

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10378 HOUSE RESOURCES

**HB**

**165**

# Alaska State Legislature

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## Representative Ken Lancaster District 8

Sponsor Statement  
For

HOUSE BILL 165

"An Act relating to the Kenai River Special Management Area;"

The Kenai River Special Management Area (KRSMA), under direction from the Alaska Legislature (AS 41.2.1500), is managed as a unit of the Alaska State Park system by the Division of Parks and Outdoor Recreation, Department of Natural Resources. To provide the protection and management called for in the management plan revision, 7,938 acres of general state lands, 11 upper Kenai River or Kenai lake tributaries, and the waters of Upper and Lower Trail Lakes must be legislatively added to the boundary of KRSMA. This includes almost all the public lands and waters that contribute to sustaining the Kenai River's important fish, wildlife, and recreational resources. The level and consistency of management to adequately protect the valuable resources of these lands and waters is currently not possible without KRSMA designation. Existing park staff assigned to KRSMA is adequate to cover additional management responsibilities. No new facilities are planned for the proposed additional lands.

The largest blocks of proposed lands are on the south side of Kenai Lake along Snug Harbor Road and up to Cooper Lake, and around much of Upper and Lower Trail lakes, and Trail River in the Moose Pass area. Of key importance are the numerous tributary streams draining into the upper Kenai River and Kenai Lake. These are important contributors to the watershed's fishery and water resources. A 200-foot corridor has been retained along each side of most of the tributaries and is proposed for KRSMA addition, along with each tributary. The mineral closing order for the KRSMA does not include those streams north of Cooper Creek.

Downstream from Skilak Lake there are a few limited additions proposed, primarily lands acquired as habitat and recreation lands under the Exxon Valdez Oil Spill settlement funding, or isolated tracts of state land overlooked during the 1984 KRSMA legislation.

This bill will transfer State lands to the Kenai River Comprehensive Management Area.

## New Proposed Land Additions for the Kenai River Special Management Area

### Background

During public meetings to revise the Kenai River Comprehensive Management Plan (KRCMP) and subsequent public review of the Kenai Area Plan, comments clearly suggested that the State should manage the Kenai River as a watershed system. The health of the entire Kenai River system, including its many communities, depends on sustaining adequate water quality and quantity, and healthy riparian fish and wildlife habitat throughout the watershed's basin. The region's economy depends on the \$37 million in direct spending by non-locals visiting the Kenai River. River guides, RV Park owners, motels, B&B and restaurant operators, car and boat rental dealers, and many other local Kenai Peninsula businesses depend upon a healthy Kenai River for economic sustainability.

### Proposal

The Kenai River Special Management Area (KRSMA), under direction from the Alaska Legislature (AS 41.21.500), is managed as a unit of the Alaska State Park system by the Division of Parks and Outdoor Recreation, Department of Natural Resources. To provide the protection and management called for in the management plan revision, 7938 acres of general state lands, 11 upper Kenai River or Kenai Lake tributaries, and the waters of Upper and Lower Trail Lakes must be legislatively added to the boundary of KRSMA. This includes almost all the public lands and waters that contribute to sustaining the Kenai River's important fish, wildlife, and recreational resources. The level and consistency of management to adequately protect the valuable resources of these lands and waters is currently not possible without KRSMA designation. Existing park staff assigned to KRSMA is adequate to cover additional management responsibilities. No new facilities are planned for the proposed additional lands.

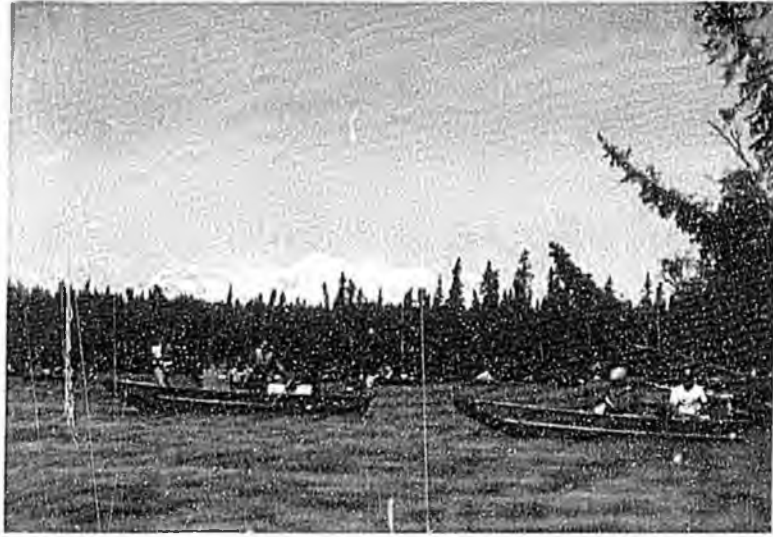
### Why now?

During the creation of the KRSMA in 1984, the State had not yet received title from the federal government to lands surrounding Upper and Lower Trail lakes, Trail River, and adjacent lands around the upper Kenai River and Kenai Lake. The original Kenai River Comprehensive Management Plan directed the state to designate these lands for the KRSMA once they became available. Since that time, these lands have been conveyed to the state. The recent plan revision re-emphasizes the intent that these important habitat lands and waters should be included in the boundaries of the Special Management Area.

**Where are these lands?**

The largest blocks of proposed lands are on the south side of Kenai Lake along Snug Harbor Road and up to Cooper Lake, and around much of Upper and Lower Trail lakes, and Trail River in the Moose Pass area. Of key importance are the numerous tributary streams draining into the upper Kenai River and Kenai Lake. These are important contributors to the watershed's fishery and water resources. A 200-foot corridor has been retained along each side of most of the tributaries and is proposed for KRSMA addition, along with each tributary. The mineral closing order for the KRSMA does not include those streams north of Cooper Creek.

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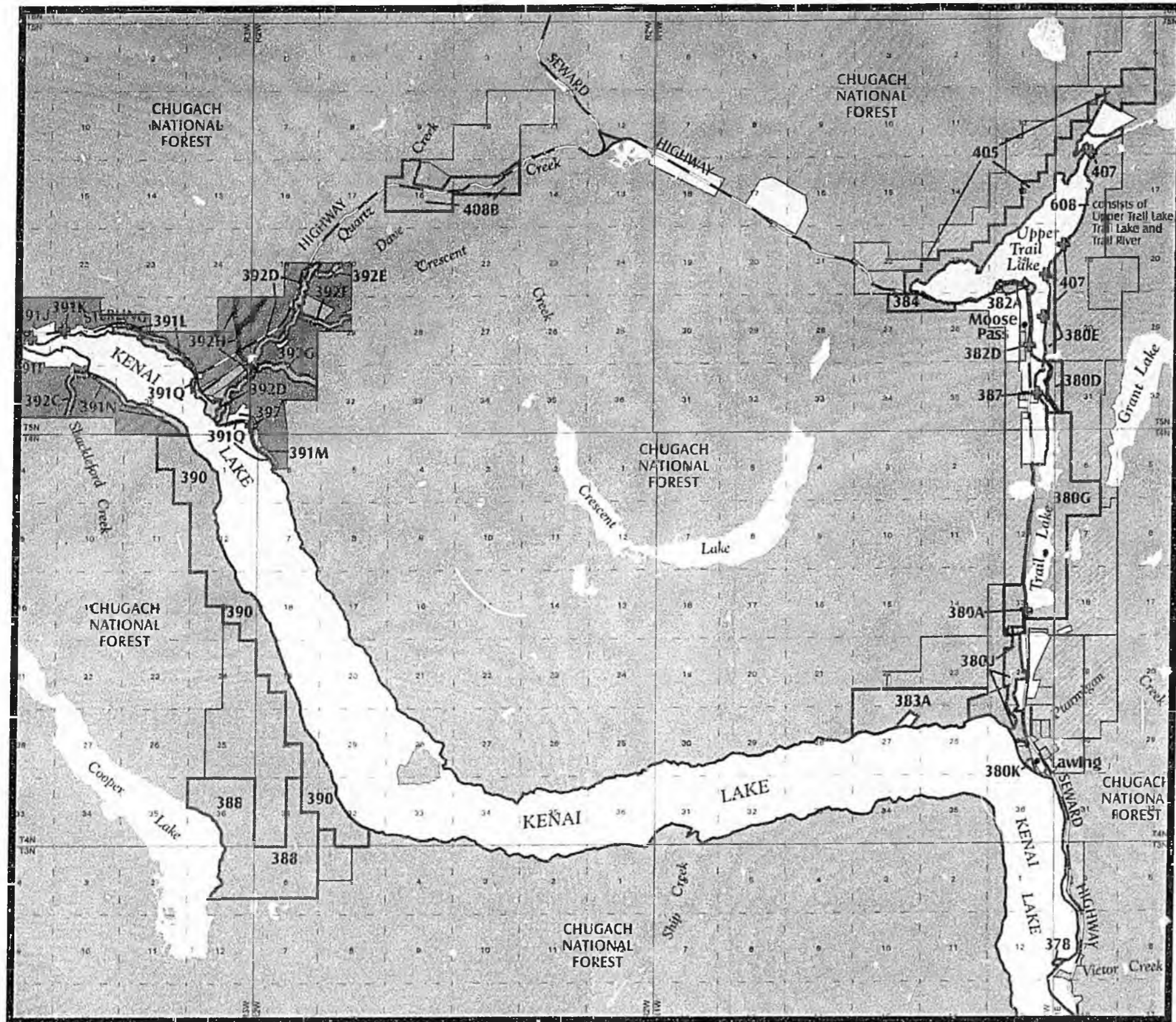


