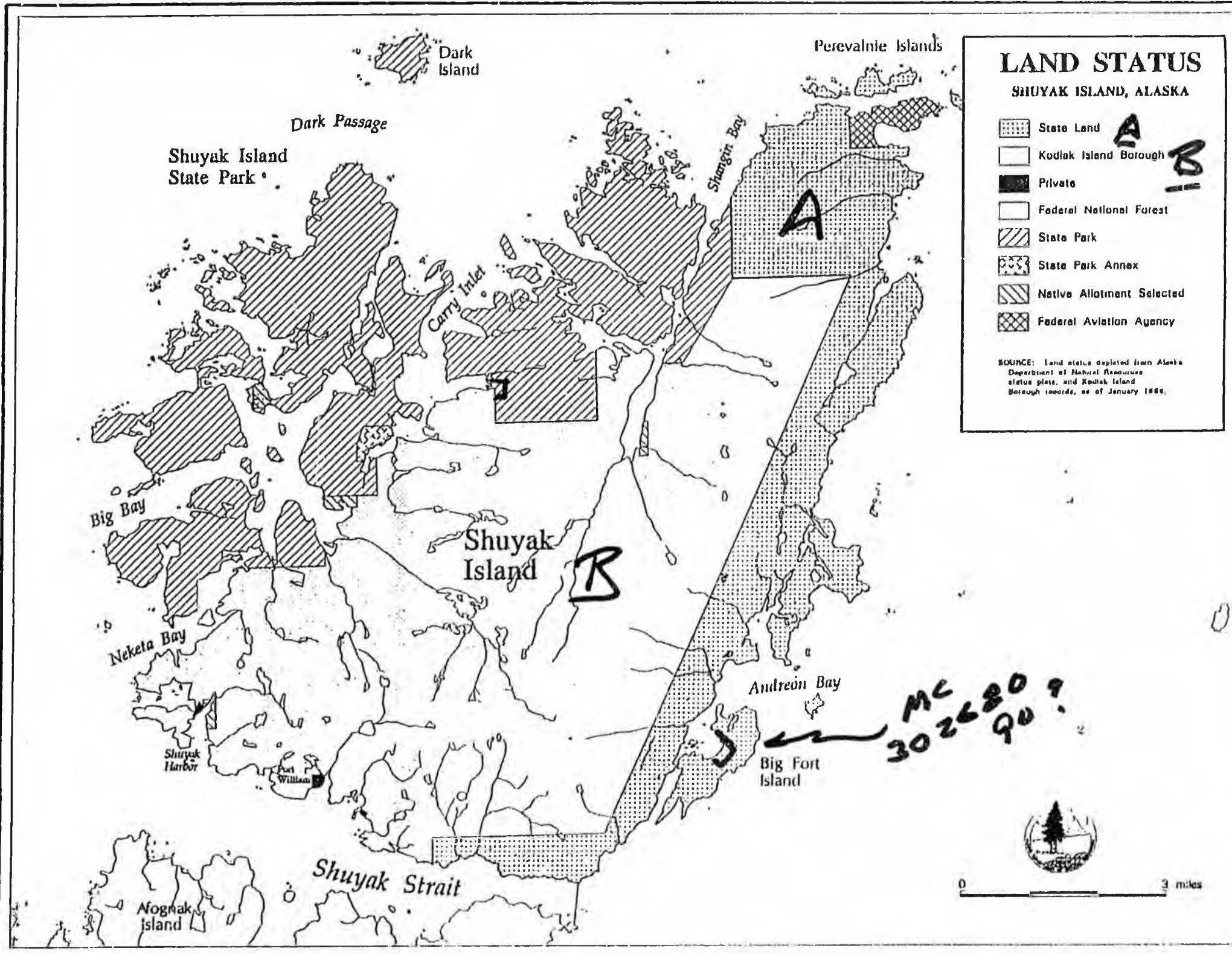



ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 86/2

9503 SENATE • COMMUNITY & REGIONAL AFFAIRS •



# LAND STATUS

SHUYAK ISLAND, ALASKA

-  State Land
-  Kodiak Island Borough
-  Private
-  Federal National Forest
-  State Park
-  State Park Annex
-  Native Allotment Selected
-  Federal Aviation Agency

SOURCE: Land status depicted from Alaska Department of Natural Resources status plots, and Kodiak Island Borough records, as of January 1988.

MC  
302680  
90?



0 3 miles

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR TAYLOR

TO: CSSB 64(RES) ("B" Version, Dated 3/6/97)

1 Page 3, following line 25:

2 Insert a new bill section to read:

3 **"\* Sec. 4. AS 41.21.174(b) is amended to read:**

4 (b) The Department of Fish and Game is responsible for the management of  
5 fish and game resources in the Shuyak Island State Park, consistent with the sustained  
6 yield principle and the purposes and provisions of this chapter. The Board of  
7 Fisheries, the Board of Game, and the commissioner of fish and game are responsible  
8 for adopting regulations governing uses of fish and game in accordance with AS 16.  
9 The fish and game habitat and breeding areas shall be managed to ensure that the fish  
10 and game resources of the park continue on a sustained yield basis. In managing the  
11 fish and game resources of the Shuyak Island State Park and adopting  
12 regulations governing uses of the fish and game, the Board of Fisheries, the  
13 Board of Game, or the commissioner of fish and game may not close any fishing,  
14 hunting, or trapping within the park unless the closure is  
15 (1) approved by the legislature; or  
16 (2) temporary and implemented because of a biological  
17 emergency."

18 Renumber the following bill sections accordingly.

Carl Resist - 465-4100

- 1 and educational purposes;
- 2 (2) manage human use and activities in a way that is compatible with (1) of this
- 3 subsection and to maintain and enhance the unique bear viewing opportunities in the McNeil
- 4 River State Game Sanctuary established under AS 16.20.160;
- 5 (3) provide opportunities that are compatible with (1) of this subsection for
- 6 wildlife viewing, fisheries enhancement, fishing, hunting, and trapping, for temporary safe
- 7 anchorage, and for other activities.
- 8 (c) The Board of Game shall determine whether hunting of brown bears within the
- 9 McNeil River State Game Refuge should be prohibited.
- 10 (d) The use and enjoyment of valid rights and interests in mineral claims, including the
- 11 right of access, within the McNeil River State Game Refuge is protected. This subsection does
- 12 not affect the power of the commissioner of natural resources to open or close land within the
- 13 McNeil River State Game Refuge to new mineral entry under AS 38.05.185 - 38.05.275.
- 14 (e) The department and the Department of Natural Resources
- 15 (1) may not enter into sales of land within the McNeil River State Game Refuge;
- 16 (2) may enter into leases within the McNeil River State Game Refuge if the
- 17 commissioner finds that activity conducted under the lease is compatible with the purposes for
- 18 which the refuge is established.
- 19 (f) The commissioner shall report to the legislature by January 30 of each year
- 20 (1) the status of the brown bears and other fish and wildlife resources within the
- 21 McNeil River State Game Refuge; and
- 22 (2) the effect of hunting, fishing, and trapping, fishery enhancement activity, and
- 23 mineral resource development on these resources.
- 24 \* Sec. 3. AS 16.20.160 is repealed and reenacted to read:
- 25 Sec. 16.20.160. MCNEIL RIVER STATE GAME SANCTUARY. The following state-
- 26 owned land and water, including the tidelands but exclusive of marine water and submerged land,
- 27 lying within the parcels described in this subsection is established as the McNeil River State
- 28 Game Sanctuary:
- 29 Township 12 South, Range 29 West, Seward Meridian
- 30 Sections 1 - 36

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/12/97

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Finance Committee considered

SENATE BILL NO. 64

"An Act relating to the Shuyak Island State Park."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 64 ( FIN )
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
- same title
  - new title
- House Bill:
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Longman</i>	✓	<i>Robert E. [unclear]</i>	✓		
		<i>Sean [unclear]</i>	✓		
		<i>[unclear]</i>			✓
		<i>Deborah [unclear]</i>	✓		
		<i>[unclear]</i>	✓		
Co-Chair:		Co-Chair:			
Co-Chair:		Co-Chair: <i>[Signature]</i>			✓

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal


**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

0-LS0417H ✓  
Luckhaupt  
3/13/97

CS FOR SENATE BILL NO. 64( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATOR MACKIE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Shuyak Island State Park."

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

3 \* Section 1. AS 41.21.170(a) is amended to read:

4 (a) The purpose of AS 41.21.170 - 41.21.178 is to establish, subject to valid  
5 existing rights, the state-owned or acquired land and water [UPLANDS AND  
6 FRESHWATER BODIES] described in AS 41.21.172 as the Shuyak Island State Park.  
7 In accordance with the covenants and deed restrictions set by the Kodiak Island  
8 Borough that support the basic tenets of the Alaska lifestyle. the [THE] primary  
9 purpose [PURPOSES] of establishing the Shuyak Island State Park is [ARE] to  
10 preserve, protect, and enhance traditional public access to and use of the area's  
11 natural resources for various activities including [THE AREA'S RECREATIONAL  
12 AND SCENIC RESOURCES, TO PROTECT THE AREA'S FISH AND WILDLIFE  
13 HABITAT, AND TO PRESERVE AND ENHANCE THE CONTINUED USE OF  
14 THE AREA FOR] sport and subsistence hunting. sport, subsistence, and commercial  
15 [AND] fishing, and trapping [, AND RECREATIONAL ACTIVITIES].

1 \* Sec. 2. AS 41.21.172 is repealed and reenacted to read:

2 Sec. 41.21.172. Designated state land and water. The upland, shoreland,  
3 tideland, land underlying tidally influenced inland water, and water overlying this land,  
4 including both the surface and subsurface estate, owned or acquired by the state within  
5 the following described parcels are designated as the Shuyak Island State Park:

6 (1) Township 17 South, Range 19 West, Seward Meridian

7 Section 18

8 Section 19

9 Section 30;

10 (2) Township 17 South, Range 20 West, Seward Meridian

11 Section 24

12 Section 25;

13 (3) Township 18 South, Range 18 West, Seward Meridian

14 Section 6

15 Section 7

16 Section 20

17 Section 28

18 Section 29;

19 (4) Township 18 South, Range 19 West, Seward Meridian

20 Section 1

21 Section 2

22 Section 4

23 Section 5

24 Sections 7 - 36;

25 (5) Township 18 South, Range 20 West, Seward Meridian

26 Section 2

27 Section 3

28 Sections 9 - 11

29 Sections 13 - 17

30 Sections 19 - 36;

31 (6) Township 18 South, Range 21 West, Seward Meridian

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Section 36;

(7) Township 19 South, Range 19 West, Seward Meridian

Sections 1 - 24

Sections 26 - 34;

(8) Township 19 South, Range 20 West, Seward Meridian

Sections 1 - 30

Section 32: N1/2

Sections 33 - 36;

(9) Township 19 South, Range 21 West, Seward Meridian

Section 1

Sections 12 - 14

Section 24

Section 25;

(10) Township 20 South, Range 19 West, Seward Meridian

Section 4

Section 5

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

(11) Township 20 South, Range 20 West, Seward Meridian

Section 1: N1/2, N1/2S1/2

Section 2: N1/2

Section 3: N1/2.

\* Sec. 3. AS 41.21.174(a) is amended to read:

(a) The state land and water [UPLANDS AND FRESHWATER BODIES] described in AS 41.21.172 are assigned to the department for control, maintenance, and development consistent with the purposes and provisions of AS 41.21.170 - 41.21.178.

\* Sec. 4. AS 41.21.174(b) is amended to read:

(b) The Department of Fish and Game is responsible for the management of fish and game resources in the Shuyak Island State Park, consistent with the sustained yield principle and the purposes and provisions of this chapter. The Board of Fisheries, the Board of Game, and the commissioner of fish and game are responsible for adopting regulations governing uses of fish and game in accordance with AS 16.

1 The fish and game habitat and breeding areas shall be managed to ensure that the fish  
2 and game resources of the park continue on a sustained yield basis. In managing the  
3 fish and game resources of the park and adopting regulations governing uses of  
4 the fish and game, the Board of Fisheries, the Board of Game, or the  
5 commissioner of fish and game may not permanently close any fishing, hunting,  
6 or trapping within the park unless the closure is implemented because of a  
7 biological emergency. A closure implemented because of a biological emergency  
8 (1) may continue in effect only as long as the biological emergency continues to  
9 exist; and (2) must be reevaluated on a regular basis, not less than annually, to  
10 justify that the closure continues to be necessary. This subsection does not  
11 restrict the authority of the Board of Fisheries and the Board of Game to engage  
12 in the normal process of regulating hunting, fishing, and trapping within the park.

13 \* Sec. 5. AS 41.21.174(g) is amended to read:

14 (g) Nothing in AS 41.21.170 - 41.21.178 prohibits the Department of Fish  
15 and Game from engaging in [STREAM] rehabilitation, enhancement, and development  
16 of fish and game habitat under AS 16.05 [AS 16.05.092] on land and water within  
17 the Shuyak Island State Park.

18 \* Sec. 6. AS 41.21.176 is amended to read:

19 Sec. 41.21.176. Incompatible uses. (a) Except as provided in this section,  
20 the [THE] commissioner may designate by regulation incompatible uses within the  
21 land and water of the Shuyak Island State Park [PARK UPLANDS AND  
22 FRESHWATER BODIES].

23 (b) Possession and use [USE] of a weapon in the Shuyak Island State Park  
24 shall be allowed at all times and use of the weapon may be restricted only under  
25 extraordinary circumstances and only in such areas where public safety is  
26 threatened [EXCEPT IN UNIQUE AREAS THAT MAY BE CLOSED FOR  
27 PURPOSES OF PUBLIC SAFETY BY REGULATION BY THE COMMISSIONER].

28 (c) The [THE REGULATIONS GOVERNING PUBLIC USE OF THE  
29 SHUYAK ISLAND STATE PARK SHALL PROVIDE AMPLE ACCESS FOR  
30 LEGAL SPORT AND SUBSISTENCE HUNTING AND FISHING, TRAPPING, AND  
31 RECREATIONAL USES. EXCEPT TO PROTECT PUBLIC SAFETY THE]

1 commissioner may not restrict lawful [THE EXERCISE OF] sport, [OR] subsistence,  
2 or commercial fishing, sport or subsistence [OR] hunting, or trapping permitted  
3 under law or under a regulation of the Board of Fisheries or the Board of Game within  
4 the Shuyak Island State Park.

5 \* Sec. 7. AS 41.21.176 is amended by adding new subsections to read:

6 (d) The commissioner shall allow traditional access to

7 (1) Shuyak Island State Park for recreational purposes and for lawful  
8 sport, subsistence, and commercial fishing, sport and subsistence hunting, and trapping;

9 (2) private land within the park.

10 (e) If the commissioner determines that a use is incompatible with one or more  
11 other uses in a portion of the Shuyak Island State Park, the commissioner shall state

12 (1) each determination of incompatibility;

13 (2) the specific area where the incompatibility is determined to exist;

14 (3) the time within which the incompatibility is determined to exist; and

15 (4) the reasons for each determination of incompatibility.

16 \* Sec. 8. AS 41.21.178 is amended to read:

17 Sec. 41.21.178. Additions to park. Land and water outside of the  
18 boundaries established in AS 41.21.172 may be added to the Shuyak Island State  
19 Park only by an act of the legislature. The commissioner may not acquire land and  
20 water within the boundaries of the Shuyak Island State Park by eminent domain.

the construction would be inconsistent with the manifest intent of the legislature. (§ 1 ch 62 SLA 1962)

NOTES TO DECISIONS

"Laws" refers to statutes and regulations and not the common law. *Perito v. Perito*, 756 P.2d 895 (Alaska 1988).

