

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7677 SENATE RESOURCES

What is a shore fishery diagram?

It is a detailed map that shows the exact site and location of your site, and its relationship to neighboring sites. It is more detailed than the sketch map that you attached to your application.

Who is responsible for preparing the shore fishery diagram?

You are. However, most people hire a surveyor or drafts-person to do the drawing. After the Division of Land and Water Management approves your lease application, you will be sent a packet with detailed instructions for preparing a diagram. You must submit two copies of the preliminary diagram within 90 days after you receive the packet.

Do I have to survey my set net site?

You do not usually need to survey the set net site. However, under unusual circumstances, such as where shoreline erosion or accretion causes problems in locating the site, or conflicts appear to exist with neighboring sites, you may be required to survey your site.

May I use my shore fishery lease area for purposes other than salmon fishing?

No. A shore fishery lease is issued only for the purpose of commercial salmon set net fishing.

May I put improvements within my shore fishery lease area?

No, you may not put improvements such as a cabin or storage building within your lease area.

Must I fish my site myself?

Yes. You must personally fish each leased site as depicted on your diagram at least every other year, for at least four legal fishing periods during the commercial fishing season. Failure to do so is grounds for lease termination.

May I move my nets within my lease area?

Yes, you may move the nets. However, the nets must remain within the lease area and can be no closer to the boundaries of the lease area than one half the minimum distance allowed between nets by the Board of Fisheries commercial finfish regulations.

May I change the location of my lease site after the lease has been issued?

Yes. We call these changes amendments. Amendments may be applied for between May 1 and September 1 of any year. Most amendment applications require the same fees and steps as a lease application.

May I sublease my set net site?

No. Subleasing is not allowed under the terms of shore fishery leases.

May I assign my shore fishery lease to another person?

Yes, you may assign your lease (transfer all your lease rights) to a person who is qualified to apply for a lease, if the lease is in good standing. The assignment cannot take effect until it is approved by the director, Division of Land and Water Management. Qualifications and procedures for an assignment are described in shore fishery regulations, 11 AAC 64.430.

If my family and I have been fishing the same section of beach for several generations, do we have "grandfather" rights to fish this beach and exclude all others?

No. No one is given exclusive rights to a set net site because of previous use. The length of time a person has fished a certain site is important only when more than one person applies to lease the same site. It is one of the major factors considered when deciding who is most qualified to lease the site.

If I acquire an unleased site from a family member or another setnetter who has fished it for several years, can I claim this time when I apply to lease the site?

No. You must personally fish a site in order to have the time apply.

What precautions should I take before buying a set net site?

Before you buy a site from an individual, it is a good idea to check land ownership records at the Division of Land and Water Management.

For information about shore fishery leases, contact:

Department of Natural Resources
Division of Land and Water Management
Southcentral Region—Shore Fishery
3601 C Street, Suite 1034
P. O. Box 107005
Anchorage, AK 99510-7005
(907) 762-2469

Land & Water Management has seasonal summer offices in Dillingham, Homer and Valdez.

For information about commercial fishing contact:

The Alaska Department of Fish and Game
P. O. Box 3-2000
Juneau, AK 99802
(907) 465-4100

Fish and Game has regional offices in: Anchorage, Cold Bay, Kodiak, Bethel, Dillingham, Sand Point, Chignik, King Salmon and Unalaska.

Cy. to Bruce Steffard, Judy Robinson, and Ridley. etc. to VG

MEMORANDUM

State of Alaska

Department of Law

TO: Gary Gustafson, Director
Division of Land & Water Management
Dept. of Natural Resources

DATE: July 30, 1990

FILE NO.: 993-88-0101

TEL. NO.: 465-3600

SUBJECT: Shore fisheries leasing
amendments



L15

FROM: Larri Irene Spengler
Assistant Attorney General
Natural Resources-Juneau

In two memoranda, dated November 27 and December 1, 1989, you asked nine questions about the November 22, 1989, draft of proposed amendments to the Department of Natural Resources shore fisheries leasing regulations, as well as asking me to simply review the regulations to identify any obvious problems. I appreciate your patience in awaiting a response; shortly after receiving your memorandum, the Alaska Supreme Court ruled the state's subsistence law unconstitutional, and that set off a rather busy period. In this memorandum, I will address each of the nine questions you raised, and then will give some overall comments on the draft regulations.

Please bear in mind that this memorandum is solely an attempt at answering the questions you need addressed in developing these regulations, and is not an informal attorney general's opinion. Thus, it has gone through the Department of Law's internal review, and will not be indexed. Should you believe that any of the questions you posed require a more weighty answer, by way of an informal opinion, a request for such an analysis must be routed from your commissioner's office, through the governor's office, and to the attorney general for assignment. Should you believe that desirable, please note in your inquiry that whatever questions you ask have been at least partially addressed on a less formal basis in this memorandum, in the context of assisting your department in preparing a draft set of regulations.

It may be useful for you to send one more draft of the regulations, which I can review for more detailed, technical, compliance with the rules of "shall" versus "will," and "a" versus "the," etc. I have not done that to any extent in this draft, in part because the draft will probably change somewhat in light of some of my comments.

1. Classification

You have asked whether to remove shore fisheries leasing from the formal land use planning and classification process under

AS 38.04.065, AS 38.05.300 and 11 AAC 55, you can simply amend 11 AAC 64.050 to remove the reference to 11 AAC 55, or whether you must also amend 11 AAC 55.040(i), which lists exceptions to that process. That question is really moot, because we do not believe that you have the authority to remove the shore fisheries leases from the formal classification process. AS 38.05.822(b) states that "the director may classify land as subject to leases for fisheries development." (Emphasis added.) There is nothing in AS 38.05.082 which indicates that the legislature meant something other by the use of the word "classify" than it did in the other statutes cited by you which describe how the classification process is to proceed. Further, there is nothing in the Alaska Supreme Court case interpreting those statutory requirements which would indicate that shore fisheries leases are exempt from the order described in the statutes: planning, classification, and then disposition--especially in light of the use of the word "classify" in the statute. Alaska Survival vs. State, 723 P.2d 1121 (Alaska 1986). Thus, the amendment you propose does not appear consistent with the wording of the statute governing shore fisheries leases, and should not be included in these draft regulations.

2. Assignment procedures

AS 38.05.082(d) provides that subleasing (assignment) of shore fisheries leases are governed by AS 38.05.095. That section gives your division the discretion to issue a permit allowing sublease or assignment, if the division finds that "it is in the best interests of the state to do so." You have asked whether you are correct in assuming that the "finding" mentioned in AS 38.05.095(a) is not the same as the comprehensive "finding" of best interests required by AS 38.05.035(e). That is correct. Shore fisheries leases are specifically excluded from the requirements of AS 38.05.035(e) in paragraph (2) of that subsection. Since that comprehensive finding is not required for the initial disposal--the issuance of a shore fisheries lease--the requirement in AS 38.05.095 for a finding would not logically include the more comprehensive finding.

3. Procedures for issuing a renewal lease

AS 38.05.082(d) states that renewals of shore fishery leases will be governed by AS 38.05.102. That section allows your division to grant a preference right for a new lease at a site to the prior lessee, "upon a finding that it is in the best interest of the state." You point out that a new lease would normally be a disposal of land requiring an AS 38.05.035(e) comprehensive best interest finding. However, you note that since AS 38.05.035(e)(2) exempts shore fisheries leasing from the comprehensive finding, and

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 14, 1991

SUBJECT: Review of Alaska Survival v. State (HB 57)

TO: Representative Mike Navarre

FROM: Jerry Luckhaupt *JL*
Legislative Counsel

Pat Malone of your staff requested a short review of the Alaska Supreme Court case, Alaska Survival v. State, 723 P.2d 1281 (Alaska 1986), also known as the Chase decision. Specifically, Pat wanted to know if this decision supported an interpretation that no leasing of state lands may occur absent a regional or area land use plan or if the decision was only applicable to disposals of state land. I hereby respond as follows.

The Alaska Survival case involved the disposal of agricultural lands by the state. Among other issues presented the court considered whether the Department of Natural Resources violated AS 38.04.065 by classifying the lands in question as agricultural lands before the completion of a regional or area land use plan.

AS 38.04.065 provides:

(a) Except as provided in (d) and (h) of this section, the commissioner shall, with local governmental and public involvement under AS 38.05.-945, adopt, maintain, and, when appropriate, revise regional land use plans that provide for the use and management of state-owned land.

...

(c) The commissioner shall adopt regional land use plans for state land. Each regional land use plan must identify and delineate

(1) areas of settlement and settlement impact, where land must be classified for various private uses, renewable and nonrenewable resource development, and for public recreation, open space, and other public uses desirable in and around settlement; and

(2) areas that must be retained in state ownership and planned and classified for various uses and purposes under AS 38.04.015.

(d) The commissioner may adopt as a land use plan a comprehensive plan adopted by a municipality having planning and zoning powers or

Representative Mike Navarre
February 14, 1991
Page 2

a land management plan adopted by another governmental entity if the commissioner determines that the plan adequately recognizes and protects state interests. A decision to adopt the plan must be preceded by public hearings in affected and interested communities and by a draft decision, available for public review, that describes the state's interests and how the state will implement the plan.

(e) Land shall be classified as provided in AS 38.05.300.

(h) Before the commissioner adopts a regional land use plan, a land classification may be made on the basis of a site-specific land use plan, except a classification for a land disposal under AS 38.05.057, AS 38.08, AS 38.09, or a new commercial agriculture project under AS 38.05.-020(b)(6). After adoption of a regional land use plan, land classifications shall be made under the plan.

In interpreting this statute as it then appeared the court said:

In our view, both the organization of the statutory scheme and the particular language of AS 38.04.065(c) and (d) express an unambiguous intent that regional planning precede land classifications and disposals. . . . To interpret these provisions to allow classification and disposal before regional planning defies logic. It makes little sense to require comprehensive regional planning after the relevant land use decisions already have been made, especially irrevocable disposal decisions. . . . the statute's meaning is plain: it mandates a comprehensive, broad-scale planning process prior to site-specific planning and classification. . . . For these reasons, we conclude that AS 38.04.065 requires regional planning to precede land classification. . . .

Alaska Survival, *supra*, at 1289 - 90.

From this discussion it appears that classification of state lands, for any purpose, may not occur absent a regional or area land use plan adopted under AS 38.04.065, or as provided in subsection (h) of that section. Accordingly, the Attorney General's opinion to you concerning the inability of the state to lease state land for shore fisheries development in any area where the state has not adopted a land use plan, appears to be correct.

And, while the Alaska Survival decision the decision does not limit itself to those situations nor does the language of the statute. Accordingly, I conclude that the decision appears to have a broad application to all classifications of state land.

If you have further questions, please contact me at your convenience.

GPL:pl:gc
91-080.plm

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

April 15, 1991

SUBJECT: Leases for Shore Fisheries Development (CSHB 57 (Fin))
(Work Order No. 7LS-0334\Y)

TO: Representative Mike Navarre
Attn: Tom Ackerley

FROM: Jerry Luckhaupt *JLg*
Legislative Counsel

You have requested a sectional for the above-referenced version of a committee substitute for HB 57. Preliminarily, please note that a sectional analysis should not be considered an authoritative interpretation of a bill - the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it relates to a particular set of circumstances, please advise.

Section 1 of the bill provides a purpose clause.

Section 2 of the bill amends AS 38.05.082(b), to provide an exception allowing the director of the division of lands of the department of natural resources, to classify lands for shore fisheries development leases, in areas of the state where an area or regional land use plan under AS 38.04.065 has not been completed. An additional change on p. 2, line 10, requested by DNR, provides for a longer appeal period from the director's decisions.

Section 4 of the bill provides that the department of natural resources shall adopt land use plans for those areas of the state with tidelands and which currently do not have land plans. DNR is to accomplish this by January 1, 1997.