## Proposal

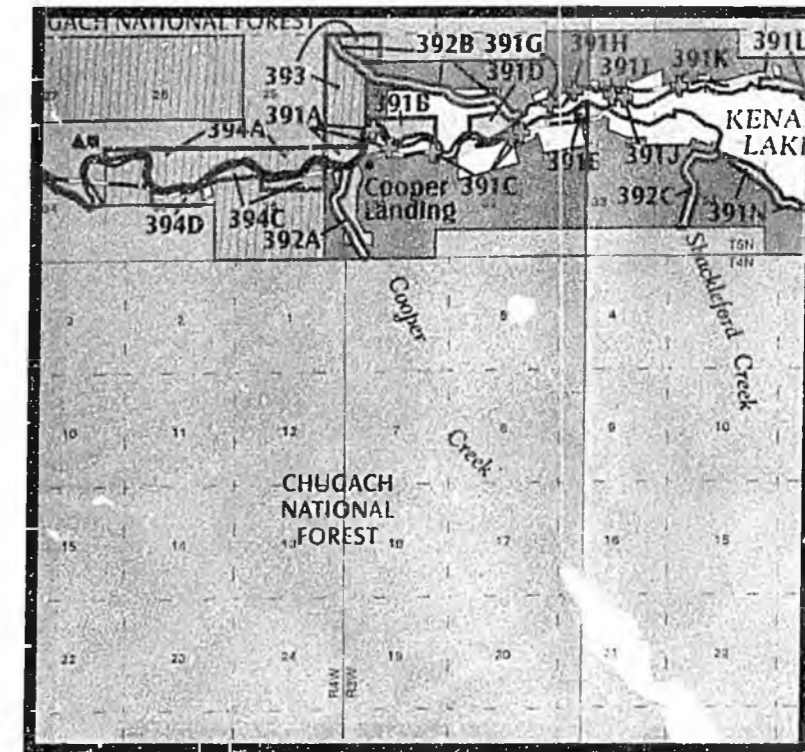
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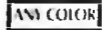





**Kenai Lake**



**Upper River Segment**

**LEGEND**

**Land Ownership:**

-  KRSMA - Managed by Alaska State Parks
-  Other State Owned
-  Borough
-  Borough selected
-  Federal (Nat'l. Forest, Refuge, Wilderness)
-  Private

**Proposed Additions to KRSMA:**

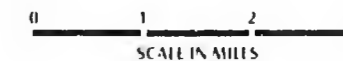
-  State
-  State parcels smaller than 2 acres

**Map features**

-  Main roads



NORTH



SCALE IN MILES

**CS FOR HOUSE BILL NO. 165( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES LANCASTER, Scalzi

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Kenai River Special Management Area; and providing for an  
2 effective date."

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

4 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 PURPOSE. The purpose of this Act is to further the implementation of the Kenai  
7 River Comprehensive Management Plan by making additions of certain state-owned land and  
8 water as described in this Act to the Kenai River Special Management Area.

9 \* Sec. 2. AS 41.21.502(a)(4)(L) is amended to read:

10 (L) Other Lower River Land

11 Township 5 North, Range 9 West, Seward Meridian

12 Section 22: Lots 4, 9, 10, NE1/4SW1/4

13 Township 5 North, Range 10 West, Seward Meridian

14 Section 6: Lot 8

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Section 7: Lots 5 - 7, 15

Section 18: Lots 1, 2, 4 - 6,

Tract A, Larry's Fishing Hole Subdivision, Plat

No. 90-42

Government Lots 4 - 7, 10 - 13

NE1/4SW1/4

E1/2NW1/4

Section 19:

Tracts A and B, Timberland Terrace Phase 1

Subdivision, Plat 97-26

Lot 4, Kobylarz Subdivision, according to the

official plat filed under Plat No. 92-24, Kenai

Recording Office

Beginning at the section corner common to

Sections 19, 20, 29, and 30, Township 5 North,

Range 10 West, Seward Meridian, traverse west

along the section line common to Sections 19 and

30 a distance of 1320 feet, thence north along the

1/16 section line a distance of 1420 feet to Corner

No. 1 and the point of beginning, thence west 100

feet to Corner No. 2, thence north to the thalweg

of the Kenai River and Corner No. 3, thence east

along the thalweg of the Kenai River to the point

of intersection with 1/16 section line and Corner

No. 4, thence south along the 1/16 section line to

Corner No. 1, and the point of beginning, located

in the Kenai Recording District, as may be

modified by a record of survey accepted by the

state

Lot 16

Section 30: Tracts A, J, and K, Channel Shores

1                    Subdivision, Plat No. 85-102

2                    Section 31: Lots 2, 3, and 11, excluding the following  
3                    subdivisions, as shown in record of survey no. 96-7:  
4                    Halcyon Subdivision, Lot 1, Block 1, plat of survey  
5                    no. K-1706; Halcyon Subdivision Lot 5, Block 1,  
6                    plat of survey no. 73-9; Halcyon Subdivision plat of  
7                    survey no. 76-75; Halcyon Subdivision Addition No.  
8                    4, plat of survey no. 77-47; Halcyon Subdivision  
9                    Addition No. 5, plat of survey no. 77-82; Halcyon  
10                   Subdivision No. 3, plat of survey no. 78-25; Halcyon  
11                   Subdivision Amended Plat Lot 1-B, Block 1, plat of  
12                   survey no. 78-96; Halcyon Subdivision Addition No.  
13                   7, plat of survey no. 79-155; Halcyon Subdivision  
14                   Addition No. 8, plat of survey no. 83-174; Halcyon  
15                   Subdivision Addition No. 9, plat of survey no. 84-  
16                   47; Halcyon Subdivision No. 10, plat of survey no.  
17                   84-244; Halcyon Subdivision No. 9, plat of survey  
18                   no. 86-98RS; Halcyon Subdivision No. 9, plat of  
19                   survey no. 86-99RS; Halcyon Subdivision No. 11,  
20                   plat of survey no. 92-41; Halcyon Subdivision No. 8  
21                   Amended, plat of survey no. 92-72; and Halcyon  
22                   Subdivision No. 12, plat of survey no. 93-8; and  
23                   excluding that portion of Government Lot 3 east of  
24                   Daisy Drive conveyed by warranty deed recorded  
25                   March 10, 1989, in book 343, page 15, Kenai  
26                   Recording Office.

27                   Section 32: Lot 1-B-1, ASLS No. 97-25, a subdivision  
28                   of Lot 1-B, Fisherman's Square Subdivision,  
29                   Addition No. 1, within the W1/2SW1/4;

30                   Section 33: Lot 6-B, Mullen Homestead River  
31                   Addition Phase 1, Plat No. 97-89;

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Section 34: Lot 7, NE1/4SE1/4

Township 5 North, Range 11 West, Seward Meridian

Section 1: Lots 9 and [LOT] 10

Section 11: Tract A-1A, Cone Tracts; Lot 3, excluding that portion north of the south right-of-way boundary of the Beaver Loop Road and all land west of and including the Cone Tracts A-1A and A-1B Subdivision and SE1/4NW1/4, and the N1/2NW1/4, excluding that portion of the south right-of-way boundary of the Beaver Loop Road and all land west of and including the Cone Tracts A-1A and A-1B Subdivision

Section 12: Lots 1 - 3, 7 - 10, 13

N1/2SE1/4

SE1/4NE1/4

NE1/4SW1/4

N1/2SW1/4SE1/4

Section 13: Lot 1

SW1/4NW1/4

Section 14: Lots 2, 7

Section 16: Lots 1 - 10

SE1/4

NW1/4NW1/4

SE1/4SW1/4.

