

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990
6476 SENATE RESOURCES

8672

88

with restrictions, and land unavailable for mining. In our report on Southeast, we showed four major categories and 10 sub-categories. Depicting land ownership is fairly easy when the federal government owns 95 percent of the land.

Land Available for Mining

¹⁹⁸⁶
To date we have examined about 242 million of Alaska's 375 million acres (2/3's of the state) and have found that roughly 75 million acres (31%) are available for mineral exploration and development. The southcentral region has the most available land (31 million of 72 million acres) while the least available acreage is in northern Alaska, 14 million of 90 million acres.

Restricted Land

Approximately 24 million of the 242 million acres examined to date are available with restrictions. This category includes certain federal lands where mineral entry is allowed but under rigid controls, and all land conveyed to the Native regional corporations except the Bristol Bay Native Corporation. Land open to exploration and development with restrictions include parts of the Steese National Conservation Area and the White Mountains National Recreation Area in northcentral Alaska, and the College Fiord and Nellie Juan proposed wilderness areas of the Chugach National Forest in southcentral Alaska. In Southeast, LUD II areas were also put in this category. While mining is considered an authorized use in LUD II areas, the emphasis is on retaining a primitive wildland character. Amenity values are emphasized over commodity values.

Land Unavailable for Mining

Federal Land

Over 59 percent of the land (144 million acres) is presently closed to mineral exploration and development of new claims. Nearly one half of that acreage (68 million acres) is located in northern Alaska. Closed lands con-

sist of federal parks, preserves, wildlife refuges, wild and scenic rivers, wilderness areas, and military land, all of which will remain closed to mineral entry. Additional land has been closed by Public Land Orders (PLO) issued by the Secretary of the Interior. Unconveyed lands will eventually go back to the public domain once the BLM processes the land selection.

State Land

Basically all state land is open to mineral exploration and development unless it is withdrawn through legislative statute, such as for parks, or through Mineral Closing Orders issued by the Commissioner, Department of Natural Resources.

State game refuges are open to mineral exploration and development under administration by the Department of Fish and Game. However, the permit requirements imposed by the Department essentially make mining impractical in a game refuge.

Selected Land

Selected lands consist of tracts that have been selected by the state under the Statehood Act and ANILCA, and by Native corporations under terms of ANCSA or ANILCA. If the selection is denied or relinquished, the land remains closed to mineral entry until the BLM changes the Master Title Plat. This is called the notational rule. Land categories include land selected by Native corporations, land selected by the State, and land selected by both.

ANILCA set aside 104 million acres of federal land for the creation of, and addition to, national parks, preserves, wildlife refuges, conservation areas, and recreation sites. The Act also allowed the state and the Native corporations to select lands within the withdrawn areas. Our maps show lands selected by the Native corporations in federal withdrawals, state selections in federal withdrawals, and selections by both in federal withdrawals.

Private Land

The Federal government has made land available to individual Natives under the Alaska Natives Allotment Act (ANAA), and ANCSA; to Native corporations under ANCSA and ANILCA, and to other individuals for homesteads, homesites, patented mining claims, residential sites, recreational sites, and land acquired in federal disposal sales. Private parcels are designated by a dot centered in the sections wherein they occur. The state has distributed some of its land to individuals through land disposal sales and leases. The total acreage distributed by the state to individuals is not available.

GEOLOGICALLY FAVORABLE AREAS

Mineral Terranes

Maps from the Mineral Terranes of Alaska; 1982, were changed in scale to match the 1:250,000-scale quadrangle maps prepared for this study. The mineral terrane maps were overlaid on the land status maps, and the area in each terrane type was determined by land status category using an electronic planimeter. The compilations for each quadrangle are given in an appendix, while a table in each report summarizes all the quadrangle data.

In the four areas we have examined to date, we have found 90 million acres underlain by mineral terranes. Of these lands, 26% are available for mineral exploration and development, 9% are available with restrictions, and 65% are unavailable. Of the 90 million acres that are underlain by mineral terranes, approximately 65 million acres underlay federal lands, of which 12% are available for mineral exploration and development. About 17 million acres of state land are underlain by mineral terranes of which 92% are available. Nearly 8 million acres of private land are underlain by mineral terranes of which 98% may be available.

MINERAL TERRANES AND MINERAL DEPOSITS

Each quadrangle map in our reports shows the location of metallic mineral deposits in addition to land status. This information was derived from the Bureau of Mines Mineral Industry Location System (MILS) data base. Each of the computer-generated MILS location points, identifies one or more mineral deposit sites within a 3-mile radius. Numbers refer to properties listed in an appendix. The appendix also includes a list of past producers and the commodities produced.

Tabulations comparing the mineral deposits and mineral terranes against land status categories were made by quadrangle. These tabulations are shown in an appendix and summarized in a table in each report text.

In our work to date, we have noted 4,800 mineral deposits and occurrences, of which over half are in lands available for mineral exploration and development and over one third are in land which is unavailable.

CONCLUSIONS

Perhaps the most meaningful statistics to come out of our work to date are as follows:

After examining two thirds of the state, we have found

30% of the land is open to mining
10% is open with restrictions, and
60% is closed

In round numbers

90% of the state land is open.
80% of the federal land is closed

Ten percent of the land examined to date, 24 million of 242 million acres, is underlain by mineral terranes in land that is considered open. In other words, only 10% of the land that is worth looking at is available for mineral exploration and development.

1 IN THE SENATE

BY COGHILL, KELLY, PEARCE
AND FRANK

2

SENATE BILL NO. 35

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to multiple use of state land and
7 water."

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

9 * Section 1. AS 38.04.910(5) is amended to read:

10 (5) "multiple use"

11 (A) means the management of state land and its various
12 resource values so that it is used in the combination that will
13 be to meet the present and future needs of the people of Alaska,
14 making the most judicious use of the land for [SOME OR] all of
15 the [THESE] resources or related services over areas large enough
16 to provide sufficient latitude for periodic adjustments in use to
17 conform to changing needs and conditions;

18 (B) [IT] includes

19 (i) [(A)] the use of the [SOME] land for less
20 than all of the resources but does not exclude compatible
21 competing uses; [,] and

22 (ii) [(B)] a combination of balanced and diverse
23 resource uses that takes into account the short-term and
24 long-term needs of present and future generations for renew-
25 able and nonrenewable resources, including, but not limited
26 to, recreation, range, timber, minerals, watershed, wildlife
27 and fish, and natural scenic, scientific, and historic
28 values;

29 * Sec. 2. AS 38.05.300(a) is amended to read:

1 (a) The commissioner shall, where considered necessary and
2 proper, classify land for surface use [CLASSIFY FOR SURFACE USE LAND
3 IN AREAS CONSIDERED NECESSARY AND PROPER]. This section does not
4 prevent reclassification of land where the public interest warrants
5 reclassification, nor does it preclude multiple [PURPOSE] use of land
6 whenever different uses are compatible. An area of state [STATE]
7 land, water, or land and water [AREA] may not, except by act of the
8 state legislature, be closed to multiple [PURPOSE] use if the area
9 involved contains more than 640 acres.

BY THE RESOURCES COMMITTEE

1 IN THE SENATE

2

SENATE BILL NO. 454

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to closure of state land to multiple
7 purpose use."

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

9 * Section 1. AS 38.05.300(a) is amended to read:

10 (a) The commissioner shall classify for surface use land in
11 areas considered necessary and proper. This section does not prevent
12 reclassification of land where the public interest warrants reclassi-
13 fication, nor does it preclude multiple purpose use of land whenever
14 different uses are compatible. State land, water, or land and water
15 area may not, except by act of the state legislature, be closed to
16 multiple purpose use [IF THE AREA INVOLVED CONTAINS MORE THAN 640
17 ACRES].

S B

35

Senator John B. (Jack) Coghill

Alaska State Legislature

Box V
Juneau, Alaska 99811
(907) 465-4797

Box 55028
North Pole, Alaska 99705
(907) 488-0862



MEMORANDUM

To: Senator Bettye Fahrenkamp
Senate Resource Committee Chair

From: Senator Jack Coghill

Re: SB 35; An Act relating to multiple use of state land
and water.

Date: March 17, 1989

Please consider this memorandum my request for a committee hearing on the SB 35, at the earliest possible time, and my accompanying "backup".

Intent: The purpose of this legislation is to establish a return to the multiple use concept of public land management. This embodies the view that "multiple use" means all the achievable uses are considered in the planning process on an equal basis. In other words, two uses does not constitute "multiple use" if there are other uses that can coexist simultaneously. Multiple use means all the uses and it does not exclude compatible competing uses.

Background: This proposal was originally presented in 1987 in the first report to the Legislature and the Governor by the Alaska Minerals Commission. This recommendation has been repeated in each of their annual reports to date.

SB 35 does not however, address the issue of multiple statutory definitions of "multiple use". There is at least one other definition found at AS 41.17.950(8). The bill introduced on this subject in 1987 proposed to eliminate this slightly conflicting definition and substitute the one found in SB 35. The Senate acted to do this, but in the interest of compromise on the House side, this element was deleted.

The bill before you represents the House Committee Substitute which died in House Judiciary Committee in the closing hours of the 15th Legislature.

Attachments:

1. Alaska Minerals Commission Recommendation, 1989.
2. (1987) CS for SB 136 (Res); An act relating to multiple use of state land and water.

3. (1988) House CS For CS For SB 136 (Res); An act relating to multiple use of state land and water.
4. Department of Natural Resources Position Paper and Fiscal Note, dated March 16, 1989.
5. Department of Fish and Game, Division of Habitat, Position Paper and Fiscal Note, dated January 23, 1989.
6. Department of Natural Resources Position Paper and Fiscal Note for SB 136, dated April 9, 1987.
7. A Position of the Society of American Foresters, "Multiple Use of Forestlands", received 1987.
8. Commissioner Don W. Collinsworth, Department of Fish and Game, editorial from Alaska Fish & Game magazine, January - February edition, 1989.

Rational: In the land planning process, we have often seen secondary or tertiary uses simply excluded from areas rather than the planning process providing mitigative measures for these uses, that would protect the primary use of the area.

I think that Commissioner Collinsworth's editorial has immediate bearing on the perspective behind this bill. He says:

"The social and economic well-being of the people of the State of Alaska is dependent on the development and utilization of all our natural resources. It is the policy of the state to develop these other resources while at the same time preserving the productivity of our renewable fish and wildlife resources which also have tremendous economic, social, and cultural value. Some may see these as two mutually exclusive objectives. Fortunately, in most cases, it does not have to be that way. It is true there will be the rare occasion when the policymakers will have to choose to trade off totally fish and wildlife against some development project -- an all or nothing situation. We have found, however, that this is the exception rather than the rule. The other extreme also seldom exists. By that I mean we seldom find a development activity that has absolutely no impact on the habitat and fish and wildlife production. Most of the time we can plan a development project and stipulate how it can be undertaken to mitigate the impact on the habitat. Sometimes we can identify ways to engineer a development project or extract natural resources in ways that protect the habitat and do not increase the costs of the developer or increase the cost of production of the natural resource being extracted. Often mitigation measures or the stipulations appended to a development project do increase the cost to the developer or the producer of the natural resource. Yet within limits, of course, it can be argued that such increased costs are justified and legitimate in protecting the broad social

interests and the interests particularly of those who use fish and wildlife and are economically, socially, and culturally dependent on those uses." (Underline added)

I agree that the preferred management emphasis, where conflicting uses do occur, should be on mitigation and not exclusive use classifications. This legislation will move policy in this direction, and away from present practices of simply closing areas to uses that may generate controversy.

Recommendations:

1. First I recommend that the technical error identified in DNR's position paper be corrected.

Page 1, line 9, should read:

*Section 1. AS 38.04.910(4), not (5), etc.

2. Secondly, I recommend you consider adding a new section to the bill after line 9 on page 2, to read:

*Sec. 3. AS 41.17.950(8) is amended to read:

(8) "multiple use" [MEANS] has the meaning given in AS 38.04.910;

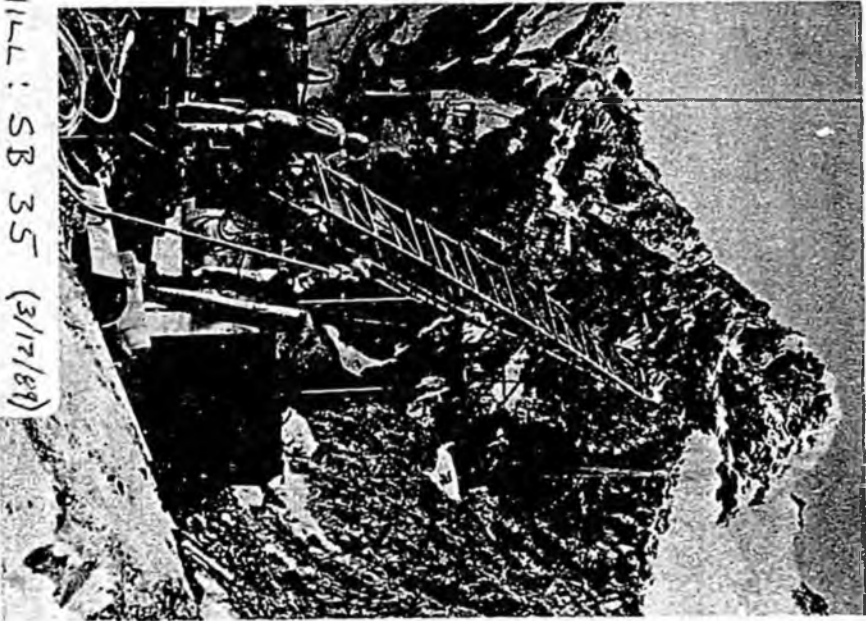
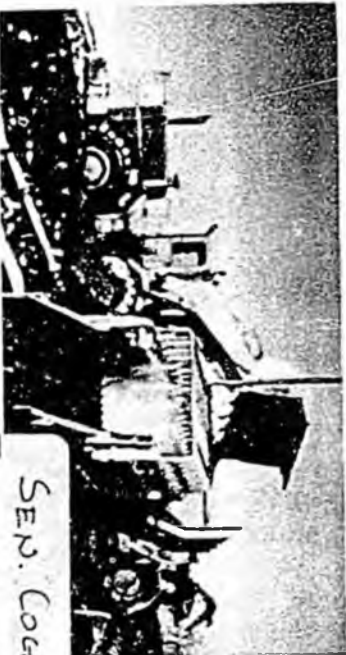
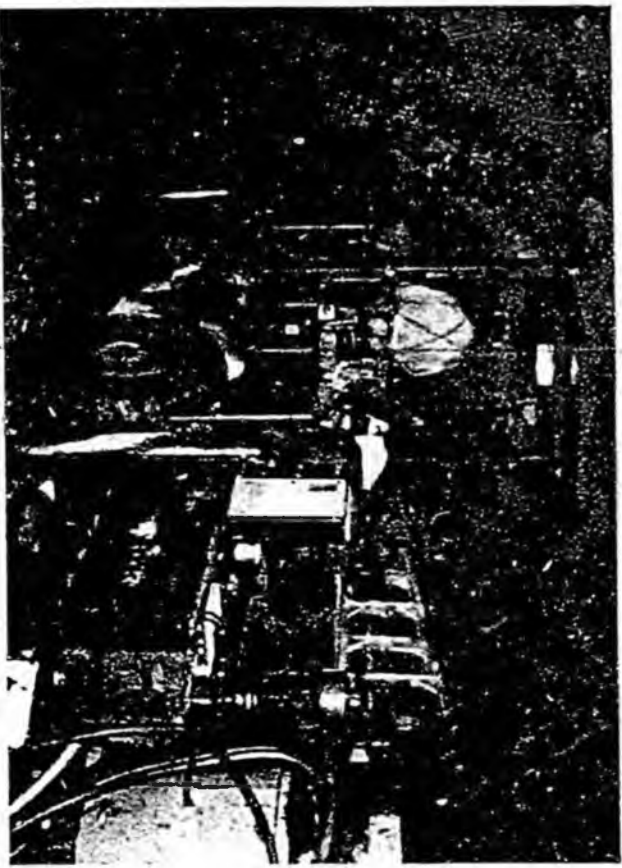
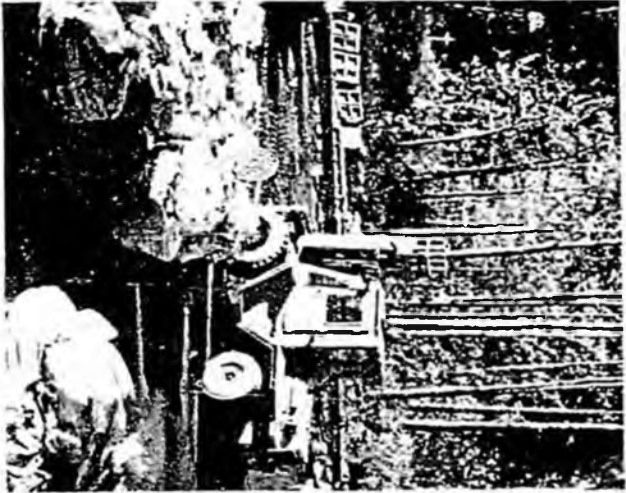
[(A) THE MANAGEMENT OF ALL THE VARIOUS RESOURCES OF FOREST LAND SO THAT THEY ARE USED IN THE COMBINATION THAT WILL BEST MEET THE NEEDS OF THE CITIZENS OF ALASKA, MAKING THE MOST JUDICIOUS USE OF THE LAND FOR SOME OR ALL OF THESE RESOURCES OR RELATED VALUES, BENEFITS, AND SERVICES OVER AREAS LARGE ENOUGH TO PROVIDE SUFFICIENT LATITUDE FOR PERIODIC ADJUSTMENTS IN USE TO CONFORM TO CHANGING NEEDS AND CONDITIONS;