"Construction". — In normal usage, word "construction" applies to statutes, not common law. *Perito v. Perito*, 756 P.2d 895 (Alaska 1988).

Use in resolving issues relating to AS 01.10.080. — The supreme court is enjoined by the legislature to observe the provisions of this section, in resolving any issue relating to AS 01.10.080 and its

applicability to the five-day recount provision of AS 15.20.430. *Wade v. Dworkin*, 407 P.2d 587 (Alaska 1965).

Section modifies AS 01.10.090. — See *City of Juneau v. Commercial Union Ins. Co.*, 598 P.2d 957 (Alaska 1983); *State, ABC Bd. v. Odom Corp.*, 671 P.2d 375 (Alaska 1983).

Applied in *State v. First Nat'l Bank*, 660 P.2d 406 (Alaska 1982).

**Sec. 01.10.030. Constitutionality and severability.** Any law heretofore or hereafter enacted by the Alaska legislature which lacks a severability clause shall be construed as though it contained the clause in the following language, "If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be affected thereby." (§ 1 ch 98 SLA 1949)

NOTES TO DECISIONS

Legislative intent. — This section expresses a general legislative intent in favor of severability, albeit a weak one. *Williams v. Zobel*, 619 P.2d 422 (Alaska 1980).

Duty of supreme court to nullify statute or part of statute. — If a statute is susceptible of no reasonable construction avoiding constitutional problems, the supreme court is under a duty to nullify the statute or, if possible, the particular provision found offensive to the constitution. *Bonjour v. Bonjour*, 592 P.2d 1233 (Alaska 1979).

There seems to be little or no authority as to the difference between general and specific severability clauses. *Lynden Transp., Inc. v. State*, 532 P.2d 700 (Alaska 1975).

Whereas a specific severability clause creates a slight presumption in favor of severability, a general clause creates an even weaker presumption. For all practical purposes, the difference between the two is negligible. *Lynden Transp., Inc. v. State*, 532 P.2d 700 (Alaska 1975).

General ruling which states that the invalidation of an exception automatically precludes severability is overbroad. It remains a question of legislative intent and the rule concerning invalidated exceptions is just another aid in determining that intent. *Lynden Transp., Inc. v. State*, 532 P.2d 700 (Alaska 1975).

The test for determining the severability of a statute is twofold. A provision will not be deemed severable "unless it appears both that, standing alone, legal effect can be given to it, and that the legislature intended the provision to stand, in case others included in the act and held bad should fall." *Lynden Transp., Inc. v. State*, 532 P.2d 700 (Alaska 1975); *Williams v. Zobel*, 619 P.2d 422 (Alaska 1980).

Severance of initiative provisions. — Although neither this section nor any analogous section gives courts the authority to invalidate portions of proposed initiatives, courts should be granted such authority, since circumspect judicial exercise of such power will

promote, rather than frustrate, the right of the people to enact laws by initiative. *McAlpine v. University of Alaska*, 762 P.2d 81 (Alaska 1988).

When the requisite number of voters have already subscribed to an initiative, a reviewing court should sever an impermissible portion of the proposed bill when the following conditions are met: (1) standing alone, the remainder of the proposed bill can be given legal effect; (2) deleting the impermissible portion would not substantially change the spirit of the measure; and (3) it is evident from the content of the measure and the circumstances surrounding its proposal that the sponsors and subscribers would prefer the measure to stand as altered, rather than to be invalidated in its entirety. *McAlpine v. University of Alaska*, 762 P.2d 81 (Alaska 1988).

Statutes enacted simultaneously. — The fact that two related statutes, one, the permanent fund statute, which contains an explicit non-severability clause, and the other, a tax exemption statute, which does not contain such a clause are enacted simultaneously, may indicate a legislative intent that the latter be severable. *Williams v. Zobel*, 619 P.2d 422 (Alaska 1980).

Invalid portion of the 1972 amendment to former AS 42.10.130, relating to the granting of permits to carriers, which portion discriminated against nonresidents, was held severable. *Lynden Transp., Inc. v. State*, 532 P.2d 700 (Alaska 1975).

Applied in *State v. Baker*, 393 P.2d 893 (Alaska 1964); *Speidel v. State*, 460 P.2d 77 (Alaska 1969); *Artus v. Alaska Dep't of Labor*, 16 Bankr. 308 (D. Alaska 1981).

Quoted in *Beran v. State*, 705 P.2d 1280 (Alaska Ct. App. 1985); *Fardig v. Municipality of Anchorage*, 803 P.2d 879 (Alaska Ct. App. 1990); *Sonneman v. Hickel*, 836 P.2d 936 (Alaska 1992); *State v. Palmer*, 882 P.2d 386 (Alaska 1994); *Rowe v. Burton*, 884 F. Supp. 1372 (D. Alaska 1994).

Cited in *State v. Campbell*, 536 P.2d 105 (Alaska 1975); *Hicklin v. Orbeck*, 565 P.2d 159 (Alaska 1977).

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0142 015

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF LAND

Supplemental Decision  
ADL 37988

Kodiak Island Borough  
710 Mill Bay Road  
Kodiak, Alaska 99615

Pursuant to the terms of the Agreement of Settlement and Consent Decree of the Superior Court, Third Judicial District for the State of Alaska under consolidated case numbers 3AN-80-3070, 3AN-80-5710 and 3AN-81-1385 approved and dated August 12, 1981, and the Department of Natural Resources Division of Land and Water Management Final Decision, dated May 4, 1982, the following land is affirmed for conveyance to the Kodiak Island Borough:

Township 19 South, Range 20 West, Seward Meridian (Protracted)  
A-053681 - Bureau of Land Management Case File No. located within protracted Section 34.

The land described was stipulated in the May 4, 1982, decision to be approved as follows:

In the event that at any time in the future the lands described below are required by the State, the State agrees that it will convey those lands to the Kodiak Island Borough upon receipt of written notice from the Kodiak Island Borough of its election to receive such lands.

The State of Alaska acquired the above described land from the Bureau of Land Management on August 30, 1984, via tentative approval of the State selection A-056369 (GS-971).

The Borough has given written notice electing to receive such land via facsimile dated March 19, 1996.

Therefore, the final decision dated May 4, 1982, is supplemented and the above described land is approved for conveyance to the Kodiak Island Borough under ADL 37988.

Dick Mylius, Chief  
Resource Assessment and Development Section

3-20-96

Date 9 6 0 5 3 6

NJC  
KODIAK REC  
DISTRICT  
REQUESTED BY

Jamin, Ebell Bolger & Gentry  
'96 MAR 22 PM 3 22

Return to:  
Jamin Ebell Bolger & Gentry  
323 Carolyn  
Kodiak, AK 99615

I am hereby certifying that each of the true and correct copy of the original and file in the office of the Kodiak Island Borough Clerk.

Dated this 21st day of March 1996

*Donna F. Smith*  
Donna F. Smith, Borough Clerk

0196 100

Introduced by: Mayor Selby  
Requested by: Mayor Selby  
Drafted: Borough Attorney  
Introduced: 12/21/95  
Adopted: 12/21/95

KODIAK ISLAND BOROUGH  
RESOLUTION NO. 95-46

A RESOLUTION APPROVING A PURCHASE AGREEMENT FOR DISPOSAL  
OF ALL BOROUGH LAND ON SHUYAK ISLAND TO THE STATE OF ALASKA

WHEREAS, the Assembly previously adopted Resolution No. 94-41 approving disposal of all Kodiak Island Borough lands on Shuyak Island (hereinafter "Land") to the State of Alaska for the purchase price of \$42 million; and

WHEREAS, the Exxon Valdez Oil Spill Trustee Council adopted a resolution on December 5, 1995 to provide the funds for the State of Alaska to offer to purchase the Land in accordance with the Agreement for Sale and Purchase of Interests in Lands on Shuyak Island (hereinafter "Purchase Agreement") for a price of \$42 million payable in installments over a period of seven years; and

WHEREAS, the Kodiak Island Borough Assembly, having reviewed the pertinent facts relating to this land disposal, approves the disposal of the Land for the price of \$42 million in accordance with the Purchase Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH that the disposal of all Kodiak Island Borough lands on Shuyak Island to the State of Alaska for the purchase price of \$42 million is hereby approved on the terms and conditions for the Purchase Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH that the mayor, or his designee, is authorized to execute the Purchase Agreement and all other documents required for the completion of this transfer.

ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS 21ST DAY OF DECEMBER, 1995.



KODIAK ISLAND BOROUGH

*Jerome M. Selby*  
Jerome M. Selby, Borough Mayor

*Gary L. Stevens*  
Gary L. Stevens, Presiding Officer

ATTEST:

*Donna F. Smith*  
Donna F. Smith, CMC, Borough Clerk

*Kodiak Recording District*

## **Notes from public meeting on proposed additions to Shuyak Island State Park**

Recorded by: Claire Holland, Alaska State Park, Kodiak (486-6352)

Alaska State Parks and the Kodiak Island Borough hosted a public meeting on Monday, October 7, 1996 to answer questions and accept comments about the proposed legislation to add land purchased from the Kodiak Island Borough with Exxon Valdez Oil Spill (EVOS) settlement funds to Shuyak Island State Park. The meeting was held in the Kodiak Island Borough conference room, and began at 7:00PM.

**Attendees:** Craig Tillery ( Assistant Attorney General and Trustee on the Exxon-Valdez Oil Spill Council), Jerome Selby (Kodiak Island Borough mayor), Bud Cassidy (Kodiak Island Borough Resource Manager), Jim Stratton (Director, Alaska State Parks), Mark Withrow, Rich MacIntosh, Brian Himelbloom, Linda Himelbloom, Mary Forbes, Barbara Rudio, Neil Sargent, Paul Anderson and Claire Holland (District Ranger, Alaska State Parks). **Note:** *Mike Sirofchuck could not attend the meeting but wrote a letter which he asked be included in the record of this meeting. A copy is attached to these notes.*

Jim Stratton began the meeting by giving a brief overview of Shuyak Island State Park. Legislation passed in 1984 designated approximately 11,000 acres of state land on the northwest side of the island as a state park. In 1995, after about a year of negotiations, the Kodiak Island Borough sold their land on Shuyak Island (approximately 26,000 acres) to the EVOS Trustee Council. The state accepted title to the former Borough land. However, in order for the land to be added to the state park system, the state legislature must pass a law authorizing the addition. The administration is now planning to introduce legislation in January, 1997, to add not only the former Borough lands, but also the approximately 10,000 acres of state land along the eastern side of the island to Shuyak Island State Park.

The meeting then turned into an informal question and answer session. Following is a summary of comments and questions:

Someone asked about the kinds of uses allowed on the state lands on the East side of the island. Uses currently allowed include general public uses such as camping, hunting and fishing. The Kodiak Island Borough (KIB) has zoned these lands 'Natural Use', a designation which prohibits most development and construction activities while allowing for general public uses such as passive recreation, hunting, fishing and trapping.

**Rich MacIntosh** commented that at a public meeting in 1980 over a hundred people showed up and testified in support of making all of Shuyak Island a park.

**Neil Sargent** said that because of Shuyak's remoteness, he thinks having state park staff on the island is a "good thing-safety wise."

In response to a question concerning how the state parks staff would deal with the increase in responsibilities, **Jim Stratton** said that the Division would expand its volunteer program on Shuyak.

**Bud Cassidy** commented on the potential response to extending the park boundary to mean low water. He thinks that the biggest future conflicts at Shuyak will be between

October 7, 1996

Please read the following letter into the record at the public hearing related to the sale of Borough land on Shuyak Island and adding the land to Shuyak State Park. Thank you.

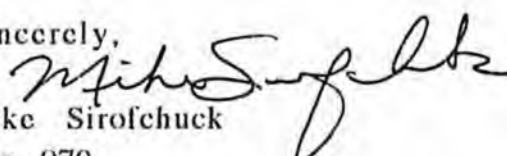
To whom it may concern:

I believe that the sale of Borough land on Shuyak Island and addition of that land to Shuyak State Park is a classic win-win situation. The proceeds from the sale will benefit generations to come in Kodiak if the Assembly approves using the money to create an Education permanent fund. It will establish a base of funding for education that will enable long-term tax relief for Kodiak residents as well as help insure a high quality education for the children of our community.

Furthermore, the importance of Shuyak State Park for bringing tourist income to Kodiak is already established and the addition of the Borough lands will guarantee that this important recreational, hunting, and fishing destination will increase those tourist dollars in our community. Our local outfitters, air services, guides, and lodging operators all benefit from this area. Shuyak is also an important recreation destination for local residents and Kodiak will receive many intangible benefits by the reservation of this area for hunting, fishing, sea kayaking, and wildlife viewing.

I urge the state legislature to approve this sale and land transfer for the long and short term benefits it will provide Kodiak as well as other Alaskan communities and residents.

Sincerely,

  
Mike Sirofchuck

Box 970

Kodiak, AK 99615

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

## **Notes from public meeting on proposed additions to Shuyak Island State Park**

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Alaska State Parks and the Kodiak Island Borough hosted a public meeting on Monday, October 7, 1996 to answer questions and accept comments about the proposed legislation to add land purchased from the Kodiak Island Borough with Exxon Valdez Oil Spill (EVOS) settlement funds to Shuyak Island State Park. The meeting was held in the Kodiak Island Borough conference room, and began at 7:00PM.

**Attendees:** Craig Tillery ( Assistant Attorney General and Trustee on the Exxon-Valdez Oil Spill Council), Jerome Selby (Kodiak Island Borough mayor), Bud Cassidy (Kodiak Island Borough Resource Manager), Jim Stratton (Director, Alaska State Parks), Mark Withrow, Rich MacIntosh, Brian Himelbloom, Linda Himelbloom, Mary Forbes, Barbara Rudio, Neil Sargent, Paul Anderson and Claire Holland (District Ranger, Alaska State Parks). **Note:** *Mike Sirofchuck could not attend the meeting but wrote a letter which he asked be included in the record of this meeting. A copy is attached to these notes.*

Jim Stratton began the meeting by giving a brief overview of Shuyak Island State Park. Legislation passed in 1984 designated approximately 11,000 acres of state land on the northwest side of the island as a state park. In 1995, after about a year of negotiations, the Kodiak Island Borough sold their land on Shuyak Island (approximately 26,000 acres) to the EVOS Trustee Council. The state accepted title to the former Borough land. However, in order for the land to be added to the state park system, the state legislature must pass a law authorizing the addition. The administration is now planning to introduce legislation in January, 1997, to add not only the former Borough lands, but also the approximately 10,000 acres of state land along the eastern side of the island to Shuyak Island State Park.

The meeting then turned into an informal question and answer session. Following is a summary of comments and questions:

Someone asked about the kinds of uses allowed on the state lands on the East side of the island. Uses currently allowed include general public uses such as camping, hunting and fishing. The Kodiak Island Borough (KIB) has zoned these lands 'Natural Use', a designation which prohibits most development and construction activities while allowing for general public uses such as passive recreation, hunting, fishing and trapping.

**Rich MacIntosh** commented that at a public meeting in 1980 over a hundred people showed up and testified in support of making all of Shuyak Island a park.

**Neil Sargent** said that because of Shuyak's remoteness, he thinks having state park staff on the island is a "good thing-safety wise."

In response to a question concerning how the state parks staff would deal with the increase in responsibilities, **Jim Stratton** said that the Division would expand its volunteer program on Shuyak.

**Bud Cassidy** commented on the potential response to extending the park boundary to mean low water. He thinks that the biggest future conflicts at Shuyak will be between

sport and commercial fishing interests. **Claire Holland** noted that she had received a call from Bruce Schactler of the Area K Seiners Association. Bruce said he would not be able to make it to this meeting but that the Area K Seiners supported the proposed addition to the park.