Section 24: That portion of Lot 11 within LSH 148

Section 25: Lot 3

Section 36: That strip of land between the line of ordinary high water of the Kenai River and EPF 21-11, Block 1

\* Sec. 3. AS 41.21.502(a) is amended by adding new paragraphs to read:

(5) all state-owned land in the Seward Recording District that is

1 located in the following parcels:

2 (A) Cooper Landing

3 Township 5 North, Range 3 West, Seward Meridian

4 Section 28: Tract B of ASLS 91-6

5 Lot 3 of USS 2523

6 That portion of Tract A of USS 5105 lying between

7 Lot 4 of USS 2523 and Tract A of USS 2361 and

8 the south boundary of the Sterling Highway

9 That portion of Tract A of USS 5105 lying south of

10 USS 3306, north and west of USS 2524, east of

11 USS 2524, west of USS 2523, and south of Bean

12 Creek Road

13 That portion of Tract A of USS 5105 lying south and

14 west of USS 3306, north and west of USS 2524, and

15 north and west of ASLS 81-197

16 That portion of Tract B of USS 5105 lying south of

17 the Kenai River and north of the Sterling Highway

18 right-of-way

19 Section 29: Tract B of ASLS 91-6

20 That portion of Tract A of USS 5105 lying south of

21 Bean Creek right-of-way excluding ASLS 96-6

22 That portion of Tract A of USS 5105 lying south and

23 west of USS 3306 and south and west of ASLS 81-

24 183

25 Tract D of USS 5105

26 Lot 5 of USS 2527

27 Section 30: Tract E

28 That portion of Tract B of USS 5105 within the

29 SE1/4SE1/4SE1/4, NE1/4SE1/4SW1/4

30 That portion of Tract B of USS 5105 within the

31 S1/2SE1/4 lying north of the Kenai River excluding

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USS 1442 E1/2NE1/4NW1/4, W1/2W1/2,  
W1/2E1/2W1/2

Section 31: Lots 1, 12

That portion of Tract B of USS 5105 within the  
NE1/4NE1/4 lying south of the Kenai River and  
north of the Sterling Highway

Section 32: That portion of Tract B of USS 5105 within  
the NW1/4NW1/4 lying south of the Kenai River and  
north of the Sterling Highway

Township 5 North, Range 4 West, Seward Meridian

Section 35: That portion of USS 1559 within the N1/2  
and lying north of the Kenai River

That portion of the E1/2NE1/4 lying north and east of  
USS 3392, south of the Kenai River, and north of  
the Sterling Highway

That portion of the S1/2N1/2NE1/4 and that portion  
of the E1/2E1/2NW1/4 lying south of the Kenai  
River

That portion of the S1/2NE1/4 lying south of the  
Kenai River, excluding USS 3392

Section 36: Lot 1 of USS 7286

That portion of the N1/2 lying between the south  
bank of the Kenai River and the north side of the  
Sterling Highway right-of-way

That portion of the N1/2S1/2NE1/4 and  
NE1/4SE1/4NW1/4 lying south of the Sterling  
Highway

That portion of the N1/2 lying north of the Kenai  
River

(B) Kenai Lake

Township 3 North, Range 1 East, Seward Meridian

1 Section 7: SW1/4, lying north and west of USS 9002,  
2 excluding USS 1774  
3 Township 4 North, Range 1 West, Seward Meridian  
4 Section 22: S1/2S1/2  
5 Section 23: S1/2S1/2, excluding USS 7391  
6 Section 25: Lot 8  
7 Section 26: N1/2, excluding USS 7391  
8 Section 27: N1/2, excluding USS 2065  
9 Township 4 North, Range 2 West, Seward Meridian  
10 Section 6: Lots 1 and 2, excluding ASLS 85-399, and  
11 that portion conveyed under ADL 201307  
12 Tract D of ASLS 85-339  
13 Section 18: Lots 1 - 3  
14 Section 19: NW1/4, NE1/4SW1/4, SW1/4SE1/4 lying  
15 south and west of Kenai Lake  
16 Section 30: NE1/4, E1/2SE1/4 lying south and west of  
17 Kenai Lake  
18 Section 31: E1/2NE1/4  
19 Section 32: Lots 1 - 3, SW1/4NW1/4, W1/2SW1/4,  
20 SE1/4SW1/4  
21 Township 4 North, Range 3 West, Seward Meridian  
22 Section 1: Tract D of ASLS 85-339, Lots 2 - 4,  
23 W1/2SW1/4  
24 Section 2: Lot 1, W1/2NE1/4, SE1/4NE1/4, E1/2SE1/4  
25 Section 12: Lots 1 - 4, W1/2W1/2, SE1/4SW1/4  
26 Section 13: Lots 1, 2, SW1/4NE1/4, E1/2NW1/4,  
27 NW1/4SE1/4, E1/2SE1/4  
28 Township 5 North, Range 2 West, Seward Meridian  
29 Section 31: Tracts A, B, C, and D of ASLS 85-339  
30 Township 5 North, Range 3 West, Seward Meridian  
31 Section 25: That portion of Tract A of USS 5105 lying

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south of the Sterling Highway right-of-way

Section 26: That portion of Tract A of USS 5105 lying south of the Sterling Highway right-of-way, excluding PLO 829

Section 27: That portion of Tract A of USS 5105 lying south of the Sterling Highway right-of-way and west of USS 2521 Tract A

That portion of Tract A of USS 5105 lying south of the Sterling Highway right-of-way and west of USS 2934 and south and east of ASLS 80-103

Section 34: That portion of Tract B of USS 5105 lying east of ASLS 79-126 and between the north side of Snug Harbor Road and the south side of Kenai Lake

Section 36: Tracts B and E of ASLS 85-339

That portion of Tract A of USS 5105 within the NW1/4 lying south and west of the Sterling Highway right-of-way, excluding ASLS 85-339

(C) Quartz Creek Lowlands

Township 5 North, Range 2 West, Seward Meridian

Section 15: S1/2N1/2

Section 16: S1/2N1/2, NE1/4NW1/4, NW1/4NE1/4 excluding Unit 408A of the Kenai Area Plan, N1/2S1/2

(D) Cooper Lake

Township 3 North, Range 2 West, Seward Meridian

Section 6: Lots 1 - 3, NE1/4, E1/2NW1/4, NE1/4SW1/4, N1/2SE1/4

Township 3 North, Range 3 West, Seward Meridian

Section 1: Lots 1 - 4, E1/2NE1/4, NE1/4SE1/4

Township 4 North, Range 2 West, Seward Meridian

Section 31: W1/2E1/2, E1/2SE1/4

Township 4 North, Range 3 West, Seward Meridian

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Section 36: All  
 (E) Upper and Lower Trail Lakes  
 Township 4 North, Range 1 East, Seward Meridian  
 Section 6: Lots 1 - 6, 8, 9, SE1/4SW1/4, SW1/4SE1/4  
 Section 7: Lots 1, 2, 5, 6, NW1/4NE1/4, NE1/4NW1/4  
 Section 18: Lots 1 - 3  
 Township 4 North, Range 1 West, Seward Meridian  
 Section 1: Lots 1, 4 - 8, and that portion of Lot 3 within  
 the SE1/4  
 Section 12: Lots 1 - 4, 7, 8, 11, 12, Those portions of  
 Lots 5 and 6 as shown on state status plats  
 Section 13: Tract B of ASLS 86-6  
 Lot 1  
 That portion of USS 1778 and USS 7391 lying within  
 the N1/2SE1/4  
 Township 5 North, Range 1 East, Seward Meridian  
 Section 5: S1/2SW1/4  
 Section 7: Lot 1, SE1/4 of Lot 2, Lots 5, 7, 9 - 14  
 Section 8: N1/2NW1/4  
 Section 18: Lots 2 - 7  
 Section 19: Lot 2  
 Section 31: That portion within the W1/2 of Lots 1, 2, 5  
 Lot 6  
 Township 5 North, Range 1 West, Seward Meridian  
 Section 13: Lots 1 - 4, E1/2NE1/4NE1/4,  
 S1/2SW1/4NE1/4, NW1/4SE1/4  
 Section 22: Lot 2, S1/2NE1/4SE1/4  
 Section 23: S1/2 of Lot 1, Lots 2 - 5, S1/2SE1/4NW1/4  
 Section 24: Lots 1 - 3, 6 - 8, portions of Lots 4 and 5 as  
 shown on state status plats  
 Section 25: Lots 1, 2, 6 - 9, 14

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Tract I of USS 2529

Block 7 of USS 2676

Section 26: That portion of Lot 2 USS 7371 within state selection NFCG 192

Lot 3 of USS 7371

Section 27: Lot 1, NW1/4NE1/4

Section 36: Lot 4

Those portions of Lots 1, 5, and 6 excluding a lakeshore buffer 200 feet from the line of ordinary high water of Upper Trail Lake

(6) all state-owned shorelands and water known as Trail River and Upper and Lower Trail Lakes within the following parcels:

Township 4 North, Range 1 East, Seward Meridian

Sections 6, 7, 18

Township 4 North, Range 1 West, Seward Meridian

Sections 1, 12, 13, 24, 25

Township 5 North, Range 1 East, Seward Meridian

Sections 7, 18, 19, 31

Township 5 North, Range 1 West, Seward Meridian

Sections 13, 22 - 27, 36

(7) all state-owned shorelands and water within the riparian corridor of the state-owned land 200 feet landward from the line of ordinary high water on each side of each of the following waterways:

(A) Cooper Creek

Township 5 North, Range 3 West, Seward Meridian

Section 31

(B) Bean Creek

Township 5 North, Range 3 West, Seward Meridian

Sections 29, 30

(C) Shackelford Creek

Township 5 North, Range 3 West, Seward Meridian

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Section 34

(D) Quartz Creek

Township 5 North, Range 2 West, Seward Meridian  
Sections 19, 20, 29, 30

Township 5 North, Range 3 West, Seward Meridian  
Section 36

(E) Daves Creek

Township 5 North, Range 2 West, Seward Meridian  
Sections 19, 20

(F) Crescent Creek

Township 5 North, Range 2 West, Seward Meridian  
Sections 29, 30

(G) Dry Creek

Township 5 North, Range 2 West, Seward Meridian  
Sections 30, 31

\* Sec. 4. AS 41.21.502(a)(5) is amended by adding a new subparagraph to read:

(F) Additional Trail River lands

Township 4 North, Range 1 West, Seward Meridian

Section 13: Portions of lots 4, 5, and 7 that are east of the Seward Highway right-of-way and west of Lower Trail Lake; Portions of Lots 7, 8, and 9 that are within the 200 feet of the Trail River ordinary high water line or within the 100-year flood boundary for the river, whichever is greater;

Section 24: Portions of lots 3, 4, 7, 8, and 11 within 200 feet of the Trail River ordinary high water line or within the 100-year flood boundary for the river, whichever is greater;

Lots 2, 5, and 10

Section 25: Portions of lots 3 and 5 that are within 200 feet of the Trail River and Kenai Lake ordinary high

1 water lines or within the 100-year flood boundary for  
2 the river and lake, whichever is greater; in this  
3 subparagraph, the 100-year flood boundary is that  
4 shown on the Federal Emergency Management  
5 Agency Flood Boundary and Floodway Map for this  
6 area, dated May 19, 1981;

7 \* Sec. 5. AS 41.21.502(c) is amended to read:

8 (c) The mineral estate in the state-owned land and water described in (a)  
9 of this section is open to [EXCEPT FOR] oil and gas leasing under AS 38.05.180.  
10 The [, THE] mineral estate in the state-owned [STATE-OWNED] land and water  
11 described in (a)(1) - (4) [(a)] of this section is closed to mineral entry under  
12 AS 38.05.181 - 38.05.275.

13 \* Sec. 6. Sections 1, 2, 3, and 5 of this Act take effect immediately under AS 01.10.070(c).

14 \* Sec. 7. Section 4 of this Act takes effect on the date that the commissioner of natural  
15 resources notifies the revisor of statutes and the lieutenant governor that the selection by the  
16 Kenai Peninsula Borough of the land added to the Kenai River Special Management Area by  
17 sec. 4 of this Act has been denied or relinquished under AS 29.65.

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

Column for Peninsula Clarion, 3/30/01

**LOCKING UP LAND FOR PUBLIC USE**  
by Les Palmer

Rep. Ken Lancaster recently introduced HB 165, a bill that would add state-owned lands along the Kenai River and its tributaries to the Kenai River Special Management Area (KRSMA).

This idea was hatched 15 years ago, but couldn't be put forward until state and borough land selections had been completed. That accomplished, it's time to protect these lands.

In 1985, the Lands Subcommittee of the KRSMA Advisory Board met 38 times, part of the long process of writing the first comprehensive management plan for the river. As a member of that body, I well remember why we wanted those lands in the special management area. Left alone, they would be administered by the Department of Natural Resources.

Unfortunately, DNR historically has been less than a perfect landlord. Only after squatters' cabins had proliferated on state lands along Cook Inlet and in the Caribou Hills did this agency take notice that anything was amiss. Judging by its dismal record -- and it's not likely to change -- "DNR" could well mean "Department of No Responsibility."

The inclusion of state-owned lands in the special management area would give them at least minimal protection. Such enforcement as would be necessary would be administered by State Parks, which has year-round staff on the peninsula.

The best reasons for including these additional lands can be found in the 1984 act establishing the Kenai River Special Management Area, in Section 1, Findings: "The river's fishery and wildlife are its most important resources. The highest priority uses of the river and its adjacent land derive from its fishery and wildlife resources, which must be protected and preserved to ensure their renewability and continued usefulness."

Since the Kenai River Special Management Area is in effect a state park, some people will no doubt object to "locking up" more land. To that I say, if you're locking up lands for public fishing, hunting and recreation, lock away! That's the kind of locking up we need more of. The grim alternative is privatization, a true lock-up.

Water quality is another, even more important, reason for protection of these lands. Pollutants in the upper watershed pollute the entire Kenai River. A chemical spill in the Trail lakes or upper Kenai Lake could become a disaster beyond measure.

While serving on the Lands Committee, I was also a real estate broker and developer of recreational properties. At the time, my first thought about those lands along Kenai Lake and the Trail lakes was that they would make nice future home or cabin sites. But I had second thoughts. I decided such development wasn't worth the risk.

The lower 50 miles of the Kenai had already been allocated to private development, along with quite a lot of the upper watershed and lands

along several important tributaries. The Lands Subcommittee concluded that the state lands in the upper watershed should be added to the special management area, which would protect them from most kinds of development, but leave them open for public recreation. Both the Lands Subcommittee and the Kenai River Advisory Board unanimously adopted this recommendation.

That was 15 years ago. The reasons for including those lands are even more important today.

We can't allow ourselves to forget the importance of the Kenai. We must not allow ourselves to take it for granted. Those of us who love the Kenai must regularly remind one another and our elected officials that the river is valuable, but also vulnerable. Protecting the lands along the Kenai is an investment in the river's future.

And our future.

\* \* \*

Want to learn more about the Kenai River and how you can help it to remain one the best salmon-producing streams on earth? Visit the Kenai River Center, 514 Funny River Road; or call 260-4882; or, visit the river center on the Internet at:  
[www.borough.kenai.ak.us/KenaiRiverCenter](http://www.borough.kenai.ak.us/KenaiRiverCenter)

Les Palmer is a freelance writer who lives in Sterling.

**A Resolution in Support of Expanding  
the  
Kenai River Special Management Area**

**WHEREAS,** the Kenai River Special Management Area (KRSMA) was established in 1984 to preserve and protect the important fish and wildlife habitat and resources of the Kenai River watershed and to provide for recreational opportunities; and

**WHEREAS,** certain state owned lands adjacent to the Kenai River were combined with the waters of Kenai River, Kenai Lake and Skilak Lake to form the KRSMA; and

**WHEREAS,** the Kenai River Comprehensive Management Plan was revised in December, 1997 and recommended the addition of a number of new state owned parcels and tributaries to the KRSMA; and

**WHEREAS,** these land parcels adjacent to Kenai Lake, Cooper Lake, Upper and Lower Trail Lakes, plus a number of Kenai Lake tributaries, and the waters of Upper and Lower Trail Lakes and Trail River all combine to provide additional protection of fish and wildlife resources and habitat, as well as provide an opportunity manage recreational activities in a larger area of the Kenai River watershed;

**NOW, THEREFORE, BE IT RESOLVED BY** Cooper Landing Community Club:

We hereby urge the Alaska Legislature to expand the Kenai River Special Management Area by adding the lands and waters identified in the 1997 Kenai River Comprehensive Management Plan. Such lands and waters are to be managed consistently with the mandate within Alaska Statutes Section 41.21.500.

Approved:

Mona Painter

1-28-99

Date

copy



## COOPER LANDING COMMUNITY CLUB, INC.

Library, Park, Cemetery, Ambulance Squad, Dall Homemakers, Gun Club  
P.O. Box 508 Cooper Landing, AK 99572

February 1, 1999

Chris Degernes, Kenai Area Superintendent  
Department of Natural Resources Division of Parks and Outdoor Recreation  
P.O. Box 1247  
Soldotna, AK 99669

Dear Chris:

The Cooper Landing Community Club voted to endorse the accompanying Resolution in Support of Expanding the Kenai River Special Management Area during our last meeting on Jan. 28, 1999. Sixteen members were present; there was one dissenting vote. Notice of this possible action appeared on agendas posted the week before at the post office, library, and at the Shrew's Nest. Agendas were passed out at the Cooper Landing Advisory Planning Commission meeting on Jan. 21. The agenda item read: "10 b. State Parks Chris Degernes, Jim Richardson, David Rhoda; Consider endorsing addition of State lands to KRSMA as outlined in KRSMA plan available at the library and previously endorsed by CLAPC."

