of Parks: "The predominant features of these popular recreation activities are the dependence on relatively undisturbed natural areas, abundant fish and wildlife, marine access, and the opportunity for an uncrowded, or dispersed, recreation experience."

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1736
PHONE: (907) 465-2400

April 15, 1987

The Honorable Arliss Sturgulewski
Chair, Senate Community and Regional
Affairs Committee
P.O. Box V
Juneau, AK 99801

Dear Senator Sturgulewski:

Subject: Senate Bill 190, which would establish the Point
Bridget State Park.

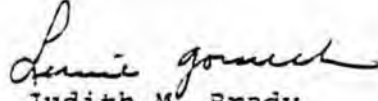
Position: Unfortunately, at this time, the Department of
Natural Resources is unable to take a position on Senate
Bill 190. A portion of the land to be included in the park
is also included in the replacement pool of land proposed
for settlement of pending litigation between the University
of Alaska and the Municipality of Anchorage, and the
University of Alaska and the State of Alaska (see attached
document).

Background: The proposed litigation settlement (including
the proposed pool of land) is currently being reviewed by
the public. Comments will be accepted through May 13, 1987,
and will be carefully considered before a final decision on
the land to be included in the pool is made.

Recommendation: We suggest that the record of public
testimony concerning Senate Bill 190 be provided to the
Department for inclusion in the public comment record for
the proposed settlement land pool.

A State Park should be established in Alaska's capital city
and we look forward to working with the bill's sponsor and
the committee concerning the establishment of a State Park
in Juneau.

Sincerely,


for
Judith M. Brady
Commissioner

Attachment

cc: Senator Jim Duncan
Representative Fran Ulmer
Representative Bill Hudson
Senate Committee members
George Sullivan
Rod Swcpe

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____
 Revision Date: April 14, 1987
 Title: on Bridger State Park
 Sponsor: Senator Duncan
 Requester: Senate CSEA Committee

Bill Version: Senate Bill 190
 Publish Date: _____
 Agency Affected: Natural Resources
 BRU: Park Management
 Components: _____

EXPENDITURE/REVENUE: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		20.0	20.0	20.0	20.0	20.0
TRAVEL						
CONTRACTUAL		1.0	1.0	1.0	1.0	1.0
SUPPLIES		2.0	2.0	2.0	2.0	2.0
EQUIPMENT		2.0	2.0	2.0	2.0	2.0
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		25.0	25.0	25.0	25.0	25.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		25.0	25.0	25.0	25.0	25.0
FEDERAL FUNDS						
OTHER						
TOTAL		25.0	25.0	25.0	25.0	25.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Neil Johannsen/Linda Kruger Phone: 465-2400
 Division: Parks and Outdoor Recreation Date: 7/14/87

Approved by Commissioner: Jennie Bostin Date: 4-15-87
 Agency: Natural Resources

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requester
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 190

100 - \$20.0 for half-time Park Ranger, Range 14 (Existing position, currently funded for only 5 months per year.)

200 - -0-

300 - \$1.0 Mileage for travel to and from park site.

400 - \$2.0 Supplies for volunteers to develop access trails to park.

500 - \$2.0 Equipment for volunteers to develop access trails to park.

The Park Ranger would supervise the volunteers and assist them in developing access trails to the park. Defined access routes would help to prevent trespass on private property adjacent to the park.

STATE OF ALASKA
DIVISION OF LAND AND WATER MANAGEMENT
PRELIMINARY DECISION
ADL 223436

I. Introduction

The action being considered in this preliminary decision is the designation and conveyance of certain lands and interest in land to the University of Alaska trust to replace seven parcels of University grant land (Appendix A) selected by the Municipality of Anchorage under former AS 29.18.206.

This action will settle pending litigation: University of Alaska v. Municipality of Anchorage, et al., (Alaska Supreme Court Nos. 1815 and 1825) and University of Alaska v. State of Alaska, et al., (Alaska Superior Court, case no. JAN-00-14734 CIV.). Further, conveyance of land and interest in land to the University approximately equal in value to the lands previously conveyed to the Municipality is authorized by former AS 29.18.206 and AS 38.05.310.

II. Background

The Municipal Entitlement Act as amended, former AS 29.18.206, enabled the Municipality of Anchorage to select University land in partial fulfillment of its land entitlement. The legislature by this same act directed the Department to replace this University grant land with replacement land of approximately equal value.

The University, the Municipality, and the State have been involved in a dispute over this land since at least 1979. The seven parcels were acquired by the State under the Congressional Act of 1929 in trust for the University. In 1979, the parcels were selected by the Municipality and were approved for conveyance to the Municipality by the State in 1980 and 1986 decisions. Previous attempts to reach an agreement between the Municipality, the University and the State to resolve the dispute have failed.

In 1985, the University challenged the State's transfer of the seven parcels to the Municipality as a violation of the Congressional Act of 1929. The Superior Court found in favor of the Municipality and the State. The issue is on appeal before the Alaska Supreme Court (University v. Municipality, cited above). On November 25, 1986, the Municipality and the State reached agreement settling the Municipality's claims under former AS 29.18. The University challenged that agreement (University v. State, cited above) in an effort to preserve possible replacement lands. The University and the State then again began discussions to settle the issue of replacement land.

III. Authority for the Preliminary Decision

On December 18, 1986, the State and the University signed a Memorandum of Understanding to attempt to settle this dispute (Appendix B). This preliminary decision is consistent with the terms of that Memorandum of Understanding, with former AS 29.18.206 and with AS 38.05.310. Notice of

this preliminary decision and an opportunity for public comment will be given under AS 38.03.945.