**Mary Forbes** asked why the administration thought the proposed bill would fare any better than the Channel Island State Marine Park bill, which failed last year. **Jim Stratton** addressed her question by pointing out that the Legislative Budget and Audit committee (which includes a total of ten state senators and representatives) voted unanimously to appropriate the EVOS funds for the Shuyak purchase. However, Jim also stressed that the legislation will have to have broad-based support from the Kodiak community.

Question was asked about what would happen to the former Borough lands if the park addition is not authorized by the state legislature. **Craig Tillery** and **Jim Stratton** explained that because of conservation easements placed on the land, it would be a "virtual park". The easements preclude almost all development, except for mineral entry.

**Mary Forbes** suggested that it would be beneficial to get local state lawmakers to back the bill. She also suggested that sponsorship from Rep. Alan Austerman would help the bill since he is in the majority. **Jerome Selby** commented that he thought the legislation would see no opposition from local legislators, including Alan Austerman.

**Mark Withrow** asked about the status of the FAA site at Perevalnie Point on the NE end of the island. **Craig Tillery** explained that the proposed legislation will include a land description of the entire island and that the park will include all those lands within that legal description "owned or acquired by the state." This wording will allow for park additions in the future without legislative action as long as the state acquires the land by means other than eminent domain. The 300-acre FAA site is the most likely future addition, since the federal government no longer uses the Perevalnie area for flight communications.

**Brian Himmelbloom** asked if state park designation would allow for more protection of the area in the event of another major oil spill. **Craig Tillery** said that the area would hold a higher "intrinsic value" to the public based on its designation as a state park.

October 7, 1996

Please read the following letter into the record at the public hearing related to the sale of Borough land on Shuyak Island and adding the land to Shuyak State Park. Thank you.

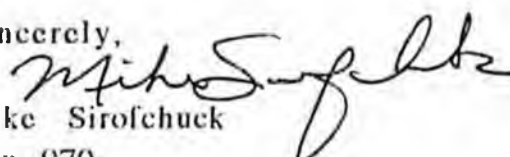
To whom it may concern:

I believe that the sale of Borough land on Shuyak Island and addition of that land to Shuyak State Park is a classic win-win situation. The proceeds from the sale will benefit generations to come in Kodiak if the Assembly approves using the money to create an Education permanent fund. It will establish a base of funding for education that will enable long-term tax relief for Kodiak residents as well as help insure a high quality education for the children of our community.

Furthermore, the importance of Shuyak State Park for bringing tourist income to Kodiak is already established and the addition of the Borough lands will guarantee that this important recreational, hunting, and fishing destination will increase those tourist dollars in our community. Our local outfitters, air services, guides, and lodging operators all benefit from this area. Shuyak is also an important recreation destination for local residents and Kodiak will receive many intangible benefits by the reservation of this area for hunting, fishing, sea kayaking, and wildlife viewing.

I urge the state legislature to approve this sale and land transfer for the long and short term benefits it will provide Kodiak as well as other Alaskan communities and residents.

Sincerely,

  
Mike Sirofchuck

Box 970

Kodiak, AK 99615

*Kodiak Island Borough  
Planning and Zoning Commission*

SUMMARY STATEMENT - September 14, 1994

**Meeting of:** September 21, 1994

**ITEM TITLE: Case 94-036.** Request for a rezone, in accordance with Section 17.72.030 C (Manner of Initiation) of the Borough Code, of all Borough and State owned land (approximately 44,000 acres) on Shuyak Island, from C--Conservation to NU--Natural Use Land.

**RECOMMENDED ACTION:**

Staff recommends that the Commission forward this rezone request to the Kodiak Island Borough Assembly with a recommendation of approval.

**APPROPRIATE MOTION:**

Move to recommend that the Kodiak Island Borough Assembly approve the rezone of all State of Alaska and Kodiak Island Borough owned land (approximately 44,000 acres) on Shuyak Island from C--Conservation to NU--Natural Use Land, and to adopt the findings in the Staff report dated September 6, 1994 as "findings of fact" in support of this recommendation.

East: Gulf of Alaska  
West: Shelikof Strait

5. Comprehensive Plan: The Shuyak Island Comprehensive Plan, adopted by Ordinance No. 86-19-0, is incorporated into the Kodiak Island Borough Comprehensive Plan by KIBC Section 17.02.030. The Shuyak Island Comprehensive Plan characterizes Shuyak Island for recreation and fish and wildlife habitat uses.
  
6. Applicable Regulations: The following sections of Title 17 (Zoning) of the Borough Code:

17.72.030 Manner of initiation. Changes in this title may be initiated in the following manner:

- A. The borough assembly upon its own motion;
- B. The planning commission upon its own motion;
- C. **By petition of one or more owners of property within an area proposed to be rezoned. A petition shall be in the form of an application for a change in the boundary of a district, shall be filed in the community development office, be accompanied by the required fee and such data and information as may be necessary to assure the fullest practicable presentation of facts and shall set forth reasons and justification for proposing such change.**

17.72.055 Submission to assembly.

- A. Within thirty days after the planning commission has acted favorably upon a proposed zoning change in accordance with the above provisions, a report with recommendations shall be submitted to the assembly together with the proposed ordinance. Such recommendations of the planning commission shall be advisory only and shall not be binding upon the assembly. When an ordinance has been forwarded to the borough assembly, the assembly shall act in

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

*Kodiak Island Borough  
Planning and Zoning Commission*

SUMMARY STATEMENT - September 14, 1994

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# MEMORANDUM

DATE: September 9, 1994  
TO: Planning and Zoning Commission  
FROM: Community Development Department  
SUBJECT: Information for the September 21, 1994 Regular Meeting  
CASE: **94-036**

APPLICANT: Kodiak Island Borough & State of Alaska

REQUEST: A rezone, in accordance with Section 17.72.030.C (Manner of Initiation) of the Borough Code, of all Borough and State owned land (approximately 44,000 acres) on Shuyak Island, from C--Conservation to NU--Natural Use Land.

LOCATION: Generally located on Shuyak Island, north of Kodiak and Afognak Islands.

ZONING: C--Conservation

Fifteen (15) public hearing notices were distributed on September 2, 1994.

Date of site visit: No site visit made

1. Zoning History: The 1968 Comprehensive Plan does not identify zoning for this area. All areas of the Borough not previously zoned were zoned C--Conservation by Ordinance 77-15-0.
2. Lot Size: Approximately 44,000 acres
3. Existing Land Use: Four (4) recreational cabins on State land  
Two (2) mining claim sites with support structures
4. Surrounding Land Use and Zoning:  
North: Stevenson Entrance  
South: Principally, Shuyak Strait. Three privately owned parcels are located on Shuyak Strait, one each at Daylight Harbor, Port Williams, and Shuyak Harbor. These are not proposed to be rezoned.  
Use: Cabins  
Zoning: Conservation

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*Kodiak Island Borough  
Planning and Zoning Commission*

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- A. Within thirty days after the planning commission has acted favorably upon a proposed zoning change in accordance with the above provisions, a report with recommendations shall be submitted to the assembly together with the proposed ordinance. Such recommendations of the planning commission shall be advisory only and shall not be binding upon the assembly. When an ordinance has been forwarded to the borough assembly, the assembly shall act in

accordance with this chapter and notice shall be issued as provided in Section 17.72.070, by the borough clerk.

- B. If the planning commission recommends denial of any proposed amendment, its action shall be final unless the initiating party, within ten days, files a written statement with the clerk requesting that the commission's action be taken up by the borough assembly.

## COMMENTS

The purpose of this request is to rezone all public land on Shuyak Island owned by the State of Alaska and the Kodiak Island Borough, totaling approximately 44,000 acres, from C--Conservation to NU--Natural Use Land. The application was filed jointly by the State of Alaska and the Kodiak Island Borough in anticipation of the disposal, as approved by KIB Resolution 94-05, of approximately 27,000 acres owned by the Borough to the State of Alaska with funding from the Exxon Valdez Trustee Council.

The intent of the disposal is to incorporate the Borough's 27,000 acres into the existing Shuyak Island State Park. Since the NU--Natural Use Land zoning district was established to protect the natural environment, fish and wildlife habitat, and water quality and quantity, while providing for human use of fish, wildlife, and plant resources (KIBC 17.12.010), it is appropriately applied to parks.

The NU--Natural Use Land zoning district is compatible not only with the existing State Park use on Shuyak Island, but also with the habitat restoration/preservation objectives of the Trustee Council. This means that the land will not be disposed to private ownership in the future and will be maintained primarily for habitat and recreational purposes. The Trustee Council decides which resource agency will manage each acquired parcel, with the management policies of the agency chosen ultimately determining the types of uses to be permitted. The NU--Natural Use Land zoning district is consistent with the public recreation management intent of Alaska State Parks.

The high recreation and wildlife habitat values recognized by the Trustee Council are also reflected in the 1986 Shuyak Island Comprehensive Plan. An adopted element of the Kodiak Island Borough Comprehensive Plan, the Shuyak Island Comprehensive Plan acknowledges that some of the

commercial uses permitted either outright or conditionally by the existing C--Conservation zoning district may not be consistent with protecting these values.

Toward this end, the Shuyak Island Comprehensive Plan recommends the creation of a new zoning district. As stated on page 3 of the Plan:

Due to the absence of a zoning category that truly conserves and protects lands on Kodiak, a new classification should be devised. The category would be very restrictive in limiting uses that are incompatible with preserving the land's natural state.

This was accomplished with the creation of the NU--Natural Use Land zoning district in 1989. Therefore, a rezone of publicly owned lands on Shuyak Island to NU--Natural Use Land is appropriate and dovetails with the intent of the Trustee Council acquisition to preserve habitat.

Resource development and private ownership, while not preferred uses according to the 1986 Shuyak Island Comprehensive Plan, are discussed as future options for the Borough to consider and, in fact, Shuyak is identified as a potential development area by the Kodiak Island Borough Coastal Management Program. A rezone to NU--Natural Use Land will essentially eliminate these options. However, in a place of unique and pristine natural beauty such as Shuyak Island, selection of a preservation option to the exclusion of all others will ensure that this land, maintained in public ownership, will be available for habitat and recreational use in perpetuity.

Notice of this request was sent to the Alaska Department of Natural Resources and Division of Parks for review and comment. Both responded with no objection.

### **CONSISTENCY WITH APPLICABLE POLICIES OF THE KIBCMP**

**This rezone request is consistent with policies of the KIBCMP specifically addressing Recreation, Tourism and Natural Settings and Resource Enhancement and Protection.**

#### Recreation, Tourism, and Natural Setting

##### 1. Balanced Choice

Recreational developments shall provide the local population with a balanced choice of recreation experiences. Public agencies and

private developers should coordinate their plans and activities with the Community Development Department in order to provide a wide variety of recreational opportunities without needless duplication of facilities.

**CONSISTENT** The rezoning of Shuyak Island will protect the Island for public recreation use. The types of uses on Shuyak Island will help ensure that the local population has a choice of recreational experiences.

2. Water Dependent Facilities

Facilities for water-dependent recreation such as fishing, boating, and other water-oriented recreation should be located near the shoreline, while non-water-related recreation facilities should be located inland.

**CONSISTENT** Recreational development occurs on Shuyak Island. This policy will be used to show the facility design and siting, through the conditional use process.

3. Compatibility

Recreational facilities shall be located and designed to minimize conflicts with other uses, activities, and user groups not compatible with recreational uses.

**CONSISTENT** This rezone does not contemplate the development of additional recreational facilities. However, should need facilities be identified, this policy will be used to review the facility design and siting, through the conditional use process.

4. Scenic Views

Recreational developments and public access should, wherever possible, preserve or enhance scenic views and vistas as well as improve the aesthetic value of the area.

**CONSISTENT** This rezone should provide for preservation of scenic views and vistas, since any recreational development will be reviewed through the conditional use process.

5. State and Federal Programs

The Kodiak Island Borough shall support state and federal efforts to develop marine parks, roadside pullouts, and other recreation facilities on public lands when identified in conjunction with the Kodiak Island Borough.

CONSISTENT This rezone request is a joint effort by both the Borough and the State of Alaska.

Resource Enhancement and Protection

1. Enhancement

The maintenance and enhancement of fish, wildlife, and vegetative resources is a high priority of the Kodiak Island Borough Coastal Management Program.

CONSISTENT This rezone will ensure the maintenance of fish, wildlife and vegetation resources in a particular area of the Borough.

**ZONING ISSUES**

Issues to be considered in evaluating this rezone request include conformance with the comprehensive plan, land suitability, and recent development trends in the area.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:**

As demonstrated in the preceding section, rezoning all State and Borough lands on Shuyak Island from the C--Conservation to the NU--Natural Use Land zoning district is consistent with both the Shuyak Island Comprehensive Plan and the Kodiak Island Borough Coastal Management Program. Such a rezone would both better protect resources identified in the Coastal Management Plan and further the explicit intent of the Shuyak Island Comprehensive Plan to preserve the island's natural state for recreation and wildlife habitat. The stated Environmental Goals of the Plan include:

1. Retain Shuyak Island in a relatively undeveloped state;
2. Retain the natural diversity of the island;
3. Protect the island's natural environment and habitat. (p.8)

### **LAND SUITABILITY:**

Preservation of the pristine environment and natural habitat on Shuyak Island, an intent not only of the Shuyak Comprehensive Plan, but also of the Exxon Oil Spill Trustee Council, will be advanced by a rezone from C--Conservation to NU--Natural Use Land. Because of the recreational opportunities and value associated with wildlife habitat preservation, this land is eminently suitable to the NU--Natural Use Land zoning district.

### **RECENT DEVELOPMENT TRENDS IN THE AREA:**

By Resolution No. 94-05, the Kodiak Island Borough Assembly approved the disposal of all Borough land on Shuyak Island to the Exxon Valdez Trustee Council for inclusion into Shuyak Island State Park.

### **RECOMMENDATION**

Staff recommends that the Commission forward this rezone request to the Kodiak Island Borough Assembly with a recommendation of approval.

### **APPROPRIATE MOTION**

Should the Commission agree with the staff recommendation, the appropriate motion is:

Move to recommend that the Kodiak Island Borough Assembly approve the rezone of all State of Alaska and Kodiak Island Borough owned land (approximately 44,000 acres) on Shuyak Island from C--Conservation to NU--Natural Use Land, and to adopt the findings in the Staff report dated September 6, 1994 as "findings of fact" in support of this recommendation.