As you know, Jim H. Richardson and David Rhoda made the presentation aided by maps of the lands in question. Several people entered into the discussion. One of the concerns was that the Dept. of Transportation lot adjacent to the old Community Hall site near Mile 49 (for which the Community Club holds patent) would be put into KRSMA. Several members of the community have been wanting to have that piece added to the old Hall site which is to become a museum site. It was explained that while this is also state land, it is managed by DOT and so is not a part of KRSMA lands.

Another concern expressed was that this was taking land away from ownership by the public. It was explained that these lands are already DNR lands and they are not borough selectable lands nor state lands that would be earmarked for settlement.

Hope you are feeling well now—we missed your participation!

Sincerely,  
Mona Palmer, president

painter@arctic.net

*Mona Palmer*

Introduced by:	Navarro
Date:	02/02/99
Action:	Adopted
Vote:	7 Yes, 2 No

**KENAI PENINSULA BOROUGH  
RESOLUTION 99-013**

**A RESOLUTION URGING THE ALASKA STATE LEGISLATURE  
INCLUDE ADDITIONAL STATE LAND INTO THE  
KENAI RIVER SPECIAL MANAGEMENT AREA**

**WHEREAS,** the Alaska State Legislature established the Kenai River Special Management Area in 1984 to preserve and protect important fish and wildlife habitat and resources and to provide for recreational opportunities; and

**WHEREAS,** the Alaska Department of Natural Resources in cooperation with the Kenai River Special Management Area Advisory Board developed the 1986 Kenai River Comprehensive Management Plan; and

**WHEREAS,** in December 1997 a revised Kenai River Comprehensive Management Plan was adopted by the Commissioner of Natural Resources based on recommendations from the Kenai River Special Management Area Advisory Board; and

**WHEREAS,** the revised plan has recommended the additional State-owned lands and tributaries adjacent to the Kenai River be included in the boundary of the Kenai River Special Management Area; and

**WHEREAS,** Goal 3.9 of the Kenai Peninsula Borough Comprehensive Plan is to provide quality outdoor recreational areas and opportunities for Borough residents and visitors; and

**WHEREAS,** Goal 4.3 of the Kenai Peninsula Borough Coastal Management Program recommends public lands be retained for public open space or recreation areas; and

**WHEREAS,** the addition of these State lands and tributaries meets the goals and objectives of these Borough plans;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

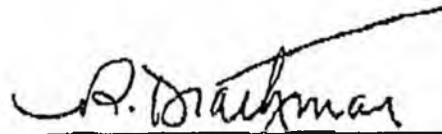
**SECTION 1.** The Kenai Peninsula Borough Assembly supports the addition of State land adjacent to the Kenai River and the addition of Kenai River tributaries into the boundaries of the Kenai River Special Management Area.

**SECTION 2.** The Alaska State Legislature is urged to introduce legislation to amend Alaska Statute 41.21.500 and to expand the boundaries of the Kenai River Special Management Area to include the 9,681 acres identified in the 1997 Kenai River Comprehensive Management Plan.

**SECTION 3.** That copies of this resolution shall be provided to The Honorable Tony Knowles, Governor, State of Alaska; the Honorable John Shively, Commissioner of Alaska Department of Natural Resources; the Honorable Brian Porter, Speaker of the House, Alaska House of Representatives; the Honorable Drue Pearce, Senate President, Alaska State Senate; Representative Gary Davis, Representative Hal Smalley, Representative Scott Ogan, Representative Jerry Sanders, Senator John Torgerson, and Senator Jerry Ward.

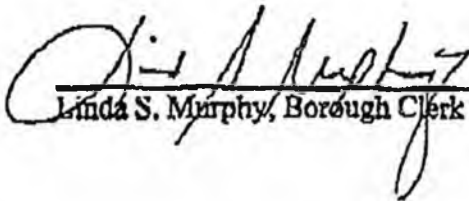
**SECTION 4.** This resolution shall take effect immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF FEBRUARY, 1999.**



Ronald Wm. Drahtman, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk

A Resolution in Support of Expanding  
the  
Kenai River Special Management Area

WHEREAS, the Kenai River Special Management Area (KRSMA) was established in 1984 to preserve and protect the important fish and wildlife habitat and resources of the Kenai River watershed and to provide for recreational opportunities; and

WHEREAS, certain state owned lands adjacent to the Kenai River were combined with the waters of Kenai River, Kenai Lake and Skilak Lake to form the KRSMA; and

WHEREAS, the Kenai River Comprehensive Management Plan was revised in December, 1997 and recommended the addition of a number of new state owned parcels and tributaries to the KRSMA; and

WHEREAS, these land parcels adjacent to Kenai Lake, Cooper Lake, Upper and Lower Trail Lakes, plus a number of Kenai Lake tributaries, and the waters of Upper and Lower Trail Lakes and Trail River all combine to provide additional protection of fish and wildlife resources and habitat, as well as provide an opportunity manage recreational activities in a larger area of the Kenai River watershed;

NOW, THEREFORE, BE IT RESOLVED BY The Alaska Flyfishers

We hereby urge the Alaska Legislature to expand the Kenai River Special Management Area by adding the lands and waters identified in the 1997 Kenai River Comprehensive Management Plan. Such lands and waters are to be managed consistently with the mandate within Alaska Statutes Section 41.21.500.

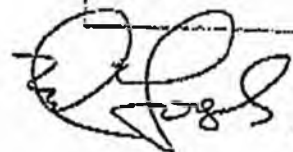
Approved:

David K. Goodman

16 February 1999  
Date

Jim,  
Here it is!

2/17  
RECEIVED  
FEB 23 1999



Chris:  
2-18  
ED FOGELS  
Shepherdal this for



**United Cook Inlet Drift Association**

**P.O. Box 389 - Kenai, Alaska 99611-0389 - (907) 260-9438 - fax (907) 260-9438 - [ucida@kenai.net](mailto:ucida@kenai.net)**

March 30, 2001

House Resources Committee  
Representative Drew Scalzi, Co-Chair  
State Capitol, Room 13  
Juneau, Alaska 99801-1182

Dear Drew,

On behalf of the approximately 585 drift fishermen in Cook Inlet, we wish to express our support for HB 165.

By including these lands and waters in the Kenai River Special Management Area, the Legislature will be providing additional protection to critical aquatic habitat. Clean water and natural habitat are essential to successful spawning and rearing of anadromous salmon and trout species.

Development and settlement of these lands can still be accomplished, but will have to be done under stricter rules. Rules designed specifically to ensure the continued availability and use of our valuable fishery resources.

Respectfully yours,

A handwritten signature in cursive script that reads 'Bob Merchant'.

Bob Merchant  
UCIDA President

March 26, 2001

HB 165 Testimony to the Alaska House Resources Committee


Mr. Chairman, Members of the Committee

My name is Jim H. Richardson, P.O. Box 757, Cooper Landing, AK, 99572. We own property on the Kenai River in Cooper Landing in the vicinity of some of the parcels included in the proposed legislation. I am also a public member of the KRSMA Board.

I want to testify in favor of the passage of HB 165, an act relating to the Kenai River Special Management Area introduced by Representative Ken Lancaster.

1. The addition of these lands to KRSMA received extensive public review in the 1996-97 revision of the Original 1986 Kenai River Comprehensive Management Plan. As a KRSMA member, I participated in the public meetings.
2. The purpose of this legislation is to provide additional protection to the habitat and fish and wildlife resources.
3. It will also provide an opportunity for recreational activity use and management in a larger area of the Kenai River Watershed.

Thank you.

  
Jim H. Richardson



# Alaska State Legislature

Please enter into the record my testimony to the House Resources committee name

Committee on HB 165, dated 3-26-01  
bill # / subject

*I* DONALD RAMSEY ~~HB 165~~ <sup>WR</sup>

35774 PARLISE DR

*3 H  
2 YRS  
WEST KENAI*

SOLDOTNA AK.  
ZIP 99669-  
907-262-2802

I SUPPORT HB 165  
WE NEED TO CONSERVE HABITAT  
FOR THE WELL BEING OF THE KENAI  
RIVER FISH & GAME - END RESULT  
THAT BENEFIT ALL INVOLVED - MENTALLY  
AS WELL AS PHYSICALLY - FOR OUR FAMILIES  
AS WELL AS DESCENDANTS IN THE FUTURE

Signed: Donald Ramsey  
Testifier

Representing (optional)

Address

Phone number



# Alaska State Legislature

Please enter into the record my testimony to the House Resources  
committee name

Committee on \_\_\_\_\_, dated 3-26-01  
HB 165  
bill # / subject

Support to provide additional protection of fish & wildlife resources and habitat as well as provide an opportunity to manage recreational activities. These lands and water were identified in 1997 in the Kenai State Comprehensive Management Plan.