Section 6 of the bill provides an effective date making section 1,2, and 4 of the bill effective immediately under AS 01.10.070(c).

Section 3 of the bill reamends AS 38.05.082(b) to remove the exception (other than the extended appeal period requested by DNR) provided by section 2 of the bill.

Representative Mike Navarre
April 15, 1991
Page 2

Section 5 of the bill provides that section 3 of the bill is effective January 1, 1997, the date all the land plans are supposed to be completed under section 4 of the bill, which thereby removes the necessity for the exception.

GPL:pl
91-259.plm

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

post marked 3-12-91

DIVISION OF LAND AND WATER SOUTHCENTRAL REGION

3801 C STREET
BOX 107005
ANCHORAGE, ALASKA 99510-7005

March 11, 1991

Re: Shore Fishery Lease

Dear Shore Fishery Lessee or Applicant:

The purpose of this letter is to inform you about the effect of land classification on your shore fishery lease or application.

Under state law, prior to the disposal of an interest in state land, the land must be "classified". Shore fishery leases are a disposal of interest in state land. On July 30, 1990, the Attorney General's Office informed the division that shore fishery leasing is not exempt from the statutory planning and classification process.

A classification identifies the primary use for which the land will be managed. Classification is based on a regional land use plan, such as the Prince William Sound Area Plan, or by a management plan or land planning report.

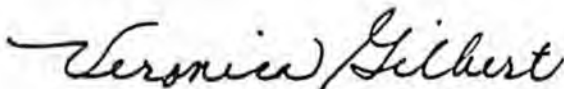
Tide and submerged lands in Cook Inlet, Kodiak and the Alaska Peninsula (outside of those classified by the Bristol Bay Area Plan) have not been classified. Work has recently begun on the Kenai Peninsula Area Plan which will include tide and submerged lands on both sides of Cook Inlet.

However, Representative Navarre has recently introduced legislation that would exempt Shore fishery leases from the land use planning and classification requirement until 1995. If passed, this bill will again enable the department to move forward.

The state considers leases issued in good faith by the department before July 30, 1990, to be valid existing rights. However, until tide and submerged lands have been classified or the law changed, this division will be unable to adjudicate shore fishery leases, applications (including renewals and certain amendments) in Cook Inlet, Kodiak, and the unclassified areas of the Alaska Peninsula. We apologize for any inconvenience this causes.

If you have a question on a pending application or adjudication issue please contact the Shore Fishery Unit at 762-2469.

Cordially,



Veronica Gilbert
Regional Manager

APR 8 1991

JOHNSON SURVEYING
BOX 27 262-5772
CLAM GULCH AK 99568
APRIL 4, 1991

REPRESENTATIVE MIKE NAVARRE
ALASKA LEGISLATURE
JUNEAU AK 99801

R.E: HB 57.

SIR,

WE ARE VITALLY CONCERNED WITH THE PASSAGE OF HB57. WE HAVE APPROXIMATELY TWENTY SHORE FISHERY LEASES PENDING , FOR WHICH THE SOUTH CENTRAL REGION, SHORE FISHERY DEPARTMENT ARE HOLDING THE PLATS WITH ACCOMPANYING LEASE APPLICATIONS. THESE WERE ALL TURNED IN BEFORE THE SEPTEMBER 1, 1990 DEADLINE SET BY THE SHORE FISHERY DEPARTMENT.

THE ENCLOSED LETTER, DATED MARCH 11, 1991, WAS THE FIRST WORD RECEIVED OF THE JULY 30, 1990 ATTORNEY GENERAL'S MORATORIUM ON FISHING LEASES. AMAZING TO NOTE THE ATTACHED LETTER WAS RECEIVED BY AN ALREADY ESTABLISHED LEASE HOLDER. THE SURVEYORS WERE NOT NOTIFIED AT ALL.

WE STRONGLY URGE PASSAGE OF HB 57! *Thank you, especially.*

SINCERELY YOURS,

Henning N. Johnson
Ruth Johnson

cc: L, LEMAN, J. ZAWACKI, G. PHILLIPS, P. FISHER, C. DAVIDSON,
G. LINCOLN, P. CARNEY, D. FINKELSTEIN, B. HUDSON, I. IVAN,
T. MOYER, L. JONES, S. COTTEN, R. ELIASON, S. FRANK,
R. HALFORD, C. MENARD, F. ZHAROFF.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

March 5, 1991

The Honorable Cliff Davidson, Chair
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Davidson:

Subject: CSHB 57 (Resources), which relates to leases of state land for fisheries development.

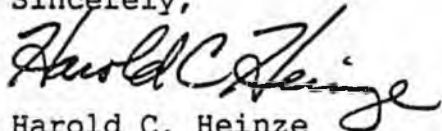
Position: The department supports the House Resources Committee substitute for HB 57.

Background: Currently, DNR cannot issue set net leases without completing the required state land planning and classification process for the area. Potential set net site lessees are concerned that the department cannot act quickly on applications for sites where the land planning and classification process has not been completed.

This bill grants a temporary exemption to DNR from state land planning and classification requirements for set net lease sites in non-planned areas of the state. Until 1995, the department may classify land for set net lease sites in areas without a land plan after issuing a public notice under AS 38.04.065. By January 1, 1995, however, the department is to have completed plans for all state tidelands proposed for set net leases, which will end the need for the set net site planning/classification exemption.

Please let me know if you need additional information about this matter.

Sincerely,



Harold C. Heinze
Commissioner

cc: Committee members
Representative Navarre
Bruce Kendall, Legislative Liaison, Office of the Governor

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSHB 57

Revision Date: 4-Mar-91 Department Affected: Natural Resources
 Title: Lease of State Land for BRU: Land & Water Management
Fisheries Development Components: Land & Water Management
 Sponsor: Representative Navarre
 Requestor: House Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES		102.7	102.7			
TRAVEL		15.0	15.0			
CONTRACTUAL		14.0	14.0			
SUPPLIES		1.0	1.0			
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	132.7	132.7	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		132.7	132.7			
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	132.7	132.7	0.0	0.0	0.0

POSITIONS:

FULL-TIME		2.0	2.0			
PART-TIME						
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Ron Swanson Phone: 762-2680
 Division: Land and Water Management Date: 4-Mar-91

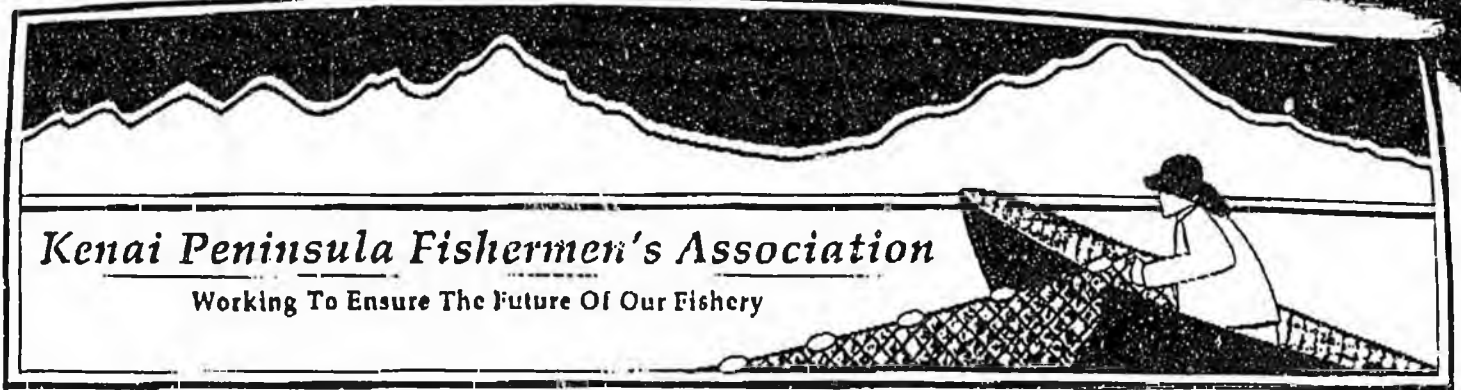
Approved by Commissioner: Harold Heinze Date: 4-Mar-91
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,
& Impacted Agency(ies).

Fiscal Note for CSHB 57 (Resources), continued

Area plans generally take several years to complete. This plan would not be started until FY 93.

100	<u>Personal Services</u> : NRM I (18A)	\$ 54.6
	NRO II (16A)	48.1
200	<u>Travel</u> : Anch. & Kodiak Planning Team Meetings	5.0
	Public Meetings (8-10 locations)	10.0
300	<u>Contractual</u> : Planning Brochure	2.0
	Copying, Newsletters, Ads.	3.0
	Inventory, Mapping	6.0
	Plan Printing	3.0
400	<u>Supplies</u> : Miscellaneous Supplies	1.0
	Total	\$132.7



34824 Kalifornsky Beach Road • Suite E • Soldotna • Alaska • 99669 • (907) 262-2492

March 1, 1991

Representative Mike Navarre
P.O. Box V
Juneau, Alaska 99801

Dear Representative Navarre:

Subject: House Bill No. 57 - An Act relating to leases of State land for fisheries development and providing for an effective date.

The Kenai Peninsula Fishermen's Association supports HB 57. We would like to thank you for introducing this bill and for your efforts to get it passed. As you know our organization primarily represents east side setnetters in Cook Inlet. Many of our members have been affected by the Attorney General's ruling that DNR cannot issue or renew tideland leases until a Land's Use Policy is in place. Our office has received numerous calls from frustrated fishermen who are trying to get their leases. We feel that HB 57 will help to resolve some of the problems associated with shore fishery leases.

We recently wrote to our members asking them to support HB 57. A copy of this letter is enclosed. Our staff will also be listening to the teleconference on Wednesday, March 6, 1991. Please let us know if there is anything else we can do to help get this bill passed.

Sincerely,

Brent Johnson

Brent Johnson
President

enclosure

Soldotna, Ak. 99669
Feb. 20, 1991

Dear Rep. Navarre,

We support your efforts on
HB57.

It is important that renewal
of leases in place go on while
the lands use policy is
being developed

Sincerely
Robert and Lutz Knorr
Box 1163
Soldotna, Ak 99669

Kenai Peninsula Fishermen's Association

P.O. Box 546
Soldotna, Alaska 99669
(907) 262-2492

Dear Mr. Navarre,
I certainly support
your HB 57.

Wendell Honea
Joyce Honea
P.O. Box 533
Kenai, Ak. 99611

Suzanne Haines
Box 3932
Homer, AK 99603-3932
235-8922

Feb 19, 1991

Representative Mike Navarre
PO Box 1
Juneau, AK 99811

Dear Rep. Navarre:

Thank you for sponsoring House Bill 57. I completed my filing materials for my fish site at the Kenai River in May, 1990, and awaited word from the Div. of Shore Fishery Leases at DNR regarding advertising and final closure. It was then I was informed of the quagmire regarding the halting of shore fishery leases because of the lack of a lands use policy. Therefore, I have no legal claim to the sites I have fished for three seasons.

A great deal of my resources and time has gone into these sites, and I am not in a position to ward off site jumpers who could challenge my fishing spot, since - without a lease - I have no legal authority to prevent them from doing so. This potential situation is a threat to my safety and livelihood.

I realize you understand my situation, which is similar to many other Cook Inlet fishermen. I don't believe it is in the best interest of these fishermen who have acted in good faith in accordance with the State of Alaska to penalize us because of a technicality created within the Dept. of Natural Resources.

Thank you, again, for supporting our efforts to follow the state's requirements. Please let me know how I can assist you in getting this piece of legislation through the House and Senate. Best wishes and good luck.