IV. Proposed Action

A. Value of seven parcels in Anchorage

As provided in the Memorandum of Understanding, appraisals of the seven parcels in Anchorage have been done under appraisal instructions approved by both the State and the University (included in Appendix 3). The value of the seven parcels which have been approved for conveyance to the Municipality has been established as \$24,752,000 for purposes of this settlement. The University has accepted this valuation. After full consideration of all the circumstances relevant hereto, I believe that settlement of this matter based on this valuation amount is in the best interests of the State. The appraisals of the seven parcels are available for public review.

B. Replacement land pool

As provided in the Memorandum of Understanding, the University and the State have agreed to the identification of parcels of State land shown in Appendix C for the replacement land pool. This pool includes parcels presently under sale contracts which are referred to as Subdivision Mortgage Areas. All parcels are listed in priority order for conveyance and will be subject to valid existing rights. Appendix D lists the proposed replacement land pool with intra-agency comments solicited by the Division of Land and Water Management. Appendix D includes information which will be considered as part of public and agency review pursuant to AS 38.05.945.

For the Subdivision Mortgage Areas, the State would convey to the University the land subject to the land sale contracts, and the land sale contracts would be transferred to the University effective January 1, 1988. The University would then be responsible for administering the contracts and passing title to purchasers as contracts are paid off. Through December 31, 1987 all proceeds resulting from these contracts would accrue to the State. However, for purposes of calculating the value of the contracts to be subtracted from the value of the former University lands, the remaining principal on the contracts would be calculated as of the close of business Wednesday, February 13, 1987. In the event that a contract is paid off prior to December 31, 1987, the payment will be received for the benefit of the University, and the State will retain only the principal portions of payments which would otherwise have been made in 1987. In the event that a contract is relinquished or terminated prior to December 31, 1987, the State will convey to the University the land which had been subject to the contract.

Preliminary Decision

Page 3

Parcel priority 20, Cape Yakataga is limited to timber rights only. Parcels classified as agriculture would be conveyed subject to the provisions of AS 38.05.121.

At a special meeting of the University of Alaska Board of Regents on February 21, 1987, the Board accepted the replacement land pool identified in Appendix C for purposes of this settlement.

I have reached the preliminary decision that the replacement pool is acceptable for purposes of settling the pending litigation.

C. Replacement Process

The parcels in the replacement land pool are listed in priority of conveyance. These lands will be appraised pursuant to appraisal instructions agreed to by the University and the State (Appendix E). To replace the Anchorage parcels, lands of approximate equal value to the above value of the seven Anchorage parcels will be conveyed to the University. If additional land is necessary to accomplish this, the University will nominate additional, mutually acceptable lands and the Department will issue another preliminary decision for these lands.

D. Mineral Order

Only the surface estate of the parcels identified in Appendix C will be conveyed to the University. The intent of the University land trust is to provide a long term stable source of revenue for benefit of the University. This includes significant surface uses which would be incompatible with mining. Therefore, under the authority of AS 38.05.135(a), I propose to close those lands to be conveyed to the University which are not already closed to locatable mineral entry.

V. Best Interest Determination

I have considered the requirements of former AS 29.13.206, AS 38.05.310, and AS 38.05.035(a), the state's general trust responsibilities to the University, the Memorandum of Understanding dated December 13, 1986 and the advantages of settling pending litigation. Based on the knowledge and information we have at this time, it is my decision that the proposed action described herein is in the State's best interest.

VI. Public Comment

As required by the Alaska Constitution and AS 38.05.945, no action under AS 38.05.035(a) can be final until after the public has had an opportunity to review and comment. Comments will be accepted from the public if received

Preliminary Decision
Page 4

In writing by the Division of Land and Water Management at P.O. Box 107005,
3601 "C" Street, Anchorage, Alaska 99510-7005 before the close of business,
(4:30 pm) May 13, 1987.

Dated: 5/10/87

State of Alaska
Department of Natural Resources

By:

William A. Grady
Commissioner

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND AND WATER MANAGEMENT

3601 "C" Street, P.O. Box 7005

Anchorage, AK 99510-7005

PUBLIC NOTICE UNDER AS 38.03.545

PROPOSED CONVEYANCE, REDESIGNATION, AND CLOSURE
TO LOCATABLE MINERAL ENTRY FOR
UNIVERSITY GRANT LANDS

Subject to the provisions of AS 38.05.945, notice is hereby given that the Department of Natural Resources (Department) proposes to redesignate (under former AS 29.13.206), convey (under AS 38.05.910(a)) certain interests in state land to the University of Alaska (University), and close the lands to locatable mineral entry under the authority of AS 38.05.135(a). The mineral estate will be retained by the state pursuant to AS 38.05.135. A preliminary decision has been made under AS 38.05.035(e) that such actions are in the best interest of the state. That decision may be modified as a result of public and agency review solicited by this notice.

The purpose of the state land conveyance is to replace University Grant land that was transferred to the Municipality of Anchorage (Municipality) while University land was managed by the Department. The value of the land transferred to the Municipality has been established at approximately \$25,000,000. The state proposes to replace University Grant land by conveying enough land to the University to equalize that amount. Parcels of state land will be selected from a statewide pool in the order which has been prioritized by the University until the approximate value is equalized.

Land Descriptions and Information

The areas and approximate acreages shown below are to be redesignated, conveyed, and closed to mineral entry as necessary under this notice. Each description is followed by a listing of the priority rankings which reflect the order in which lands will be conveyed to the University to equalize the value of their former lands.