(B) THAT SOME LAND WILL BE USED FOR LESS THAN ALL OF THE RESOURCES; AND

(C) HARMONIOUS AND COORDINATED MANAGEMENT OF THE VARIOUS RESOURCES, EACH WITH THE OTHER, WITHOUT SIGNIFICANT IMPAIRMENT OF THE PRODUCTIVITY OF THE LAND AND WATER, WITH CONSIDERATION BEING GIVEN TO THE RELATIVE VALUES OF THE VARIOUS RESOURCES, AND NOT NECESSARILY THE COMBINATION OF USES THAT WILL GIVE THE GREATEST DOLLAR RETURN OR THE GREATEST UNIT OUTPUT]

2. Finally and most importantly, I recommend that you give the land management agencies clear policy language, less ambiguous and subject to interpretive manipulations, on the concept of multiple use by passing SB 35 out of committee as soon as possible. (With or without the suggested amendment in recommendation 2 above, at your discretion.)

Report of the
Alaska Minerals Commission



January 1989

SEN. COGHILL: SB 35 (3/17/89)
ATTACHMENT 1

Allowance for Flexible Work Weeks

- The passage of legislation allowing work schedules to be set on the basis of project specific considerations will allow for more efficient use of labor and provide more desirable time-off patterns for employees. This will be particularly significant for mines in remote locations with employees who reside in communities distant from the work site.

Extension of Underground Work Hours

- Legislation is required to amend current statutes limiting shifts at the work face of underground mines from the current maximum of eight hours to a maximum of ten hours. The antiquated statute presently in effect does not recognize the implementation of modern safety programs and penalizes mine efficiency and employee time-off schedules on remote mining projects.

Multiple Use of State Lands

- The Commission would like to reemphasize four recommendations made in the Commission's 1987 report regarding the management of state lands.

1. Alaska Statute 38.05.300 should be amended as follows:

Classification of lands. (a) The commissioner shall, where considered necessary and proper, classify land for surface use. This section does not prevent reclassification of land, where the public interest warrants reclassification, nor does it preclude multiple use of land whenever different uses are compatible. State land, water, or land and water area may not, except by act of the state legislature, be closed to multiple use or to mineral entry if the area involved contains more than 640 acres.

2. The Legislature should redefine, to conform with constitutional intent, the various definitions of "multiple use" in the Alaska Statutes to require the management of state lands for the use of all resources rather than allocating or selectively denying resource use.
3. The Legislature should only make closures of land to mineral entry where documented and demonstrated incompatible use is proven and only when preceded by a mineral assessment.
4. The Legislature and Governor should periodically review lands closed to mineral entry to assess the need for continued closure and, if there is no longer a compelling need for closure, return the land to multiple-use designation.

Amending the Reporting Requirements of the Minerals Policy Act.

- Sec. 44.99.110(2) should be amended to require each department, board, commission, or agency, including the University of Alaska, to fulfill its reporting requirements as set out in this section on an annual basis through 1994 rather than once only in 1989.

Industrial Minerals Inventory

- The Legislature should reintroduce and enact legislation similar to SB 71 (or companion legislation HB 69), Senate Concurrent Resolution 4 and House Concurrent Resolution 5 as introduced during the Second Session of the 15th Legislature. These bills and resolutions address the need for systematic identification, inventory and reserve of sand and gravel resources to meet the present and future needs of transportation systems, populated areas and large-scale developments within the state and Pacific Rim.

Original sponsors: Coghill, Faiks,
Bennett, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 136 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to multiple use of state land and
7 water."

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

9 * Section 1. AS 38.04.910(4) is amended to read:

10 (4) "multiple use"

11 (A) means the management of state land and its various
12 resource values so that it is used in the combination that will
13 best meet the present and future needs of the people of Alaska,
14 making the most judicious use of the land for [SOME OR] all of
15 the [THESE] resources or related services over areas large enough
16 to provide sufficient latitude for periodic adjustments in use to
17 conform to changing needs and conditions; [IT]

18 (B) includes

19 (i) [(A)] the use of the [SOME] land for less
20 than all of the resources but does not exclude compatible
21 competing uses; [,] and

22 (ii) [(B)] a combination of balanced and diverse
23 resource uses that takes into account the short-term and
24 long-term needs of present and future generations for renew-
25 able and nonrenewable resources, including, but not limited
26 to, recreation, range, timber, minerals, watershed, wildlife
27 and fish, and natural scenic, scientific, and historic
28 values;

29 * Sec. 2. AS 38.05.300(a) is amended to read:

1 (a) The commissioner shall, where considered necessary and
2 proper, classify land for surface use [CLASSIFY FOR SURFACE USE LAND
3 IN AREAS CONSIDERED NECESSARY AND PROPER]. This section does not
4 prevent reclassification of land where the public interest warrants
5 reclassification, nor does it preclude multiple [PURPOSE] use of land
6 whenever different uses are compatible. An area of state [STATE]
7 land, water, or land and water [AREA] may not, except by act of the
8 state legislature, be closed to multiple [PURPOSE] use if the area
9 involved contains more than 640 acres.

10 * Sec. 3. AS 41.17.950(8) is amended to read:

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16 JUDICIOUS USE OF THE LAND FOR SOME OR ALL OF THESE RESOURCES OR
17 RELATED VALUES, BENEFITS, AND SERVICES OVER AREAS LARGE ENOUGH TO
18 PROVIDE SUFFICIENT LATITUDE FOR PERIODIC ADJUSTMENTS IN USE TO
19 CONFORM TO CHANGING NEEDS AND CONDITIONS;

20 (B) THAT SOME LAND WILL BE USED FOR LESS THAN ALL OF
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23 VARIOUS RESOURCES, EACH WITH THE OTHER, WITHOUT SIGNIFICANT
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Original sponsors: Coghill, Faiks,
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3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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8 state legislature, be closed to multiple [PURPOSE] use if the area
9 involved contains more than 640 acres.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1790
PHONE: (907) 465-2400

OFFICE OF THE COMMISSIONER

March 16, 1989

The Honorable Bettye Fahrenkamp
Chair, Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

Subject: SB 35, an act relating to multiple use of state land and water.

Background: SB 35 amends the current definition of multiple use contained in AS 38.05.910(4), to include management of state land, making the most judicious use of the land for all of the resources, but allowing for use of the land for less than all of the resources if there is incompatibility of uses.

Position: The Department of Natural Resources is not opposed to the changes as currently set out in SB 35. The bill accurately reflects the department's current land planning and classification process. This process supports the multiple use concept through a rigorous resource value advocacy program, which by nature receives and considers all competing and non-competing resource uses and users.

This legislation, in the opinion of the department, still allows for classification of land into primary and secondary values, with the use of secondary values permitted when their use does not conflict with those uses designated primary. Uses which are not compatible with the primary management intent will still be excluded.

SEN. COGHILL: SB 35 (3/17/89)

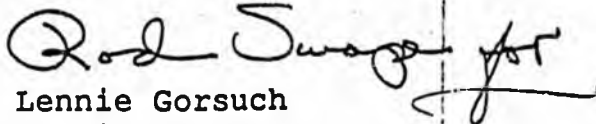
ATTACHMENT 4.

March 16, 1989

Technical Changes: The statutory reference in Section 1 should be AS 38.05.910(4), not (5).

As always, my staff and I stand available to assist the committee or provide additional information.

Sincerely,



Lennie Gorsuch
Commissioner

cc: Senator Jack Coghill

Commissioner Collinsworth
Department of Fish and Game

Commissioner Kelso
Department of Environmental Conservation

Bob Grogan, Director
Division of Governmental Coordination
Office of the Governor

Denby Lloyd, Special Staff Assistant
Office of the Governor

Bob Evans, Legislative Liaison
Office of the Governor

Gary Gustafson, Director
Division of Land and Water Management
Department of Natural Resources

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB35
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 10-Mar-89 Agency Affected: Natural Resources
 Title: An Act relating to the multiple use of state land and water. BRU: Land & Water Management
 Sponsor: Senator Coghill Components: Land & Water Mgmt
 Requestor: Senator Coghill

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&S/RUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Larry Ostrovsky Phone: 465-2400
 Division: Commissisoner's Office Date: 10-Mar-89

Approved by Commissioner: Lennie Gorsuch Date: 10-Mar-89
 Agency: Department of Natural Resources

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

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

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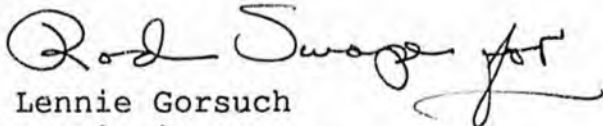
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of state land and water.
 Sponsor: Senator Coghill Components: Land & Water Mgmt
 Requestor: Senator Coghill

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Larry Ostrovsky Phone: 465-2400
 Division: Commissioner's Office Date: 10-Mar-89

Approved by Commissioner: Lennie Gorsuch Date: 10-Mar-89
 Agency: Department of Natural Resources

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 35	SPONSOR Cogbill, et al.
SHORT TITLE OF BILL An Act relating to multiple use of state land and water			
DEPARTMENT POSITION Oppose			
PREPARED BY Frank <i>[Signature]</i>	DATE 1/23/89	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL All Users of State Land
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown
FISCAL IMPACT: <input type="checkbox"/> NONE <input checked="" type="checkbox"/> FISCAL NOTE ATTACHED	

BACKGROUND/LEGISLATIVE INTENT

Section 1 amends the definition of multiple use as it is defined in AS 38.04 (Alaska Lands Act) to require that multiple use lands be managed for all of their resources; thereby negating current statutory discretion to manage lands for a predominant use or for less than all competing uses.

ANALYSIS OF BILL/PROGRAM EFFECTS

Section 1 will remove the Department of Natural Resources' authority to classify or manage state lands for a predominant use or for less than all compatible competing uses. This section may also limit or condition the Department of Fish and Game's management and permitting authorities within State Game Refuges, State Game Sanctuaries, and Critical Habitat Areas established under AS 16.20. These areas have been legislatively protected in recognition of their outstanding natural habitat and associated fish and wildlife resource values. Absent a legislative definition for "compatible," this measure will essentially require that all state land and its various resource values be managed as open public domain on the assumption that all competing uses are compatible, unless clear and convincing evidence to the contrary is available. (cont.)

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

SB 35--Multiple Use of State Land and Water

ANALYSIS OF BILL/PROGRAM EFFECTS (Cont.)

The existing definition of multiple use is consistent with the state's constitutional provision that "Fish, forest, wildlife, grasslands, and all other replenishable resources belonging to the state should be utilized, developed, and maintained on a sustained yield principle, subject to preferences among beneficial uses." The existing language accommodates the commonly recognized fact that all potential natural resource uses may not be compatible on every acre. The current definition also allows for the objective and reasonable identification of appropriate primary, secondary, and incompatible uses on an area-specific basis.

Although SB 35's reduced emphasis on "the use of the land for less than all of the resources" is accompanied by the added qualification that multiple use "does not exclude compatible competing uses," the latter requires that individual determinations be made as to whether competition between uses is sufficiently great to result in incompatibility. There is concern that such compatibility tests may 1) unduly tax already strained agency staffs and budgets, 2) create delays in land use decisions that would be burdensome to private industry and the general public, and 3) reduce, rather than increase, state land management flexibility to respond to ever changing economic and social demands on the state land base.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to multiple use of state land and water
Sponsor: Coghill, et al.
Requestor: Resources Committee

Agency Affected: Dept. of Fish and Game
BRU: Habitat
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Frank Rye, Director Phone: 465-4105
Division: Habitat Date: 1/23/89

Approved by Commissioner: [Signature] Date: 1/27/89
Agency: Department of Fish and Game

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

S B

40

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Dispute Resolution Task Force

Agency Affected: _____
BRU: _____

Sponsor: Senator Szymanski
Requestor: Senate Labor and Commerce

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

It is anticipated that task force participants will fund their own travel expenses and interim legislative staff will provide administrative support.

Prepared by: Senator Mike Szymanski
Division: Legislative Affairs

Phone: 465-4978
Date: 2-28-89

Approved by Commissioner: _____
Agency: _____

Date: 2-28-89

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: 2-16-89
 Title: Resource Development Dispute
 Task Force
 Sponsor: Senator Szymanski
 Requestor: Senate Labor and Commerce

Agency Affected: _____
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

It is anticipated that task force participants will fund their own expenses and interim legislative staff will provide administrative support.