### **FINDINGS OF FACT**

Section 17.72.020 states that the Commission shall incorporate the following criteria into their report to the Assembly:

1. Findings as to the Need and Justification for a Change or Amendment.

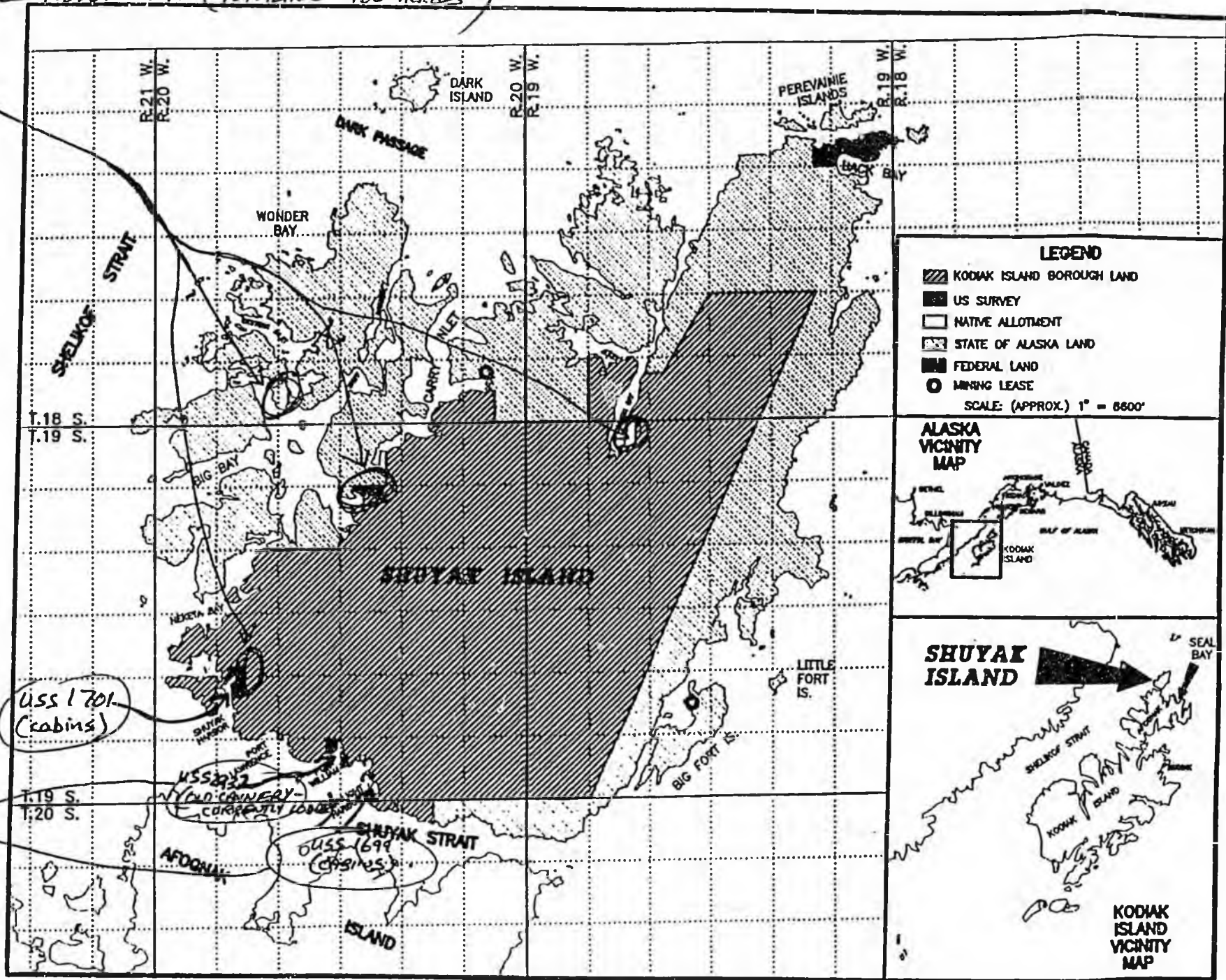
A rezone from C--Conservation to NU--Natural Use Land is needed and justified because the NU--Natural Use Land zoning district:

- A. will better accomplish the specific intent of the Shuyak Island Comprehensive Plan to retain the natural diversity of the Island and to protect the Island's natural environment and habitat;
- B. is consistent with the acquisition objectives of the Exxon Valdez Trustee Council which helped guide the acquisition of 27,000 acres of Borough land on Shuyak Island by the Council;
- C. is consistent with the KIBCOMP; and
- D. will prohibit more intensive land uses permitted in the C--Conservation zoning district that are not compatible with the preservation of habitat and enhancement of recreational value

2. Findings as to the Effect a Change or Amendment would have on the Objectives of the Comprehensive Plan.

Specific goals stated in the Shuyak Island Comprehensive Plan include preservation of habitat, retention of natural diversity, protection of the environment and preservation of recreational opportunities. This intent is more consistent with the description and intent of the NU--Natural Use Land zoning as stated in KIBC 17.12.010. A change of zoning from C--Conservation to the NU--Natural Use Land zoning district is therefore necessary to better achieve the goals of the Comprehensive Plan.

4 NATIVE ALLOTMENTS (TOTALING 160 ACRES)



THESE 7 PARCELS WILL REMAINED ZONED C-CONSERVATION



# Kodiak Island Borough

## MEMORANDUM

DATE: SEPTEMBER 1, 1994  
TO: PLANNING AND ZONING COMMISSION  
THRU: BOB SCHOLZE, CDD  
FROM: BUD CASSIDY *Bud*  
SUBJ: ITEM FOR THE SEPTEMBER 21, 1994 P&Z MEETING  
RE: CASE 94-036 - REZONING OF STATE OF AK AND KIB  
LAND ON SHUYAK ISLAND

### INTRODUCTION

This case requests that all State of Alaska land and Kodiak Island Borough land located on Shuyak Island be rezoned from the C-CONSERVATION zoning district to the NU-NATURAL USE zoning district. The request is being made on the behalf of the State and Borough in preparation for the disposal of Borough land on Shuyak Island. It is anticipated that all public lands on the island will become part of the Shuyak Island State Park. The total acreage of publicly owned land to be considered in this case is approximately 44,000 acres.

Public ownership of land on the island breaks down as follows:

Borough land	26,600 acres
State Park	11,000 "
Other state land	<u>6,400 "</u>
	44,000 "

This request asks that all public land on Shuyak Island be rezoned to a zoning district that is the most compatible with the type uses that are presently occurring there. That is low impact passive recreational uses. For lands include within the Shuyak Island State Park, this rezoning request is consistent with its public recreation management intent of the park. For the public lands outside the park boundary, this request provides the protection needed to keep preserve and protect the land in its existing state until the property is included into this conservation unit.

Creating or enlarging a state park is a legislative function that can only occur with the passage of a bill by the Alaska State Legislature. Because the timetable for the sale of Borough real property could be as early as October or November of this year, but with legislative action enlarging the state park not expected until sometime next year, at the earliest, this rezone request will assure that lands not presently within the boundary of the park are left in their natural state and used in a manner that is consistent with their future status.

#### **HISTORY**

As a result of the Exxon Valdez oil spill, money has been set aside to acquire habitat lands in the spill area to replace habitat lost as a result of the spill. Lands purchased under this program will forever remain in a natural state. The Seal Bay purchase and its designation as the North Afognak State Park is an example of a previous acquisition made under this program.

Shuyak Island's narrow, protected bays and dense forests make Borough lands here a high priority for acquisition. Along with the other state lands on the island, it provides the habitat for the species of animals that were impacted by the oil spill. These animals include sea mammals, fish and sea birds. One of the sea birds is known to nest in coastal forests.

KIB has been negotiating for months to dispose of Borough land on Shuyak Island. Rezoning of the property is an important part of the sale process.

#### **ANALYSIS**

The rezoning of State and Borough lands on the island is consistent with both the Borough's comprehensive plan and the management of the state park. It is also consistent with the intent of the Exxon Oil Spill acquisition program which is to purchase replacement habitat around the spill area.

#### Borough's Comprehensive Plan

Rezoning lands to NU-NATURAL USE accomplishes a number of goals, objectives and recommendations identified in the Borough's comprehensive plan for Shuyak Island.

First, the plan states that the island should remain in a relatively undeveloped state retaining its natural diversity (pg. 8). It also recommends that a new zoning district more restrictive in nature than the C-CONSERVATION zoning district (at the time the most restrictive zoning district on the books) be created. A zoning district that conserves and protects lands in their natural state (pg. 3).

The present C-CONSERVATION zoning of the lands on Shuyak does not go far enough in meeting the goals of the plan because it permits activities that are in conflict with conserving lands for recreation use and habitat value. The C-CONSERVATION district allows as permitted activities the construction of lodges for no more than six clients for every five acres, single family houses, every five acres, as well as timber harvesting activities and related utility facilities. The district's conditional uses section lists additional uses that conflict with existing use. These items include airstrips, livestock grazing, lodges for more than six clients, log transfer facilities etc.

#### State Planning Efforts

Though the State of Alaska does not have a formal parks management plan in place, they have gone through a mandatory land classification process. The state classification process "identifies primary use for which land will be managed." On Shuyak Island, state park lands are classified as PUBLIC RECREATION. State lands that are not state park lands are classified as WILDLIFE HABITAT lands. A rezone to NU-NATURAL USE zoning district as requested by this case parallels the state classification system.

#### **ENCLAVE DEVELOPMENT**

The comprehensive plan does identify "nodes" or "enclave" areas in which development can and should occur. This concept suggests that instead of widely dispersed development around the island, a more concentrated compact development scheme is recommended. Such enclaves development concentrates uses in specific areas, leaving those hinterlands vacant. Such a method is appropriate on Shuyak Island because it is small in area, and situated in such a geographic fashion that activities occurring on one part of the island can easily impact other parts of the island.

This enclave concept is being achieved as was aimed for in the Shuyak Comprehensive Plan. That is, development is occurring in the Port Williams Cannery/Shuyak Straits area. Most of the property with the resources to provide habitation; water, beach access, and relatively safe mooring area, are or are being developed into lodges, and recreational cabin sites. Such activities occur along Shuyak Strait in Shuyak Harbor, Port Williams, and Daylight Harbor.

#### **RECOMMENDATION**

It is recommended that the Commission rezone all Kodiak Island Borough and State of Alaska land on Shuyak Island from C-CONSERVATION to the NU-NATURAL USE zoning district and forward this recommendation to the Assembly.

## DRAFT FACT SHEET

### Shuyak Island: Kodiak's State Park Gem

As the northernmost island of the Kodiak Archipelago, Shuyak is remote even by Alaskan standards. This small island and its surrounding waters are home to sea otters, Sitka black-tailed deer, humpback whales, brown bear, harbor seals, and at least 121 species of inland and seabirds. Alpine plants usually found in much higher elevations cover the island's windswept and rocky coast. The interior of the island is blanketed with a mature Sitka spruce forest. Archaeological evidence indicates the island's once quite large human population has long known of its productive fish and wildlife resources.

Proposals before the Alaska legislature would add approximately 36,000 acres to the existing 11,000 acre Shuyak Island State Park, resulting in the entire island's designation as a park. With an existing State Park Ranger Station on the island, this additional designation will allow for seamless management of the entire island's natural resources with no additional state staffing requirement. In addition to the Ranger Station, State Park staff and volunteers currently manage four public use cabins and two ADF&G fish weirs in the existing state park.

This new park designation will establish State Parks as the only agency for citizens to contact when inquiring about visiting and/or doing business on the island. Given the island's great fishing, hunting, recreational boating, hiking, and wildlife viewing opportunities, park designation will provide the Kodiak and Homer adventure travel businesses with a new world class park destination within an hour's floatplane time. State Parks will include the newly expanded park as one of the Gems of the State Park System, on a par with Chugach, Wood-Tikchik, and Kachemak Bay.

Support for designating the entire island for fish & wildlife habitat, and recreation has a long history.

1981 - As a result of a consent decree between the State of Alaska and the Kodiak Island Borough settling municipal selections on the island, 9,900 acres of Shuyak's eastern side must be managed by the state for wildlife habitat and public recreation purposes. Proposals in the 1980s to create a state game refuge in this part of the island never succeeded.

1984 - The existing 11,000 acre Shuyak Island State Park was legislatively established.

1986 - Kodiak Island Borough Comprehensive Plan for Shuyak Island called for the entire island to be designated as a state park. Eighty-four percent of surveyed Kodiak residents supported park designation.

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1. To retain Shuyak Island in a natural state;
2. Preserve Shuyak Island for its recreational attributes;
3. Enlarge Shuyak Island State Park; and
4. Replace habitat impacted by the Exxon-Valdez oil spill.

1995 - EVOS lands transferred to the State of Alaska subject to the following conservation easements conditions:

1. No commercial timber harvest is allowed and;
2. Public use of land shall continue, including sport and subsistence hunting, fishing, trapping and recreational uses.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO: SB 64

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act relating to Shuyak Island State Park BRU: Fish and Wildlife Protection  
 Component: Detachments  
 Sponsor: Rules Committee  
 Requester: S. CRA COMPONENT SERIAL NO. 0490

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ -0-

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary.)  
 This Bill will have no impact on this Department's programs or budget.

Prepared By: Lt. Joel L. Hard Phone: 269-5409  
 Division: Fish and Wildlife Protection Date: January 31, 1997  
 Approved by Commissioner: *Dee Smith* Date: 11/31/97  
 Agency: Ronald L. Otte, Department of Public Safety

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# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

STAR ROUTE BOX 3800  
KODIAK, ALASKA 99615  
PHONE: (907) 486-6339

### DIVISION OF PARKS AND OUTDOOR RECREATION

## Solicitation of Comments and Notice of Public Meeting on Proposed Additions to Shuyak Island State Park

The Kodiak Island Borough and Alaska State Parks are soliciting comments about proposed legislation to add approximately 36,000 acres to Shuyak Island State Park. The park, which was designated in 1984, currently encompasses about 11,000 acres along the northwestern side of the island. If the proposed additions are approved by the state legislature, most of Shuyak Island will be designated as a state park.

In November, 1995, the Exxon-Valdez Oilspill (EVOS) Trustee Council purchased the Kodiak Island Borough's land on Shuyak Island as part of the Council's habitat protection efforts. The Council will pay a total of \$42 million to the Kodiak Island Borough for the Shuyak parcel, which encompasses 26,665 acres. \$6 million of the purchase price was earmarked for use in building a marine research facility on Near Island, and the remaining \$36 million will be placed in a permanent fund for maintenance of borough facilities. Title to the Shuyak parcel went to the State of Alaska and the State is currently planning to introduce legislation in January, 1997, to add the land to Shuyak Island State Park. In addition to the former Kodiak Island Borough land, about 9,940 acres of state land located along the eastern side of the island will be included in the legislation. See the back of this page for a map of the island showing the proposed additions.

Alaska State Parks and the Kodiak Island Borough will be hosting a **public meeting on Monday, October 7, 1996** to answer questions and accept comments about the proposed additions to Shuyak Island State Park. The meeting will be held in the Kodiak Island Borough conference room, located in the Borough building at 710 Mill Bay Road and will begin at 7:00PM. If you cannot attend the meeting, but would like to discuss the proposed legislation, or submit comments, contact Claire Holland, Alaska State Parks, at 486-6339. The mailing address is: SR Box 3800, Kodiak, Alaska 99615 and e-mail address is: [kodsp@ptialaska.net](mailto:kodsp@ptialaska.net).

10/1/96



# F A X

## TRANSMITTAL

TO: Dave Gray

LOCATION: Sen. Mackay

FAX#: 465-3517 PHONE: \_\_\_\_\_

FROM: JIM STRATTON

LOCATION: Anchorage

FAX: (907) 269-8907 PHONE#: (907) 269-8700

DATE: \_\_\_\_\_

TOTAL OF PAGES (INCLUDING COVER SHEET): 3

COMMENTS: Claire said she mailed her package of info to you already, so there will not be another package from her. Here is a draft of the fact sheet we are producing. I'll be in Juneau Friday and will stop by.