Signed: Charles W. Niese  
Testifier

A property owner in area  
Representing (optional)

36515 Bradford Road, Sterling AK 99672  
Address

262-2115  
Phone number

22-LS0431\C  
Utermohle  
2/27/01

**CS FOR HOUSE BILL NO. 93( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE LANCASTER**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act establishing the permit fee for the personal use dip net fisheries for the Kenai**  
2 **River and the Kasilof River; and providing for an effective date."**

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

4 **\* Sec. on 1. AS 16.05.340(a) is amended by adding a new paragraph to read:**

5 **(25) Personal use dip net fishing permit for the Kenai River and**  
6 **the Kasilof River.....\$10.**

7 **\* Sec. 2. This Act takes effect July 1, 2001.**

March 26, 2001

Amendment offered by Rep. Scalzi

House Resources Committee

CS FOR HOUSE BILL NO. 93 ( )

22-LS0431\C

---

Add to (25) – line 5

A sport fish license is not required to purchase the dip net permit. Proof of Alaska residency is required.

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 165  
 ( ) Publish Date: \_\_\_\_\_  
 Dept. Affected: Natural Resources  
 BRU: Parks & Recreation Mgt  
 Component: Parks Management  
 Component Number: 452

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Kenai River Special Management Area  
 Sponsor: Reps. LANCASTER, Scalzi  
 Requester: (H) RES

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: None

Check this box if funding for this bill is included in the Governor's FY2002 budget proposal: [ ]

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill transfers management of the listed parcels from Division of Mining, Land & Water to Division of Parks as additions to the Kenai Special Management Area. These additions were envisioned in both the 1997 Revised Kenai River Comprehensive Management Plan, adopted by DNR in 1997, and the Kenai Area Plan adopted by DNR last year. There is no fiscal impact on this division.

Prepared by: Jim Stratton, Director Phone 269-8700  
 Division: Parks and Outdoor Recreation Date/Time 23-Mar-01  
 Approved by: Pat Pourchot Date 23-Mar-01  
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 165  
 ( ) Publish Date: \_\_\_\_\_  
 Dept. Affected: Natural Resources  
 BRU: Minerals, Land & Water Dev.  
 Component: Title Defense & Acquis.  
 Component Number: 2459

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Kenai River Special Management Area  
 Sponsor: Reps. LANCASTER, Scalzi  
 Requester: (H) RES

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: None  
 Check this box if funding for this bill is included in the Governor's FY2002 budget proposal: [ ]

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill transfers management of the listed parcels from Division of Mining, Land & Water to Division of Parks as additions to the Kenai River Special Management Area. These additions were envisioned in both the 1997 Revised Kenai River Comprehensive Management Plan, adopted by DNR in 1997, and the Kenai Area Plan adopted by DNR last year. There is no fiscal impact on this division.

Prepared by: Bob Loeffler Phone 269-8600  
 Division: Mining, Land and Water Date/Time 23-Mar-01  
 Approved by: Pat Pourchot Date 23-Mar-01  
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

HOUSE BILL NO. 165

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES LANCASTER, Scalzi

Introduced: 3/9/01  
Referred: Resources

*None to text*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Kenai River Special Management Area; and providing for an  
2 effective date."

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

4 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 PURPOSE. The purpose of this Act is to further the implementation of the Kenai  
7 River Comprehensive Management Plan by making additions of certain state-owned land and  
8 water as described in this Act to the Kenai River Special Management Area.

9 \* Sec. 2. AS 41.21.502(a)(4)(L) is amended to read:

10 (L) Other Lower River Land

11 Township 5 North, Range 9 West, Seward Meridian

12 Section 22: Lots 4, 9, 10, NE1/4SW1/4

13 Township 5 North, Range 10 West, Seward Meridian

14 Section 6: Lot 8

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Section 7: Lots 5 - 7, 15

Section 18: Lots 1, 2, 4 - 6,

Tract A, Larry's Fishing Hole Subdivision, Plat

No. 90-42

Government Lots 4 - 7, 10 - 13

NE1/4SW1/4

E1/2NW1/4

Section 19:

Tracts A and B, Timberland Terrace Phase 1

Subdivision, Plat 97-26

Lot 4, Kobvlarz Subdivision, according to the

official plat filed under Plat No. 92-24, Kenai

Recording Office

Beginning at the section corner common to

Sections 19, 20, 29, and 30, Township 5 North,

Range 10 West, Seward Meridian, traverse west

along the section line common to Sections 19 and

30 a distance of 1320 feet, thence north along the

1/16 section line a distance of 1420 feet to Corner

No. 1 and the point of beginning, thence west 100

feet to Corner No. 2, thence north to the thalweg

of the Kenai River and Corner No. 3, thence east

along the thalweg of the Kenai River to the point

of intersection with 1/16 section line and Corner

No. 4, thence south along the 1/16 section line to

Corner No. 1, and the point of beginning, located

in the Kenai Recording District, as may be

modified by a record of survey accepted by the

state

Lot 16

Section 30: Tracts A, J, and K, Channel Shores

Subdivision, Plat No. 85-102

Section 31: Lots 2, 3, and 11, excluding the following subdivisions, as shown in record of survey no. 96-7: Halcyon Subdivision, Lot 1, Block 1, plat of survey no. K-1706; Halcyon Subdivision Lot 5, Block 1, plat of survey no. 73-9; Halcyon Subdivision plat of survey no. 76-75; Halcyon Subdivision Addition No. 4, plat of survey no. 77-47; Halcyon Subdivision Addition No. 5, plat of survey no. 77-82; Halcyon Subdivision No. 3, plat of survey no. 78-25; Halcyon Subdivision Amended Plat Lot 1-B, Block 1, plat of survey no. 78-96; Halcyon Subdivision Addition No. 7, plat of survey no. 79-155; Halcyon Subdivision Addition No. 8, plat of survey no. 83-174; Halcyon Subdivision Addition No. 9, plat of survey no. 84-47; Halcyon Subdivision No. 10, plat of survey no. 84-244; Halcyon Subdivision No. 9, plat of survey no. 86-98RS; Halcyon Subdivision No. 9, plat of survey no. 86-99RS; Halcyon Subdivision No. 11, plat of survey no. 92-41; Halcyon Subdivision No. 8 Amended, plat of survey no. 92-72; and Halcyon Subdivision No. 12, plat of survey no. 93-8; and excluding that portion of Government Lot 3 east of Daisy Drive conveyed by warranty deed recorded March 10, 1989, in book 343, page 15, Kenai Recording Office.

Section 32: Lot 1-B-1, ASLS No. 97-25, a subdivision of Lot 1-B, Fisherman's Square Subdivision, Addition No. 1, within the W1/2SW1/4:

Lot 2-A of ASLS 80-87

Section 33: Lot 6-B, Mullen Homestead River

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Addition Phase 1, Plat No. 97-89;

Section 34: Lot 7, NE1/4SE1/4

Township 5 North, Range 11 West, Seward Meridian

Section 1: Lots 9 and [LOT] 10

Section 11: Tract 3, Anglers Acres Subdivision Lowe

Addition, Plat No. 97-19; Tract A-1A, Cone Tracts;

Lot 3, excluding that portion north of the south

right-of-way boundary of the Beaver Loop Road

and all land west of and including the Cone Tracts

A-1A and A-1B Subdivision and SE1/4NW1/4, and

the N1/2NW1/4, excluding that portion of the south

right-of-way boundary of the Beaver Loop Road

and all land west of and including the Cone Tracts

A-1A and A-1B Subdivision

Section 12: Lots 1 - 3, 7 - 10, 13

N1/2SE1/4

SE1/4NE1/4

NE1/4SW1/4

N1/2SW1/4SE1/4

Section 13: Lot 1

SW1/4NW1/4

Section 14: Lots 2, 7

Section 16: Lots 1 - 10

SE1/4

NW1/4NW1/4

SE1/4SW1/4.