Prepared by: Senator Mike Szymanski
 Division: Legislative Affairs

Phone: 465-4978
 Date: February 16, 1989

Approved by Commissioner: _____
 Agency: _____

Date: February 16, 1989

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Dept. of Fish & Game
 Title: Resource Development Dispute BRU: Habitat
Resolution Task Force
 Sponsor: Szymanski Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		-0-				
TRAVEL		-0-				
CONTRACTUAL		-0-				
SUPPLIES		-0-				
EQUIPMENT		-0-				
LAND & STRUCTURES		-0-				
GRANTS, CLAIMS		-0-				
MISCELLANEOUS		-0-				
TOTAL OPERATING		-0-				
CAPITAL		-0-				
REVENUE		-0-				

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME		-0-				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by for Frank Rue, Director Phone: 465-4105
 Division: Habitat Division Date: 2/16/89

Approved by Commissioner: [Signature] Date: 2/21/89
 Agency: Fish and Game

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

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: Dispute Resolution Task Force

Agency Affected: _____
BRU: _____

Sponsor: Senator Szymanski
Requestor: Senate Labor and Commerce

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

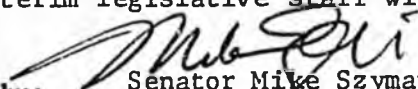
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

It is anticipated that task force participants will fund their own travel expenses and interim legislative staff will provide administrative support.

Prepared by:  Senator Mike Szymanski Phone: 465-4978
Division: Legislative Affairs Date: 2-28-89

Approved by Commissioner: _____ Date: 2-28-89
Agency: _____

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



ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, AK 99503 (907) 276-0347

January 19, 1989

Senator Bettye Fahrenkamp, Chairwoman
Natural Resources
P.O. Box V
Juneau, Ak. 99811

JAN 25 1989

RE: SB 40 "An Act creating the Resource Development Dispute Resolution Task Force; and providing for an effective date"

Dear Senator;

The bill on the surface appears to be an attempt to help new industrial projects get started and to mitigate all problems with a "Citizens Advisory Committee." Initially the idea sounds good simply because the public is involved from the beginning and a potential developer need go thru the process only once in order to get the project going. Other projects have used this approach successfully thereby saving time and money.

However, we are suspicious and therefore opposed to the bill for two reasons: 1) The Department of Governmental Coordination (DGC) created in 1986, was commissioned and instituted to resolve the very issues addressed in this bill. Although we disagree with DGC's need and mission, it already exists and is the vehicle intended to mitigate and expedite the "permit process". All agencies, up to and including "public comment" are a part of the procedure and do not need to be duplicated. 2) Section 2(b) is heavily stacked against any developer simply because of the politics involved. As written, a project (ie: An Industry) has only one member out of eleven with any direct interest or knowledge concerning the effected project. Even within section 2(b) (5) a conflict is created by requiring one industry member being selected from the renewable resource industry. By definition, the renewable resource industry is going to be opposed or at the very least concerned about mining activities especially when timber or habitat are involved.



ALASKA MINERS ASSOCIATION, INC.

The AMA opposes SB 40 based on the reasons stated above and also based on the fact that there is no demonstrated need for an on going crisis review board.

Sincerely,
ALASKA MINERS ASSOCIATION

Curt McVee
CURT McVEE
EXECUTIVE DIRECTOR

cc: Phil Holdsworth
326 4th Street, #1009
Juneau, Ak. 99801

S B

42

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE _____
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

RES
FIN

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE _____

1/9/89

Mr. President:

C&RA

Committee considered SB 42

state marine parks

and recommended:

[] replace with CS _____ [] same title

[] attached amendment(s) and [] new title

[] _____ letter of intent adopted

may
[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

FN

FISCAL NOTE(S) attached [] zero

[] appropriation no FN attached

[] fiscal impact

[] Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

~~_____~~
_____ Frank
_____ [Signature]
_____ Mike Symonidis

Al. [Signature] - No PASS

Chairman signature and recommendation

[] Committee backup attached



Alaska State Legislature

Senator Mike Szymanski

While in Session:
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4978/4979

POSITION PAPER ON SB 42

Interim
3111 C Street
Suite 510
Anchorage, AK 99503
(907) 561-7617

What does SB 42 do?

SB 42 would add twelve new units to the present Marine Park System. These units in Prince William Sound and Resurrection Bay have been recommended for designation because of their frequent use by the public, the need for active management, and their exceptional recreational and natural values.

165 E. Parks Hwy.
Suite 105
Wasilla, AK 99687
(907) 376-MIKE

How were these areas selected for designation?

Ten of these units are included in the recently completed Prince William Sound Area Plan for State Lands published by the Department of Natural Resources in June, 1988. DNR conducted public meetings in Whittier, Valdez, Cordova, Tatitlek, Chenega, Seward and Anchorage. Nearly 300 people either submitted written comments or attended the meetings.

The Department has also worked closely with nearby Native corporations, other State and Federal land managers, public interest groups, as well as the general public. These efforts were to ensure that the location, boundaries, and management intent for the proposed park units were consistent with the needs of the adjacent landowners and the recreation and tourism industries.

The PWS Area Plan also insures that the proposed park units are consistent with the need for other resources.

Three park units are in Resurrection Bay, outside of the PWS planning area. The Department has considered these areas and supports their inclusion into this bill.

Who supports SB 42?

The Chugach Alaska Corporation, the adjacent Native regional corporation, supports the bill.

The Department of Natural Resources supports SB42.

The City of Seward also supports the bill.

BY SZYMANSKI
AND KERTTULA

1 IN THE SENATE

2

SENATE BILL NO. 42

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to state marine parks."

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

8 * Section 1. AS 41.21.304 is amended by adding new paragraphs to read:

9

(20) Boswell Bay Beaches

10

Township 17 South, Range 5 West, Copper River Meridian

11

Section 10

12

Section 15

13

Sections 19 - 22

14

(21) Canoe Passage

15

Township 15 South, Range 5 West, Copper River Meridian

16

Section 31: E1/2E1/2

17

Section 32

18

Township 16 South, Range 4 West, Copper River Meridian

19

Section 6: S1/2, S1/2N1/2

20

Township 16 South, Range 5 West, Copper River Meridian

21

Section 3: the land South and West of the mid-channel

22

of Canoe Passage

23

Section 4: N1/2

24

Section 5: N1/2N1/2, SE1/4NE1/4

25

Section 10: N1/2NE1/4

26

Sections 11 - 12: N1/2N1/2

27

(22) Decision Point

28

Township 8 North, Range 6 East, Seward Meridian

29

Section 5: SW1/4SW1/4

1 Section 6: S1/2S1/2
 2 Section 7: N1/2, N1/2S1/2
 3 Section 8: W1/2NW1/4, NW1/4SW1/4
 4 (23) Driftwood Bay
 5 Township 3 South, Range 1 East, Seward Meridian
 6 Section 14: SW1/4
 7 Section 15
 8 Section 16: E1/2E1/2
 9 Section 21: NE1/4NE1/4
 10 Section 22: N1/2
 11 Section 23: NW1/4
 12 (24) Entry Cove
 13 Township 8 North, Range 6 East, Seward Meridian
 14 Section 2: S1/2
 15 Section 3: SE1/4, S1/2SW1/4
 16 Sections 10 - 11: N1/2
 17 (25) Granite Bay
 18 Township 9 North, Range 8 East, Seward Meridian
 19 Sections 4 - 6: S1/2
 20 Sections 7 - 8
 21 Section 9: N1/2, SW1/4
 22 Section 17: W1/2W1/2
 23 Section 18: E1/2, E1/2NW1/4
 24 (26) Kayak Island
 25 Township 22 South, Range 5 East, Copper River Meridian
 26 Section 25
 27 Section 36: N1/2, SW1/4, W1/2SE1/4
 28 Township 22 South, Range 6 East, Copper River Meridian
 29 Section 16: N1/2, SW1/4, N1/2SE1/4, SW1/4SE1/4

1 Section 20
 2 Section 21: NW1/4, NW1/4SW1/4
 3 Section 29: NW1/4
 4 Section 30: W1/2
 5 Township 23 South, Range 5 East, Copper River Meridian
 6 Section 1: N1/2NW1/4, SW1/4NW1/4
 7 Section 2
 8 Sections 10 - 11
 9 (27) Jack Bay
 10 Township 9 South, Range 7 West, Copper River Meridian
 11 Section 31: S1/2SW1/4
 12 Township 9 South, Range 8 West, Copper River Meridian
 13 Section 35: SE1/4SE1/4
 14 Section 36: S1/2S1/2
 15 Township 10 South, Range 7 West, Copper River Meridian
 16 Section 6: N1/2NW1/4
 17 Township 10 South, Range 8 West, Copper River Meridian
 18 Section 1
 19 Section 2: N1/2, N1/2N1/2S1/2
 20 Section 3: NE1/4NE1/4
 21 Section 12: E1/2NE1/4, E1/2W1/2NE1/4
 22 (28) Safety Cove
 23 Township 2 South, Range 1 East, Seward Meridian
 24 Section 23: S1/2
 25 Section 24: SW1/4
 26 Section 25: NW1/4
 27 Section 26: N1/2
 28 (29) Sandspit Point
 29 Township 3 South, Range 1 East, Seward Meridian

1 Section 5: SW1/4, S1/2SE1/4
2 Section 8: N1/2
3 (30) Sunny Cove
4 Township 3 South, Range 1 East, Seward Meridian
5 Section 19
6 Section 20: W1/2W1/2
7 Township 3 South, Range 1 West, Seward Meridian
8 Section 24: E1/2E1/2
9 (31) Thumb Cove
10 Township 2 South, Range 1 East, Seward Meridian
11 Section 16: W1/2, W1/2NE1/4
12 Section 17: E1/2.

13 * Sec. 2. AS 41.21 is amended by adding a new section to read:
14 Sec. 41.21.308. LAND EXCLUDED. The state land described in
15 AS 41.21.304 does not include
16 (1) land conveyed to a Native corporation under 43 U.S.C.
17 1601 - 1628 (Alaska Native Claims Settlement Act);
18 (2) the tide or submerged land of the state fronting on
19 land conveyed to a Native corporation under 43 U.S.C. 1601 - 1628 to
20 the mid-point of the channel or bay separating the private land from
21 the upland within the state marine park; or
22 (3) land included within the Copper River Delta Critical
23 Habitat Area established under AS 16.20.600.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: _____
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Marina Parks
Sponsor: Rules Committee
Requestor: Governor Cowder

Agency Affected: Natural Resources
BRU: Park Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	-0-	12.0	12.0	12.0	12.0	12.0
TRAVEL	-0-					
CONTRACTUAL	-0-	2.0	2.0	2.0	2.0	2.0
SUPPLIES	-0-	3.0	3.0	3.0	3.0	3.0
EQUIPMENT	-0-	19.5	-0-	-0-		
LAND & STRUCTURES	-0-					
GRANTS, CLAIMS	-0-					
MISCELLANEOUS	-0-					
TOTAL OPERATING	-0-	36.5	17.0	17.0	17.0	17.0

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	36.5	17.0	17.0	17.0	17.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	36.5	17.0	17.0	17.0	17.0

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

- 100-- extend current ranger positions by a total of 4 months
- 300-- boat storage, boat and plane charters
- 400-- safety and camping equipment purchases
- 500-- purchase of two boats

Prepared by: Nell Johannsen Phone: 465-2400
Division: Division of Parks and Outdoor Recreation Date: 11/22/88

Approved by Commissioner: *Judith M. Brink* Date: 11/22/88
Agency: Department of Natural Resources

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

Marine Parks

Personal Services: The following person months would be added to existing positions:

PCN 5223 Park Ranger I (Seward), 2 months @ \$3400/month - \$ 6,800
 PCN 5144 Park Ranger II (Glenallen-Valdez), 1.5 months
 @ \$3437/month -- \$ 5,200

Contractual: Boat storage, film processing, aircraft and vessel charters -- \$ 2,000

Supplies: Purchase of two lifejackets, a marine radio, fire extinguishers, emergency signaling equipment, survival suit, and miscellaneous camping equipment -- \$ 3,000

Equipment: Purchase of one 15 foot inflatable boat with a 25 hp motor and a trailer for use in the Valdez area, and purchase of one 18 foot Boston whaler for use in the Seward/Whittier area. \$19,500

Total \$36,500

These funds will provide a basic level of management for the new marine parks, as well as seven other previously established marine parks in this area. Rangers will work with the Prince William Sound Recreation Association in routinely supervising and managing the area's marine parks, and in developing management plans required under AS 41.21.302(c). The Division of Parks and Outdoor Recreation has signed a cooperative management agreement with this non-profit group.

DELIVER TO: <u>Al Minella</u>	LOCATION: <u>Archway 2</u>
FROM: <u>Larry Ostrowsky</u>	LOCATION: _____
TELEPHONE/TELECOPIER # _____	TOTAL NUMBER OF PAGES: <u>2</u>
TRANSMITTING ON/SPEED _____	DATE _____ TIME _____
PHONE FOR PROBLEMS: NAME/NUMBER _____	<u>465-2400</u>
COMMENTS: _____	

Article 3. Alaska Marine Parks.

Section	Section
300 Declaration of purpose	304 Designated land and water
302 Designation of management responsibility	306 Compatibility of uses

§ 41.21.300

PUBLIC RESOURCES

§ 41.21.302

Legislative history reports. — For relating to ch. 64, SLA 1983, see 1983 adoption of House intent statements House Journal, pp. 2061 and 2063

Sec. 41.21.300. Declaration of purpose. (a) The purpose of AS 41.21.300 — 41.21.306 is to establish, subject to valid existing rights, the state-owned or acquired land and water described in AS 41.21.304 as marine park units of the Alaska state park system. The primary purposes in establishing the land and water areas described in AS 41.21.304 as marine park units of the Alaska state park system are to

- (1) maintain natural, cultural, and scenic values;
 - (2) maintain fish and wildlife resources and lawful existing uses of these resources;
 - (3) promote and support recreation and tourism in the state.
- (b) The land and water described in AS 41.21.304 is dedicated as special purpose sites under art. VIII, sec. 7 of the state constitution. (§ 1 ch 64 SLA 1983)

Revisor's notes. — Enacted as AS 41.20.530. Renumbered in 1983.

Sec. 41.21.302. Designation of management responsibility. (a) The state land and water described in AS 41.21.304 is assigned to the Department of Natural Resources for control, maintenance, and development consistent with the purposes and provisions of AS 41.21.300 — 41.21.306.

(b) The Department of Fish and Game is responsible for the management of fish and game resources on the state land and water described in AS 41.21.304 consistent with the purposes of AS 41.21.300 — 41.21.306. The Department of Fish and Game shall give written notice to and consult with the Department of Natural Resources before adoption of regulations governing fish and game management in a marine park unit of the Alaska state park system.

(c) The Department of Natural Resources shall develop a management plan for each marine park unit of the Alaska state park system to determine the specific purposes and uses for the unit. The commissioner of natural resources shall give written notice and consult with the Department of Fish and Game, proximately located municipalities of the state, proximately located private landowners, the United States Forest Service, organizations concerned with conservation, recreation, and tourism, and other interested parties during the preparation of a management plan for a marine park unit of the Alaska state park system.

(d) The commissioner of natural resources may not restrict the exercise of fishing, hunting, or trapping rights permitted under law or under a regulation of the Board of Fisheries or the Board of Game within a marine park unit of the Alaska state park system.