Sincerely,

Suzanne Haines
Suzanne Haines

GEORGE A. MOERLEIN
7300 O'MALLEY ROAD
ANCHORAGE, ALASKA 99516

907-346-3784
February 14, 1991

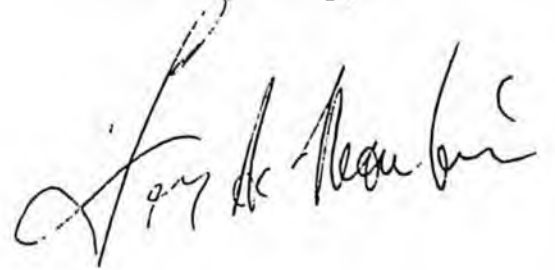
Representative Mike Navarre
P.O. Box V
Juneau, Alaska 99811

Re: HB 57

Dear Mr. Navarre:

I fully support HB 57 which will allow setnet leases to be renewed and new ones issued in Cook Inlet prior to the completion of a Land Use Policy. I urge that this bill be passed this session in order to permit an orderly continuation of the setnet fishing industry in this area.

Yours very truly,



cc - Betty Bruckman
Dave Choquette
Virginia Collins
Rick Halford
Arliss Sturgulewski

LAW OFFICES OF
JENSEN & JENSEN

TELECOPY 907 373 6883

ANCHORAGE
3003 MINNESOTA DR SUITE #301
ANCHORAGE ALASKA 99503
907 563 5811

WASILLA
167 EAST PARK AVENUE
WASILLA ALASKA 99687
907 376 3235

February 1, 1991

Representative Navarre
P.O. Box V
Juneau, Alaska 99881

Attn: Tom Ackerley

Re: House Bill No. 57 - An Act relating to leases of State land for fisheries development and providing for an effective date.

Dear Tom:

Thank you for speaking with me by telephone today about House Bill 57.

Edward E. Crane, President of the Alaska Commercial Fishing & Agriculture Bank, asked that I confirm with you the Bank's support for Bill No. 57 introduced by Representative Navarre. In that regard, the Bank offers any help your office may require with respect to the bill as it moves through the legislative process

Please pass along my thanks to Pat Malone for also discussing this bill with me.

With best regards,

Jensen & Jensen

Cameron Jensen

Cameron Jensen

CJ/pjt

Elizaveta H.C. Shadura
505 N. Franklin
Juneau, Ak., 99801

APR 23 1991
April 23, 1991

The Honorable
Lloyd Jones, Senator
Chairman, Resources Committee
Pouch V
Juneau, Ak., 99801

Subject: HB 57, pertaining to leases on State land for fisheries
development.

Dear Senator Jones:

I am writing this letter to gain your support for a speedy decision on HB 57, dealing with set net leases on State land. I know that now during the last four weeks of the Session many bills will need to be attended to and there are groups of constituents pressing urgently for each one of them. However, I feel, this one can't wait.

HB 57 would bring a temporary solution to a situation created by the "Chase" decision that prohibited the State from issuing leases in areas without a State land management plan and classification.

Many set net fishermen find themselves without a valid lease because the 10-year life of the lease has expired and the State cannot renew them for lack of said plans and classifications. An Area management plan, as planned for the Anchorage - Cook Inlet area, will take four to five years until completion. In the meantime, sites can be jumped and violence may break out in the fight for sites. This is not necessary.

I am the widow of Alexander Shadura, a Kenai fisherman, whom you may have known, and have inherited the set net salmon fishery which has been owned by my late husband since its beginning in the 60s. We held our leases nearly as long. Next month, in the middle of May at the extreme low tide, anchors have to be checked and the marker buoys tied on to the sites. Should there be an attempt of "jumping" sites at that time, I would find myself unable to defend my sites since I work here in Juneau and will not be able to go to the Kenai until the latter part of June. I also find physical effort to defend my sites utterly distasteful and undignified and would not like to have to go through this turmoil for the next five years.

This HB 57 could provide the remedy provided it was passed within the next 2-3 weeks. I urge you, not to let this bill die in committee. The Department of Natural Resources would also welcome

this legislation and I was assured that they could issue new leases at an instant's notice.

So, please, help move this bill along to its passage. You would thus help rectify without any additional cost to the State a court decision, the consequences of which had such and unforeseen effect, and thus, prevent much grief, frustration, and possible violence.

Thank you for your time and effort.

Sincerely yours,

A handwritten signature in cursive script that reads "Elizaveta H.C. Shadura". The signature is written in dark ink and is positioned above the typed name.

Elizaveta H. C. Shadura

H B

G S

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB65

Revision Date: _____

Department Affected: Fish and Game

Title: "An Act relating to membership
on the Board of Fisheries and ..."

BRU: Boards

Component: Board Services

Sponsor: Davidson, Koponen, Moyer

Requestor: Senate Resources

COMPONENT SERIAL NO.

4	8	2
---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL	92.3	96.0	99.8	103.8	108.0	112.3
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	92.3	96.0	99.8	103.8	108.0	112.3

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	92.3	96.0	99.8	103.8	108.0	112.3
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	92.3	96.0	99.8	103.8	108.0	112.3

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: no fiscal impact

ANALYSIS: (Attach a separate page if necessary.)
see attached page

Prepared By: Beverly Reaume *Beverly Reaume* Phone: 465-4110

Division: Boards of Fisheries and Game Date: 4/27/92

Approved by Commissioner: Tom Somerville *Tom Somerville*

Agency: Department of Fish and Game Date: 4/27/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

4/27/92

CSHB65 BOARDS OF FISHERIES AND GAME

BOARD OF FISHERIES (7 MEMBERS)

CURRENT

61 DAYS AT \$150 PER DAY	\$64,050
3 DAYS AT \$100 PER DAY	\$2,100
TOTAL	\$66,150

PROPOSED

61 DAYS AT RANGE 20, STEP A - \$179.32	\$76,570
3 DAYS AT 1/2 RANGE 20, STEP A - \$89.66	\$1,883
64 DAYS AT \$95 PER DAY PER DIEM	\$42,560
TOTAL	\$121,013

INCREASED COST FOR BOARD OF FISHERIES

\$54,863

BOARD OF GAME (7 MEMBERS)

CURRENT

41 DAYS AT \$150 PER DAY	\$43,050
3 DAYS AT \$100 PER DAY	\$2,100
TOTAL	\$45,150

41 DAYS AT RANGE 20, STEP A - \$179.32	\$51,465
3 DAYS AT 1/2 RANGE 20, STEP A - \$89.66	\$1,883
44 DAYS AT \$95 PER DAY PER DIEM	\$29,260

TOTAL \$82,608

INCREASED COSTS FOR BOARD OF GAME

\$37,458

GRAND TOTAL

\$92,320

FISCAL NOTE

No. 3
 Bill Version: CSHB 65(FIN)
 (H) Publish Date: 4/8/92

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: 2/4/92
 Title: An Act relating to membership on and compensation of members of the Board of Fisheries and Board of Game

Department Affected: Fish and Game
 BRU: Division of Boards
 Component: Board Services

Sponsor: Davidson
 Requestor: House Rules

COMPONENT SERIAL NO.

1	2	0	4
---	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	111.2	115.0	115.0	115.0	115.0	115.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	111.2	115.0	115.0	115.0	115.0	115.0
CAPITAL						

REVENUE	-					
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	111.2	115.0	115.0	115.0	115.0	115.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	111.2	115.0	115.0	115.0	115.0	115.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: no current year impact

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Beverly Reaume Phone: 465-4110
 Division: Boards Date: February 4, 1992
 Approved by Commissioner: Carl L. Rosier
 Agency: Fish and Game Date: 2-11-92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

3
CSHB 65 (FIN)
(H) 4-3-92

CSHB65 BOARDS OF FISHERIES AND GAME

BOARD OF FISHERIES (7 MEMBERS)

CURRENT

61 DAYS AT \$150 PER DAY	\$64,050
3 DAYS AT \$100 PER DAY	\$2,100
TOTAL	\$66,150

PROPOSED

61 DAYS AT RANGE 22, STEP A - \$205.05	\$87,556
3 DAYS AT 1/2 RANGE 22, STEP A - \$102.53	\$2,153
64 DAYS AT \$95 PER DAY PER DIEM	\$42,560
TOTAL	\$132,269

INCREASED COST FOR BOARD OF FISHERIES \$66,119

BOARD OF GAME (7 MEMBERS)

CURRENT

41 DAYS AT \$150 PER DAY	\$43,050
3 DAYS AT \$100 PER DAY	\$2,100
TOTAL	\$45,150

41 DAYS AT RANGE 22, STEP A - \$205.05	\$58,849
3 DAYS AT 1/2 RANGE 22, STEP A - \$102.53	\$2,153
44 DAYS AT \$95 PER DAY PER DIEM	\$29,260
TOTAL	\$90,262

INCREASED COSTS FOR BOARD OF GAME \$45,112

GRAND TOTAL \$111,232

COMMITTEE COPY

p. 2 of 2

PROPOSED SENATE CS FOR CS FOR HOUSE BILL 65 (Resources)
COMPENSATION FOR BOARD OF FISH AND BOARD OF GAME MEMBERS

	CURRENT LAW	(PROPOSED) Senate CSHB 65(RES)
<u>SECTION 1</u>	LISTS QUALIFICATIONS FOR BOARD MEMBERS	SAME AS CURRENT LAW BUT MOVES PROVISION FROM AS 39.05.060(b) TO AS 16.05.221(a) and (b)
✓ <u>SECTION 2</u>	3 YEAR TERM BY CUSTOM	PUTS 3 YEAR TERM LIMIT IN STATUTE
<u>SECTION 3</u>	PROVIDES FOR REMOVAL OF BOARD MEMBERS "FOR CAUSE"	CLARIFIES THAT THE GOVERNOR MAY REMOVE <u>ONLY</u> "FOR CAUSE" AND EXPANDS LIST OF CAUSES FOR REMOVAL
<u>SECTION 4</u>	<u>BOARD COMPENSATION:</u>	
	<u>BOARD MEETINGS</u>	NONE \$179/DAY (RANGE 20)
	<u>PER DIEM</u>	\$150/DAY \$100/DAY
	<u>OTHER MEETINGS</u>	\$100/DAY \$ 90/DAY (1/2 /RANGE 20)
<u>SECTION 5</u>	UNDER EXECUTIVE BRANCH ETHICS ACT	STRENGTHENS REPORTING UNDER EXECUTIVE BRANCH ETHICS ACT
<u>SECTION 6</u>	-----	PROVIDES THAT TERMS OF CURRENT MEMBERS ARE COVERED BY HB 65
<u>SECTION 7</u>	MEMBERS SERVE AT PLEASURE OF GOVERNOR	REPEALS REMOVAL PROVISIONS AND MOVES VACANCY PROVISIONS TO AS 16.05.221(c) -(SECTION 2 OF BILL)

CS HOUSE BILL 65 (Finance) am

COMPENSATION FOR BOARD OF FISH AND BOARD OF GAME MEMBERS

	CURRENT LAW	CSHB 65(FIN)
<u>SECTION 1</u>	LISTS QUALIFICATIONS FOR BOARD MEMBERS	SAME AS CURRENT LAW BUT MOVES PROVISION FROM AS 39.05.060(b) TO AS 16.05.221(a) and (b)
<u>SECTION 2</u>	3 YEAR TERM BY CUSTOM	PUTS 3 YEAR TERM LIMIT IN STATUTE
<u>SECTION 3</u>	PROVIDES FOR REMOVAL OF BOARD MEMBERS "FOR CAUSE"	CLARIFIES THAT THE GOVERNOR MAY REMOVE "ONLY FOR CAUSE" AND EXPANDS LIST OF CAUSES FOR REMOVAL
<u>SECTION 4</u>	UNDER EXECUTIVE BRANCH ETHICS ACT	STRENGTHENS REPORTING UNDER EXECUTIVE BRANCH ETHICS ACT
<u>SECTION 5</u>	-----	PROVIDES THAT CURRENT MEMBER TERMS ARE COVERED BY HB 65
<u>SECTION 6</u>	MEMBERS SERVE AT PLEASURE OF GOVERNOR	REPEALS REMOVAL PROVISIONS AND MOVES VACANCY PROVISIONS TO AS 16.05.221(c) -(SECTION 2 OF BILL)

7-LS0475S
Utermohle
4/26/92

SENATE CS FOR CS FOR HOUSE BILL NO. 65 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES DAVIDSON, Koponen, Moyer

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to membership on the Board of Fisheries and Board of Game; relating
2 to disclosures under the Alaska Executive Branch Ethics Act by members of the Board
3 of Fisheries and Board of Game; and repealing certain references to the Board of
4 Fisheries and Board of Game."