More detailed information on the state land pool affected by the above actions is available for review at the following information offices of the Division of Land and Water Management: Southcentral Region, 3601 "C" Street, Suite 1080, Anchorage, Alaska (phone: 762-2202); Northern Region, 4420 Airport Way, Fairbanks, Alaska (phone: 479-2243); or Southeast Region, 400 Willoughby, Juneau, Alaska (phone: 465-3400). Additionally, a copy of this notice and a land description summary are posted at the following U.S. Post Offices: Adak, Akia Bay, Cape Yakutatka, Central, Chetana, Clam Gulch, Cold Bay, Columbia, Delta Junction, Denali National Park, Gustavus, Homer, Hydabury, Kasloof, Ketchikan, Pelican, Petersburg, Sitka, Talkeetna, Valdez, Ward Cove, Whittier, and Woonahy.

SOUTHWESTERN REGION

- Ambridge Area — approximately 1 acre in 3 parcels (priority areas 14, 21, 32)
- Cold Bay, King Cove Area — approximately 15 acres in 1 parcel (priority area 114)
- Cook Inlet (Kodiak Island, Kalgin Island) — approximately 1,560 acres in 3 parcels (priority areas 39, 51, 81)
- Cordova Area — approximately 310 acres in 4 parcels (priority areas 34, 70, 103, 104, 122)
- Esper Area — approximately 1,300 acres in 5 parcels (priority areas 9, 89, 102, 126, 145)
- Tliana Lake Area — approximately 1,330 acres in 1 parcel (priority area 100)
- Rosier — approximately 544 acres in 5 parcels (priority area 127)
- Kerai Area — approximately 94 acres in 3 parcels (priority areas 86, 87, 109)
- McCarthy Area — approximately 1,350 acres in 7 parcels (priority areas 55, 139)
- McKinley Village — approximately 350 acres in 1 parcel (priority area 97)
- Port Hallett Area — approximately 13.4 acres in 3 parcels (priority area 129)
- Prince William Sound — approximately 608 acres in 2 parcels (priority areas 59, 69)
- Sealand Area (Nika Island) — approximately 2,220 acres in 2 parcels (priority areas 17, 93)
- Talkeena Area — approximately 94 acres in 2 parcels (priority area 46)
- Valdez Area — approximately 1,390 acres in 6 parcels (priority areas 10, 13, 71, 88, 94, 107)
- Wasilla Area — approximately 2 acres in 1 parcel (priority area 72)
- Yakutat Area — approximately 2,170 acres in 1 parcel (priority area 20)

SOUTHEAST REGION

- Admiralty Island (Angeles) — approximately 3.72 acres in 1 parcel (priority area 41)
- Craig Area — approximately 3,240 acres in 2 parcels (priority areas 16, 50)
- Juneau Area — approximately 1,470 acres in 7 parcels (priority areas 13, 35, 36, 37, 90, 123, 143)
- Ketchikan Area — approximately 3,860 acres in 7 parcels (priority areas 25, 73, 80, 83, 125, 141, 142)
- Pellion Area — approximately 830 acres in 1 parcel (priority area 106)
- Petersburg Area — approximately 4,670 acres in 6 parcels (priority areas 55, 57, 61, 98, 121, 124)
- Sitka Area — approximately 543 acres in 3 parcels (priority areas 23, 30, 45)
- Tongue Bay Area — approximately 1,170 acres in 1 parcel (priority area 13)
- Wrangell Area — approximately 4.76 acres in 1 parcel (priority area 43)

NORTHERN REGION

- Big Delta Area — approximately 5 acres in 1 parcel (priority area 119)
- Central Area — approximately 1.25 acres in 1 parcel (priority area 91)
- Fairbanks Area — approximately 717 acres in 5 parcels (priority areas 15, 95, 96)

Mineral Closing Order

Some land in the proposed conveyance pool is already closed to mineral entry having been previously reviewed under the public and agency review processes. The closed land consists of subdivision lots within subdivisions located statewide (priority areas 1, 3, 12, 13, 27, 28, 31, 38, 40, 47, 60, 62, 64, 65, 68, 76, 77, 83, 105, 110, 112, 116, 117, 118, 126, 128, 136, 144).

The Department of Natural Resources has prepared a draft finding under the authority of AS 38.05.135(a) that use of the lands for the benefit of the University includes significant surface uses which are incompatible with mining. Therefore, all lands identified for redesignation and conveyance to the University will be closed to locatable mineral entry, subject to public comment as required by AS 38.05.943. A final finding under AS 38.05.135(a) is expected to take effect June 12, 1987. Additional notice identifying lands subject to this mineral closing will be given as a part of the final finding under AS 38.05.135(a).

Public Hearings

Public hearings on the proposed conveyance, redesignation, and mineral closing actions are scheduled for April 23, 1987 (Thursday):

Anchorage - 7:00 p.m. at the Pioneer Schoolhouse, 3rd & Eagle

Fairbanks - 7:00 p.m. at the University of Alaska Campus, Rm. 466
Dickering Bldg.

Juneau - 7:00 p.m. at the Tinnet-Haida Community Center, 3225 Hospital Drive

Any comments, objections, expressions of interest pertaining to the proposed action, or assertions of a claim to the property involved must be received in writing by the Division of Land and Water Management at P.O. Box 107005, Anchorage, Alaska 99510-7005 on or before 4:30 p.m. on May 13, 1987. This deadline is required to supplement the administrative hearing record and to receive public comment solicited by this notice.

The Division of Land and Water Management reserves the right to waive technical defects in this publication.