Section 24: That portion of Lot 11 within LSH 148

Section 25: Lot 3

Section 36: That strip of land between the line of

ordinary high water of the Kenai River and EPF

21-11, Block 1

1 \* Sec. 3. AS 41.21.502(a) is amended by adding new paragraphs to read:

2 (5) all state-owned land in the Seward Recording District that is  
3 located in the following parcels:

4 (A) Cooper Landing

5 Township 5 North, Range 3 West, Seward Meridian

6 Section 28: Tract B of ASLS 91-6

7 Lot 3 of USS 2523

8 That portion of Tract A of USS 5105 lying between

9 Lot 4 of USS 2523 and Tract A of USS 2361 and  
10 the south boundary of the Sterling Highway

11 That portion of Tract A of USS 5105 lying south of

12 USS 3306, north and west of USS 2524, east of  
13 USS 2524, west of USS 2523, and south of Bean

14 Creek Road

15 That portion of Tract A of USS 5105 lying south and

16 west of USS 3306, north and west of USS 2524, and  
17 north and west of ASLS 81-197

18 That portion of Tract B of USS 5105 lying south of

19 the Kenai River and north of the Sterling Highway  
20 right-of-way

21 Section 29: Tract B of ASLS 91-6

22 That portion of Tract A of USS 5105 lying south of

23 Bean Creek right-of-way excluding ASLS 96-6

24 That portion of Tract A of USS 5105 lying south and

25 west of USS 3306 and south and west of ASLS 81-  
26 183

27 Tract D of USS 5105

28 Lot 5 of USS 2527

29 Section 30: Tract E

30 — That portion of Tract B of USS 5105 within the

31 SE1/4SE1/4SE1/4, NE1/4SE1/4SW1/4

*amendment to delete*

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That portion of Tract B of USS 5105 within the S1/2SE1/4 lying north of the Kenai River excluding USS 1442 E1/2NE1/4NW1/4, W1/2W1/2, W1/2E1/2W1/2

*delete  
- which will be  
provided  
to us*

Section 31: Lots 1, 12

That portion of Tract B of USS 5105 within the NE1/4NE1/4 lying south of the Kenai River and north of the Sterling Highway

Section 32: That portion of Tract B of USS 5105 within the NW1/4NW1/4 lying south of the Kenai River and north of the Sterling Highway

Township 5 North, Range 4 West, Seward Meridian

Section 35: That portion of USS 1559 within the N1/2 and lying north of the Kenai River

That portion of the E1/2NE1/4 lying north and east of USS 3392, south of the Kenai River, and north of the Sterling Highway

That portion of the S1/2N1/2NE1/4 and that portion of the E1/2E1/2NW1/4 lying south of the Kenai River

That portion of the S1/2NE1/4 lying south of the Kenai River, excluding USS 3392

Section 36: Lot 1 of USS 7286

That portion of the N1/2 lying between the south bank of the Kenai River and the north side of the Sterling Highway right-of-way

That portion of the N1/2S1/2NE1/4 and NE1/4SE1/4NW1/4 lying south of the Sterling Highway

That portion of the N1/2 lying north of the Kenai River

- 1 (B) Kenai Lake
- 2 Township 3 North, Range 1 East, Seward Meridian
- 3 Section 7: SW1/4, lying north and west of USS 9002,
- 4 excluding USS 1774
- 5 Township 4 North, Range 1 West, Seward Meridian
- 6 Section 22: S1/2S1/2
- 7 Section 23: S1/2S1/2, excluding USS 7391
- 8 Section 25: Lot 8
- 9 Section 26: N1/2, excluding USS 7391
- 10 Section 27: N1/2, excluding USS 2065
- 11 Township 4 North, Range 2 West, Seward Meridian
- 12 Section 6: Lots 1 and 2, excluding ASLS 85-399, and
- 13 that portion conveyed under ADL 201307
- 14 Tract D of ASLS 85-339
- 15 Section 18: Lots 1 - 3
- 16 Section 19: NW1/4, NE1/4SW1/4, SW1/4SE1/4 lying
- 17 south and west of Kenai Lake
- 18 Section 30: NE1/4, E1/2SE1/4 lying south and west of
- 19 Kenai Lake
- 20 Section 31: E1/2NE1/4
- 21 Section 32: Lots 1 - 3, SW1/4NW1/4, W1/2SW1/4,
- 22 SE1/4SW1/4
- 23 Township 4 North, Range 3 West, Seward Meridian
- 24 Section 1: Tract D of ASLS 85-339, Lots 2 - 4,
- 25 W1/2SW1/4
- 26 Section 2: Lot 1, W1/2NE1/4, SE1/4NE1/4, E1/2SE1/4
- 27 Section 12: Lots 1 - 4, W1/2W1/2, SE1/4SW1/4
- 28 Section 13: Lots 1, 2, SW1/4NE1/4, E1/2NW1/4,
- 29 NW1/4SE1/4, E1/2SE1/4
- 30 Township 5 North, Range 2 West, Seward Meridian
- 31 Section 31: Tracts A, B, C, and D of ASLS 85-339

1 Township 5 North, Range 3 West, Seward Meridian  
2 Section 25: That portion of Tract A of USS 5105 lying  
3 south of the Sterling Highway right-of-way  
4 Section 26: That portion of Tract A of USS 5105 lying  
5 south of the Sterling Highway right-of-way, excluding  
6 PLO 829  
7 Section 27: That portion of Tract A of USS 5105 lying  
8 south of the Sterling Highway right-of-way and west  
9 of USS 2521 Tract A  
10 That portion of Tract A of USS 5105 lying south of  
11 the Sterling Highway right-of-way and west of USS  
12 2934 and south and east of ASLS 80-103  
13 Section 34: That portion of Tract B of USS 5105 lying  
14 east of ASLS 79-126 and between the north side of  
15 Snug Harbor Road and the south side of Kenai Lake  
16 Section 36: Tracts B and E of ASLS 85-339  
17 That portion of Tract A of USS 5105 within the  
18 NW1/4 lying south and west of the Sterling  
19 Highway right-of-way, excluding ASLS 85-339  
20 (C) Quartz Creek Lowlands  
21 Township 5 North, Range 2 West, Seward Meridian  
22 Section 15: S1/2N1/2  
23 Section 16: S1/2N1/2, NE1/4NW1/4, NW1/4NE1/4  
24 excluding Unit 408A of the Kenai Area Plan, N1/2S1/2  
25 (D) Cooper Lake  
26 Township 3 North, Range 2 West, Seward Meridian  
27 Section 6: Lots 1 - 3, NE1/4, E1/2NW1/4,  
28 NE1/4SW1/4, N1/2SE1/4  
29 Township 3 North, Range 3 West, Seward Meridian  
30 Section 1: Lots 1 - 4, E1/2NE1/4, NE1/4SE1/4  
31 Township 4 North, Range 2 West, Seward Meridian

1 Section 31: W1/2E1/2, E1/2SE1/4  
2 Township 4 North, Range 3 West, Seward Meridian  
3 Section 36: All  
4 (E) Upper and Lower Trail Lakes  
5 Township 4 North, Range 1 East, Seward Meridian  
6 Section 6: Lots 1 - 6, 8, 9, SE1/4SW1/4, SW1/4SE1/4  
7 Section 7: Lots 1, 2, 5, 6, NW1/4NE1/4, NE1/4NW1/4  
8 Section 18: Lots 1 - 3  
9 Township 4 North, Range 1 West, Seward Meridian  
10 Section 1: Lots 1, 4 - 8, and that portion of Lot 3 within  
11 the SE1/4  
12 Section 12: Lots 1 - 4, 7, 8, 11, 12, Those portions of  
13 Lots 5 and 6 as shown on state status plats  
14 Section 13: Tract B of ASLS 86-6  
15 Lot 1  
16 That portion of USS 1778 and USS 7391 lying within  
17 the N1/2SE1/4  
18 Township 5 North, Range 1 East, Seward Meridian  
19 Section 5: S1/2SW1/4  
20 Section 7: Lot 1, SE1/4 of Lot 2, Lots 5, 7, 9 - 14  
21 Section 8: N1/2NW1/4  
22 Section 18: Lots 2 - 7  
23 Section 19: Lot 2  
24 Section 31: That portion within the W1/2 of Lots 1, 2, 5  
25 Lot 6  
26 Township 5 North, Range 1 West, Seward Meridian  
27 Section 13: Lots 1 - 4, E1/2NE1/4NE1/4,  
28 S1/2SW1/4NE1/4, NW1/4SE1/4  
29 Section 22: Lot 2, S1/2NE1/4SE1/4  
30 Section 23: S1/2 of Lot 1, Lots 2 - 5, S1/2SE1/4NW1/4  
31 Section 24: Lots 1 - 3, 6 - 8, portions of Lots 4 and 5 as

1 shown on state status plats  
 2 Section 25: Lots 1, 2, 6 - 9, 14  
 3 Tract I of USS 2529  
 4 Block 7 of USS 2676  
 5 Section 26: That portion of Lot 2 USS 7371 within state  
 6 selection NFCG 192  
 7 Lot 3 of USS 7371  
 8 Section 27: Lot 1, NW1/4NE1/4  
 9 Section 36: Lot 4  
 10 Those portions of Lots 1, 5, and 6 excluding a  
 11 lakeshore buffer 200 feet from the line of ordinary  
 12 high water of Upper Trail Lake