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

6 * Section 1. AS 16.05.221 is amended to read:

7 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes of the
8 conservation and development of the fishery resources of the state, there is created the Board of
9 Fisheries composed of seven members appointed by the governor, subject to confirmation by a
10 majority of the members of the legislature in joint session. The governor shall appoint each
11 member on the basis of interest in public affairs, good judgment, knowledge, and ability in
12 the field of action of the board, and with a view to providing diversity of interest and points
13 of view in the membership. The appointed members shall be residents of the state and shall
14 be appointed without regard to political affiliation or geographical location of residence. The

1 commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

2 (b) For purposes of the conservation and development of the game resources of the state,
3 there is created a Board of Game composed of seven members appointed by the governor, subject
4 to confirmation by a majority of the members of the legislature in joint session. The governor
5 shall appoint each member on the basis of interest in public affairs, good judgment,
6 knowledge, and ability in the field of action of the board, and with a view to providing
7 diversity of interest and points of view in the membership. The appointed members shall be
8 residents of the state [,] and shall be appointed without regard to political affiliation or
9 geographical location of residence. The commissioner is not a member of the Board of Game,
10 but shall be ex officio secretary.

11 * Sec. 2. AS 16.05.221 is amended by adding a new subsection to read:

12 (c) Members of the Board of Fisheries or Board of Game serve staggered terms of three
13 years and until a successor is appointed. An appointment to fill a vacancy in the membership
14 of the Board of Fisheries or Board of Game shall be made in the same manner as the original
15 appointment and for the balance of the unexpired term.

16 * Sec. 3. AS 16.05.280 is amended to read:

17 Sec. 16.05.280. REMOVAL OF BOARD MEMBERS. The governor may only remove
18 a board member for inefficiency, neglect of duty, [OR] misconduct in office, or because the
19 member has been convicted of a misdemeanor for violating a statute or regulation related
20 to fish or game or of a felony, and shall do so by delivering to the member a written copy of
21 the charges and giving the member an opportunity to be heard in person or through counsel at
22 a public hearing before the governor or a designee upon at least 10 days' notice by registered
23 mail. The member shall confront and cross-examine adverse witnesses. Upon removal, the
24 governor or a designee shall file in the proper state office the findings and a complete statement
25 of all charges made against the member.

26 * Sec. 4. AS 16.05.290 is amended to read:

27 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a board
28 is entitled to compensation at a rate equal to Step A, Range 20, of the salary schedule in
29 AS 39.27.011(a) for Juneau, Alaska, [TRAVEL EXPENSES AND \$150 PER DIEM] for each
30 day going to and from and for each day in actual attendance at board meetings. For other
31 meetings or conferences authorized by a board a member shall receive compensation at a rate

1 equal to one-half of Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau,
2 Alaska, for each [\$100 PER] day going to and from and for each day in actual attendance.
3 Each member of a board is also entitled to travel expenses and per diem authorized for
4 boards and commissions under AS 39.20.180.

5 * Sec. 5. AS 39.52.120 is amended by adding a new subsection to read:

6 (c) In addition to other provisions of this section, a public officer who is a member of
7 the Board of Fisheries or the Board of Game may not act on a matter before the board if the
8 public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial
9 interests in a business or organization relating to fish or game resources.

10 * Sec. 6. APPLICABILITY. A person who is a member of the Board of Fisheries or Board of Game
11 on the effective date of this Act shall serve the term to which the person was appointed, subject to
12 AS 16.05.280, as amended by sec. 3 of this Act. A person who is appointed to the Board of Fisheries
13 or Board of Game after the effective date of this Act shall be appointed for the term provided by
14 AS 16.05.221(c), added by sec. 2 of this Act.

15 * Sec. 7. AS 39.05.060(a)(5) and 39.05.060(a)(10) are repealed.

STATE OF ALASKA
House of Representatives
District 27

Representative Cliff Davidson
Chairman
House Resources Committee



Box V, Juneau, AK 99811
(907) 465-2487
Box 746, Kodiak, AK 99615
(907) 486-8250

TO: Senator Jones, Chairman
Senate Resources Committee

FROM: Representative Cliff Davidson *CD*

DATE: April 13, 1992

SUBJECT: Scheduling House Bill 65 - Compensation for members of
the Board of Fish and Board of Game

I would like to respectfully request the scheduling of House Bill 65 in the Senate Resources Committee at your earliest convenience.

House Bill 65 strengthens the Boards of Fish and Game and further insulates the members from political influences. The bill establishes in statute what is understood in existing policy, that members may be removed only "for cause." It also clarifies and updates 30 year old statutes relating to the boards.

Unfortunately, the House removed provisions increasing the compensation for members of the Boards of Fish and Game. Concern was expressed for the \$111,000 fiscal note in a time of budget cutting. However, I believe that as a matter of policy, compensation should be adequate to attract quality individuals to these positions. The time commitment in serving on these boards are so extensive and current compensation so inadequate, that finding individuals to serve on these boards is becoming an increasingly difficult task. I would urge the Committee to reinsert the provisions relating to board compensation.

Attached is a side by side analysis of HB 65 as it passed the House floor. I will be happy to provide you with any additional backup as you deem necessary. My staff person working on this issue is Jay Nelson (X3715). Thank you for your consideration.

Attachment

HB

80

DATE: 3/4/91

FURTHER: Finance

~~2/25/91~~ 3/1/91

DATE TURNED INTO OFFICE: 2-25-91

Resources Committee considered HOUSE BILL NO. 80

Or
"An Act modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge; and providing for an effective date."

and recommended: and a majority of the committee recommends do pass

replace with _____ CS _____ same title
 or adopt _____ CS _____ new title
 attached amendment(s) technical title change (HB only)
 _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) *ADF+g*
2/25/91

Governor's bill w/fiscal note

SIGNING DO PASS:

Jim G. Cottler
Frank J. Hoff
Frank J. Hoff
Kirk Halford

OTHER RECOMMENDATIONS:

Ed Jones (Do Pass)
Chair: Signature and Recommendation

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

VICE-CHAIRMAN
HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3466

MEMORANDUM

DATE: March 4, 1991

TO: Senator Lloyd Jones, Chairman
Senate Resources Committee

FROM: Representative Mark Boyer *MB*

RE: Scheduling of HB 80

I would like to respectfully request that you schedule HB 80, Creamers Field Migratory Waterfowl Refuge, for a hearing at your earliest convenience.

I've attached a copy of the bill and back-up information. The map included clearly outlines the boundaries of the refuge. As you will note from the Fish and Game memorandum, this bill is simply a technical bill. HB 80 ratifies the land exchange that took place between the University of Alaska and the Tanana Valley Fair Association five years ago. Under state law, the Legislature is required to ratify any state land exchange within five year. The deadline to ratify the new lands added to the refuge is July 16, 1991.

A letter from the Land Division at the University explains this exchange and it is included in this packet also. Position papers from the Department of Fish and Game and the Department of Natural Resources are attached.

The bill passed the House on Friday, March 1, by a vote of 31-0. If you have additional questions please don't hesitate to call my office at 465-3467. Thanks for your assistance and early scheduling of HB 80.

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3466

Letter of Intent for HB 80 - "An Act modifying the boundaries of Creamer's Field Migratory Waterfowl Refuge"

It is the intent of the Legislature that no new facilities for the Department of Fish and Game be planned or constructed within the boundaries of Creamer's Field Migratory Waterfowl Refuge. The Department of Fish and Game should begin long-range planning to move activities, which are not refuge related, to locations outside the current refuge boundaries.

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 80

Revision Date: 8-Feb-91 Department Affected: Natural Resources
 Title: Creamer's Field Migratory BRU: Land & Water Management
Waterfowl Refuge Components: Land & Water Management
 Sponsor: Representative Boyer
 Requestor: House Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Carol Wilson Phone: 465-2400
 Division: Commissioner's Office Date: 8-Feb-91
 Approved by Commissioner: Harold Heinze Date: 8-Feb-91
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

February 20, 1991

The Honorable Cliff Davidson, Chair
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Davidson:

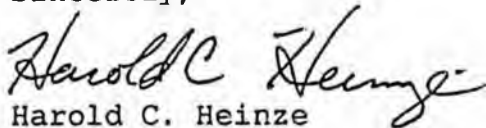
Subject: HB 80, which modifies the boundaries of the Creamer's Field Migratory Waterfowl Refuge.

Position: The Department of Natural Resources supports this bill because it modifies the existing refuge boundaries to conform to land ownership changes that have occurred since the refuge was established.

Background: The Creamer's Field Migratory Waterfowl Refuge was designated by statute in 1979. Subsequent exchanges of land among the University of Alaska, the Department of Natural Resources, and the Department of Fish and Game have resulted in significant ownership changes within the boundaries of the refuge. This bill would establish the new boundaries clearly in statute.

Thank you for the opportunity to comment on this bill.

Sincerely,



Harold C. Heinze
Commissioner

cc: Committee members
Representative Boyer
Bruce Kendall, Legislative Liaison, Office of the Governor
Carl Rosier, Commissioner, Department of Fish and Game

State of Alaska

Legislatively Designated Areas



Alaska Department of
**NATURAL
RESOURCES**

Areas designated by the legislature include sanctuaries, game and wildlife refuges, critical habitat areas, state forests and parks, public use areas, recreation rivers, recreational mining areas, and bison and moose ranges. Please note that most figures are approximate and many acres included are tidal or submerged.

Fish & Game Designations (AS 16.20)	Statute	Acres
Sanctuaries		
McNeil River State Game Sanctuary	(AS 16.20.160-170)	83,800
Walrus Island State Game Sanctuary	(AS 16.20.090-140)	9,700
Stan Price State Wildlife Sanctuary	(AS 16.20.150)	613
	Total sanctuary acres	94,113
Game Refuges		
Anchorage Coastal Wildlife Refuge	(AS 16.20.031)	32,500
Cape Newenham State Game Refuge	(AS 16.20.030)	14,000
Creamer's Field Migratory Waterfowl Refuge	(AS 16.20.039)	1,664
Goose Bay State Game Refuge	(AS 16.20.030)	10,880
Izembek (Lagoon) State Game Refuge	(AS 16.20.030)	181,440
Mendenhall Wetlands State Game Refuge	(AS 16.20.034)	3,800
Minto Flats State Game Refuge	(AS 16.20.037)	500,000
Palmer Hay Flats State Game Refuge	(AS 16.20.032)	26,000
Susitna Flats State Game Refuge	(AS 16.20.036)	300,800
Trading Bay State Game Refuge	(AS 16.20.038)	160,960
Yakataga State Game Refuge	(AS 16.20.033)	82,000
	Total refuge acres	1,314,044
Critical Habitat Areas		
Anchor River & Fritz Creek Critical Habitat Area	(AS 16.20.605)	19,000
Chilkat River Critical Habitat Area	(AS 16.20.585)	4,800
Cinder River Critical Habitat Area	(AS 16.20.560)	26,000
Clam Gulch Critical Habitat Area	(AS 16.20.595)	2,500
Copper River Delta Critical Habitat Area	(AS 16.20.600)	597,000
Dude Creek Critical Habitat Area	(AS 16.20.610)	4,083
Egegik Critical Habitat Area	(AS 16.20.565)	8,000
Fox River Flats Critical Habitat Area	(AS 16.20.580)	7,100
Kachemak Bay Critical Habitat Area	(AS 16.20.590)	222,000
Kalgin Island Critical Habitat Area	(AS 16.20.575)	3,500
Pilot Point Critical Habitat Area	(AS 16.20.570)	46,000
Port Heiden Critical Habitat Area	(AS 16.20.555)	72,000
Port Moller Critical Habitat Area	(AS 16.20.550)	127,000
Redoubt Bay Critical Habitat Area	(AS 16.20.625)	183,640
Tugidak Island Critical Habitat Area	(AS 16.20.615)	50,240
Willow Mountain Critical Habitat Area	(AS 16.20.620)	22,720
	Total critical habitat acres	1,395,583
Forestry Designations (AS 41.15-17)		
Haines State Forest Resource Management Area	(AS 41.15.300-330)	247,000
Tanana Valley State Forest	(AS 41.17.400)	1,786,000
	Total forestry acres	2,033,000