Tom Hawkins, Director
Division of Land and Water Management

Publish _____

*See attached
for names + publication dates*

457 1012

Publication dates: April 13, 1987 (Monday) - Anchorage Times ~~Alaska~~ 080
 Fairbanks Daily News Minor 082
 Juneau Empire 084
 Kenai Daily News 083
 Peninsula Clarion (Kenai) 086
 Daily Sitka Sentinel 081
 Island News (Thomas Bay) 085
 April 15, 1987 (Wed.) - Franciscan (Palmer/Wasilla) 087
~~Valdez Times 088~~
 Valdez Vanguard 089
 Copper Valley Views (Copper Center) 090
 The Delta Paper (Delta Junction) 091
 April 16, 1987 (Thurs) - Cordova Times 092
 Wrangell Sentinel 093
 Seward Phoenix Log 094
 Homer News 095
 Petersburg Pilot 096

QUESTION #3: Provide a list of the land to be transferred to the University of Alaska, the status of the transfer, schedule of events and a copy of the restricted title document for Chena panel.

*Tentative
Schedule*

a: List of the land to be transferred to the University:

Appendix C of the preliminary decision will be provided.

b: Status of the transfer:

The Department is at the preliminary decision stage. The list of lands is subject to a thirty-day public notice/review process.

c: Schedule of Events: The following is a tentative schedule of events.

4/13/87 Start of comment period.

4/23/87 Public hearings are held in Anchorage, Fairbanks and Juneau.

5/13/87 The public notice period ends. The Department completes title work and finalizes the replacement land pool.

5/29/87 The University completes appraisals on replacement lands. The University and Department meet to equalize values and negotiates final replacement lands.

6/12/87 The Department issues the final decision and best interest finding. (The final finding under AS 38.05.125(a) (Mineral closing) is expected to take place 6/2/87)

6/15/87 Settlement agreement tentatively approved, subject to final approval by the Board of Regents. Pool land not subject to the settlement agreement are released and considered available for other purposes.

To be set Settlement agreement approved by Board of Regents and University dismisses the Supreme Court appeal. Department begins to convey replacement land to the University.

c. Provide a copy of the restricted title on Chena Parks Recreation area. The University, Division of Parks and Division of Land and Water Management are working on this selection to determine what specific restrictions will apply and how the panel will be appraised. As soon as Restrictions are completed a copy will be provided.

The proposed transfer is subject to public notice/review process. A final decision will be made after public comments are received.

PUBLIC SUPPORT FOR THE PT. BRIDGET STATE PARK:

Bob Armstrong, author of "Guide to the Birds of Alaska";

"The habitat combination of marine, intertidal and large expanse of transition meadows between the intertidal and forest has created one of the best areas for birds in all of Southeastern Alaska...

"...the Kowee Creek meadows are the only extensive nesting habitat for these birds (waterfowl and shorebirds) that remains along the Juneau road system...

"In summer the wildflowers are gorgeous within these meadows. And, best of all, the area is relatively easy to hike about. Fishing in the river is good for Dolly Varden and coho salmon...

"I strongly support your proposal to establish the Point Bridget State Park. I feel protection of this unique area from other potential types of development is of the most immediate importance."

Judy Hall Alaback, Conservation Chair, Juneau Audubon Society

"The Juneau Audubon Society supports your proposal for the establishment of Point Bridget State Park...

"This and surrounding areas are already heavily used for recreation by Juneau residents and visitors."

Richard Gordon:

"I strongly support this well-timed proposal...

"Other Juneau road-system river mouth meadows are either developed (Switzer Creek), or largely in private hands (Peterson Creek on Douglas Island, Amalga Harbor area meadows)...

"Extremely suitable due to extensive unforested lands and beaches..."

Joe Blum, Chief, Habitat Development, Department of Fish and Game, 1970:

"The Department of Fish and Game wishes to go on record as requesting that a 'green belt' concept be developed for Cowee Creek."

"We would like to see a recreation area developed around Point Bridget."

James King:

"Alaska is the envy of communities around the world because of our opportunity to dedicate such wonderful wild areas to public use. Lets not let them down."

Senator Jim Duncan
Alaska State Senate
Pouch V
Juneau, AK 99811

4/8/97

Dear Senator Duncan,

This is to congratulate you for your vision in proposing the Point Bridget State Park (Senate Bill NO. 190) and urge its passage.

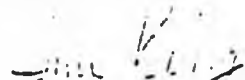
The Point Bridget Park would complement the adjacent Borough park that extends from Sunshine Cove to Bridget Cove and the two could be jointly managed as a "World Class" park. It may be difficult for some Alaskans, surrounded as we are by wilderness, to visualize this area as a World Class park but consider there are few if any easily accessible Alaska State Parks or US National Parks that include so much and so varied a wild coast.

This historic place was named by Capt. George Vancouver in 1798, perhaps for his mother, Bridget Barnes. Juneau people use the area for recreation and as our population increases so does that use.

Major expenditures for park development would not be needed or desirable now. The area has a potential for hiking and skiing trails, campsites and perhaps overnight cabins that could be developed slowly by the volunteer organizations that do that sort of thing.

In an increasingly recreation oriented society the Point Bridget State Park will well serve the residents of Juneau, visitors from other parts of Alaska and tourists. Alaska is the envy of communities around the world because of our opportunity to dedicate such wonderful wild areas to public use. Lets not let them down.

Sincerely,



James G. King
Alaska Resident For 38 Years

1700 Sbranta Road
Juneau, Alaska 99801
April 2, 1967

Senator Jim Duncan
Pouch U
Juneau, Alaska 99811

Dear Senator Duncan:

I favor the Point Bridget area as a State Park and urge passage of your Senate Bill 190.

The Point Bridget State land is immediately north of beach front land owned by the City and Borough of Juneau. An upland beach trail on the Borough property could be extended to Point Bridget making an exciting addition to the already existing and planned system of upland beach trails in the City and Borough.