(e) The commissioner of natural resources shall allow the development of aquaculture facilities within a marine park unit of the Alaska state park system under terms and conditions that ensure that the development is compatible with AS 41.21.300 — 41.21.306.

(f) The commissioner of natural resources may enter into a cooperative agreement for

(1) the management of a marine park unit of the Alaska state park system with a federal agency, a municipality of the state, or a proximately located private landowner for a purpose stated under AS 41.21.020(7); or

(2) the management of proximately located federal, municipal, or private land as part of a marine park unit of the Alaska state park system.

(g) In the management of a marine park unit of the Alaska state park system the commissioner of natural resources shall consult and cooperate with a Native corporation that owns an historical or cultural site granted under 43 U.S.C. 1613(h)(1) (sec. 14(h)(1) of the Alaska Native Claims Settlement Act) and that is proximately located to a marine park unit of the Alaska state park system. In the management of a marine park unit of the Alaska state park system the commissioner of natural resources shall address the potential conflicts with the cultural and historical values of land granted to a Native corporation under 43 U.S.C. 1613(h)(1) (sec. 14(h)(1) of the Alaska Native Claims Settlement Act) and shall provide for appropriate protection to these values.

(h) Nothing in AS 41.21.300 — 41.21.306 precludes the use of or access to privately owned land or mineral claims and leases. The commissioner of natural resources shall permit adequate and feasible access across state land within a marine park unit of the Alaska state park system to and from private land within or outside a unit. In the granting of such access the commissioner of natural resources may adopt reasonable regulations to protect the natural and other values of the marine park unit lands and water. (§ 1 ch 64 SLA 1983)

Revisor's notes. — Enacted as AS 41.20.532. Renumbered in 1983.

Sec. 41.21.304. Designated land and water. The state-owned land and water and that land and water acquired by the state in the future lying within the following described parcels is designated as marine park units of the Alaska state park system:

- (1) Bettles Bay

- Township 10 North, Range 6 East, Seward Meridian
 Section 12: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 13: NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 14: N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$
- (2) Oliver Inlet
 Township 43 South, Range 68 East, Copper River Meridian
 Section 28: SW $\frac{1}{4}$
 Section 32: E $\frac{1}{2}$ E $\frac{1}{2}$
 Section 33: NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
- (3) Sawmill Bay
 Township 9 South, Range 9 West, Copper River Meridian
 Section 22: E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 23: SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$
 Section 26: W $\frac{1}{2}$
 Section 27: E $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
 Section 28: E $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 34: N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 35: W $\frac{1}{2}$
 Township 10 South, Range 9 West, Copper River Meridian
 Section 3: N $\frac{1}{2}$ NE $\frac{1}{4}$
- (4) Shoup Bay
 Township 8 South, Range 7 West, Copper River Meridian
 Section 30: W $\frac{1}{2}$ W $\frac{1}{2}$
 Section 31: W $\frac{1}{2}$ W $\frac{1}{2}$
 Township 8 South, Range 8 West, Copper River Meridian
 Section 25: All
 Section 26: All
 Section 27: E $\frac{1}{2}$
 Section 34: E $\frac{1}{2}$
 Section 35: All
 Section 36: All
 Township 9 South, Range 8 West, Copper River Meridian
 Section 1: N $\frac{1}{2}$ NW $\frac{1}{4}$
 Section 2: N $\frac{1}{2}$
 Section 3: All
- (5) South Esther Island
 Township 8 North, Range 8 East, Seward Meridian
 Section 3: W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 4: E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 5: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 6: E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 7: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 8: E $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 9: All

Section 10: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 16: N $\frac{1}{2}$

Section 17: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

Township 9 North, Range 8 East, Seward Meridian

Section 33: SW $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

(6) Surprise Cove

Township 8 North, Range 6 East, Seward Meridian

Section 21: SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 22: SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 23: W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 26: W $\frac{1}{2}$ W $\frac{1}{2}$

Section 27: All

Section 28: S $\frac{1}{2}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ N $\frac{1}{2}$

Section 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$

(7) Chilkat Islands

Township 32 South, Range 60 East, Copper River Meridian

Section 22: SE $\frac{1}{4}$

Section 23: All

Section 26: All

Section 27: All

Section 34: All

Section 35: All

Township 33 South, Range 61 East, Copper River Meridian

Section 4: All

Section 5: All

Section 8: All

Section 9: All

Section 16: All

(8) Ziegler Cove

Township 9 North, Range 6 East, Seward Meridian

Section 25: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 26: E $\frac{1}{2}$

Section 36: N $\frac{1}{2}$ N $\frac{1}{2}$

(9) Horseshoe Bay

Township 1 South, Range 9 East, Seward Meridian

Section 32: SE $\frac{1}{4}$

Township 2 South, Range 9 East, Seward Meridian

Section 4: S $\frac{1}{2}$ SW $\frac{1}{4}$ excluding amended Iron Mountain Lode No. 2 and Iron Mountain Lode

Section 5: All

Section 8: N $\frac{1}{2}$ excluding Iron Mountain Lode No. 11 and Iron Mountain Lode No. 10

Section 9: NW $\frac{1}{4}$ NW $\frac{1}{4}$ excluding amended Iron Mountain Lode No. 2 and Iron Mountain Lode

(10) Sullivan Island

Township 34 South, Range 60 East, Copper River Meridian

Section 12: SE $\frac{1}{4}$

Township 34 South, Range 61 East, Copper River Meridian

Section 7: All

Section 18: All

Section 19: All

Section 30: All

(11) Shelter Island

Township 39 South, Range 64 East, Copper River Meridian

Section 29: All

Section 31: All

Section 32: All

Section 33: All

(12) Saint James Bay

Township 37, Range 62 East, Copper River Meridian

Section 27: All

Section 28: All

Section 29: All

Section 30: SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31: E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$

Section 32: All

Section 33: All

Section 34: All

Section 35: W $\frac{1}{2}$

Township 38 South, Range 62 East, Copper River Meridian

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

Section 3: All

Section 4: All

Section 5: All

Section 6: NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8: N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

Section 9: All

Section 10: All

Section 11: W $\frac{1}{2}$ Section 14: NW $\frac{1}{4}$ Section 15: N $\frac{1}{2}$ Section 16: N $\frac{1}{2}$ Section 17: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$

(§ 1 ch 64 SLA 1983)

Revisor's notes. — Enacted as AS
41.20.534. Renumbered in 1983.

Sec. 41.21.306. Compatibility of uses. (a) The commissioner of natural resources may prohibit or restrict by regulation except as provided in AS 41.21.302(d) incompatible uses within the state-owned land and water described in AS 41.21.304.

(b) Discharge of a firearm is permitted in state-owned land and water described in AS 41.21.304 unless the land or water is closed by regulation of the commissioner of natural resources for public safety purposes.

(c) Nothing in AS 41.21.300 — 41.21.306 prohibits the Department of Fish and Game from engaging in rehabilitation, enhancement, and development under AS 16.05.092 within an area described in AS 41.21.304.

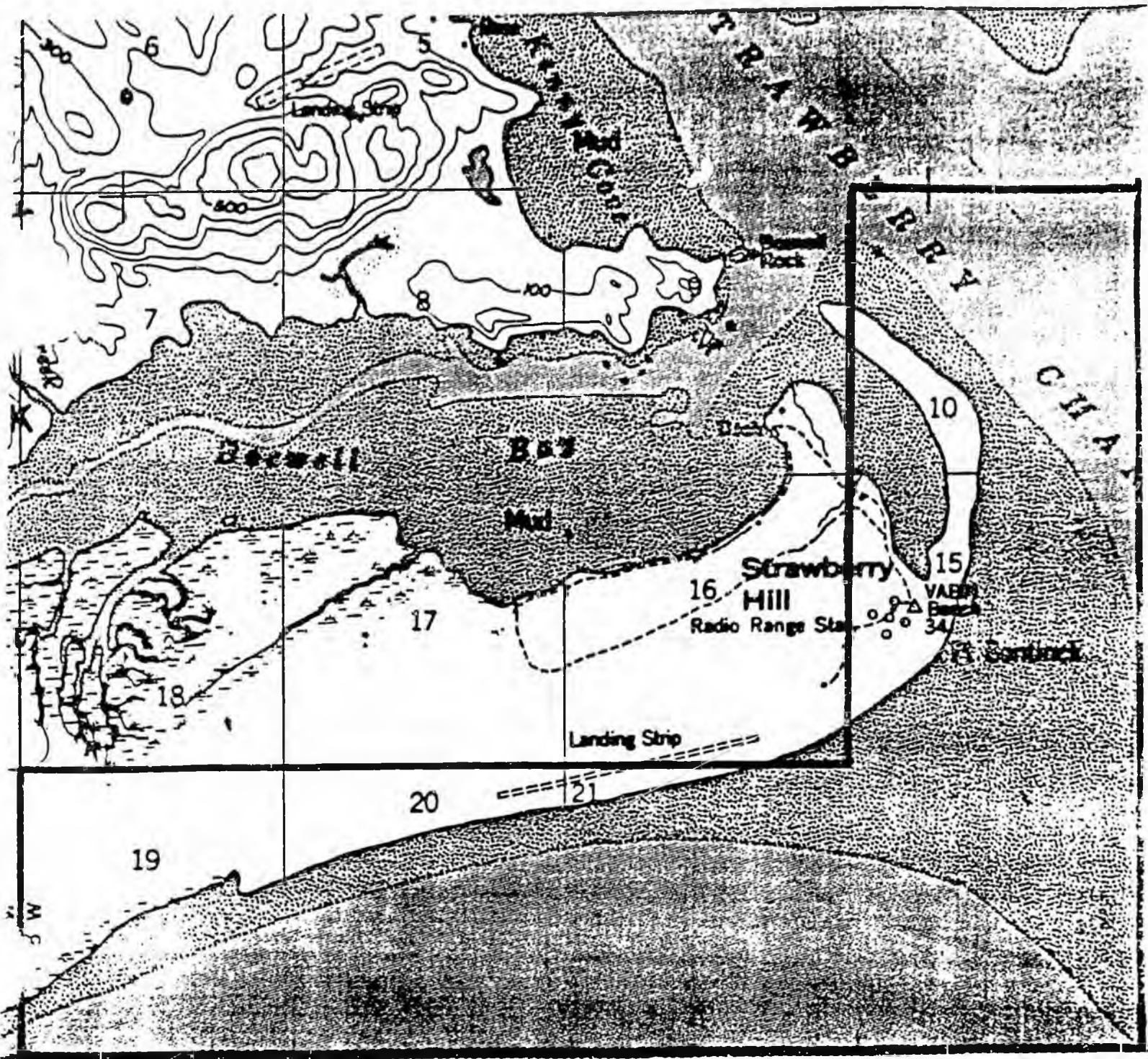
(d) Reasonable access shall be permitted to and across a marine park unit of the Alaska state park system for lawful hunting, fishing, trapping and recreational purposes.

(e) The Department of Public Safety and the Department of Fish and Game shall be allowed reasonable access for fish and game management, research, and enforcement purposes. (§ 1 ch 64 SLA 1983)

Revisor's notes. — Enacted as AS 41.20.536. Renumbered in 1983.

LIST OF AREAS

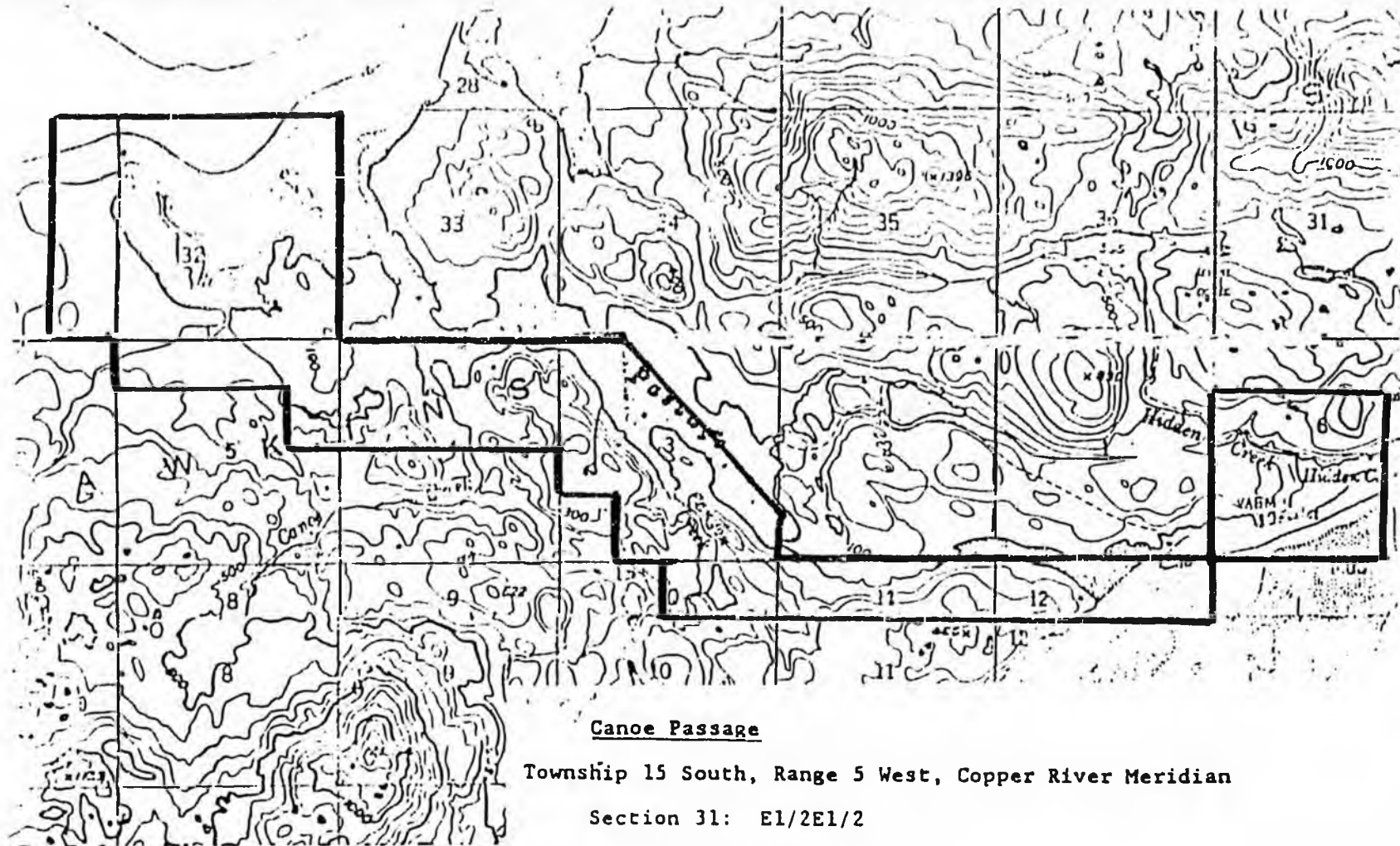
<u>Name</u>	<u>Acres</u>	<u>Map Page #</u>	<u>AS.41.21.304#</u>
Boswell Bay	799	6	20
Canoe Passage	2,735	7	21
Decision Point	460	8	22
Driftwood Bay	840	9	23
Entry Cove	370	10	24
Granite Bay	2,105	11	25
Kayak Island	1,437	12	26
Jack Bay	811	13	27
Safety Cove	660	14	28
Sandspit Point	600	15	29
Sunny Cove	300	16	30
Thumbs Cove	300	17	31



BOSWELL BAY BEACHES (Upland acreage = approximately 799 acres)

Township 17 South, Range 5 West, Copper River Meridian.