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER HB 80	SPONSOR Boyer
SHORT TITLE OF BILL An Act modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge			
DEPARTMENT POSITION Support			
PREPARED BY <i>Frank Rue</i> Frank Rue, Director	DATE 11/30/91	COMMISSIONER'S SIGNATURE <i>William G. Wilbur</i>	DATE 1/30/92

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL None known
ORGANIZATIONAL SUPPORT FOR BILL Creamer's Refuge Advisory Committee	ORGANIZATIONAL OPPOSITION TO BILL None known

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This measure modifies the legal description for the Creamer's Refuge Migratory Waterfowl Refuge to reflect the 1986 land trade involving the Tanana Valley Fair Association and the 1982 purchase of the original Creamer's barns. Section 2 amends the legal description of the sewer and water easement to make the land subject to the easement, rather than excluding it from the refuge.

ANALYSIS OF BILL/PROGRAM EFFECTS

The modified legal description was prepared by the Department of Fish and Game in conjunction with the Division of Land and Water Management, Department of Natural Resources. Specific boundary references and the amended easement descriptions were included at DNR's recommendation. The amended easement description is a more legally correct way to describe the easement, and does not affect the easement itself.

AMENDMENTS PROPOSED

None.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

DEPARTMENT OF FISH AND GAME POSITION PAPER

Bill No: HB 80

Sponsor: Representative Boyer

Division: Habitat

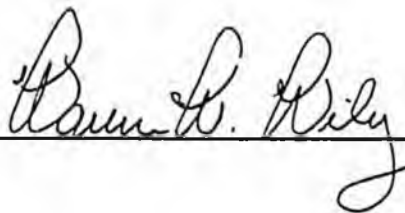
Bill Title: An Act modifying the boundaries of the Creamer's Field
Migratory Waterfowl Refuge

Department Position: Support

This measure modifies the legal description for the Creamer's Refuge Migratory Waterfowl Refuge to reflect the 1986 land trade involving the Tanana Valley Fair Association and the 1982 purchase of the original Creamer's barns. Section 2 amends the legal description of the sewer and water easement to make the land subject to the easement, rather than excluding it from the refuge.

The modified legal description was prepared by the Department of Fish and Game in conjunction with the Division of Land and Water Management, Department of Natural Resources. Specific boundary references and the amended easement descriptions were included at DNR's recommendation. The amended easement description is a more legally correct way to describe the easement, and does not affect the easement itself.

Commissioner's Signature



Date 2-14-91



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER HB 80	SPONSOR Boyer
SHORT TITLE OF BILL ACT modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge			
DEPARTMENT POSITION Support			
PREPARED BY <i>Frank Rue</i> Frank Rue, Director	DATE 1/30/91	COMMISSIONER'S SIGNATURE <i>William G. Wilbur</i>	DATE 1/30/91

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL None known
ORGANIZATIONAL SUPPORT FOR BILL Creamer's Refuge Advisory Committee	ORGANIZATIONAL OPPOSITION TO BILL None known
FISCAL IMPACT: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL NOTE ATTACHED	

BACKGROUND/LEGISLATIVE INTENT

This measure modifies the legal description for the Creamer's Refuge Migratory Waterfowl Refuge to reflect the 1986 land trade involving the Tanana Valley Fair Association and the 1982 purchase of the original Creamer's barns. Section 2 amends the legal description of the sewer and water easement to make the land subject to the easement, rather than excluding it from the refuge.

ANALYSIS OF BILL/PROGRAM EFFECTS

The modified legal description was prepared by the Department of Fish and Game in conjunction with the Division of Land and Water Management, Department of Natural Resources. Specific boundary references and the amended easement descriptions were included at DNR's recommendation. The amended easement description is a more legally correct way to describe the easement, and does not affect the easement itself.

AMENDMENTS PROPOSED

None.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 80

Revision Date: 1-30-91 Department Affected: FISH AND GAME

Title: An Act Modifying the boundaries of BRU: Habitat

the Creamer's Field Migratory Waterfowl Refuge Component: _____

Sponsor: Representative Royer

Requestor: _____ COMPONENT SERIAL NO.

4	8	6
---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
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	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	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

Estimate of current year impact: No current year impact

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: *Bruce H. Paden* Phone: 465-4105

Division: Habitat Date: 1-29-91

Approved by Commissioner: *Ann W. Wiley*

Agency: Department of Fish and Game Date: 1/30/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3466

Letter of Intent for HB 80 - "An Act modifying the boundaries of Creamer's Field Migratory Waterfowl Refuge"

It is the intent of the Legislature that no new facilities for the Department of Fish and Game be planned or constructed within the boundaries of Creamer's Field Migratory Waterfowl Refuge. The Department of Fish and Game should begin long-range planning to move activities, which are not refuge related, to locations outside the current refuge boundaries.



Statewide Office of Land Management
Butrovich Building • Suite 211 • 910 Yukon Drive • Fairbanks • Alaska • 99775
(907) 474-7421 • FAX: (907) 474-7554

VIA FACSIMILE #465-4565

February 1, 1991

Ms. Alexis Miller
Office of Representative Mark Boyer
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

RE: House Bill 80

Dear Ms. Miller:

In response to your request, I have reviewed the map you faxed, as well as the legal descriptions contained in HB 80.

In 1982, as part of the settlement of litigation, the University relinquished to the State of Alaska, its interest in a 41.697 acre portion of Section 33 described as Tract B of Alaska State Land Survey No. 80-67, in exchange for equal value land elsewhere in the state.

A 14.149 acre portion of the property relinquished to the state, which is currently described as Tract B2 of ASLS No. 83-62, is included in the revised legal description of the Refuge contained in HB 80.

In addition, although unrelated, I would like to make you aware of the fact that the University and the Department of Fish and Game have been discussing the acquisition, by Fish and Game, of a substantial amount of University land west of the current refuge boundaries.

If you need additional information, please contact me at 474-7421.

Very Truly Yours,

Martin Epstein
Director

H B

8 3

SENATE COMMITTEE REPORT

DATE: 5/15/91

FURTHER: Resources
Finance

DATE TURNED INTO OFFICE: 5-19-91

L&C Committee considered CS FOR HOUSE BILL NO. 83 (FINANCE) am

Special appropriations to the Department of Natural Resources for the purchase of the inholdings of the Seldovia Native Association and the Cook Inlet Region, Inc., and the timber rights of the Timber Trading Company, within the Kachemak Bay State Park; efd.

and recommended: *S*

- replace with SENATE CS FOR CS FOR HB 83(L&C) same title
- or adopt _____ CS _____ new title
- attached amendment(s) *+ rpt it to the floor* technical
- _____ letter of intent adopted title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

McGowan do not pass
Chris Collier no rec
Rick Halford - Error \$ 21

Tracy Rowles - do pass
Chair: Signature and Recommendation

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 83

HISTORY IN THE HOUSE

HISTORY IN THE SENATE

1991
4/30 Read first time and referred to:
RES, FIN

3/1 RES RPT CS() New Title
5 DP 1 DNP 3 NR 0 AM
FN OFN Previous FN

4/24 FIN RPT CS(FIN) New Title
2 DP 1 DNP 12 NR AM
FN OFN Previous FN

5/13 Read second time
CS(FIN) Adopted

5/13 Amended later amended - 5/14

5/13 Failed to Advance
Advanced

5/14 Read third time

5/14 Return to second for specific amendment

5/14 PASSED EFD Same or
Yeas 30 Yeas
Nays 9 Nays
Excused 1 Excused
Absent 0 Absent

Intent adopted

5/14 Reconsideration Navarre

5/14 Reconsideration ~~not~~ taken up

5/14 PASSED ON RECON. EFD Same or
Yeas 28 Yeas
Nays 11 Nays
Excused 1 Excused
Absent 0 Absent

Intent adopted

5/14 Reported correctly engrossed
Signed by Speaker, to the Senate

Kristin Gray
Chief Clerk of the House

1991
5/15 LAC RES, FIN

5/19 LAC RPT(2) CS 1 DP 2 NR 1 DNP AM
New Title Same Title Previous FN
FN OFN *appropri Resources*

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

Rules Calendar() CS AM Other
New Title Same Title Previous FN
FN OFN

Read second time

CS Adopted () New Title
Amended Advanced

Read third time

Letter of Intent adopted

Return to second for specific amendment

PASSED EFD Same or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Reconsideration
Reconsideration not taken up

PASSED EFD Same or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Reported correctly engrossed
Signed by President, to the House

Secretary of the Senate

HOUSE-SENATE HISTORY Continued

19

Received from the Senate

Concur in Senate amendment

Y ___ N ___ E ___ A ___
Efd same or Y ___ N ___ E ___ A ___

Failed to concur Senate amendment, ask Senate recede

Y ___ N ___ E ___ A ___

Senate failed to \ receded from amendment

Y ___ N ___ E ___ A ___

CC appointed by House _____ Chair

CC appointed by Senate _____ Chair

(H) Granted Limited Powers of Free Conference

(S) Granted Limited Powers of Free Conference

19

(H) Adopted CC Rpt _____

Y ___ N ___ E ___ A ___
Efd same or Y ___ N ___ E ___ A ___

(S) Adopted CC Rpt _____

Y ___ N ___ E ___ A ___
Efd same or Y ___ N ___ E ___ A ___

To enrolling

Reported enrolled and sent to Governor

_____ By Governor

Legislative Resolve Number _____

Filed with Lieutenant Governor

ALASKA STATE LEGISLATURE
REPRESENTATIVE MIKE NAVARRE

Co-Chair
House Finance Committee
P.O. Box V
Juneau, Alaska 99811
(907) 465-3779

May 20, 1991

MEMORANDUM

TO: Senator Lloyd Jones, Chair
Senate Resources Committee

FROM: Representative Mike Navarre *M. Navarre*

SUBJECT: Proposed amendment to SCSCSHB 83 (L&C), "An Act making special appropriations to the Department of Natural Resources for the purchase of the inholdings of the Seldovia Native Association and the Cook Inlet Region, Inc., and the timber rights of the Timber Trading Company, within the Kachemak Bay State Park; and providing for an effective date."

As I'm sure you're aware, the current version of HB 83 appropriates \$7 million in FY '92 for the purchase of inholdings and timber rights in Kachemak Bay State Park, and provides for the balance to be paid later by various means. It also requires that all parties to the purchase must reach an agreement before any appropriations take effect.

The Commissioner of Natural Resources may attempt other methods to satisfy the outstanding \$15 million balance, before resorting to the use of unexpended Bradley Lake Hydroelectric project funds. Attached is an amendment that I would like to offer to HB 83 to clarify the date when excess Bradley Lake Hydroelectric project funds are actually available, in the event that those monies are required.

The current language states that the funds are available when the Alaska Energy Authority (AEA) declares the project is completed, however, there is nothing in statute or the trust indenture documents requiring such a declaration.