A trail on this proposed park would give foot access to a beautiful, wild stretch of coastline where the view west across Lynn Canal to the Chilkat Mountains, north toward Haines, across Berner's Bay and the mountains to the east provides a panoramic view that is spectacular. The meadows at the mouth of Cowee Creek with their flowers, fish in the stream and some of the best bird watching in the Borough are also a valuable part of this property.

Yours truly,

Mary Lou King
Mary Lou King

March 21, 1987

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811

Dear Senator Duncan:

I was delighted to hear of your proposal to create the Point Bridget State Park. This area has long been a favorite of mine for hiking, X-country Skiing, bird watching and fishing.

The habitat combination of marine, intertidal and large expanse of transition meadows between the intertidal and forest has created one of the best areas for birds in all of Southeastern Alaska. These transition meadows are particularly productive because of the beaver dams and sloughs, scattered spruce, dead snags and adjacent red alder and cottonwood trees. In and around these meadows I usually see more and a greater variety of birds than other areas in Juneau. In particular it is attractive to hawks, owls and falcons; woodpeckers; snipe and warblers. I see more of these types of birds than elsewhere.

Transition meadows between intertidal and forest are the areas where waterfowl and shorebirds nest. Most of this type of habitat has been destroyed by development at the Mendenhall Wetlands. This means that the Kowee Creek meadows are the only extensive nesting habitat for these birds that remains along the Juneau road system.

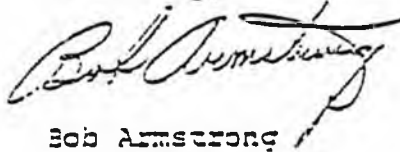
This area contains the most extensive and beautiful meadows I have seen in Southeast Alaska. In the last week I have gone x-country skiing in the area on two different occasions. The meadows offer miles of marvelous skiing. In one spot we estimated 2 miles of meadows between the forest and saltwater in one straight line! I like the area because, in normal winters of rain and warm weather, you can always ski on these meadows whereas other lowland areas of Juneau are bare of snow.

In summer the wildflowers are gorgeous within these meadows. And, best of all, the area is relatively easy to hike about. Fishing in the river is good for Dolly Varden and coho salmon.

I am concerned about development of the area. In particular road, campground, picnic areas etc. I believe the unique values of the area are its birds and wildlife. Development of this sort would, I feel, diminish these values considerably. Why not develop the area for hiking and x-country skiing? Right now its only about a one-half mile walk to the meadows from the existing road.

I strongly support your proposal to establish the Point
Whidget State Park. I feel protection of this unique area
from other potential types of development is of the most
immediate importance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Armstrong".

Bob Armstrong
5370 Thane Road
Juneau, Alaska 99801

cc State Parks Advisory Board



JUNEAU AUDUBON SOCIETY

P.O. Box 1725 • Juneau, Alaska 99802

March 23, 1987

Senator Jim Duncan
P.O. Box 7
Juneau, AK 99811

Dear Senator Duncan,

The Juneau Audubon Society supports your proposal for the establishment of Point Bridget State Park (S.B. 190). The diversity of lands to be included, ranging from beach to coastal wetlands to riparian habitats and old growth forests makes the area well suited for wildlife habitat and human recreation.

This and surrounding areas are already heavily used for recreation by Juneau residents and visitors. The Juneau Parks and Recreation hiking group leads hikes there and a well marked trail in the proposed park exists along Covee Creek.

We agree that with its high proportion of residents that enjoy outdoor recreation, Juneau should have an easily accessible state park. We question the logic of allowing hunting in the Park. For safety reasons hunting may not be comparable with other forms of outdoor recreation, especially since the proposed park is less than 3000 acres in size.

Sincerely,

Judy Hall Alaback
Judy Hall Alaback
Conservation Chair

cc:
State Parks Advisory Board

ALASKA
RESOURCES
KIT MINERALS

Judith Entwife
Alaska Minerals & Energy Resource Education Fund
6925 Woods Street
Juneau, Alaska 99801

March 25, 1987

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811

COPY

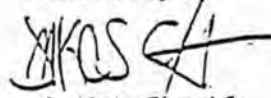
Dear Mr. Duncan,

In thirteen years as a classroom teacher I have been on the lookout for field trip sites to get my students first-hand experiences. Those sites need to meet the educational needs of the class and, of course, to be accessible. I was delighted to hear of your bill to establish a state park on Point Bridget, as it promises to be just such a site.

Point Bridget with its many diverse habitats--the beach, the wetland meadow, the salmon creek, small lake, even an eagle tree--in a compact area makes an excellent site for outdoor education. That same diversity makes it a fascinating outing for local families and visitors, a place to beachwalk or fish, to view eagles, black bear, waterfowl and wildflowers or pick berries. The eventual construction of road and picnic area would make it more accessible to local student groups, families, and tourists. In the meantime, it will remain available to the hikers, hunters, and fishers who use it now. We'll know that we won't lose our spot at the end of the road to private development.

Thank you for the insight to recognize the value of a Point Bridget State Park and your efforts to make it happen.

Sincerely,


Judith Entwife

FRIENDS OF BERNERS BAY

350 ERWIN STREET #102 JUNEAU, ALASKA 99801

Senator Jim Duncan
P.O. Box 7
Juneau, Alaska 99801

Dear Senator Duncan,

Friends of Berners Bay would like to thank you for sponsoring a bill which would create a State Park at Bridget Point, the southern tip of the entrance of Berners Bay.

Friends of Berners Bay is a coalition of recreation, sporting, and tourism groups, and more than 1300 individuals dedicated to the long-term preservation of Berners Bay and surrounding lands as a wilderness recreation area for Juneau's residents and visitors. We believe that the areas rich and diverse fish and wildlife habitat, as well as its proximity to a major population center with rapidly expanding recreation demands, make the Berners Bay area of vital and unique importance to the people of Juneau.