- Section 10: ALL excluding the Copper River Delta State Critical Habitat Area
- Section 15: ALL excluding the Copper River Delta State Critical Habitat Area
- Section 19: ALL
- Section 20: ALL
- Section 21: ALL
- Section 22: ALL



Canoe Passage

Township 15 South, Range 5 West, Copper River Meridian

Section 31: E1/2E1/2

Section 12: All

Township 16 South, Range 4 West, Copper River Meridian

Section 6: S1/2, S1/2N1/2

Township 16 South, Range 5 West, Copper River Meridian

Section 3: the land South and West of the mid-channel
of Canoe Passage

Section 4: N1/2

Section 5: N1/2N1/2, SE1/4NE1/4

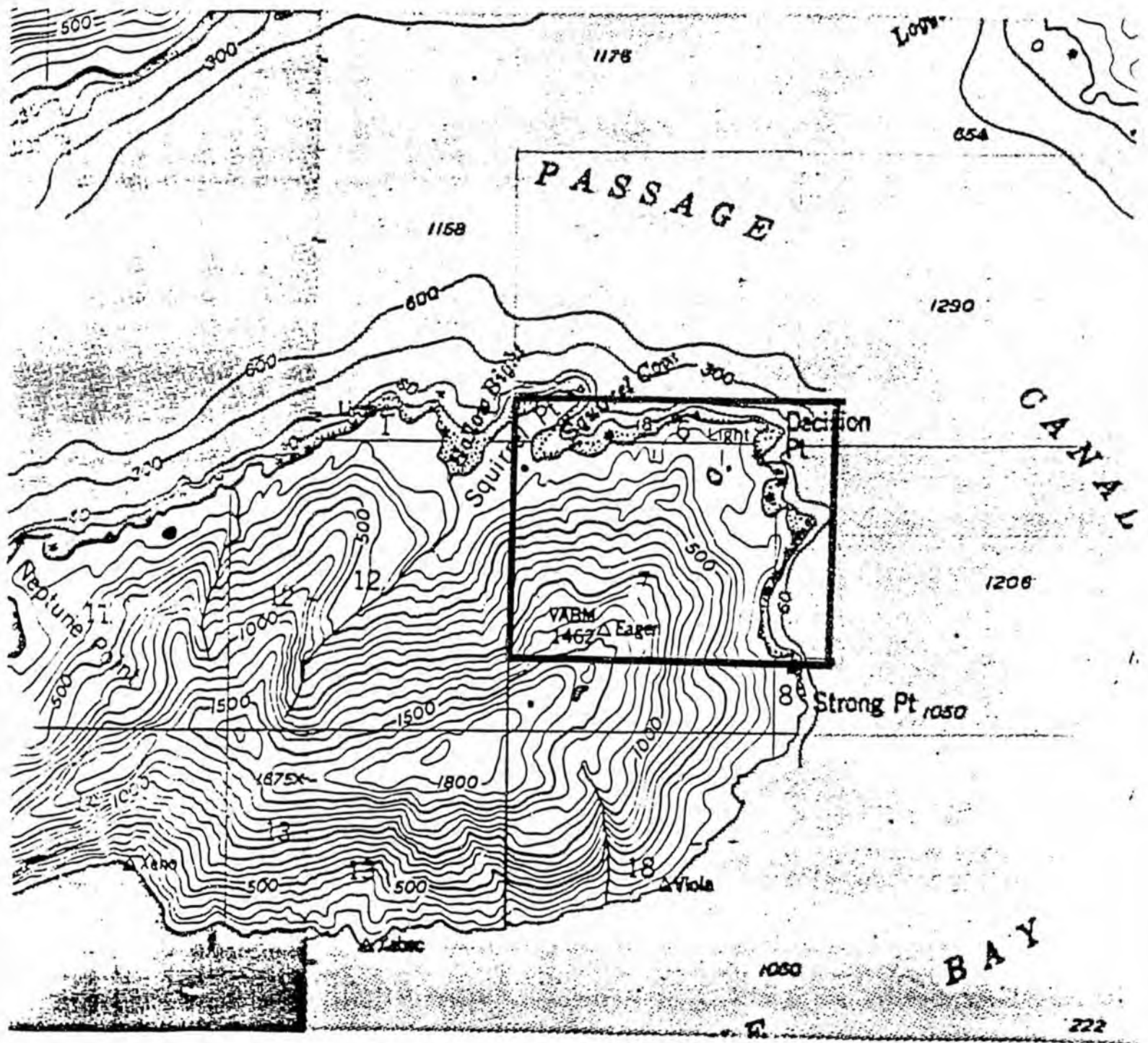
Section 10: N1/2NE1/4

Sections 11 -- 12: N1/2N1/2

ed in the
ds to the

0 1 mile

N



DECISION POINT (Upland acreage = approximately 460 acres)

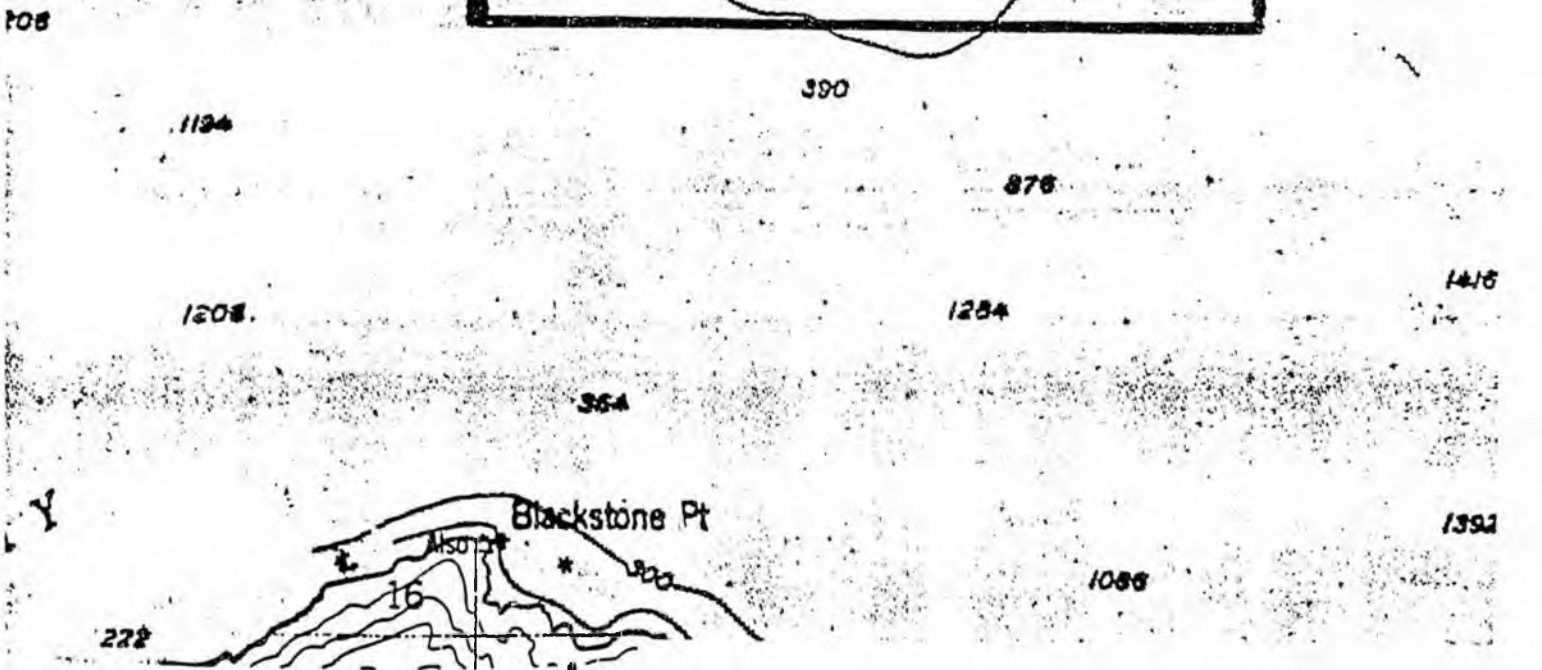
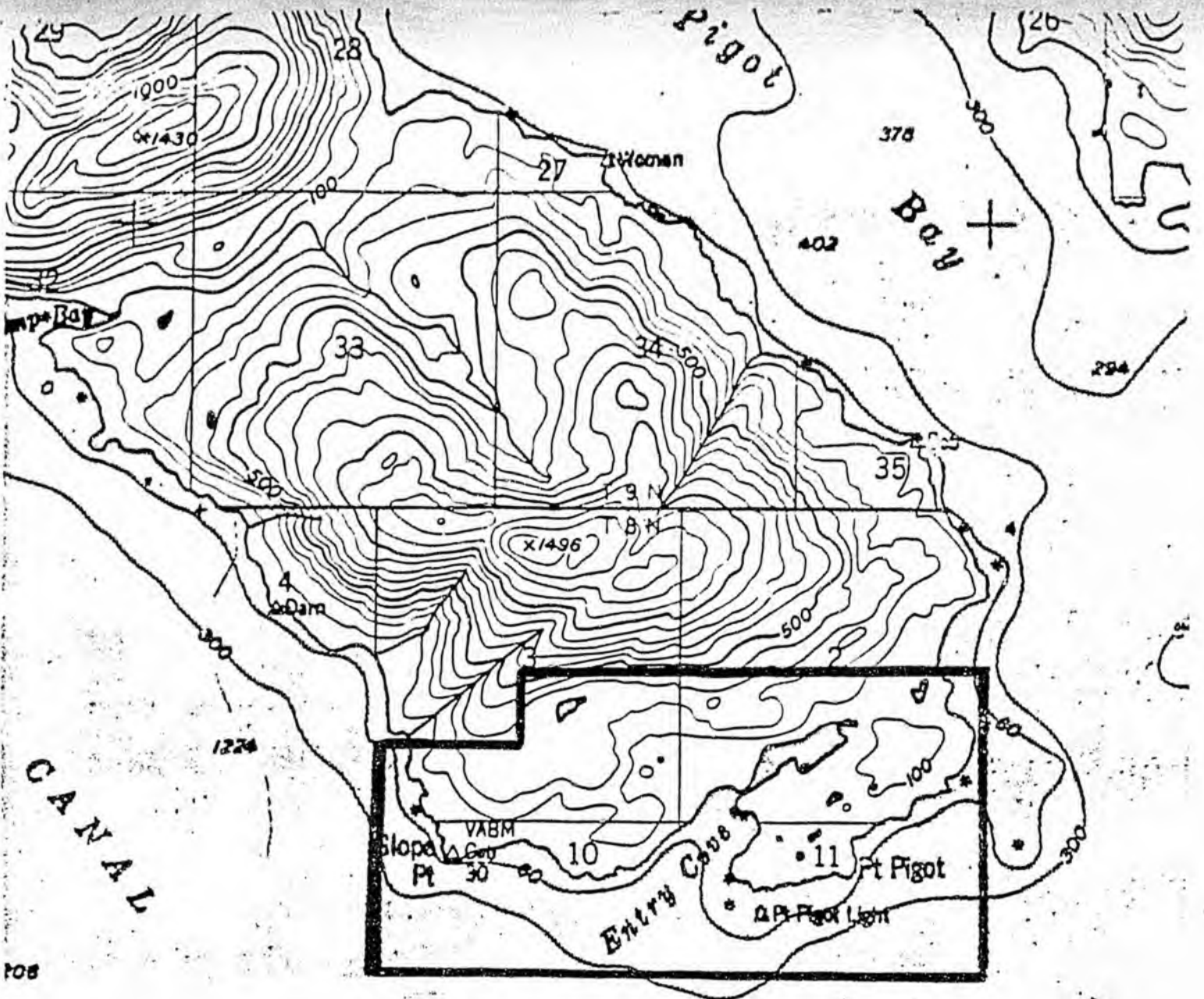
Township 8 North, Range 6 East, Seward Meridian