The monies are actually encumbered by the trust indenture until approximately December 1, 1992, and the release of any excess monies to the state is spelled out in an "Alaska Energy Authority Power Revenue Bond Resolution," adopted by the AEA on September 7, 1987. I feel it is far better to specify the actual AEA resolution relating to the release of monies, rather than tie the appropriation to a "declaration of completion" (which may or may not ever be made).

I respectfully urge the Senate Resource Committee's favorable consideration of the attached amendment, and swift passage of HB 83. Thank you.

Attachment



AMENDMENT

OFFERED IN THE SENATE

BY REPRESENTATIVE NAVARRE

TO: SCSCSHB 83(L&C)

Page 4, Line 11 - 12:

Amend as follows:

(2) the date that the balance remaining in the Bradley Lake Hydroelectric Project Construction Fund is paid to the state under Article V, section 503.8 of the "Alaska Energy Authority Power Revenue Bond Resolution" relating to the Bradley Lake hydroelectric project, and adopted by the Alaska Energy Authority on September 7, 1989 [ALASKA ENERGY AUTHORITY FILES A DECLARATION WITH THE LIEUTENANT GOVERNOR AND THE REVISOR OF STATUTES THAT THE BRADLEY LAKE HYDROELECTRIC PROJECT HAS BEEN COMPLETED].

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

May 16, 1991

The Honorable Drue Pearce, Chair
Senate Labor and Commerce Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Pearce:

Subject: The draft Senate Labor and Commerce Committee substitute for HB 83, an appropriation bill for acquisition of Kachemak Bay State Park inholdings.

Position: The Department of Natural Resources supports the concept of a substitute bill that allows us to use land and resource revenues, land exchanges, and donations from industry and the public, as well as a monetary appropriation, for the acquisition of park inholdings.

Under this bill, we would make every effort to negotiate an agreement that is fair and equitable to all.

Sincerely,



Harold C. Heinze
Commissioner

cc: Representative Navarre
Bruce Kendall, Legislative Liaison, Office of the Governor

Protecting

Our Heritage

Join Us

We need your support. As a member you will be part of an action-oriented group that is actively protecting natural lands, wildlife and plants for future generations as well as promoting sustainable relationships between people and land. You will receive our semi-annual newsletter. You will have the opportunity to get involved by casting your vote in our annual board election or by volunteering your time, if you so choose.

Please Enroll Me

Please enroll me(us) as a member(s) of Kachemak Heritage Land Trust. Enclosed are dues for:

<input type="checkbox"/>	\$5	Special
<input type="checkbox"/>	\$15	Student/Senior
<input type="checkbox"/>	\$25	Regular
<input type="checkbox"/>	\$50	Family
<input type="checkbox"/>	\$100	Supporting
<input type="checkbox"/>	\$250	Contributing
<input type="checkbox"/>	\$500	Associate
<input type="checkbox"/>	\$1000	Benefactor

(Name)

(Street Address or P.O.)

(City, State and Zip)

(Telephone Number)

Mail to
Kachemak Heritage Land Trust
P.O. Box 2400
Homer, Alaska 99603

More Information

If you are interested in volunteering time, or would like additional information, give us a call at (907)-235-5263 or write to us. Ask for our separate brochure on land and conservation easements.

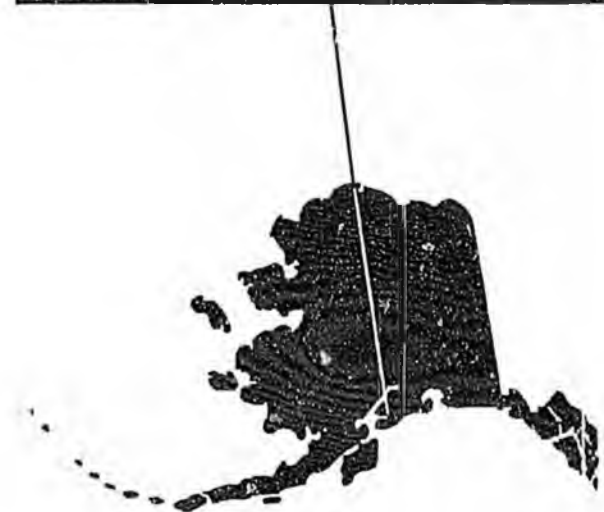
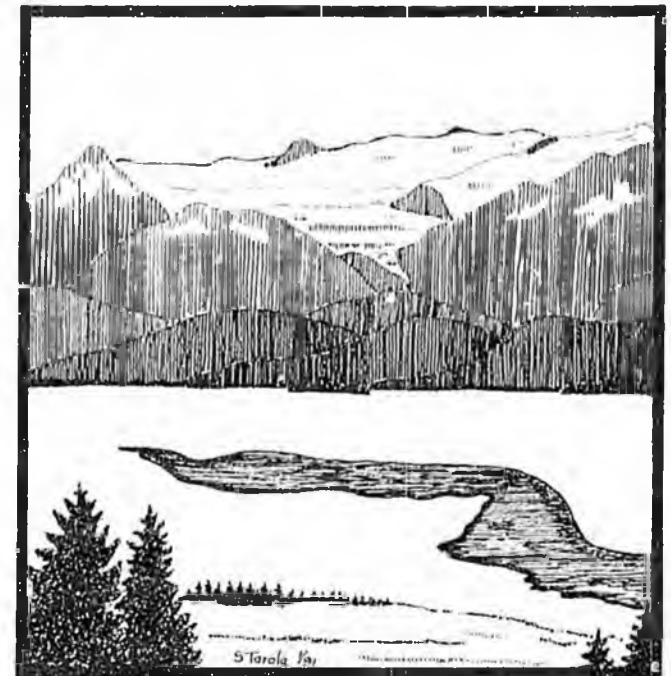
"Whatever happens to the earth happens to the children of the earth. The earth does not belong to us; we belong to the earth. All things are connected, like the blood which unites one family."

Chief Seattle, 1844



Printed on Recycled Paper

Kachemak Heritage Land Trust



Protecting Our Heritage

KACHEMAK HERITAGE LAND TRUST



Land Trusts

Land trusts have been in existence since the 1800's. They were created to enable private citizens to voluntarily protect the conservation values of their land by restricting inappropriate development. Because they operate out of the political arena, they can act with speed and flexibility.

Kachemak Heritage Land Trust

Kachemak Heritage Land Trust (KHLT) is a non-profit organization dedicated to preserving the natural heritage of the Kachemak region for public benefit. KHLT protects wildlife habitat, community greenbelts, and open space through the acquisition of land and conservation easements. KHLT's service area encompasses the lower Kenai Peninsula, from Anchor Point south to the Gulf of Alaska. The Trust works with landowners to safeguard the conservation values of their property for present and future generations. The Trust also works with the general public to foster sustainable relationships between people and the environment. Such activities include trail development, education and energy conservation.

Goals

We follow a three-step program to protect the natural heritage of the Kachemak region:

1. We identify land with significant conservation values that meet our criteria. We do not try to preserve the whole landscape but concentrate on selecting areas of the highest ecological value.
2. We work with landowners to protect the targeted land by accepting donations of conservation easements or outright gifts of land.
3. We maintain the perpetual health of the land through careful monitoring and management.

Conservation Easements

A conservation easement is a legal agreement between a landowner and a land trust which restricts the type and amount of development which may take place on the property. This voluntary agreement is tailored to satisfy the desires of the landowner to protect the conservation values of the property, such as wetlands, bird nesting sites, moose browse, salmon streams, old growth forest and scenic open space.

Under a conservation easement the land remains in private ownership and may be sold or bequeathed. The conservation easement runs with the deed and it is the legal responsibility of the land trust to ensure that the restrictions on the land are honored forever.

The gift of a conservation easement requires that the landowner and Kachemak Heritage Land Trust negotiate the specific terms of the easement. There is a twelve-step process that KHLT uses to execute an easement. If the landowner wishes to obtain income and estate tax benefits, the easement must meet certain federal requirements.

Funding

Our funding comes from membership dues, contributions, gifts, inheritances, grants and fund-raising activities, such as the the Lodge Hop and the Kachemak Heritage Costume Ball. We are a volunteer organization with minimal overhead. You can be assured that your contributions will be maximized toward our land protection goals.

Tax Benefits

The Trust is a non-profit and tax-exempt organization. As such, membership dues and contributions are tax deductible. In addition, gifts of land and conservation easements may generate substantial savings of income and estate taxes.



May 16, 1991

Drue -

RE: HB 83 - Kachemak Bay - Draft SCS CS HB 183(L+C) 5/15/91

Sec 1. Changes value upto \$22,000,000

Sec 2. \$7,000,000 GF payment subject to signed agreement by 12/31/91.

Sec 3. a) Allows upto \$15,000,000 GF from sources specified in b) and c) to be used for balance payment.

b) Allows commissioner to negotiate upto a 20% private sector match would could be cash, timber rights, land exchange.

c) Allows commissioner to use FY 91 & FY 92 proceeds from recreational land leases, timber sales, resource development leases and values of timber rights and land exchanges to satisfy the remaining balance due.

d) Prohibits DNR from using any of the GF for administrative expenses.

Sec 4. Allows use of various Bradley Lake reappropriations to pay off balance if sections 2 & 3 don't satisfy balance.

Sec 5. Sec 3 & 4 are capital appropriations.

Sec 6. Lapses GF appropriation on 12/31/91.

Sec 7. Requires signed agreement before any GF can be paid out.

Sec 8. Makes the signed agreement necessary for all other payments and APA notifies the Lt Gov that the Bradley Lake funds are available.

SENATE CS FOR CS FOR HOUSE BILL NO. 83 (L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES NAVARRE, Brown, Davidson, Finkelstein, Parnell, G.Phillips, Ellis, Choquette,
Ulmer

A BILL

FOR AN ACT ENTITLED

1 "An Act making special appropriations to the Department of Natural Resources for the
2 purchase of the inholdings of the Seldovia Native Association and the Cook Inlet Region,
3 Inc., and the timber rights of the Timber Trading Company, within the Kachemak Bay
4 State Park; and providing for an effective date."

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

6 * Section 1. LEGISLATIVE FINDINGS. (a) The legislature finds that the Kachemak Bay State
7 Park is an important scenic and recreational area and that the inholdings within the park, if developed,
8 would seriously compromise the integrity of the existing park land. The legislature finds, therefore, that
9 it is in the interest of the state to acquire the inholdings of the Seldovia Native Association and the Cook
10 Inlet Region, Inc., and the timber rights of the Timber Trading Company, within the Kachemak Bay
11 State Park.

12 (b) The legislature further finds that the value, to the state, of the inholdings of the Seldovia
13 Native Association and the Cook Inlet Region, Inc., and the timber rights of the Timber Trading
14 Company, within the Kachemak Bay State Park does not exceed \$22,000,000.

1 * Sec. 2. The sum of \$7,000,000 is appropriated from the general fund to the Department of Natural
2 Resources for the purchase of the inholdings of the Seldovia Native Association and the timber rights
3 of the Timber Trading Company, within the Kachemak Bay State Park as identified in the Preliminary
4 Exchange Agreement dated June 30, 1989, between the state, the Seldovia Native Association, and the
5 Timber Trading Company; and for the purchase of the inholdings of the Cook Inlet Region Inc. within
6 the Kachemak Bay State Park.

7 * Sec. 3. (a) If the conditions set out in (b) - (d) of this section are met, the amount necessary to
8 pay the balance, after payment of the appropriation made in sec. 2 of this Act, of the purchase price for
9 the inholdings of the Seldovia Native Association, the timber rights of the Timber Trading Company,
10 and the inholdings of the Cook Inlet Region, Inc., not to exceed \$15,000,000, is appropriated from the
11 general fund to the Department of Natural Resources for purchase of the inholdings and timber rights
12 within Kachemak Bay State Park.