As recreational use continues to grow in the Berners Bay area, the need for preservation of the area becomes increasingly critical. The Alaska Public Survey, partially funded and conducted by the Forest Service is probably the most authoritative and widely-cited survey of recreational use in Alaska. It documents the dependence of Alaskan recreation on undisturbed lands. Out of 572 Juneau area residents who were asked what sort of areas they desired outside of town, 86% wanted undisturbed natural areas.

A 1982 report by the Alaska Division of Parks, in coordination with the Forest Service, states that the Berners Bay area is "considered to have particular significance as scenic, subsistence, and recreational areas as well as natural systems" to which high priority should be given in meeting "the public demand for reservation of undisturbed natural lands in the Juneau area."

The Alaska Department of Fish and Game has also recognized the unique character of the area by classifying it as part of eight percent of the Tongass with the highest fish and wildlife values.

Bridget Point, with its commanding view of the whole of Berners Bay and Lynn Canal, would make an excellent state park. Not only would it insure continued recreational use for residents, it would also be a benefit to the visitor industry and in so doing would add to what could become a major step in Juneau's efforts towards economic diversification.

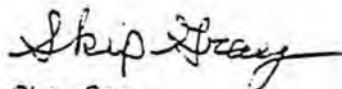
A popular point of discussion in that industry and among civic leaders, is how to attract a type of visitor that would stay in the area longer than the current visitors. The main choices presently offered visitors to Southeast are tourship travel or outdoor experiences via hunting and fishing lodges and wilderness tours, none of which encourage people to stay in Juneau much more than a night. There is a huge gap in the industry waiting to be filled. With proper marketing and services, Juneau could become a mecca for travelers who wish to enjoy the out-of-doors in a more domestic framework. Tours could be designed to give people several days of outdoor experiences mixed with the best of the city's offerings. Hiking, fishing, birdwatching, kayaking, and canoeing combined with museum visits, theater and nightlife could provide the more independent traveler with endless options and an Alaskan experience they would never forget.... and may come back for. Hotels, rental condominiums, restaurants, sporting goods stores, and guiding services would all benefit as would businesses that already cater to tourists.

A highlight in such a marketing plan would be the ability to boast of a state park.

You are to be congratulated for having the foresight to take steps now which will insure that Pt. Bridget remains a place of beauty and enjoyment for generations to come.

If we can be of further assistance please don't hesitate to contact us.

Sincerely,



Skip Gray
Co-Chair
Friends of Berners Bay
780-4854

HB

212

BERING STRAITS COASTAL RESOURCE SERVICE AREA BOARD

Box 28

Unalakleet, Alaska 99684

(907) 624-3062

April 7, 1987

Representative Sam Cotton
Representative Adelaide Hermann
Co-Chairpersons
House Resource Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Hermann & Cotton:

The Bering Straits Coastal Resource Service Area Board has reviewed House Bill 212 and has some serious concerns about the bill. The BSCRSA Board disagrees with the findings of HB 212 and feels that HB 212 is based upon unsubstantiated generalities that are without substance. It is the opinion of the BSCRSA Board that HB 212 would effectively remove one of the few avenues open to rural residents to be actively and meaningful involved in a state decision making process that has a direct and significant impact on their lifestyle, culture, and economic system.

The BSCRSA Board would like to go on record as opposing this bill and urges that it be kept in committee until specific detailed substantiation is presented that indeed objectively indicates that:

- o Orderly development is being delayed by because state agencies participate in permit reviews.
- o There are a proliferation of state agency reviews, that such reviews place unjustified requirements on processing permits, and that the uncertainties created by the above costs residents millions of dollars in lost employment and higher prices.
- o State agency participation in permit reviews causes protracted delays in permit issuance and that state agency participation in permit reviews is not in the best public interest.
- o The social, economic, and environmental health and well being of the residents of the state is being adversely impacted by state agency participation in permit reviews.
- o DNR is able to provide more efficient processing of multi-agency permit applications than DGC.

In 1984 permit reform legislation was introduced that streamlined the permit review process, set specific time lines for permit reviews, and established a process that added balance to the permit review process that would ensure that development was indeed "orderly".

April 8, 1987

Representative Drue Pearce
P.O. Box V
Juneau, Alaska 99811

ATTN: Theresa Maser

Dear Theresa:

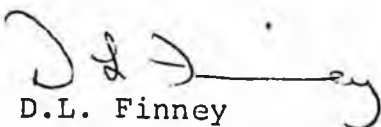
This is a paper I did seven years ago when I was working for the timber industry. Nothing has changed and if you wade through it you will see how time consuming and duplicative the process is and how it could be substantially shortened if the State had a single lead agency consolidating their position.

You may be interested to know that as of May 1, I will be the new General Manager of the Alaska Loggers Association. John Galea, who has held that position, is becoming the new State Forester. I will also still represent U.S. Borax interests in Ketchikan and the State, but because our Quartz Hill project will be on hold for a period of time awaiting market improvements, I will have time to do both jobs.

Therefore, I feel qualified to point out the importance of these Corps permits to the timber industry. They must have such a permit every time they enter a new area and need to establish a rafting ground, dock, airplane float or log transfer facility. I am told it now takes a minimum of two years to get one of these permits.

Please give me a call if you have any questions about this material.

Sincerely,


D.L. Finney
Ketchikan Manager
Quartz Hill Project

DLF:es
Enclosure

OVERKILL

OR

HAVE WE ARRIVED AT THE POINT WHERE IT IS NO LONGER
POSSIBLE TO GET THERE FROM HERE?