Alaska Department of  
NATURAL RESOURCES

# CORRECTION

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HAVE BEEN REFILMED TO  
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Department of Education  
State of Alaska

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

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PHONE: (907) 486-6339

### DIVISION OF PARKS AND OUTDOOR RECREATION

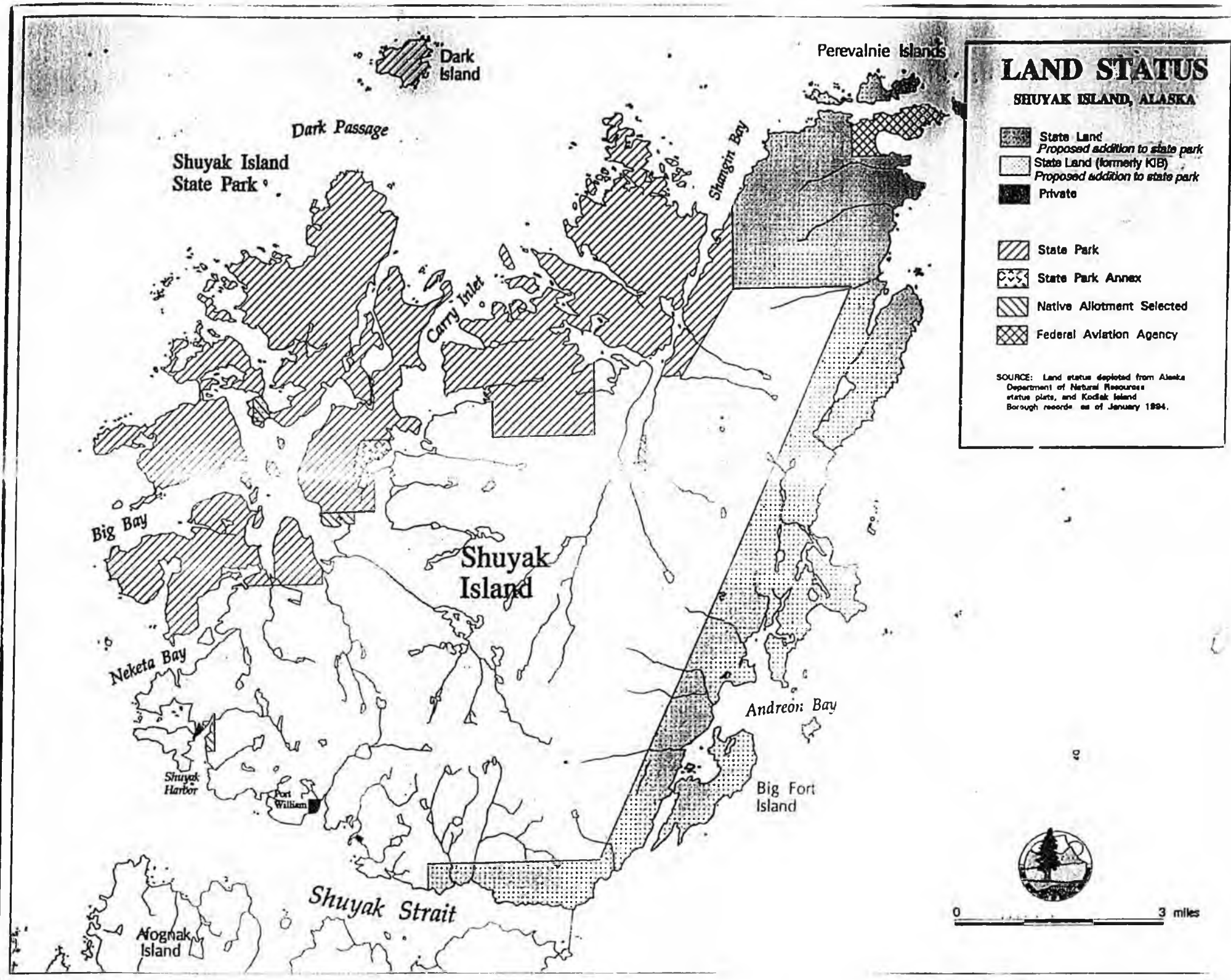
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

10/1/96



# LAND STATUS

SHUYAK ISLAND, ALASKA

-  State Land  
*Proposed addition to state park*
-  State Land (formerly KIB)  
*Proposed addition to state park*
-  Private

-  State Park
-  State Park Annex
-  Native Allotment Selected
-  Federal Aviation Agency

SOURCE: Land status depicted from Alaska Department of Natural Resources status plots, and Kodiak Island Borough records as of January 1994.



0 3 miles



# F A X

## TRANSMITTAL

TO: Dave Gray

LOCATION: San. Mackay

FAX#: 465-3517 PHONE: \_\_\_\_\_

FROM: JIM STRATTON

LOCATION: Anchorage

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COMMENTS: Claire said she mailed her package of info to you already, so there will not be another package from her. There is a draft of the fact sheet we are producing. It'll be in Juno Friday and will stop by.

Alaska Department of  
NATURAL RESOURCES



As the northernmost island of the Kodiak Archipelago, Shuyak is remote even by Alaskan standards. This small island and its surrounding waters are home to sea otters, Sitka black-tailed deer, humpback whales, brown bear, harbor seals, and at least 121 species of inland and seabirds. Alpine plants usually found in much higher elevations cover the island's windswept and rocky coast. The interior of the island is blanketed with a mature Sitka spruce forest. Archaeological evidence indicates the island's once quite large human population has long known of its productive fish and wildlife resources.



**SUPPORT FOR DESIGNATING THE ENTIRE ISLAND FOR FISH & WILDLIFE HABITAT, AND RECREATION HAS A LONG HISTORY.**

1981 - As a result of a consent decree between the State of Alaska and the Kodiak Island Borough settling municipal selections on the island, 9,900 acres of Shuyak's eastern side must be managed by the state for wildlife habitat and public recreation purposes. Proposals in the 1980s to create a state game refuge in this part of the island were never completed.

1984 - The existing 11,000 acre Shuyak Island State Park was legislatively established.

1986 - Kodiak Island Borough Comprehensive Plan for Shuyak Island called for the entire island to be managed as a state park. Eighty-four percent of surveyed Kodiak residents supported park designation.

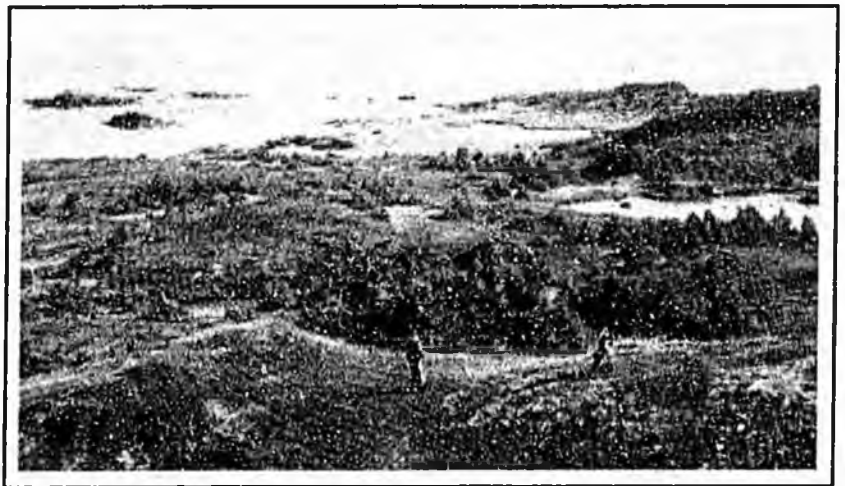
1995 - Kodiak Island Borough sells its rights to 26,000 acres of Shuyak to the State of Alaska. Funds for acquisition were provided by the Exxon Valdez Oil Spill (EVOS) Trustee Council. The Kodiak Borough identified four goals it sought from the sale:

1. To retain Shuyak Island in a natural state;
2. Preserve Shuyak Island for its recreational attributes;
3. Enlarge Shuyak Island State Park; and
4. Replace habitat impacted by the Exxon-Valdez oil spill.


1995 - Lands transferred to the State of Alaska are subject to conservation easements held by the federal government that protect the existing ecological integrity of the island and allow for development of only those facilities determined by the Division of Parks to be necessary for public recreation use. Public use of land shall continue, including sport and subsistence hunting, fishing, trapping and recreational uses.



Proposals before the Alaska legislature would add approximately 36,000 acres to the existing 11,000 acre Shuyak Island State Park, resulting in the entire island's designation as a park. With an existing State Park Ranger Station on the island, this additional designation will allow for seamless management of the entire island's natural resources with no additional state staffing requirement. In addition to the Ranger Station, State Park staff and volunteers currently manage four public use cabins and two ADF&G fish wiers in the existing state park.



This new park designation will establish State Parks as the only agency for citizens to contact when inquiring about visiting and/or doing business on the island. Given the island's great fishing, hunting, recreational boating, hiking, and wildlife viewing opportunities, park designation will provide the Kodiak and Homer adventure travel businesses with a new world class park destination within an hour's floatplane time. State Parks will include the newly expanded park as one of the Gems of the State Park System, on a par with Chugach, Wood-Tikchik, and Kachemak Bay.

**To:** Senator-elect Jerry Mackie/Dave Gray  
**From:** Claire Holland, Kodiak District Ranger, Alaska State Parks   
**Date:** December 10, 1996  
**Re:** Background information on Shuyak Island State Park and proposed legislative addition

At Dave's request, I am sending you background information about Shuyak Island State Park and the proposed additions to the park. As I mentioned earlier, the Kodiak State Parks Citizen's Advisory Board had hoped to meet with Senator-elect Mackie before the session started for a slideshow and informational session on Shuyak Island. I hope the information enclosed will allow both of you to get a good sense of the place as well as the history and process of the state's acquisition of the Borough's land through the Exxon-Valdez Oil Spill Trustee Council. At the October state parks advisory board meeting, Representative Alan Austerman expressed an interest in sponsoring the Shuyak legislation in the House during the next session.

If you have any questions about the park or the information I've sent here, please call me at 486-6352. We are also on-line now and our e-mail address is: kodsp@ptialaska.net.

In order, the enclosed includes:

-Acquisition of Kodiak Island Borough Lands on Shuyak Island, September 17, 1993: This document was prepared by KIB Resource Manager Bud Cassidy when the Borough first went to the Exxon-Valdez Oil Spill (EVOS) Trustee Council to propose the sale of Borough lands on Shuyak Island as part of the Trustee Council's habitat protection program.

-Kodiak Island Borough Planning and Zoning Commission Case #94-036: Re - zone of all public lands on Shuyak Island to Natural Use : This is the packet of information prepared for the public hearing on September 21, 1994 for this case.

-Public Notice and Meeting Notes from October 7, 1996 public meeting on proposed additions to Shuyak Island State Park

-Shuyak Island State Park Management Plan, March, 1995 : Chapters 1-3 provide good background information on the park as well as the island's physical characteristics, land ownership history and history of human use.



**ACQUISITION OF  
KODIAK ISLAND BOROUGH  
LANDS ON SHUYAK ISLAND**

**SEPTEMBER 17, 1993**

## **I. SUMMARY OF FACTS ABOUT KODIAK ISLAND BOROUGH LAND ON SHUYAK**

- 26,620 ACRES OF UPLAND
- 158,318.75 FT OF COASTLINE
- 4,798 OCEAN ACRES OF UPLAND
- VALUE \$32,236,820  
(APPROXIMATELY \$1,200 PER ACRE)
- SCENIC WILDERNESS
- OLD GROWTH FOREST
- WORLD CLASS RECREATIONAL DESTINATION
- THE "ASPEN" FOR KAYAKERS
- REPLACEMENT HABITAT FOR EXXON VALDEZ OIL  
SPILL

### III. PHYSICAL ATTRIBUTES

Shuyak Island's physical attributes are world class in their offering. The entire package of scenic wilderness and natural diversity are found here. The island is low in profile and thickly forested. The forest landscape is broken only by the hundreds of small potholes and lakes. Views of snow covered volcanos on the Alaska Peninsula dominate the skyline. The coast is irregular in shape, with a number of bays and harbors. Shuyak Island is 69 square miles in area. The interconnecting system of bays, sloughs, and inlets create a web of corridors that allow easy travel from one side of the island to the other and dictates activities that are water borne.

The island can be broken down into a number of physiographic units.

- A. **Outer West Coast Islands** - This area is known for alpine vegetation that is found at sea level.
- B. **Large Protected Bays** - These deep water bays provide anchorage for boats, and safe landing locations for sea planes. Numerous salmon streams are found here.
- C. **Inland Waterways** - Because of a number of sloughs, portages, and deeply incised bays, the northern and western coasts of the island are interconnected allowing safe protected interior access though this part of the island.
- D. **Southern Coast** - Separated from Afognak Island by Shuyak Strait, settlement has historically occurred here. This area provides small harbors for boat anchorage.
- E. **Eastern Coast** - Exposed to the warmer ocean currents that limit severe winter conditions, this area provides important winter habitat for upland animals.
- F. **Island Interior** - Little is known about the island's interior as it is thickly forested and because most activity occurs along the coasts. It is here that the island reaches any elevation.

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Department of Education  
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SPILL

## II. GOAL OF SALE

1. TO RETAIN SHUYAK ISLAND IN A NATURAL STATE.
2. PRESERVE SHUYAK ISLAND FOR ITS RECREATIONAL ATTRIBUTES.
3. ENLARGE SHUYAK ISLAND STATE PARK BY ADDING BOROUGH OWNED LAND ON SHUYAK INTO THE STATE PARK SYSTEM. THE ENTIRE ISLAND WOULD BE OWNED BY THE STATE.
4. REPLACE HABITAT IMPACTED BY THE EXXON VALDEZ OIL SPILL WITH SIMILAR HABITAT FOUND IN THE AREA OF DAMAGE. (ON-SITE MITIGATION)

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## IV. WILDLIFE

### **BIG GAME**

There are a limited number of big game animals on Shuyak. These include bear, deer and an occasional elk. Of these, there are hunting seasons on bear and deer.

### **SMALL GAME**

Land otter, beaver and muskrat are known to be present on Shuyak. Little is known about the populations of these fur bearers as trapping here occurs infrequently.

### **BIRD LIFE**

Bird life on and around Shuyak is displayed on the attached maps. Numerous eagle nesting sites have been identified on Shuyak as well as abundant sea bird colonies.

Fresh water habitat supports large numbers of ducks and geese.

### **MARINE MAMMALS**

Seals, Sea Lions and Sea Otter numbers are substantial along the coast of Shuyak.

### **FIN FISH**

Silver Salmon are found in great numbers, enough to attract sports fishermen from the Kenai Peninsula. The numbers of fish are sufficient enough to permit commercial fishing. All salmon streams cataloged by the Alaska Department of Fish and Game originate on Borough owned property. All but two streams enter saltwater on KIB owned property. Pink salmon and Dolly Varden are lesser known fish that occur here.

### **MARBLE MURRELET**

Though not verified, the island's forest is thought provide coastal habitat for this species.

## **V. RECREATION**

The single most important use of the uplands of Shuyak Island is for recreation. The appeal of Shuyak Island, regardless of the type of recreation, is certainly in its wilderness value. With the crowded conditions on the Kenai Peninsula, Shuyak is being eyed as the next stopping off place for recreation

### **WORLD CLASS KAYAKING**

Shuyak has been termed the "Aspen" of kayaking. The many indented bays and inlets are a natural for boating. The primitive setting makes the kayak a perfect watercraft. In past years two commercial ventures have flown to Shuyak Island and provided recreational kayaking opportunities.

### **SPORT FISHING**

The abundant number of silver salmon attract fly fisherman. These individuals make Shuyak Island part of their circuit "fly in". They start by fishing on the Kenai Peninsula, fly to streams on Shuyak Island, then to lakes and streams on the Alaska Peninsula, and complete their journey by returning to Kenai.

### **SPORT HUNTING**

Hunters from the Kenai Peninsula travel to Shuyak Island by boat to hunt deer.

### **PHOTOGRAPHERS**

State Park cabins provide the base for commercial and amateur photographers to take wilderness pictures.

## **VI. VALUE**

A. Fair market value of Shuyak Island as of 03/23/89 is:

- **\$32,236,820**

- **\$1,200 per acre**

The value is derived from modeling performed for all Borough lands in the Borough's litigation with Exxon. An updated appraisal for Shuyak Island will be required. Values may change due to more recent sales data such as Seal Bay and Katchemek Bay acquisitions.