Section 5: SW1/4SW1/4

Section 6: S1/2S1/2

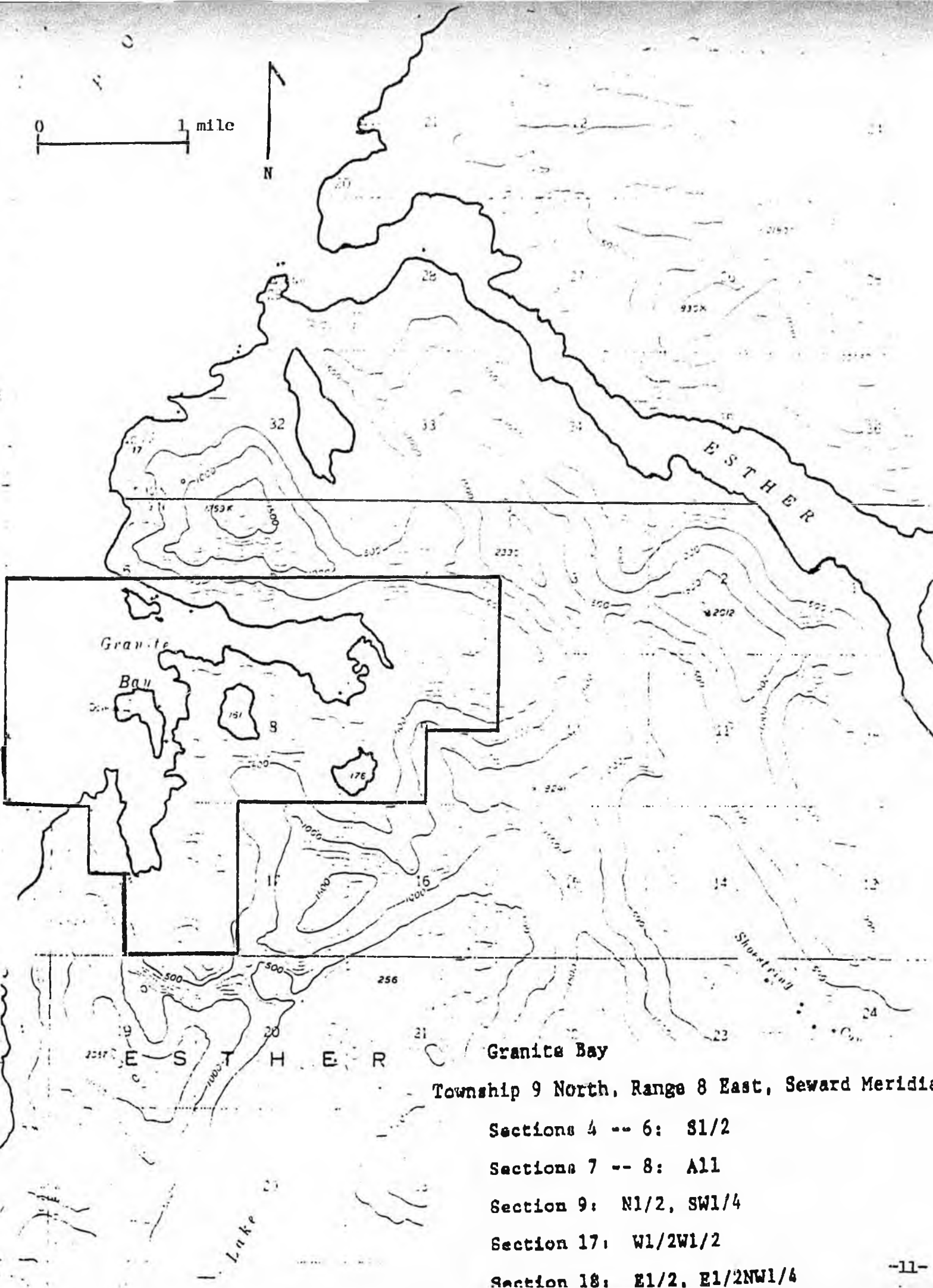
Section 7: N1/2, N1/2S1/2

Section 8: W1/2NW1/4, NW1/4SW1/4



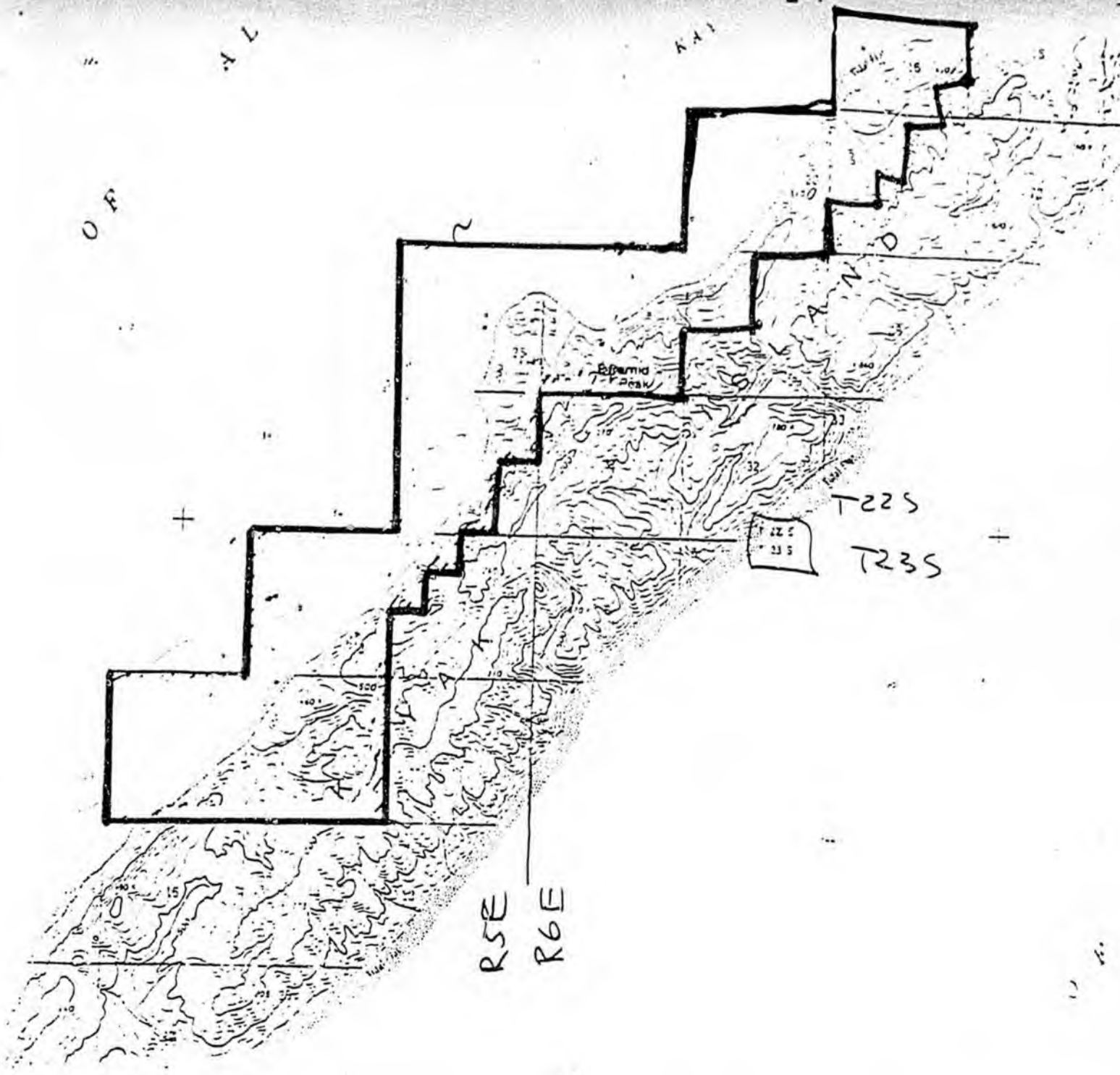
ENTRY COVE (Upland acreage = approximately 370 acres)
 Township 8 North, Range 6 East, Seward Meridian
 Section 2: S1/2
 Section 3: SE1/4, S1/2SW1/4
 Section 10: N1/2
 Section 11: N1/2

0 1 mile



Granite Bay
Township 9 North, Range 8 East, Seward Meridian

- Sections 4 -- 6: S1/2
- Sections 7 -- 8: All
- Section 9: N1/2, SW1/4
- Section 17: W1/2W1/2
- Section 18: E1/2, E1/2NW1/4



Kayak Island

Township 22 South, Range 5 East, Copper River Meridian

Section 25: All

Section 36: N1/2, SW1/4, W1/2SE1/4

Township 22 South, Range 6 East, Copper River Meridian

Section 16: N1/2, SW1/4, N1/2SE1/4, SW1/4SE1/4

Section 20: All

Section 21: NW1/4, NW1/4SW1/4

Section 29: NW1/4

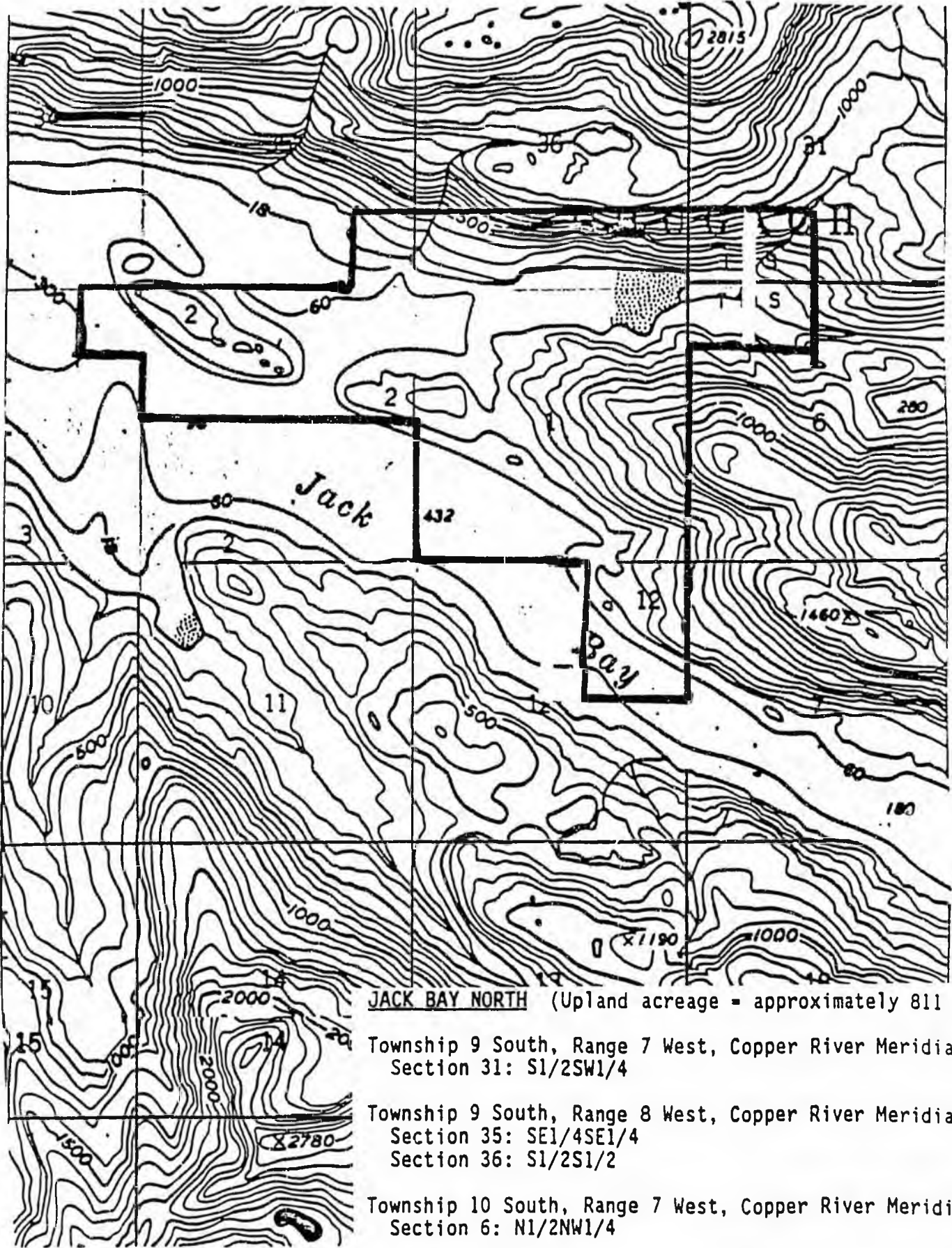
Section 30: All

Township 23 South, Range 5 East, Copper River Meridian

Section 1: N1/2NW1/4, SW1/4NW1/4

Section 2: All

Sections 10 -- 11: All



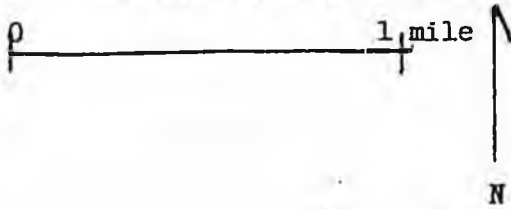
JACK BAY NORTH (Upland acreage = approximately 811 acres)

Township 9 South, Range 7 West, Copper River Meridian
Section 31: S1/2SW1/4

Township 9 South, Range 8 West, Copper River Meridian
Section 35: SE1/4SE1/4
Section 36: S1/2S1/2

Township 10 South, Range 7 West, Copper River Meridian
Section 6: N1/2NW1/4

Township 10 South, Range 8 West, Copper River Meridian
Section 1: ALL
Section 2: N1/2, N1/2N1/2S1/2
Section 3: NE1/4NE1/4
Section 12: E1/2NE1/4, E1/2W1/2NE1/4

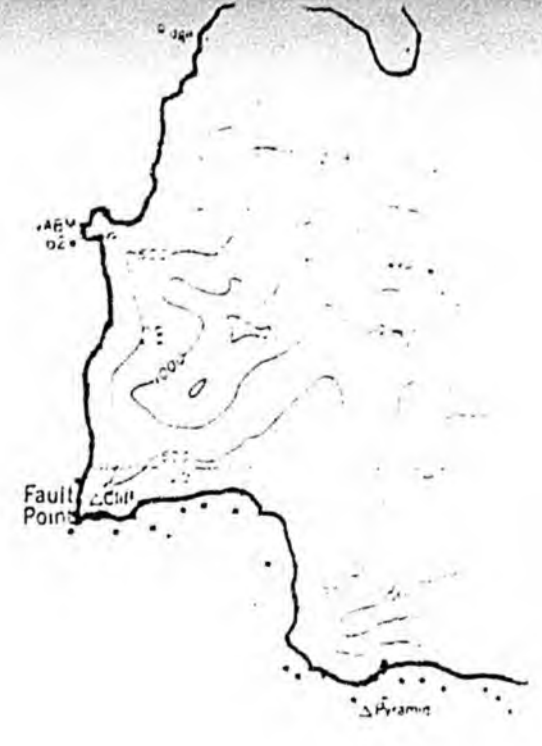




110° W

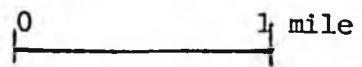
HARBOR

DAY



B L Y I N G

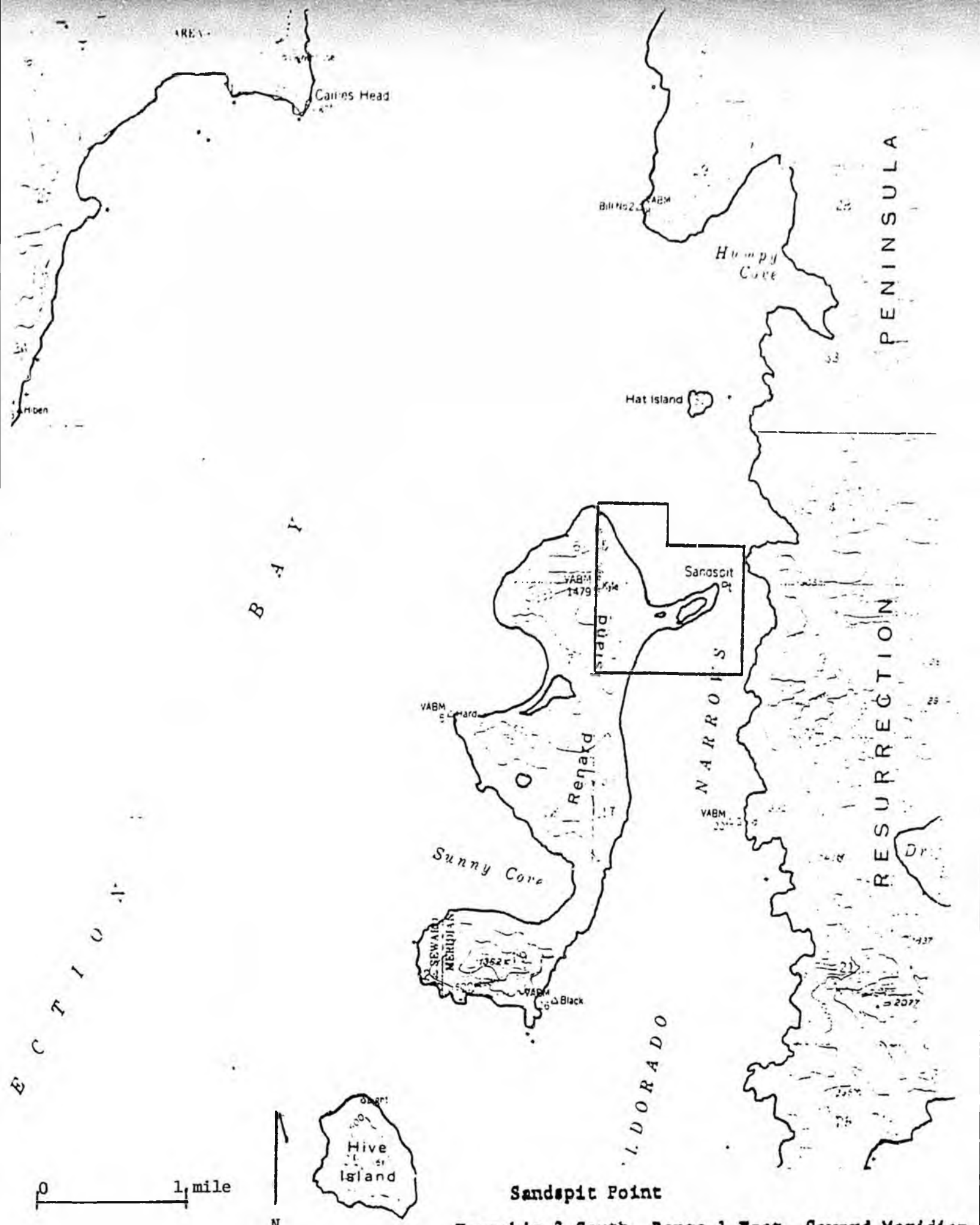
SECTION 23



SAFETY COVE (Upland acreage = approximately 660 acres)