Part of the life blood of any logging operation in Southeast Alaska is the ability to establish logging camps and the facilities to put logs into the water and boom and raft them preparatory to towing them to a mill site or shipping point. Because these facilities involve uplands, tidelands and navigable waters, an applicant must clear the activity necessary for construction with an upland owner (if other than his own private property), the Alaska Department of Natural Resources (DNR) because they are custodians of the State's tidelands and the Corps of Engineers, Department of the Army (Corps) as the agency responsible for issuing permits for facilities in navigable waters.

To illustrate the total "overkill" of procedures and duplication one must struggle through in obtaining the necessary permits and approvals, it is necessary to track the procedure. Neets Bay 10 and 12 are a good example of such facilities and their record.

Neets Bay is within the Ketchikan Pulp Company (KPC) (KPC is a wholly-owned subsidiary of Louisiana-Pacific Corporation) long term timber sale and the original need for camp, log transfer and boom and rafting facilities was recognized and reviewed by the Forest Service (FS) multi-discipline team when designating areas for the 1974-79 five-year operating area for which an environmental impact statement (EIS) was written. Therefore, as the upland owners, the Forest Service reviewed and approved the site for these facilities and included them in the EIS prior to commencing logging operations on the five-year period beginning July 1, 1974.

On April 26, 1977 (Exhibit A) a letter was sent to the Corps together with application for a permit described as "proposed standing log boom retained in position by 5 ton anchors, log transfer facility using approximately 1,000 cubic yards of upland shot rock and employing an A-frame lift-off device, an offloading ramp consisting of a lashed log crib filled with shot rock from an upland source, a small boat dock and ramp to aid in construction of roads and facilities".

On June 15, 1977 we were sent a letter by the Corps notifying us of their receipt of our application, the assignation of Reference No. 071-OYD-2-770123 and the notification of assessment of a \$100.00 processing fee should approval be granted. (Exhibit B)



On July 19, 1977 we received from the Corps (Exhibit C) a copy of a letter from the U. S. Environmental Protection Agency (EPA) requesting the permit, if issued, contain the following special conditions:

1. The permittee shall implement, once per year for a period of three years, a bottom sampling program to determine whether lost solids have accumulated in the project waters associated with the log transfer site. Each such sampling shall be completed not later than September 1 of each sampling year.
2. The permittee shall submit a brief report of the findings of each sampling effort and a sketch showing location of sampling sites, to the Corps of Engineers, the Alaska Department of Environmental Conservation and the U.S. Environmental Protection Agency not later than October 15, of each sampling year.
3. The permittee shall remove all significant accumulations of lost wood solids, if any, and dispose of them in an upland fill approved by the U.S. Forest Service and/or the Alaska Department of Environmental Conservation as incurred in by the Environmental Protection Agency. The permittee shall modify log transfer procedures, including possibly the relocation of the transfer site if significant accumulations of lost wood solids are found as a consequence of any sampling program conducted by the permittee or the Environmental Protection Agency.

Although EPA saw fit to copy the Alaska Department of Environmental Conservation (DEC), the U.S. National Marine Fisheries Service (NMFS), the U.S. Fish & Wildlife Service (USF&WS) and the Forest Service with their letter, they did not see fit to send it to the applicant thus requiring a copy of the letter to come from the Corps with their notice to us and our return agreement July 29, 1977 to the Corps (Exhibit D) with copy to EPA.

On August 29, 1977 and after advertisement of request for public comment, the Corps sent a letter (Exhibit E) informing us to submit our processing fee and we would receive our permit. On September 15, 1977 having submitted the required fee we received a cover letter and our permit from the Corps (Exhibit F). This permit contained standard Corps conditions a-x (24 in number) plus the three additional conditions of EPA. Included in the 24 Corps conditions are the conditions for applicant

to "at all times be consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301,302,306 and 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), or pursuant to applicable State and local law".

Another subsequent section also adds, "...if applicable water quality standards are revised or modified during the term of this permit the permit will be modified if necessary to conform with such revised standards within 6 months of the revision..."

On September 30, 1977 we applied to the Department of Natural Resources for a tideland permit for this same area. However, due to market changes affecting our need for logs, scheduling our logging operations, together with the need to recover blown down timber in other areas, it became apparent we would not be moving into this area as planned.

It is difficult to be precise in these schedules when we must get our Corps permits started a minimum of six months prior to construction and construction must precede logging by at least one year. This means we are estimating our logging needs one and one-half to as much as three years in advance in relation to needing permits, and we are working with the Forest Service preparatory to writing environmental impact statements as far as eight years in advance of construction for some of these facilities.

In any event, we did not start the work applied for in either the DNR tidelands permit or the Corps permit as expected. On April 16, 1979 we received notice from DNR (Exhibit G) to notify them of our intentions on the tidelands permit or they would close the file. We advised DNR by letter of April 20, 1979 (Exhibit H) of our new estimated dates of construction schedule starting on March 1, 1980 and completion on August 1, 1980.

It was now apparent our logging activities in this area would not be completed during the 1974-79 five-year period but would now fall within the 1979-84 period. This necessitated the FS multi-discipline team review and the inclusion of this area and its facilities in yet another EIS.

We also wrote the Corps on August 8, 1979 (Exhibit I) requesting extension of our permit to cover our new schedule. On October 4, 1979 (after a period of almost two months) we received word from the Corps (Exhibit J) stating they could not extend our permit because we had not commenced work by April 26, 1978 or a year after our original application and must reapply.