**- EXHIBIT A -**

## PROPERTY DESCRIPTION

### SHUYAK ISLAND

#### Legal Description and Location

This tract includes a fractional portion of Section's 13,14,15,23,28,29,33 Township 24 South, Range 24 West, and all of Section's 16,24,25,26,27,34,35,36, Township 24 South, Range 24 West.

#### Access

Access to this area is by float plane and vessel.

#### Topography and Shape

Shuyak is probably one of the prettiest areas on Kodiak Island with large stands of old growth Sitka Spruce on the majority of the island. The topography is rolling hills and large areas of fairly flat terrain. The area is good for recreational purposes and is considered one of the best areas for kayaking and canoeing due to the large amount of protected water. Anchorages are good and are all around the parcel in the passages in and around the island and bays.

EXHIBIT 'A'

-33-

Kodiak Island Borough Assessors Office

AX 25011

**VALIDATION**

SALE #	SALE DATE	SPER ACRE	SIZE ACRE	TIME ADJ.	SIZE ADJ.	LOC	PHY	O/F	TPG	NET ADJ	NET VALUZ
SHUYAK ISLAND			26,620								
N1	5/89	\$3,831	273	.99	1.00					0	\$3,793
N2	6/87	\$8,746	3	1.11	.40					0	\$3,883
N3	7/89	\$7,880	3	.99	.40					0	\$3,120
N4	4/90	\$5,000	5	.99	.50	1		1		2	\$2,725
N5	11/90	\$5,727	6	1.01	.50					0	\$2,892
N6	11/90	\$4,799	6	1.01	.50					0	\$2,423
N7	11/90	\$5,204	5	1.01	.50					0	\$2,628
N8	11/90	\$5,682	5	1.01	.50					0	\$2,869
N9	11/90	\$6,333	7	1.01	.55					0	\$3,518
										OCEAN ACRE VALUE=	\$3,000

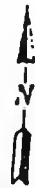
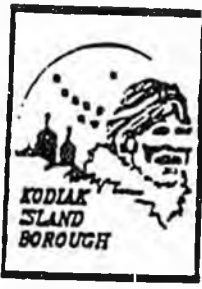
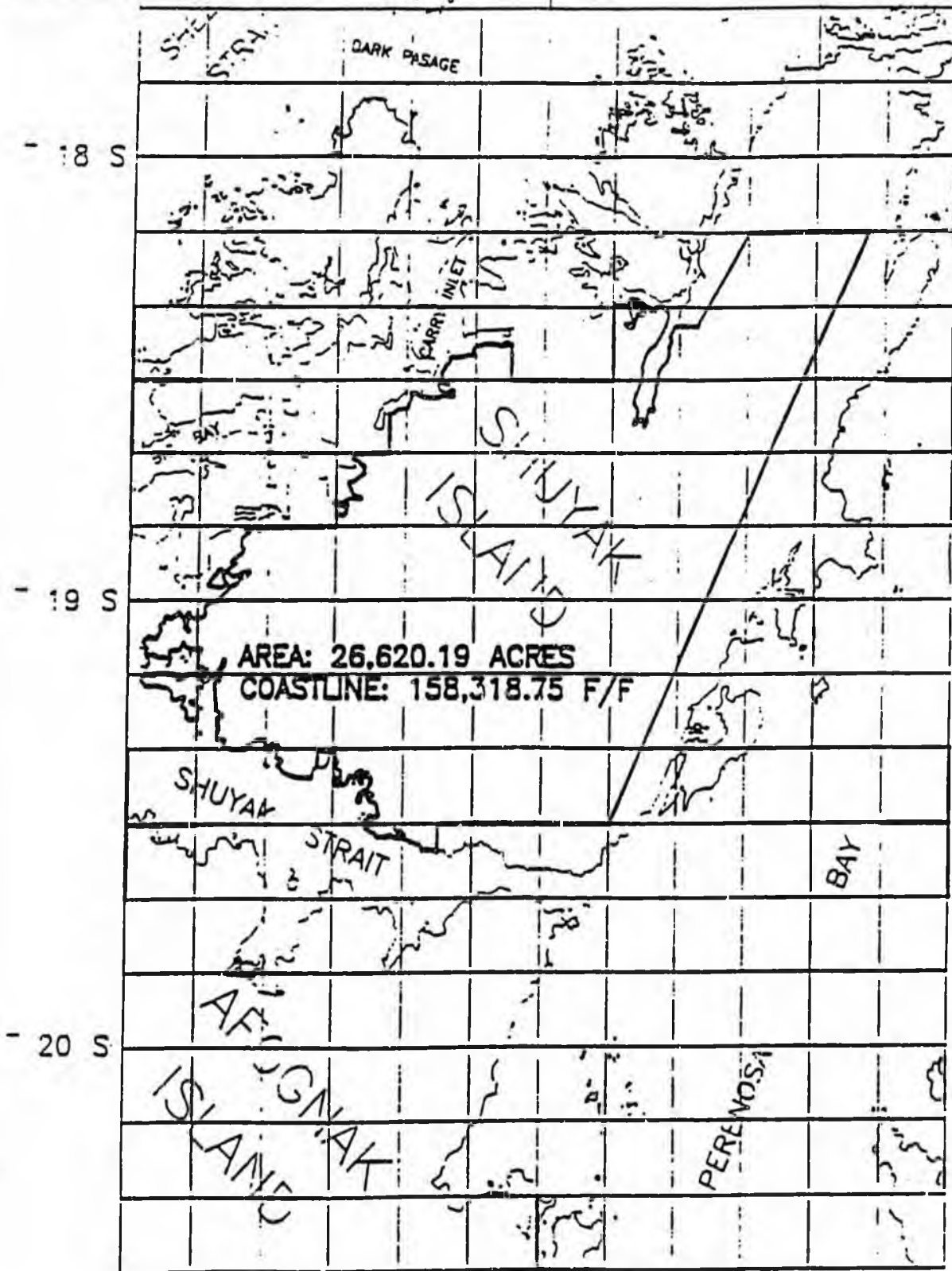
**CONCLUSION**

OCEAN FRONTAGE= 158,319' OCEAN ACRES=4,798 EXCESS ACRES=21,823

OCEAN FRONT VALUE=\$14,392,614 EXCESS LAND VALUE=\$17,676,348

Value as of March 23, 1989 = say \$32,229,300

Gross value per acre= \$ 1,211



SCALE: 1" = 10,000'

SECTION NUMBERING SCHEME

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

KODIAK ISLAND  
BOROUGH  
PROPERTY ON  
SHUYAK ISLAND.

PLX 25013

**- EXHIBIT B -**

coastal areas of  
particular  
concern  
recreation, scenic and heritage  
resources



kodiak  
archipelago

EXHIBIT 'B'

Recreation, Scenic and Heritage  
Areas of Particular Concern:  
Kodiak Archipelago

A Report by  
Alaska Division of Parks  
Department of Natural Resources

Kathryn A. Troll  
with initial research by  
Pete Martin and  
Jo Antonson Mohr

This project was supported through funds provided by the Coastal Zone Management Act of 1972, as amended through the Coastal Energy Impact Program, administered by the Office of Coastal Zone Management, National Oceanographic and Atmospheric Administration U. S. Department of Commerce and administered for the State of Alaska by the Department of Community and Regional Affairs.

August 1980

# A CRITICAL AREA OF PARTICULAR CONCERN

1) Name of Area: Shuyak Island

2) Value Classification

• Primary: Recreation, Wildlife

• Associated: Scenic, Historic

3) Location

• Region/Subregion: Southcentral Region/Kodiak Archipelago

• Latitude/Longitude: 58° 32' N, 152° 30' W

• Community/Orientation/Distance: Shuyak Island is 56 air miles north of the City of Kodiak (a 30-minute flight).

• Topographic Quad/ 1:63,360: Afognak C-1 and C-2, C-2 and C-3

4) Upland Acres (Hectares): 46,600 acres (18,640 hectares)

5) Seaward Distance for Protection: Three miles

6) Existing Ownership: The state owns the entire island but the Kodiak Island Borough, Koniag, Inc. and Shuyak, Inc., a contested village, have filed selections over large portions of the island, some of which overlap Private lands.

7) Existing Management: The entire island is managed by the Division of Lands and classified timber. The extreme northeastern tip of the Island was an FAA communication site.

8) Adjoining Ownership/Management There are no adjoining lands but all tidelands are owned and managed by the Division of Lands.

9. Area Description

• Dominant Physical/Biological Features: Shuyak Island is a low island (high point 700 feet). Shuyak has two distinct characters: the quiet protected inlets and the exposed outer coast. The quiet protected inlets and the interior of the island is covered by an old growth virgin forest of Sitka spruce, while the exposed outer coast has dry tundra as the predominant vegetation. Animal life on Shuyak Island is rich and bountiful. For instance harbor seals, sea otters, and sea birds (over 27 rookeries for gulls, kittiwakes, terns, tufted puffins, etc.) can be found in high densities along the island's coast. Small offshore islands north of Shuyak provide habitat for a sizeable sea lion rookery. Whales and porpoises are commonly seen foraging in the nearshore waters. Further attestation to the

enriched productivity of the shores is the common occurrence of clam, kelp beds and phosphorent plankton which blooms in late August. Both pink and silver salmon spawn in the island's many streams. Other sport fish include steelhead trout and Dolly Varden char. When hiking across the island Sitka black-tailed deer and brown bear are very frequently encountered. Bald eagles nest here in relatively high concentrations. Likewise, waterfowl nesting and molting occurs all along Shuyak's protected bays and the numerous inland lakes. Small mammals common to the island include land otter, beaver, muskrat, and red fox.

•Recreation, Scenic, Heritage or Wilderness Significance: Shuyak's recreation use has been primarily low, due to lack of awareness. However, deer and duck hunters do visit the area each fall. There are a few individuals who seek out Shuyak for saltwater kayaking and they report that size for size, Shuyak Island offers the finest kayaking/wilderness experience in Alaska. A state-wide wilderness outfitter is now offering kayak trips to Shuyak. Because of its complex structure of bays and its dense forests, Shuyak Island is capable of absorbing a large number of wilderness and recreational users without infringing upon the recreational enjoyment. Shuyak Island offers the recreationists sportfishing, crabbing, clamming, hunting, kayaking, camping, beachcombing, and hiking along the outer coast. Shuyak Island offers a rich array of outstanding scenery. The surf (cont'd)

•Other Significant Resource/Land Use Values: Most of the timber on Shuyak Island is of commercial value. The entire eastern and southern shores of Shuyak Island are a major purse seining area for salmon. In response to the commercial value of the offshore fisheries there was once a cold storage facility at Port Williams. There are a few private individuals who live on the island and trap and guide for a living. No known mineral deposits or mineral claims can be found on the island, however, it is thought that parts of Shuyak Island may lie in a band of mineralization. If oil and gas leasing does occur in the Shelikof Straits some areas of Shuyak Island may be considered suitable for an OCS terminal site. Site suitability studies have yet to be conducted at this time. Soils and slopes are generally favorable for development.

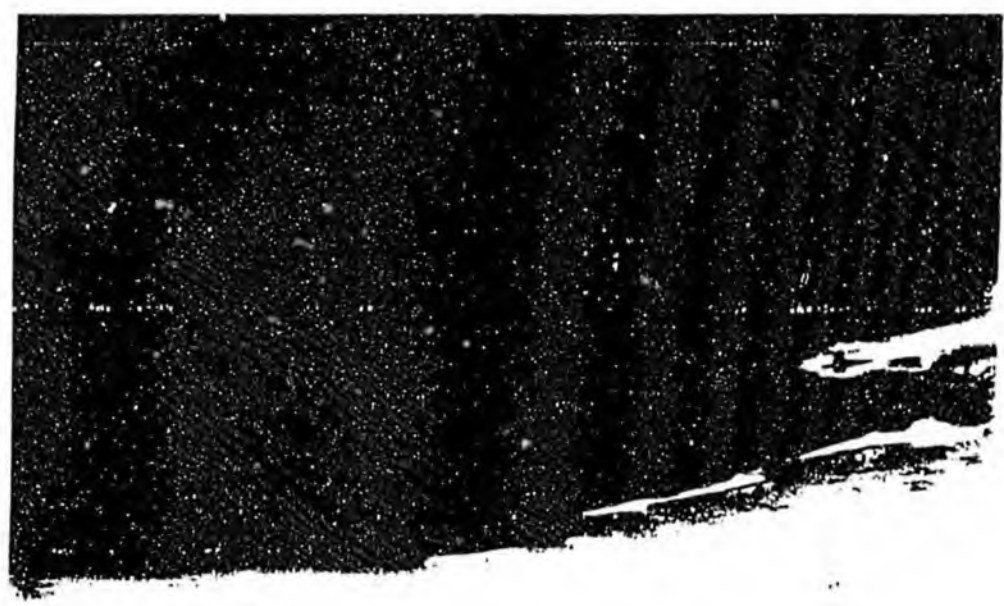
10) Recommended Management: The western portion around Big Bay and extending to Cary Inlet (see map) should be considered for a potential state park if the state retains ownership or as a regional park by the Kodiak Island Borough wherein the Division of Parks could provide assistance. Recreation management in this area should emphasize water-oriented recreation. The remaining portion should be further evaluated cooperatively by the Kodiak Island Borough and state resource agencies as a potential "Natural Area", "Forest Reserve", or as part of a park for resource management.

11) Allowable Uses In that portion where recreation, scenic and marine wildlife values are high (western portion) compatible uses, such as hunting, trapping, sport and commercial fishing should be allowed. For the remaining portion of Shuyak Island allowable uses should be determined commensurate with the management evaluation.