Township 2 South, Range 1 East, Seward Meridian

- Section 23: S1/2
- Section 24: SW1/4
- Section 25: NW1/4
- Section 26: N1/2



Sandspit Point

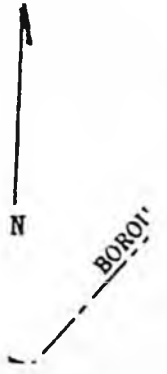
Township 3 South, Range 1 East, Seward Meridian

Section 5: SW1/4, S1/2SE1/4
 Section 8: N1/2

P I O -1-



ELDORADO



Sunny Cove

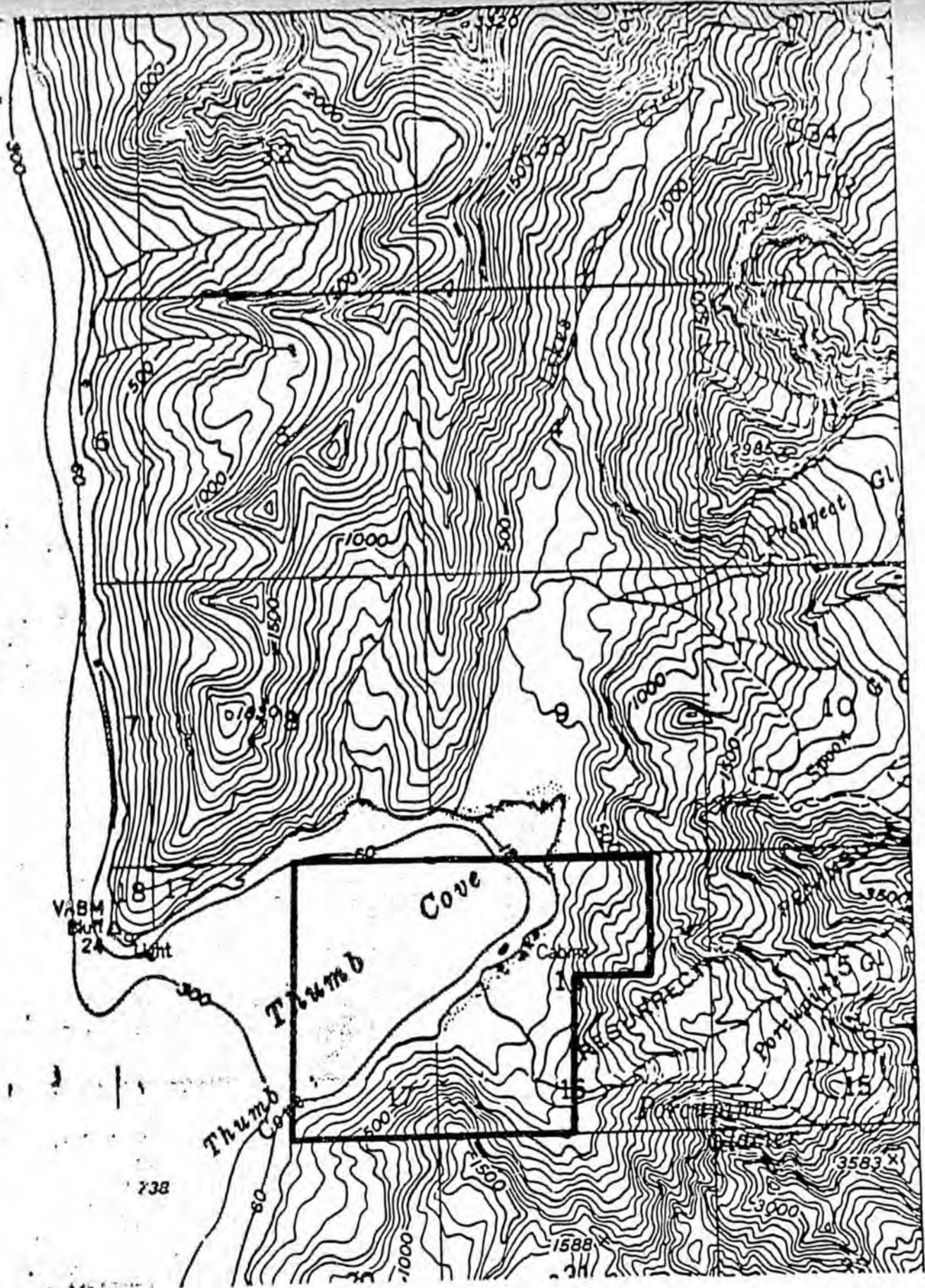
Township 3 South, Range 1 East, Seward Meridian

Section 19: All

Section 20: W1/2W1/2

Township 3 South, Range 1 West, Seward Meridian

Section 24: E1/2E1/2



0 1 mile



Thumb Cove
 Township 2 South, Range 1 East, Seward Meridian
 Section 16: W1/2, W1/2NE1/4
 Section 17: E1/2

PROPOSED ADDITIONS
TO THE
ALASKA MARINE PARK SYSTEM

The bill will add twelve marine parks to the Alaska State Park System. Five of the areas are located in the Seward/Resurrection Bay area and seven are located in Prince William Sound. These areas will be managed under the same laws and regulations as existing units of the Alaska Marine Park System (AS 41.21.302).

The areas proposed as marine parks possess a wide variety of public values. They are areas frequented by Alaskans and visitors to the state for saltwater recreation activities. They contain outstanding scenic and natural values. Fish and wildlife values in these areas are high. These areas are generally located close to the communities of Seward, Whittier, Valdez and Cordova. They range in size from several hundred acres to several thousand. Under the provisions of the existing marine park law (AS 41.21.302) these areas will be managed to:

- (1) maintain natural, cultural, and scenic values;
- (2) maintain fish and wildlife resources and lawful existing uses of these resources;
- (3) promote and support recreation and tourism in the state.

DNR is assigned the land and resource management responsibilities in the areas. ADF&G manages the fish and wildlife resources including harvest activities.

Development of aquaculture facilities is permitted, though it may be regulated to protect park values. Access to adjoining mining claims is provided for as is cooperative management of native historical sites. Management plans are to be prepared for each area. The preparation of these plans requires consultation with agencies, local governments and interest groups.

The proposed marine parks are supported by the Cities of Seward and Whittier, Chugach Alaska, Inc. and outdoor recreation and conservation groups. The designation by the legislature of these areas as marine parks is recommended by DNR's recently completed Prince William Sound Area Plan. Public support for the establishment of these marine parks is strong, as evidenced by testimony at numerous public meetings on the Prince William Sound Area Plan.

SB 42, Relating to state marine parks.

Sponsor: Szymanski

A COMMITTEE SUBSTITUTE HAS BEEN PREPARED.

- 1) Page one, line 8. New Section. Adds language to the existing marine parks statute to clarify that a dock or a loading facility would be permitted within the marine park to provide access to marketable resources.
- 2) Removes the previous Section 2, LAND EXCLUDED.
- 3) Page one, line 26 - page two, line one. Boswell Bay Beaches. Clarifies in the property description that land within the Copper River Delta Critical Habitat Area will be excluded.
- 4) Page two, line 10 - 13. Canoe Passage. Amends the property description to indicate that only land and water on the south side of the mid channel will be included in the new Marine Park.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB 42
PUBLISH DATE: _____
FISCAL NOTE

REQUEST:

Revision Date: 23-Jan-89 Agency Affected: Natural Resources
Title: An Act relating to state BRU: Parks Management
marine parks
Sponsor: Szymanski & Kertulla Components: Parks Management
Requestor: Community & Regional Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		12.0	12.0	12.0	12.0	12.0
TRAVEL		0.0	0.0	0.0	0.0	0.0
CONTRACTUAL		2.0	2.0	2.0	2.0	2.0
SUPPLIES		3.0	3.0	3.0	3.0	3.0
EQUIPMENT		19.5	0.0	0.0	0.0	0.0
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	36.5	17.0	17.0	17.0	17.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		36.5	17.0	17.0	17.0	17.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	36.5	17.0	17.0	17.0	17.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Neil Johannsen Phone: 762-2600
Division: Parks Management Date: 23-Jan-89
Approved by Commissioner: Lennie Gorsuch Date: 23-Jan-89
Agency: Department of Natural Resources

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

Marine Parks

Personal Services: The following person months would be added to existing positions:

PCN 5223 Park Ranger I (Seward), 2 months @ \$3400/month - \$ 6,800
PCN 5144 Park Ranger II (Glenallen-Valdez), 1.5 months
@ \$3437/month -- \$ 5,200

Contractual: Boat storage, film processing, aircraft and vessel charters -- \$ 2,000

Supplies: Purchase of two lifejackets, a marine radio, fire extinguishers, emergency signaling equipment, survival suit, and miscellaneous camping equipment -- \$ 3,000

Equipment: Purchase of one 15 foot inflatable boat with a 25 hp motor and a trailer for use in the Valdez area, and purchase of one 18 foot Boston whaler for use in the Seward/Whittier area. \$19,500

Total \$36,500

These funds will provide a basic level of management for the new marine parks, as well as seven other previously established marine parks in this area. Rangers will work with the Prince William Sound Recreation Association in routinely supervising and managing the area's marine parks, and in developing management plans required under AS 41.21.302(c). The Division of Parks and Outdoor Recreation has signed a cooperative management agreement with this non-profit group.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: State Marine Parks
Sponsor: _____
Requestor: Szymanski & Kerttula

Agency Affected: Dept. of Fish and Game
BRU: Habitat
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT		0				
LAND & STRUCTURES		0				
GRANTS, CLAIMS		0				
MISCELLANEOUS		0				
TOTAL OPERATING		0				

CAPITAL		0				
---------	--	---	--	--	--	--

REVENUE		0				
---------	--	---	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Alaska Dept. of Fish and Game
Division: Habitat
Approved by Commissioner: *Donnell*
Agency: Dept. of Fish and Game

Phone: 465-4105
Date: 1/23/89
Date: 1.23.89

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	Habitat	BILL NUMBER SB42	SPONSOR Szymanski and Kerttula
SHORT TITLE OF BILL An Act relating to state marine parks			
DEPARTMENT POSITION Support			
PREPARED BY Frank Rue	<i>Frank H. Rue</i>	DATE 1/23/89	<i>Robert A. Williams</i> DATE 1-23-89

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources Division of Parks	CONSTITUENT GROUPS AFFECTED BY BILL Recreational users, fishermen, hunters
ORGANIZATIONAL SUPPORT FOR BILL None known	ORGANIZATIONAL OPPOSITION TO BILL None known
FISCAL IMPACT: <input type="checkbox"/> NONE <input checked="" type="checkbox"/> FISCAL NOTE ATTACHED	

BACKGROUND/LEGISLATIVE INTENT
 o add new marine parks to the state park system.

ANALYSIS OF BILL/PROGRAM EFFECTS
 The bill would add to the marine parks system eleven new areas: ... Beaches; Canoe Passage; Decision Point; Driftwood Bay; Entry Cove; Granite ... Jack Bay; Safety Cove; Sandspit Point; Sunny Cove; and Thumb Cove. This bill is in compliance with the recommendations agreed to in the Prince William Sound Area Plan.
 As written, the bill will specifically avoid overlap with the existing Copper River Delta Critical Habitat Area. The critical habitat area is already managed for protection of fish and wildlife and their habitats and public use and enjoyment.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Not adopted

INTENT LANGUAGE FOR CS SB 42 (RESOURCES)
RE:AQUACULTURE IN MARINE PARKS

The Legislature has for years encouraged the development of nonprofit fisheries rehabilitation, enhancement and development projects in Alaska, and has determined that done properly, such projects are compatible with state marine parks.

We recognize that the Department of Natural Resources and the Department of Fish and Game each have their own responsibilities for review, oversight, and permitting regarding development of aquaculture projects within parks. But there are benefits to be gained both by the agencies and the applicants through the streamlining and coordination between the two departments in this area.

It is the Legislature's intent to request that in order to share information from their respective areas of expertise, and to avoid duplication of efforts, DNR and ADF&G establish a joint review and approval process for the permitting of nonprofit aquaculture activities in state marine parks.

f- SB 42

Cooperative Management Agreement
between
Prince William Sound Recreation Association
and
Alaska Division of Parks and Outdoor Recreation

regarding
The Management of State Marine Parks
in Prince William Sound

Background

The Prince William Sound Recreation Association (hereafter "Association") is established to: work with private and government interests to enhance recreation and tourism in the Sound; ensure that land management plans protect the values of the Sound; provide beach clean-up and cabins and trail maintenance; and for other purposes. The Alaska Division of Parks and Outdoor Recreation (hereafter "Parks") manages units of the Alaska Marine Park System in the Sound; and is authorized by Alaska Statute (AS 41.21.020) to enter into cooperative agreements for the management and development of state park units.

Alaska Marine Parks have been established as units of the State Park System by the Alaska State Legislature to: maintain natural, cultural and scenic values; maintain fish and wildlife resources and lawful existing uses of these resources; and promote and support recreation and tourism in the state (AS 41.21.300).

Parks encourages the involvement of local organizations in the management and development of state park areas through its Volunteers-in-Parks and Adopt-a-Park programs.

To further the above purposes, the parties agree as follows:

The Association will:

1. Assist Parks in the preparation of management plans (as required by AS 41.21.302(c) for the marine park units in Prince William Sound;
2. Periodically clean beaches and otherwise maintain marine park areas in a clean and natural condition;
3. Develop plans for improvements to park areas and submit those plans to Parks for approval prior to beginning construction;
4. Construct, in accordance with paragraph 3 above, and maintain park facilities;

5. Abide by all park regulations and other applicable laws and regulations while visiting and working in marine park units in the Sound;
6. Provide Parks with comments and suggestions to improve the management of marine parks and better serve the public;
7. Help Parks in identifying and establishing additional units of the marine park system in the Sound;
8. Cooperate with other organizations and agencies to further the purposes of marine parks in the Sound;
9. Not allow its officers or members to represent themselves as state employees, park rangers or peace officers;
10. Maintain its non-profit corporate status pursuant to Alaska Statutes and regulations;
11. Assist Parks in providing public information and interpretive programs concerning the marine parks; and
12. When coordinated and authorized by the Alaska State Troopers and Parks, assist in search and rescues.