OVERKILL

-4-

On October 16, 1979 we sent a cover letter and application to the Corps (Exhibit K). The letter, application and drawing were basically the identical ones used for our original application of April 26, 1977. On or about October 23, 1979 we received from the Corps a letter (undated) (Exhibit L) designating our application NPACO-RF-P Neets Bay 12 with the reference number 071-OYT-2-790398. We were further informed by the Corps that further action on our permit was suspended because the permit area was within the Alaska coastal zone and we must provide a certification that our activity would comply with the Alaska Coastal Management Program. Also, they advised us that a permit cannot be issued until we have obtained a Certificate of Reasonable Assurance or Waiver of Certification as required by Section 401(a)(1) of the Clean Water Act. This certification or waiver is to be issued by the DEC.

We next received a letter dated November 30, 1979 from DNR (Exhibit M) informing us that our tideland permit ADL 100073 for Neets Bay was to be advertised as shown on the attached notice. We then received a copy of the Corps public notice dated December 7, 1979 (Exhibit N) and attached was a copy of the public notice from the Office of the Governor, Division of Policy Development & Planning (DPDP) for Application for Certification of Consistency with the Alaska Coastal Management Program and also attached was the DEC public notice of Application for Water Quality Certification. This latter certification is assurance that any discharge to waters of the United States resulting from the project described in the Corps permit will comply with the Clean Water Act and applicable state laws, even though the applicant must agree to abide by these laws as a condition of obtaining the permit from the Corps and the permit itself so stipulates (see Corps permit General Conditions part b).

A letter dated December 12, 1979 was sent to the Corps from DPDP (Exhibit O) advising them they had received the application, were reviewing it for Alaska Coastal Management Program Consistency Determination and had distributed the material to the appropriate governmental agencies for a review which they were scheduled to close on January 10, 1980, soon after which they would send the review decision to the Corps. Also, the State Clearinghouse has now assigned State ID No. FD280-79121111FP.

On December 28, 1979 we had a telephone call from the NMFS questioning whether there was enough water under the transfer site to float the log bundles at all tides. We directed him to the plat submitted with our application indicating 50 to 60 feet and pointed out that the site would be of no use for our purposes if the bundles did not float. We agreed to make ourselves available to travel to the site with them. However, we later found they had visited the site without contact with us.

OVERKILL

-5-



On January 4, 1980 we were copied on a letter sent from the Alaska Department of Fish & Game (ADF&G) (Exhibit P) requesting a one month extension to permit a more thorough evaluation and assessment of the impacts of this development. ADF&G sent copies of this letter to USF&WS, NMFS, EPA, two recipients (Juneau and Anchorage) at DNR, two recipients (both Juneau) at DEC, one other recipient at ADF&G and the State Clearinghouse.

Also, on January 4, 1980 the DPDP wrote the Corps (Exhibit Q) notifying them the Alaska State Clearinghouse was extending the closing date for review from their original January 10, 1980 by fifteen days which they calculated would be a closing date of February 2, 1980. (Actually, 15 days from January 10, 1980 is January 25, 1980).

On January 17, 1980 we received a copy of a letter from EPA to the Corps (Exhibit R) advising them the proposal may have adverse impacts on water quality and/or the aquatic resources and accordingly, coordination with appropriate State and Federal resource agencies was needed and they would expect to provide additional comments within 30 days. The EPA copied USF&WS, ADF&G, DEC and NMFS.

On January 18, 1980 we received a copy of a letter from the Corps to NMFS (Exhibit S) agreeing to extend the review period to February 7, 1980.

On January 29 we received notice and billing from DNR (Exhibit T) for the advertisement for our State Ti'elands Permit.

On February 8, 1980 we received a copy of a letter from EPA to the Corps (Exhibit U) informing them of no objection to issuance of this permit "provided the applicant complies with all State & Federal resource agency conditions that may be needed to protect the aquatic resources". A copy of this letter went to USF&WS, NMFS, ADF&G, and DEC. Had EPA read the requirements written into a Standard Corps Permit they would have noted the applicant must not only agree to comply with all State and Federal conditions but must also agree to currently comply if rules or regulations are added or modified and we would not now at this late date have to agree with what we must agree with to obtain the valid permit.

On February 15, 1980 we received a letter from the Corps (Exhibit V) enclosing a copy of a letter they received from the ADF&G saying they had reviewed the application and "find this project consistent with those Coastal Zone Management standards we have responsibility for reviewing and have no objections to issuance of a permit, provided the following special stipulations are included:

1. A non violent log transfer facility is employed.

OVERKILL

-6-



2. The permit is limited to a five year period".

Copies of this letter dated February 1, 1980 were sent to NMFS, USF&WS, EPA, 2 recipients at DNR, 2 recipients at DEC, ADF&G, Clearinghouse and to the Applicant.

It is interesting to note that at this late date there is a requirement for a non violent dump when both the original and subsequent applications for permit detailed in the drawings of the facilities as well as in the verbal description a lift-off, non violent type of equipment to be used. Also, the insistence of a five year limitation with no explanation whatsoever of why they think this is necessary or investigation as to whether this limitation is consistent with the applicant's requirements.

We next heard directly from DPDP on February 19, 1980 (Exhibit W). They informed us that, "As currently planned, we have found the proposal to be inconsistent with ACMP. It will be consistent with the ACMP provided the attached stipulations are met.

INCONSISTENT DETERMINATION ATTACHMENT

Conditions related to South Neets Bay Timber Project
(State I.D. # FD 280-79121111 FP):

1. The Department of Environmental Conservation must first issue a Certificate of Reasonable Assurance stating that the proposed activity will comply with the requirements of Section 401 of the Federal Water Pollution Control Act Amendments of 1972 as modified by the Clean Water Act of 1977.
2. A non-violent log transfer facility must be employed.

Copies of this letter were sent to Office of Coastal Management (OCM), Department of Law, COE(Corps) and DEC. Again, we have the requirement for a non violent log transfer in the permit application.