13 (b) If the agreement negotiated by the commissioner of natural resources for the purchase of
14 inholdings and timber rights within Kachemak Bay State Park requires that a portion of the purchase
15 price be paid from sources other than the state, the appropriation made by (a) of this section is
16 conditioned on the portion required as a match not exceeding 20 percent and on the agreement permitting
17 that the required match be satisfied by cash donations, the transfer of timber rights, and other means.
18

19 (c) The amount appropriated from the general fund by (a) of this section may not exceed the
20 amount deposited in the general fund or received in value by the state during the fiscal years ending
21 June 30, 1991, and 1992 as a result of the purchase of recreational land, timber sales, timber rights, land
22 exchanges, and resource development leases.

23 (d) The appropriation made by (a) of this section may not be used for administrative or other
24 departmental expenses.

25 * Sec. 4. If the amount appropriated by secs. 2 and 3 of this Act is insufficient to satisfy the purchase
26 price for the inholdings and timber rights in Kachemak Bay State Park, the unexpended and unobligated
27 balances, not to exceed \$15,000,000, of the following appropriations are repealed and reappropriated to
28 the Department of Natural Resources for the purchase of the inholdings of the Seldovia Native
29 Association and the timber rights of the Timber Trading Company, within the Kachemak Bay State Park
30 as identified in the Preliminary Exchange Agreement dated June 30, 1989, between the state, the
31 Seldovia Native Association, and the Timber Trading Company; and for the purchase of the inholdings

1 of the Cook Inlet Region, Inc. within the Kachemak Bay State Park:

2 (1) that portion of the appropriation made by sec. 25, ch. 80, SLA 1979, page 66, line
3 38, as amended by sec. 448(a), ch. 105, SLA 1985, and sec. 275(a), ch. 130, SLA 1986, that is allocated
4 by sec. 25, ch. 80, SLA 1979, page 67, line 5 (Bradley Lake hydro project - \$80,000);

5 (2) that portion of the appropriation made by sec. 1(a), ch. 90, SLA 1981, as amended
6 by sec. 69, ch. 92, SLA 1981, and sec. 236, ch. 141, SLA 1982, that is allocated by sec. 1(a)(1), ch. 90,
7 SLA 1981, as amended by sec. 69, ch. 92, SLA 1981 (Bradley Lake - \$5,000,000);

8 (3) that portion of the appropriation made by sec. 1(b), ch. 90, SLA 1981, as amended
9 by sec. 69, ch. 92, SLA 1981, and sec. 236, ch. 141, SLA 1982, that is allocated by sec. 1(b)(1), ch. 90,
10 SLA 1981, as amended by sec. 69, ch. 92, SLA 1981 (Bradley Lake - \$10,000,000);

11 (4) sec. 241, ch. 141, SLA 1982 (Bradley Lake hydroelectric project - \$3,000,000);

12 (5) AS 44.83.420, repealed by sec. 318, ch. 171, SLA 1984 (Bradley Lake hydroelectric
13 project);

14 (6) sec. 5, ch. 41, SLA 1986 (Bradley Lake hydroelectric project - \$50,000,000);

15 (7) sec. 3, ch. 128, SLA 1986, page 8, line 7, as amended by sec. 1, ch. 96, SLA 1987
16 (Alaska Power Authority, Bradley Lake hydroelectric project - \$50,000,000);

17 (8) sec. 6, ch. 172, SLA 1988 (Bradley Lake power project - \$7,000,000).

18 * Sec. 5. The appropriations made by secs. 3 and 4 of this Act are for a capital project and are
19 subject to lapse under AS 37.25.020.

20 * Sec. 6. The unexpended and unobligated balance of the appropriation made by sec. 2 of this Act
21 lapses into the general fund December 31, 1991.

22 * Sec. 7. Except for secs. 3 - 5 of this Act, this Act takes effect on the later of

23 (1) the date that the Department of Natural Resources files a declaration with the
24 lieutenant governor and the revisor of statutes that the department has entered into agreements with
25 Seldovia Native Association for the sale of the inholdings of the association, the Timber Trading
26 Company for the sale of timber rights of the company, and the Cook Inlet Region, Inc., for the sale of
27 inholdings of the corporation; for a total that is equal to or less than \$22,000,000; or

28 (2) July 1, 1991.

29 * Sec. 8. Sections 3 - 5 of this Act take effect on the later of

30 (1) the date that the Department of Natural Resources files a declaration with the
31 lieutenant governor and the revisor of statutes that the department has entered into agreements with

- 1 Seldovia Native Association for the sale of the inholdings of the association, the Timber Trading
- 2 Company for the sale of timber rights of the company, and the Cook Inlet Region, Inc., for the sale of
- 3 inholdings of the corporation, for a total that is equal to or less than \$22,000,000; or
- 4 (2) the date that the Alaska Energy Authority files a declaration with the lieutenant
- 5 governor and the revisor of statutes that the Bradley Lake hydroelectric project has been completed.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR JONES

TO: SCS CSHB 83 (L&C)

Page 2, line 7:

Delete "(b) - (d)"

Insert "(b) - (e)"

Page 2, following line 12:

Insert a new subsection to read:

"(b) The appropriation made by (a) of this section is contingent upon certification by the commissioner of natural resources to the Department of Administration that the commissioner has made a good faith effort to negotiate an agreement to exchange timber rights to state land for the timber rights of the Timber Trading Company in the Kachemak Bay State Park, unless the commissioner finds that timber rights of a value comparable to those held by the Timber Trading Company are not available on state land."

Reletter the following subsections accordingly.

Page 4, line 10:

Delete "; or"

Insert ";

Page 4, line 12, following 'completed':

Insert "; or

(3) the date that the commissioner of natural resources certifies to the lieutenant governor and the revisor of statutes that the commissioner was not able to negotiate an agreement to exchange timber rights to state land for the timber rights of the Timber Trading Company in the Kachemak Bay State Park because timber rights of comparable value to those held by the

Timber Trading Company are not available on state land"

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269



State Senate

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

MEMORANDUM

TO: Senator Drue Pearce, Chairman
Senate Labor & Commerce Committee

FROM: Senator Paul Fischer *PF*

SUBJECT: CS House Bill 83 (Finance) am
(relating to Kachemak Bay State Park
timber rights)

DATE: May 15, 1991

Now that the House version of my Senate Bill 148 has passed the House and is in the possession of the Senate, I would appreciate your scheduling the above referenced bill for a hearing before the Senate Labor & Commerce Committee at your earliest possible convenience.

Your consideration would be greatly appreciated.

PAF/sgn

cc: Representative Mike Navarre
Representative Gail Phillips

HB

131

DATE: 4/19/91

FURTHER: Finance

DATE TURNED INTO OFFICE: 5-18-91

Resources Committee considered HOUSE BILL NO. 131

"An Act amending the area within designated marine park units of the Alaska state park system, and adding marine park units to the Alaska state park system."

and recommended: *S it be a ph*

- replace with S CS HTS 131 (PES) same title
- or adopt _____ CS _____ new title
- attached amendment(s) technical title change (HB only)
- _____ and report it in the next following letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

p H P F N

- ATTACHES NEW FISCAL NOTE(S):
- fiscal note(s) _____ Dept/Date: _____
 - zero fiscal note(s) _____
 - appropriation-no fiscal note

- APPROVES PREVIOUS:
- fiscal note(s) _____ Dept/Date: _____
 - zero fiscal note(s) _____
Eq 3/29/91
 - Governor's bill w/fiscal note
DNR 2/28/91

SIGNING DO PASS:

1 Sen Cook
2 Sen [unclear]

OTHER RECOMMENDATIONS:

2 J.P. Shaff - No No Pass -

[Signature] (No Pass)

Chair: Signature and Recommendation



ALASKA OUTDOOR COUNCIL, INC.

MAY 15 1991

May 15, 1991

Senator Lloyd Jones, Chairman
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Jones:

The Alaska Outdoor Council reviewed and took positions on legislation of interest during its annual meeting in April.

The Council considered House Bill 131 carefully and decided to support the bill. Council delegates concluded that the overall outdoor recreation benefits including continued hunting, trapping, and fishing opportunities, boating, tourism, and scenic values warranted designation of the Channel Islands as part of the state marine parks system. Delegates also expressed the view that, in general, additional park facilities development would not be desirable because they would detract from the area's general attractiveness and would lead to restrictions on existing uses.

We encourage the Senate Resources Committee and the Legislature to pass HB 131.

Sincerely,

Richard H. Bishop
Legislative Affairs

cc: Representative Fran Ulmer
Representative Bill Hudson
Senator Jim Duncan

FISCA . NOTE

No. 2

Bill Version: HB 131

(H) Publish Date: 3/29/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: 03/18/91

Department Affected: Fish and Game

Title: Marine Park Additions

BRL: Habitat

Component: Habitat

Sponsor: Representative Ulmer

Requestor: _____

COMPONENT SERIAL NO.

	4	8	6
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Expenditures/Revenues: (Thousands of Dollar)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: no impact in current year

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Frank Rue, Director

Phone: 465-4105

Division: Division of Habitat

Date: 03/18/91

Approved by Commissioner: [Signature]

Agency: Department of Fish and Game

Date: 3/19/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. _____
 Bill Version: HB 131
 (H) Publish Date: 3/13/91

Revision Date: 4-Mar-91
 Title: Additions to Marine Parks in Juneau Area
 Sponsor: Representative Ulmer
 Requestor: House Resources

Department Affected: Natural Resources
 BRU: Parks & Recreation Management
 Components: Parks Management
 COMPONENT SERIAL NO. 452

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact: Negligible

ANALYSIS:
 HB 131 will have a net-zero impact. The existing statute AS 41.21.302) requires that a plan be written within five years of a marine park's establishment. Work on a plan will be deferred until later in the five year term. Help in managing the new marine park will be sought from local volunteers.

Prepared by: Pete Panarese Phone: 762-7602
 Division: Parks & Outdoor Recreation Date: 4-Mar-91
 Approved by Commissioner: Harold Hein Date: 28-Feb-91
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS & OUTDOOR RECREATION

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY, 5th FLOOR
JUNEAU, ALASKA 99801-1381
PHONE: (907) 465-4563

April 4, 1991

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

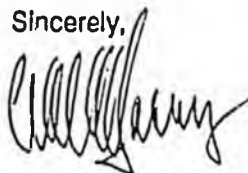
Dear Senator Duncan:

In response to your request for a revised legal description for SB 214 (Juneau Marine Parks Bill) to reduce the water acreage, I am submitting the attached and noted draft changes. The effects of these changes are noted on the map also enclosed. The acreages would change as follows:

<u>Juneau Channel Islands</u>	<u>Land</u>	<u>Water</u>	<u>Land & Water Total</u>
SB214 & HB131 as introduced	3,387	11,013	14,400
In this draft	3,387	6,933	10,320
Reductions		(4,080)	(4,080)
<u>Shelter Island Addition</u>			
SB214 & HB131 as introduced	3,573	5,387	8,960
In this draft	3,573	2,547	6,120
Reductions		(2,840)	(2,840)
<u>Shelter Island State Marine Park</u>			
Reduction from existing water acreage		(1,040)	
TOTAL REDUCTION, this draft		(7,960)	
GRAND TOTAL SB214/HB131 (as introduced)	6,960	16,400	23,360
GRAND TOTAL SB214/HB131 (if amended)	6,960	9,480	16,440

If you need any more information or assistance please call.

Sincerely,



William W. Garry
Regional Manager

Attachments: map and new legal description
cc: Harold Heinze, Commissioner
Neil Johannsen, Director

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

April 19, 1991

TO: Senator Lloyd Jones, Chairman
Senate Resources Committee

FROM: Rep. Fran Ulmer

RE: HB 131 - "An act amending the area within designated marine park units of the Alaska state park system, and adding marine park units to the Alaska State Park system."