Parks will:

1. Provide support, to the extent funding and management priorities allow, to the Association in its activities under this Agreement;
2. Provide the Association with timely reviews and approvals of proposed activities;
3. Enroll Association members who are working on projects under this Agreement in Parks' Volunteers-in-Parks Program to be eligible for benefits under that program when the Association member requests to be enrolled;
4. When appropriate, conduct interagency reviews of park developments being undertaken by the Association;
5. Work with other groups and organizations to assist the Association in its efforts conducted under this Agreement;
6. Recognize the work of the Association through press releases, certificates of appreciation and other means; and
7. Assist the Association in recruiting and managing volunteer efforts.


It is mutually agreed that this Agreement:

1. May be cancelled by either party 30 days after written notice is hand delivered or placed in the U.S. mail;
2. May be amended by mutual agreement of the parties;
3. Is subject to existing laws and regulations;
4. Is subject to valid existing rights;
5. Requires that all notices or correspondence pertaining to this agreement shall be hand carried or sent through the U.S. Mail to the parties at the addresses shown below:

Director
Alaska Division of Parks and Outdoor Recreation
P.O. Box 10-7001
Anchorage, Alaska 99510-7001


President
Prince William Sound Recreation Association
1205 East International Airport Road, Suite 103
Anchorage, Alaska 99518;

6. Does not obligate either party to spend funds;
7. Requires the parties to indemnify, defend and hold each other harmless from any and all actions or claims (including costs and expenses) arising from the acts or omissions of one of the parties, servants, officers, employees, members or guests, provided that where the actions or claims (including costs and expenses) are caused by the joint negligence of the parties, or either of their servants, officers, employees, members or guests, then such awards as are made in favor of a claimant shall be apportioned between the parties on a comparative fault basis; and
8. Expires, unless extended by mutual agreement, on January 1, 1990.



John Gans, President
Prince William Sound Recreation
Association

March 11 87
Date



Neil C. Johannsen, Director
Alaska Division of Parks
and Outdoor Recreation

11 March 1987
Date



Alaska State Legislature

Senator Mike Szymanski

January 25, 1989

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

MEMORANDUM

TO: Senator Bettye Fahrenkamp, Chair,
House Resources Committee

FROM: Senator Mike Szymanski *MS*

RE: Referral of SB42, Marine Parks Bill

Interim
3111 C Street
Suite 510
Anchorage, AK 99503
(907) 561-7617

165 E. Parks Hwy
Suite 105
Wasilla, AK 99687
(907) 376-MIKE

Attached is an information packet on SB42, the Marine Parks Bill, which passed the Senate CRA Committee on 1-24-89 to the next committee of referral, the Senate Resources Committee.

The following people testified on behalf of SB42:

Al Meiners: Division of Parks and Recreation
Clara Holland: Alaska Environmental Lobby
Bob Blake: representing himself
Will Eason: Prince William Sound Charters, Whittier
Phillip Holdsworth: Alaska Miners Association
Jerry Johnson: Prince William Sound Users Association
Jim Preston: Prince William Sound Users Association
Rita Hendrickson: Prince William Sound Users Association
Bob Loeffler: Project Mgr. for Prince William Sound Area Plan
Cliff Eames: Alaska Center for the Environment
Pete Nagle: Chugach Alaska Corporation
Emily Barnett: Sierra Club

If you have any questions regarding the Marine Parks Bill, please contact my staffperson, Mary McBurney, at 4978.

mcb



Alaska State Legislature

Senator Mike Szymanski

While in Session:
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4978/4979

Interim
3111 C Street
Suite 510
Anchorage, AK 99503
(907) 561-7617

March 3, 1989

165 E. Parks Hwy.
Suite 105
Wasilla, AK 99687
(907) 376-MIKE

MEMORANDUM

TO: Senator Bettye Fahrenkamp
FROM: *Mike* Senator Mike Szymanski
RE: SB 42: Marine Parks Bill

I understand that time ran out during the hearing of SB42, the Marine Parks Bill, and there wasn't an opportunity to address the question raised by Ron Sommerville regarding the exemption of Native lands in the proposed park areas. I'm informed by staff that this issue has been addressed to your satisfaction by the deletion of the exclusionary language referring to Native lands.

This is an important bill for me, Senator Kerttula and the constituents that we represent. Although I will be out of town for the next five days, I hope that you will not delay the bill's movement.

Thanks, again, for your help.

mcb

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 6, 1989

SUBJECT: State marine parks: Boswell Bay
Beaches description (CSSB 42(Resources))

TO: Senator Bettye Fahrenkamp
Chair, Senate Resources Committee

FROM: Richard A. Bradley *RAB*
Legislative Counsel

I have modified the description of the Boswell Bay Beaches according to descriptions worked out with Al Meiners in the Division of Parks.

I believe that this provides a positive description of Boswell Bay Beaches.

If I may be of further assistance, please advise.

RAB:gc
WKG7/096

ALASKA STATE LEGISLATURE · SENATE

SENATOR RICHARD I. ELIASON

LABOR & COMMERCE COMMITTEE, CHAIRMAN
RESOURCES COMMITTEE
RULES COMMITTEE
SPECIAL COMMITTEE ON HIGH SEAS
SALMON INTERCEPTION
SELECT COMMITTEE ON
LEGISLATIVE ETHICS



P.O. BOX 143
SITKA, ALASKA 99835

P.O. BOX V
JUNEAU, ALASKA 99811
(907) 485-4916

FAX (907) 465-4928

MEMORANDUM

TO: Sen. Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Sen. Dick Eliason

DATE: March 16, 1989

RE: Proposing intent language for SB 42, Marine Parks

I understand that you are planning to take up the proposed Resources CS for Senate Bill 42 at tomorrow's Resources Committee meeting. I will not be able to attend that meeting as I will be away on state business tomorrow. However, I had planned to propose the adoption of a letter of intent for SB 42, and would like to leave my proposed language with you for consideration by the Committee.

A copy of the intent language which I would like to propose is attached. The logic for this language is as follows: The Legislature made it clear in the original marine parks legislation that we wanted fisheries rehabilitation, enhancement, and development projects to be allowed inside marine parks if handled in a manner compatible with the purposes of marine parks. But it appears that there are some logistical problems which are causing roadblocks to such development. A major one seems to be the requirement to go through permit processes with two separate departments without coordination between them.

Applicants who want to develop these projects within marine parks feel that they have to jump through many of the same bureaucratic hoops twice by having to deal with both Fish and Game and DNR. They also feel that many of the concerns raised by DNR in its process of determining whether the project is "compatible" with the marine park, could be answered if they had more coordination with Fish and Game and more access to the technical information and biological analysis, and so on,

that is already a part of their permitting process for a fisheries project.

The letter of intent asks that, when an application is submitted for an aquaculture project which would be done inside a marine park, the two departments involved will establish a JOINT review process as they make their respective decisions concerning a project.

I would appreciate the committee's consideration of adoption of this letter of intent.

BY ELIASON

A M E N D M E N T

OFFERED IN THE SENATE
TO: SB 42

Page 1, after line 7:

Insert a new bill section to read:

"Section 1. AS 41.21.302(e) is amended to read:

(e) The commissioner shall allow nonprofit fisheries rehabilitation, enhancement, and development projects of the Dept. of Fish and Game, nonprofit regional aquaculture associations, and private nonprofit corporations [THE DEVELOPMENT OF AQUACULTURE FACILITIES] within a marine park unit of the Alaska state park system under the conditions that ensure that the development is compatible with AS 41.21.300 - 41.21.306.

Page 1, line 8:

Delete "Section 1."
Insert "Sec.2."

Renumber following bill sections accordingly.

Logic for statutory amendment:

Simply to clarify original legislative intent.

When original language was passed, stating that "the development of aquaculture facilities" would be allowed when compatible in marine parks, the legislative intent was certainly that nonprofit enhancement be allowed. There was nothing else that could have been construed at the time to come under the term "aquaculture." In fact, even in recent discussions of new technologies we use the specific terms such as "mariculture" and "aquatic farming."

However, DNR in its new regs has taken the leap to including "aquatic farming" and part of "aquaculture," and thereby plans to consider it allowable in marine parks. In fact they misinterpret the language in the original AS 41.21.302(e) as being a directive to allow aquatic farming in marine parks. Clearly that is far beyond the legislative intent.

To clarify intent and give DNR clearer direction for setting its guidelines, we propose to just spell out what was really MEANT in that statute by replacing the term "aquaculture facilities" with a specific description of nonprofit enhancement done by the three entities which are legally authorized to do that.

By Eliason

INTENT LANGUAGE FOR CS SB 42 (RESOURCES)
RE:AQUACULTURE IN MARINE PARKS

The Legislature has for years encouraged the development of nonprofit fisheries rehabilitation, enhancement and development projects in Alaska, and has determined that done properly, such projects are compatible with state marine parks.

We recognize that the Department of Natural Resources and the Department of Fish and Game each have their own responsibilities for review, oversight, and permitting regarding development of aquaculture projects within parks. But there are benefits to be gained both by the agencies and the applicants through the streamlining and coordination between the two departments in this area.

It is the Legislature's intent to request that in order to share information from their respective areas of expertise, and to avoid duplication of efforts, DNR and ADF&G establish a joint review and approval process for the permitting of nonprofit aquaculture activities in state marine parks.

Logic for intent language:

To address separate issue from tha addressed by proposed statutory amendment.

Applicants for fisheries enhancement projects in marine parks feel that they have to jump through many of the same bureaucratic hoops twice by having to deal with two departments. They also feel that many of the concerns raised by DNR in the process could be answered if they had more coordination with Fish and Game and more access to the technical information that is already part of Fish and Game's permitting process.

Explanation for Intent Language for SB 42, Marine Parks
Proposed by Sen. Dick Eliason

The logic for the proposed intent language is as follows: The Legislature made it clear in the original marine parks legislation that we wanted fisheries rehabilitation, enhancement, and development projects to be allowed inside marine parks if handled in a manner compatible with the purposes of marine parks. But it appears that there are some logistical problems which are causing roadblocks to such development. A major one seems to be the requirement to go through permit processes with two separate departments without coordination between them.

Applicants who want to develop these projects within marine parks feel that they have to jump through many of the same bureaucratic hoops twice by having to deal with both Fish and Game and DNR. They also feel that many of the concerns raised by DNR in its process of determining whether the project is "compatible" with the marine park, could be answered if they had more coordination with Fish and Game and more access to the technical information and biological analysis, and so on, that is already a part of their permitting process for a fisheries project.

The letter of intent asks that, when an application is submitted for an aquaculture project which would be done inside a marine park, the two departments involved will establish a JOINT review process as they make their respective decisions concerning a project.

Sec. 41.21.300. Declaration of purpose. (a) The purpose of AS 41.21.300 — 41.21.306 is to establish, subject to valid existing rights, the state-owned or acquired land and water described in AS 41.21.304 as marine park units of the Alaska state park system. The primary purposes in establishing the land and water areas described in AS 41.21.304 as marine park units of the Alaska state park system are to

(1) maintain natural, cultural, and scenic values;
(2) maintain fish and wildlife resources and lawful existing uses of these resources;

(3) promote and support recreation and tourism in the state.

(b) The land and water described in AS 41.21.304 is dedicated as special purpose sites under art. VIII, § 7 of the state constitution. (§ 1 ch 64 SLA 1983)

Revisor's notes. — Enacted as AS 41.20.530. Renumbered in 1983.

Sec. 41.21.302. Management of marine parks. (a) The state land and water described in AS 41.21.304 is assigned to the Department of Natural Resources for control, maintenance, and development consistent with the purposes and provisions of AS 41.21.300 — 41.21.306.

(b) The Department of Fish and Game is responsible for the management of fish and game resources on the state land and water described in AS 41.21.304 consistent with the purposes of AS 41.21.300 — 41.21.306. The Department of Fish and Game shall give written notice to and consult with the Department of Natural Resources before adoption of regulations governing fish and game management in a marine park unit of the Alaska state park system.

(c) The Department of Natural Resources shall develop a management plan for each marine park unit of the Alaska state park system to determine the specific purposes and uses for the unit. The commissioner of natural resources shall give written notice and consult with the Department of Fish and Game, proximately located municipalities of the state, proximately located private landowners, the United States Forest Service, organizations concerned with conservation, recreation, and tourism, and other interested parties during the preparation of a management plan for a marine park unit of the Alaska state park system.

(d) The commissioner of natural resources may not restrict the exercise of fishing, hunting, or trapping rights permitted under law or under a regulation of the Board of Fisheries or the Board of Game within a marine park unit of the Alaska state park system.

(e) The commissioner of natural resources shall allow the development of aquaculture facilities within a marine park unit of the Alaska

§ 41.21.302

purpose of AS existing rights, n AS 41.21.304 1. The primary escribed in AS < system are to existing uses of . the state. s dedicated as stitution. (§ 1

(a) The state to the Depart- d development 41.21.300 —

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strict the ex- nder law or rrd of Game ystem. the develop- f the Alaska

§ 41.21.304

PUBLIC RESOURCES

§ 41.21.304

state park system under terms and conditions that ensure that the development is compatible with AS 41.21.300 — 41.21.306.

(d) The commissioner of natural resources may enter into a cooperative agreement for

(1) the management of a marine park unit of the Alaska state park system with a federal agency, a municipality of the state, or a proximately located private landowner for a purpose stated under AS 41.21.020(7); or

(2) the management of proximately located federal, municipal, or private land as part of a marine park unit of the Alaska state park system.

(g) In the management of a marine park unit of the Alaska state park system the commissioner of natural resources shall consult and cooperate with a Native corporation that owns an historical or cultural site granted under 43 U.S.C. 1613(h)(1) (sec. 14(h)(1) of the Alaska Native Claims Settlement Act) and that is proximately located to a marine park unit of the Alaska state park system. In the management of a marine park unit of the Alaska state park system the commissioner of natural resources shall address the potential conflicts with the cultural and historical values of land granted to a Native corporation under 43 U.S.C. 1613(h)(1) (sec. 14(h)(1) of the Alaska Native Claims Settlement Act) and shall provide for appropriate protection to these values.

(h) Nothing in AS 41.21.300 — 41.21.306 precludes the use of or access to land proximately located to a marine park unit of the Alaska state park system or to mineral claims and leases. The commissioner of natural resources shall permit adequate and feasible access across state land within a marine park unit of the Alaska state park system to and from private and public land within or outside a unit. In the granting of such access the commissioner of natural resources may adopt reasonable regulations to protect the natural and other values of the marine park unit lands and water. (§ 1 ch 64 SLA 1983; am § 1 ch 67 SLA 1986)

Revisor's notes. — Enacted as AS 41.20.532. Renumbered in 1983.

Effect of amendments. — The 1986 amendment in subsection (h) deleted "privately owned" following "access to" and

inserted "proximately located to a marine park unit of the Alaska state park system" and "to" preceding "mineral claims" and in the second sentence inserted "and public."

Sec. 41.21.304. Designated land and water. The state-owned land and water and that land and water acquired by the state in the future lying within the following described parcels is designated as marine park units of the Alaska state park system:

(1) Bettles Bay

Township 10 North, Range 6 East, Seward Meridian

Section 12: S½ SW¼, SW¼, SE¼