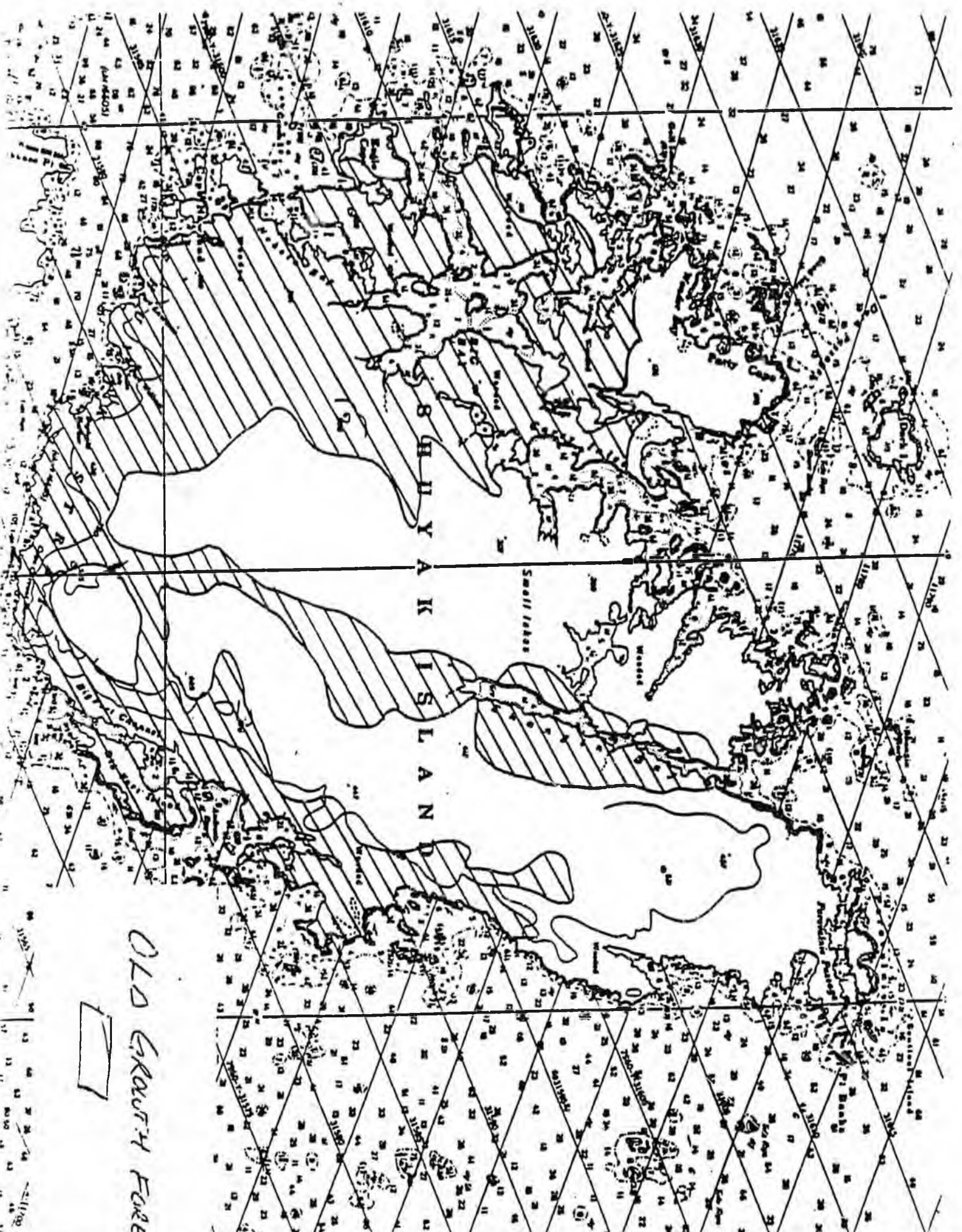
**- EXHIBIT C -**

SOUTHWEST SHLYUK ISLAND  
VOLCANOS IN THE BACKGROUND

EXHIBIT 'C'



**- EXHIBIT D -**



OLD GRAFTY FARE



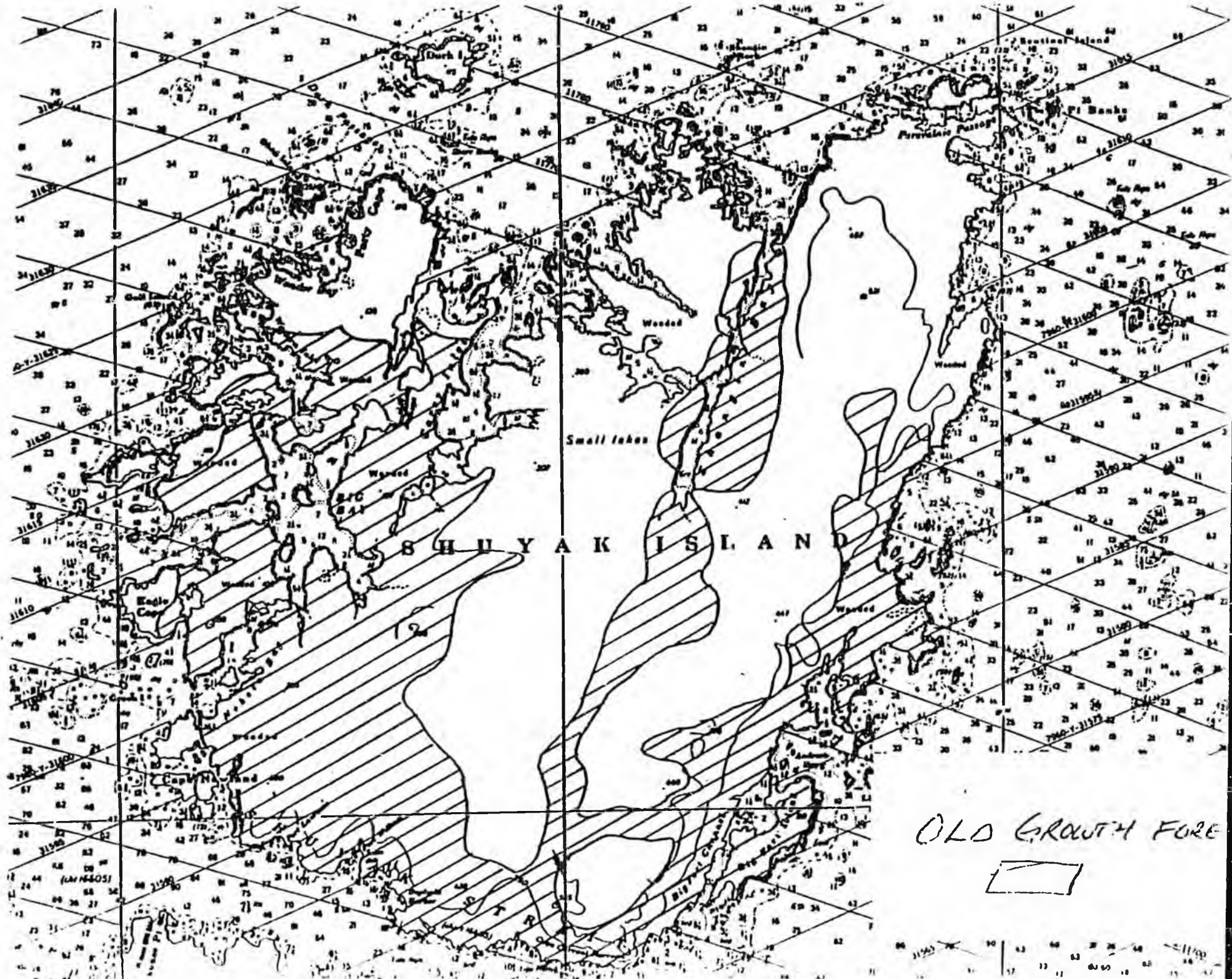
# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION

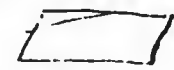


Rev. 6/98

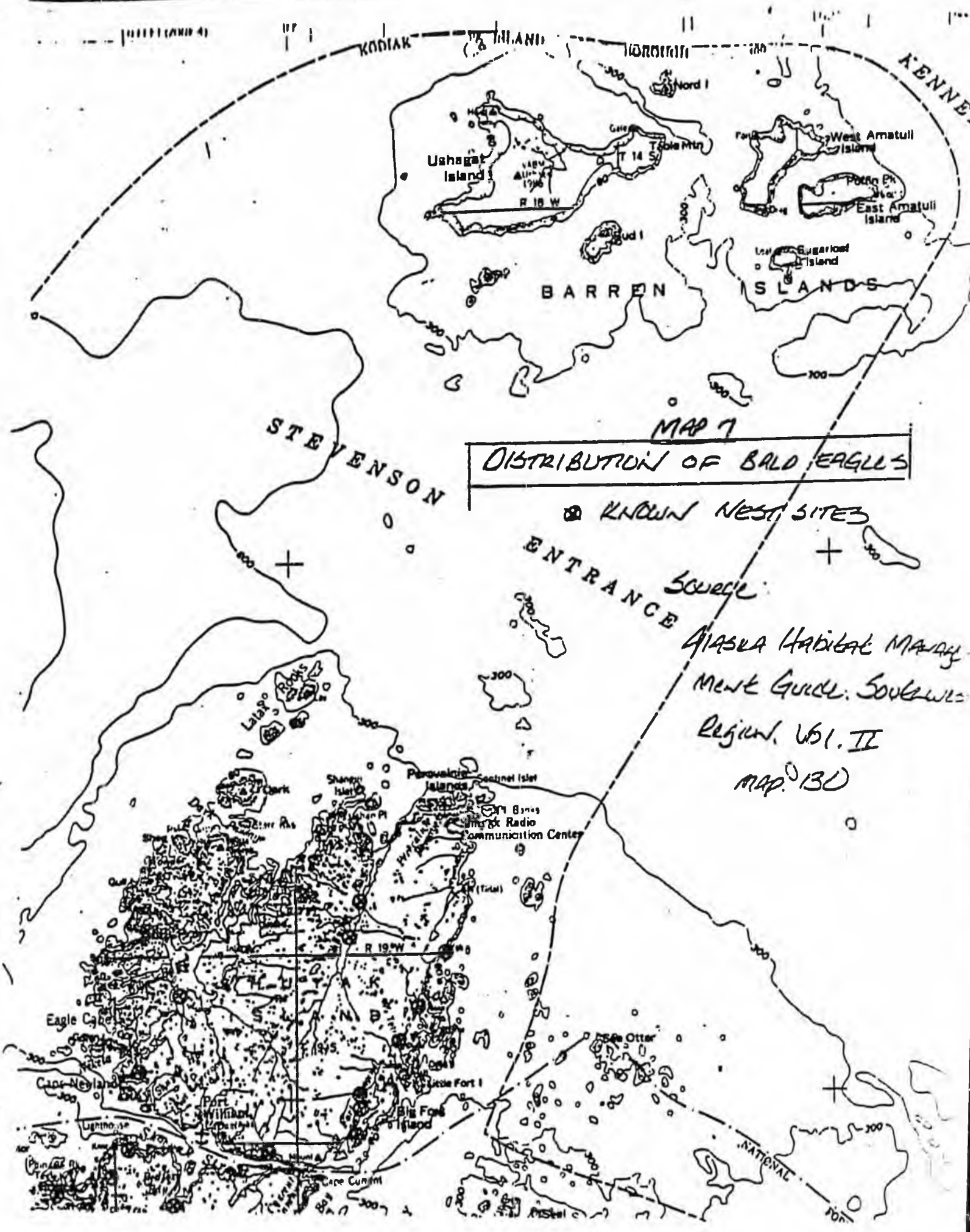
Central Microfilm Services  
Department of Education  
State of Alaska



OLD GROWTH FORE







100° 15' W

KODIAK

ISLAND

100° 00' W

KENNEL

Ushagat Island

BARREN

ISLANDS

MAP 7

DISTRIBUTION OF BALD EAGLES

○ KNOWN NEST SITES

ENTRANCE SOURCE

ALASKA HABITAT MANAGEMENT GUIDE, SOURCE:

REGION, VOL. II

MAP 130

MAP 130

STEVENSON

Lalap

Shank

Parque

Radio Communication Center

Eagle

Cape

Lignose

Cape

NATIONAL

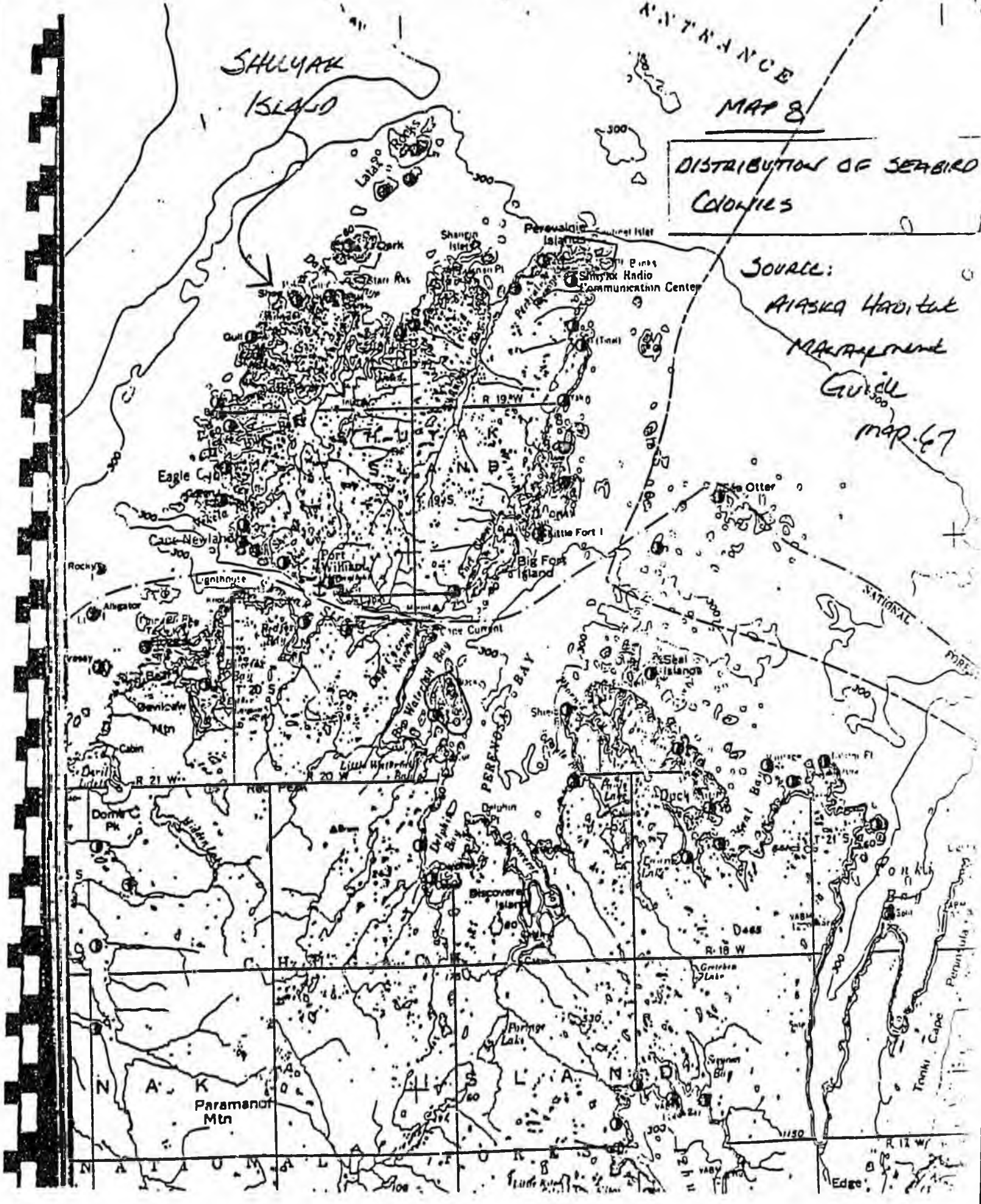
100°

SHULYAK ISLAND

ALASKA  
MAP 8

DISTRIBUTION OF SEABIRD COLONIES

SOURCE:  
ALASKA HABITAT  
MANAGEMENT  
GUIDE  
MAP 67



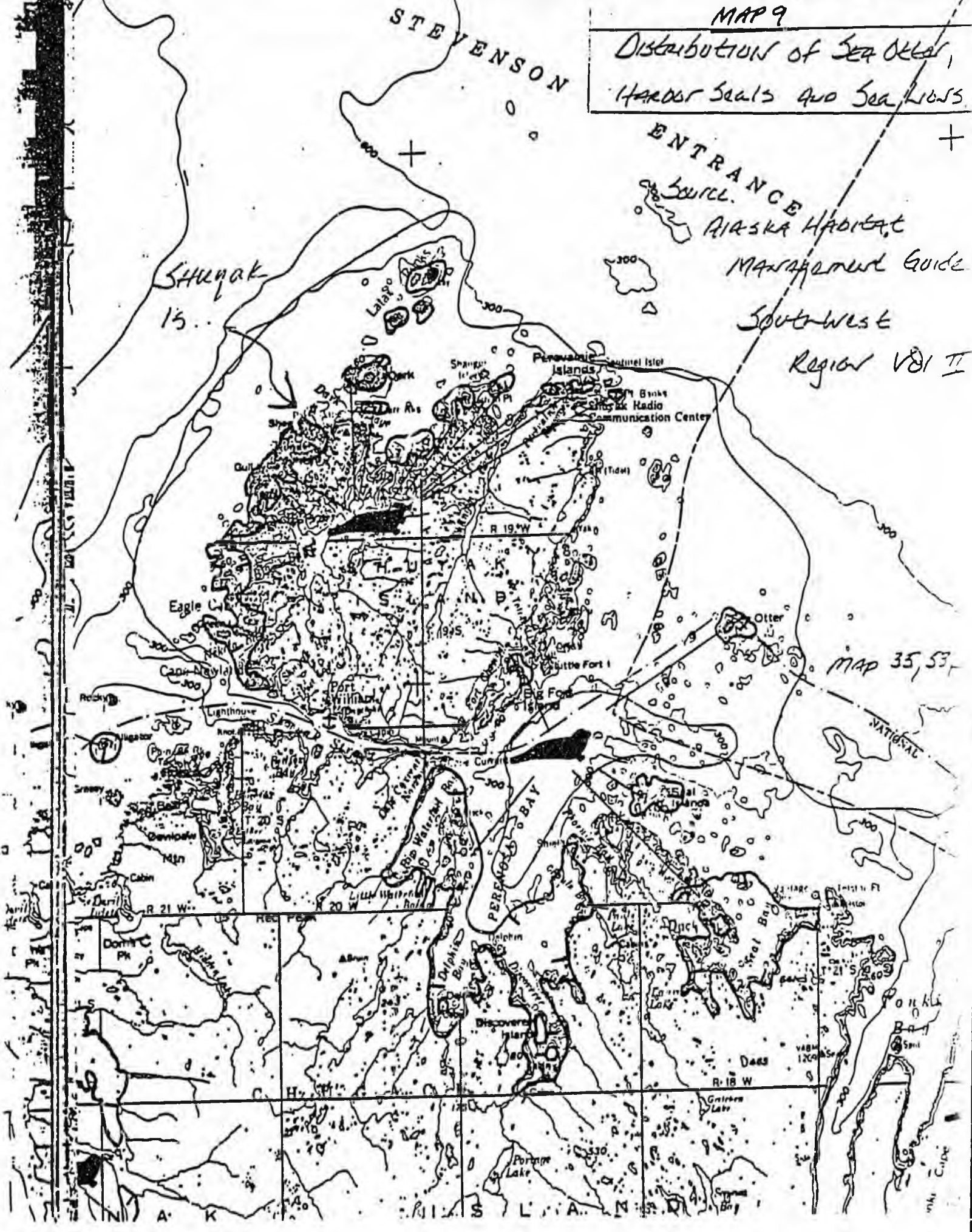
MAP 9

Distribution of Sea Otter,  
Harbor Seals and Sea Lions

ENTRANCE  
SOUK.  
ALASKA HABITAT  
MANAGEMENT GUIDE  
Southwest  
Region VIII II

STEVENSON

SHUYAK  
15



MAP 35, 53

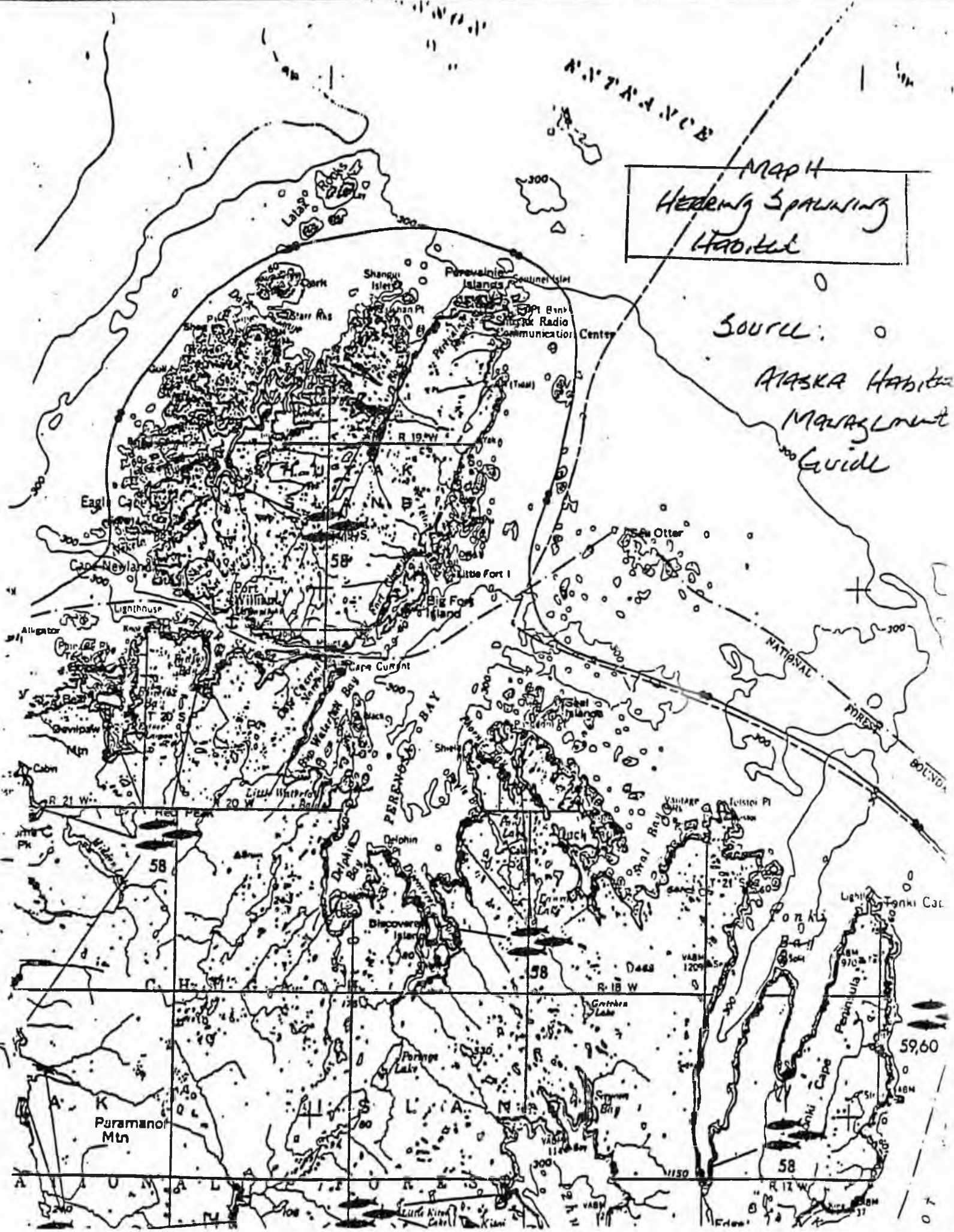
NATIONAL

ALASKA

A K R I S L A N

MAP 4  
Herring Spawning  
Habitat

SOURCE:  
ALASKA HABITAT  
MANAGEMENT  
GUIDE



Knox and Lorena Christie . 324 Wilson Street . Port Townsend, Washington 98368

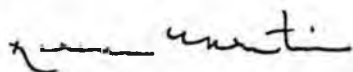
Senator Jerry Mackie  
State Capital  
Juneau, Alaska 99801-1182

**Re: Proposed addition to Shuyak State Park & access to ADL 320911**

Dear Sir:

Access to our mining claim has never been restricted by state park activites or personnel since the creation of Shuyak Island State Park in 1984 and we have no reason to believe that it will. We would like to add that we have been very impressed with Claire Holland, Kodiak District Ranger.

Sincerely,



Lorena Christie

CC: Jim Stratton, Director - Alaska Division of Parks and Outdoor Recreation

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FAX: (907) 465-3886

3601 C STREET, SUITE 1210  
ANCHORAGE, ALASKA 99503-5921  
PHONE: (907) 762-2483  
FAX: (907) 562-4871

March 17, 1997

The Honorable Jerry Mackie  
Alaska State Senate  
State Capitol, Rm #427  
Juneau, AK 99801


Dear ~~Senator Mackie,~~ 

I am in receipt of your letter with questions about the status of the subsurface mineral estate within the proposed Shuyak Island State Park. All subsurface rights are and will be owned by the Department of Natural Resources for the citizens of the State of Alaska. If the proposed park bill passes, the mineral rights will continue to be held by DNR.

The two existing mining claims will remain in effect as long as the permittees maintain valid and current permits for their activities. The proposed park will have no adverse impact on these claims.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

  
John Shively  
Commissioner

0-1.S0690V.4  
Chenoweth  
4/4/97

AMENDMENT #1

OFFERED IN THE SENATE

BY SENATOR GREEN

TO: CSSB 109(FIN)

1 Page 7, lines 13 - 24:

2 Delete all material and insert:

3 "(e) A landowner may subdivide land classified for agricultural use and for  
4 which the landowner obtained a patent under a homestead entry permit issued under  
5 AS 38.09, and may subdivide land as authorized under (d)(3)(C) of this section. If  
6 subdivision of land authorized by this subsection would result in one or more parcels  
7 of less than 640 acres, the landowner may subdivide only if the landowner first  
8 tenders payment to the department for the fair market value of the interest in each  
9 subdivided parcel of less than 640 acres exclusive of the value of the rights for  
10 agricultural purposes. For purposes of this subsection, fair market value of the  
11 interest in a parcel exclusive of the value of the rights for agricultural purposes

12 (1) is \$6,000 for the parcel, subject to adjustment under (h) of this  
13 section; or

14 (2) shall be determined by an appraisal by an appraiser under contract  
15 to the owner of the rights for agricultural purposes in the parcel; the appraisal must

16 (A) be based upon the value of the parcel at the time of the  
17 original state conveyance of the agricultural rights, subject to adjustment under  
18 (h) of this section; and

19 (B) include the fair market value, determined as of the date of  
20 subdivision, of the interests in land based on the value, if any, of the  
21 additional rights that are confirmed in the landowner under (d)(3)(A) of this  
22 section."

23 Page 7, line 25:

24 Delete "(e)(1)"

0-LS0690\F.4

1           Insert "(e)"

2   Page 8, following line 15: .

3           Insert a new subsection to read:

4                   "(h) The value of the rights for agricultural purposes determined under (c)(1)  
5           or (c)(2)(A) of this section shall be adjusted to correspond with the change in the  
6           consumer price index for all urban consumers for the Anchorage Metropolitan Area  
7           compiled by the Bureau of Labor Statistics, United States Department of Labor. The  
8           base year for the computation shall be the calendar year in which the process of  
9           conveyance of state land authorized by (a) of this section is initiated under this  
10          section."

11   Reletter the following subsections accordingly.

AMENDMENT # 1

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 64(FIN)

1 Page 1, line 1, following "Park":

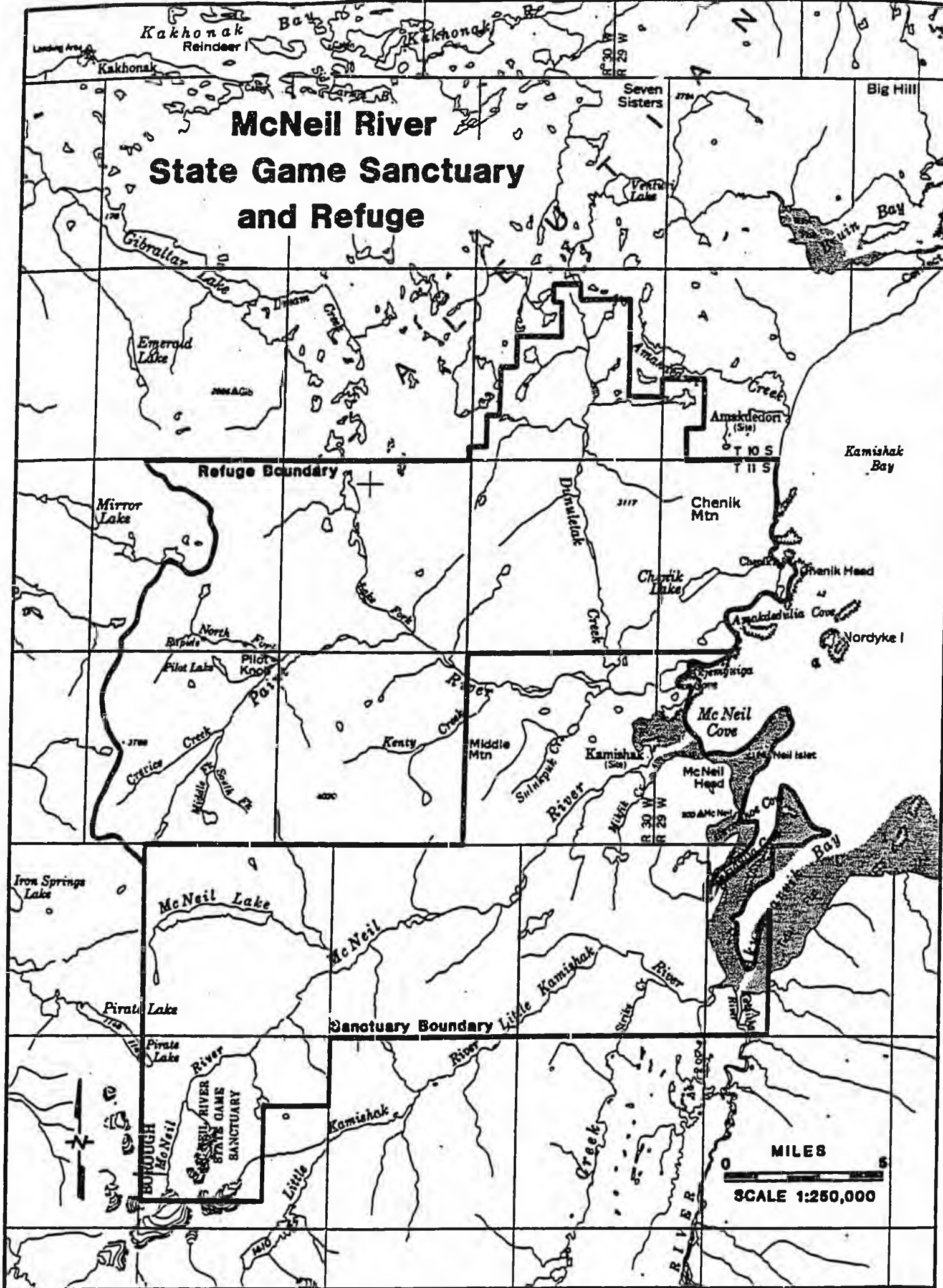
2 Insert "and to the McNeil River State Game Refuge"

3 Page 5, following line 18:

4 Insert a new bill section to read:

5 "\*\* Sec. 9. AS 16.20.041 is repealed."

# McNeil River State Game Sanctuary and Refuge



CSSB 64(FIN) Shuyak Island State Park

Excerpts from Reports to the Legislature by the Department of Fish & Game as required by AS 16.40.021(f):

1991 "700 sockeye returned to the ladder in 1991; 20,000 are expected in 1992."

1992 In 1992, only 300 of an anticipated 20,000 sockeye salmon returned to the Paint River fish ladder. ... In both 1991 and 1992, 750,000 sockeye fry were stocked in the Paint River lakes.

1993 "Construction of the Paint River fish ladder was completed in October 1991. However, only ... 800 sockeye salmon returned in 1993. Consequently, the structure was not open to allow water to flow and fish to pass upstream ... The low returns may be related to the low productivity potential and high predation within both lake systems. Since 1991, approximately 750,000 sockeye fry ... have been stocked annually in the Paint River Lakes."

1994 "Approximately 600 red salmon returned to the Paint River in 1994. CIAA determined that this was not a large enough return to warrant opening the fish ladder at the mouth of the Paint River."

1995 "Sockeye salmon returns to the Paint River enhancement project in 1995 were again poor, ... only 250 fish returned."

1996 "This marks the seventh straight year the McNeil River chum salmon run has failed to meet the desired escapement level ... the number of returning adults has only ranged from 200 to 800 fish."

Recently, the Commissioner of Fish & Game, who certified the fish ladder said -- based on what he knows now -- he supports repealing the REFUGE.