I am requesting a hearing on this bill at your earliest convenience. This legislation is virtually identical to SP 114, which was modified and passed out of your committee on April 12th. I have reviewed the CS and have no objections to the Committee revising HB 131 in the same manner.

Channel Islands Marine Parks Designation

This legislation designates 16 islands in the Juneau area as the Channel Islands State Marine Park, in accordance with present statutory authority under AS 41.21.300

The Channel Islands State Marine Park Bill is based on the recommendation of the of the Juneau Area State Parks Advisory Board and the Division of Parks and Recreation which have stated that such a designation is necessary to ensure that these areas are managed for the purposes outlined by the state when it selected these areas from the federal government under the Statehood Act. Creation of the Channel Island Marine Park is included in the Advisory Board's annual request to the legislature.

This designation is also a result of last year's legislative resolution, SCR 42, calling for development of a Marine Park network along the Inside Passage. The resolution directed the State of Alaska to work cooperatively with the Province of British Columbia and the U.S. Forest Service in development of the network. British Columbia has already developed an Inside Passage Strategic Plan for establishing a marine parks system that stretches from Vancouver Island to Prince Rupert .

District 4B — Juneau

P.O. Box V • Juneau, Alaska 99811-3100 • (907) 465-4947



Recycled Paper

April 19, 1991
HE 131
Page Two

The main purpose of a Marine Park is to maintain fish and wildlife values, support and promote tourism and recreation, and preserve the cultural and scenic values of the area.

The designation of a marine park protects and maintains all present activities such as boating, hunting, fishing, hiking, camping, mining and trapping. It also prohibits the sale or disposal of land by the state.

HB 131 is truly parks with a small "p". But I believe it's a designation that promises long term benefits for both Alaska's residents and visitors.

Thank you for your prompt consideration.

April 19, 1991
HB 131
Page Three

SUPPORTERS OF HB 131 - CHANNEL ISLAND MARINE PARKS

DEPARTMENT OF NATURAL RESOURCES/DIVISION OF PARKS

JUNEAU AREA STATE PARKS ADVISORY BOARD

CITY AND BOROUGH OF JUNEAU

ALASKA ENVIRONMENTAL LOBBY

JUNEAU CONVENTION AND VISITORS BUREAU

NATIONAL AUDOBAN SOCIETY - JUNEAU CHAPTER

TAKU CONSERVATION SOCIETY

PHIL HOLDSWORTH - FORMER COMMISSIONER OF DNR

a:hb131sen.res

7-LS0671NG
Chenoweth
4/29/91

SENATE CS FOR HOUSE BILL NO. 131 (RESOURCES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ULMER

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the area within designated marine park units of the Alaska state park
2 system, and adding marine park units to the Alaska state park system."

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

4 * Section 1. AS 41.21.304(11), is amended to read:

5 (11) Shelter Island: the following described parcels excluding submerged land
6 seaward of the 20 fathom bathymetric line:

7 Township 39 South, Range 63 East, Copper River Meridian

8 Section 13: E1/2

9 Section 24: E1/2

10 Township 39 South, Range 64 East, Copper River Meridian

11 Section 18

12 Section 19

13 Section 29

14 Section 30: Excluding USS 354

- 1 Section 31
- 2 Section 32
- 3 Section 33

Township 40 South, Range 64 East, Copper River Meridian

- 4 Section 4
- 5 Section 5
- 6 Section 6
- 7 Section 7
- 8 Section 8
- 9 Section 9
- 10 Section 10
- 11 Section 15
- 12 Section 16
- 13 Section 17
- 14 Section 21: NE1/4NE1/4
- 15 Section 22: N1/2:

17 * Sec. 2. AS 41.21.304 is amended by adding a new paragraph to read:

18 (34) Juneau Channel Islands: the following described parcels excluding
 19 submerged land seaward of the 20 fathom bathymetric line:

20 Township 38 South, Range 63 East, Copper River Meridian

- 21 Section 13
- 22 Section 25: E1/2
- 23 Section 29: S1/2
- 24 Section 32: E1/2
- 25 Section 33: SW1/4

26 Township 38 South, Range 64 East, Copper River Meridian

- 27 Section 18: SW1/4
- 28 Section 19
- 29 Section 20: W1/2SW1/4
- 30 Section 29: NW1/4NW1/4
- 31 Section 30: N1/2, SW1/4

- 1 Township 39 South, Range 63 East, Copper River Meridian
- 2 Section 4
- 3 Section 9
- 4 Section 10
- 5 Section 11
- 6 Section 13: SW1/4SW1/4
- 7 Section 14
- 8 Section 15
- 9 Section 16
- 10 Section 22
- 11 Section 23
- 12 Section 24: W1/2
- 13 Township 39 South, Range 64 East, Copper River Meridian
- 14 Section 8: SE1/4
- 15 Section 9: SW1/4
- 16 Section 16
- 17 Section 17: NE1/4
- 18 Section 34: S1/2, excluding tract A-5
- 19 Township 40 South, Range 64 East, Copper River Meridian
- 20 Section 1: NW1/4
- 21 Section 3: NE1/4
- 22 Section 36: SE1/4SE1/4
- 23 Township 40 South, Range 65 East, Copper River Meridian
- 24 Section 28: SW1/4
- 25 Section 31: SW1/4SW1/4
- 26 Section 32: E1/2
- 27 Section 33: W1/2
- 28 Section 34: W1/2E1/2, W1/2
- 29 Township 41 South, Range 65 East, Copper River Meridian
- 30 Section 1: NE1/4
- 31 Section 2

1
2
3
4
5

Section 3: NE1/4

Section 11

Township 41 South, Range 66 East, Copper River Meridian

Section 5: NW1/4, NW1/4NW1/4NE1/4

Section 6: NW1/4.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS & OUTDOOR RECREATION

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY, 5th FLOOR
JUNEAU, ALASKA 99801-1381
PHONE: (907) 465-4563

April 15, 1991

Senator Lloyd Jones
Rm. 30, Capitol, P.O. Box V
Juneau, Alaska 99811

Dear Senator Jones:

This letter is in response to your request for clarification on the regulations concerning commercial fishing in marine parks. The Department of Fish and Game (ADF&G) through the Board of Fisheries regulates all true "commercial fishing" within the state, as defined in A.S. 16.05.940. Our state park regulations specifically exclude all "lawful commercial fishing operations conducted aboard vessels operating in saltwater and not using stationary gear or dredges" from any permitting requirement in this department (11 AAC 12.300).

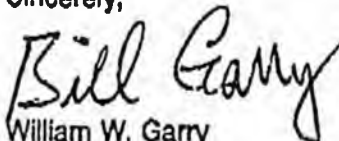
Fishing guides who take clients sportfishing are not considered to be engaged in "commercial fishing" by the Board of Fisheries, however, the legislature passed a law requiring that all charter sportfishing vessels be registered with the Commercial Fisheries Entry Commission (A.S. 16.05.490). Therefore, the ADF&G does exert some control over charter vessels already.

Charter vessels that guide sportfishing clients are engaged in a "commercial activity" as defined in Department of Natural Resources regulation 11 AAC 12.340 (19). When that guiding occurs within a unit of the state park system we currently do require commercial permits of those guides in areas such as the Kenai River Special Management Area, Kachemak Bay State Park, and many other heavily-used Kenai Peninsula parks. Most of our approximately 400 commercial permittees statewide are sportfishing guides.

At this time we have not required commercial permits for sportfishing guides within marine parks. This is based upon the fact that we have not provided any facility improvement or visitor service in most of the marine parks. As long as the ADF&G has some knowledge of charter fishing businesses within and around marine parks, and we have no active management, we will maintain a passive position with regard to permitting of commercial sportfishing guides within marine parks. One of the purposes behind the marine park system is to "maintain fish and wildlife resources and lawful existing uses of these resources". The existing use levels within marine parks do not demand active management.

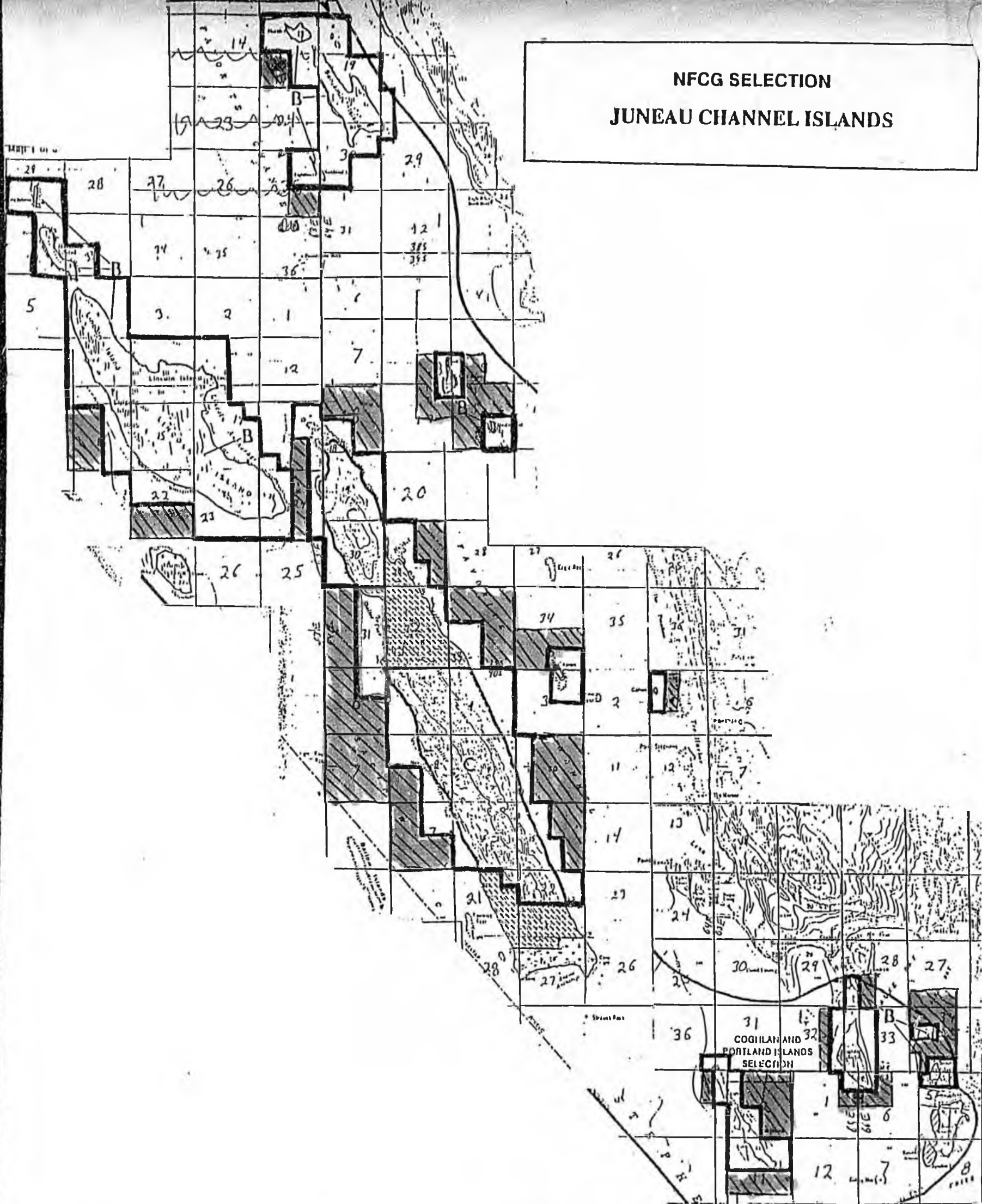
If you need any further information or clarification please call.

Sincerely,



William W. Garry
Regional Manager

NFCG SELECTION
JUNEAU CHANNEL ISLANDS



HB

134