13 (6) all state-owned shorelands and water known as Trail River and  
 14 Upper and Lower Trail Lakes within the following parcels:

15 Township 4 North, Range 1 East, Seward Meridian

16 Sections 6, 7, 18, 19

*delete - it does not  
 contain any trail line or  
 trail lake  
 land.*

17 Township 4 North, Range 1 West, Seward Meridian

18 Sections 1, 12, 13, 24, 25

19 Township 5 North, Range 1 East, Seward Meridian

20 Sections 7, 18, 19, 31

21 Township 5 North, Range 1 West, Seward Meridian

22 Sections 13, 22 - 27, 36

23 (7) all state-owned shorelands and water within the riparian corridor of  
 24 the state-owned land 200 feet landward from the line of ordinary high water on each  
 25 side of each of the following waterways:

26 (A) Cooper Creek

27 Township 5 North, Range 3 West, Seward Meridian

28 Section 31

29 (B) Bean Creek

30 Township 5 North, Range 3 West, Seward Meridian

31 Sections 29, 30

1 (C) Shackelford Creek  
2 Township 5 North, Range 3 West, Seward Meridian  
3 Section 34

4 (D) Quartz Creek  
5 Township 5 North, Range 2 West, Seward Meridian  
6 Sections 19, 20, 29, 30

7 Township 5 North, Range 3 West, Seward Meridian  
8 Section 36

9 (E) Daves Creek  
10 Township 5 North, Range 2 West, Seward Meridian  
11 Sections 19, 20

12 (F) Crescent Creek  
13 Township 5 North, Range 2 West, Seward Meridian  
14 Sections 29, 30

15 (G) Dry Creek  
16 Township 5 North, Range 2 West, Seward Meridian  
17 Sections 30, 31

18 (H) Indian Creek  
19 - Township 5 North, Range 2 West, Seward Meridian  
20 - Sections 30, 31

21 \* Sec. 4. AS 41.21.502(a)(5) is amended by adding a new subparagraph to read:

*Needs  
write on lots  
- only sections of the  
lots should be in  
bill*

22 (F) Additional Kenai Lake lands  
23 Township 4 North, Range 1 West, Seward Meridian  
24 Section 13: Lots 5, 7, and 9  
25 Section 24: Lot 2

26 Portions of Lots 3, <sup>(4)</sup> and <sup>(9)</sup> as shown on state status  
27 plats

28 Lots <sup>(3)</sup>, 8, 10, 11 *add portions of these ? of  
Seward Hwy : W of trail lake*

29 Section 25: Lots 3 - 5; *to High Water Mark  
- intention was only to include  
lands near the water*

30 \* Sec. 5. AS 41.21.502(c) is amended to read:

31 (c) The state-owned land and water described in (a) of this section is open

1           to [EXCEPT FOR] oil and gas leasing under AS 38.05.180. The [, THE] mineral  
2           estate in the state-owned [STATE-OWNED] land and water described in (a)(1) - (4)  
3           [(a)] of this section is closed to mineral entry under AS 38.05.181 - 38.05.275.

4       \* Sec. 6. Sections 1, 2, 3, and 5 of this Act take effect immediately under AS 01.10.070(c).

5       \* Sec. 7. Section 4 of this Act takes effect on the date that the commissioner of natural  
6       resources notifies the revisor of statutes and the lieutenant governor that the selection by the  
7       Kenai Peninsula Borough of the land added to the Kenai River Special Management Area by  
8       sec. 4 of this Act has been denied or relinquished under AS 29.65.

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 165  
 ( ) Publish Date: \_\_\_\_\_  
 Dept. Affected: Natural Resources  
 BRU: Parks & Recreation Mgt  
 Component: Parks Management  
 Component Number: 452

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Kenai River Special Management Area  
 Sponsor: Reps. LANCASTER, Scalzi  
 Requester: (H) RES

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: None  
 Check this box if funding for this bill is included in the Governor's FY2002 budget proposal: [ ]

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill transfers management of the listed parcels from Division of Mining, Land & Water to Division of Parks as additions to the Kenai Special Management Area. These additions were envisioned in both the 1997 Revised Kenai River Comprehensive Management Plan, adopted by DNR in 1997, and the Kenai Area Plan adopted by DNR last year. There is no fiscal impact on this division.

Prepared by: Jim Stratton, Director Phone 269-8700  
 Division: Parks and Outdoor Recreation Date/Time 23-Mar-01  
 Approved by: Pat Pourchot Date 23-Mar-01  
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 165  
 ( ) Publish Date: \_\_\_\_\_  
 Dept. Affected: Natural Resources  
 BRU: Minerals, Land & Water Dev.  
 Component: Title Defense & Acquis.  
 Component Number: 2459

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Kenai River Special Management Area  
 Sponsor: Reps. LANCASTER, Scalzi  
 Requester: (H) RES

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: None  
 Check this box if funding for this bill is included in the Governor's FY2002 budget proposal: [ ]

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill transfers management of the listed parcels from Division of Mining, Land & Water to Division of Parks as additions to the Kenai River Special Management Area. These additions were envisioned in both the 1997 Revised Kenai River Comprehensive Management Plan, adopted by DNR in 1997, and the Kenai Area Plan adopted by DNR last year. There is no fiscal impact on this division.

Prepared by: Bob Loeffler Phone 269-8600  
 Division: Mining, Land and Water Date/Time 23-Mar-01  
 Approved by: Pat Pourchot Date 23-Mar-01  
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

**HB**

**178**

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: 3rd SS HB 178  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish & Game  
Title: Management of Fish and Game BRU: Wildlife Conservation  
Component: Wildlife Conservation  
Sponsor: Representative Fate  
Requester: House Resources Component No.: 473

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	**	**	**	**	**	**
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)	**	**	**	**	**	**
<b>TOTAL</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**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)

\*\* Section 3 of this bill would require the department to provide public notice before entering into any cooperative "arrangement." This term is vague and would be interpreted broadly to include a wide variety of situations. This would include permits, contracts, and agreements to receive funding. Example of potential costs: Wildlife Conservation issues ~200 permits annually. Public notice of each permit in 3 major newspapers in the state would conservatively cost \$100,000/annum. (The dept. as a whole issues over 600 permits annually.)

Other aspects of the bill may also have fiscal impacts on Wildlife Conservation and/or other divisions, but the department needs additional clarification of some sections before we can determine potential costs.

Prepared by: Matt Robus, Deputy Director Phone: 465-4190  
Division: Wildlife Conservation Date/Time: 3/29/02 3:00 PM  
Approved by: Commissioner Frank Rue Date: 4/1/2002  
Agency: Department of Fish and Game

# Bill History/Action Display



BILL: HB 178  
 BILL VERSION: 3D SSHB 178  
 SPONSOR(S): REPRESENTATIVE(S)FATE, Coghill, Dyson  
 CURRENT STATUS: (H) RES  
 THEN FIN  
 HEARING: (H) RES Apr 01 1:00 PM CAPITOL 124 TELECONFERENCE

SHORT TITLE:MANAGMENT OF FISH AND GAME  
 STATUS DATE: 03/25/02

[Committee Hearing History](#)

TITLE: "An Act relating to the powers and duties of the commissioner of fish and game, the Department of Fish and Game, and the Board of Game, to taking and use of certain game animals, and to consideration of the budget of the Department of Fish and Game by the legislature; and providing for an effective date."

[Full Text](#)

No Fiscal Notes Available

[Bill History](#)

Jrn-Date	Jrn-Page	Action
03/13/01	<a href="#">0560</a>	(H) READ THE FIRST TIME - REFERRALS
03/13/01	<a href="#">0560</a>	(H) RES, FIN
03/16/01	<a href="#">0636</a>	(H) COSPONSOR(S): DYSON
04/05/01	<a href="#">0860</a>	(H) SPONSOR SUBSTITUTE INTRODUCED
04/05/01	<a href="#">0860</a>	(H) READ THE FIRST TIME - REFERRALS
04/05/01	<a href="#">0860</a>	(H) RES, FIN
C1/18/02	<a href="#">2002</a>	(H) 2D SPONSOR SUBSTITUTE INTRODUCED
01/18/02	<a href="#">2002</a>	(H) READ THE FIRST TIME - REFERRALS
01/18/02	<a href="#">2002</a>	(H) RES, FIN
03/25/02	<a href="#">2668</a>	(H) READ THE FIRST TIME - REFERRALS
03/25/02	<a href="#">2668</a>	(H) RES, FIN
03/25/02	<a href="#">2668</a>	(H) REFERRED TO RESOURCES
03/25/02	<a href="#">2668</a>	(H) SPONSOR SUBSTITUTE INTRODUCED
04/01/02	<a href="#">Text</a>	(H) RES AT 1:00 PM CAPITOL 124

[Similar Subject Match](#) or [Exact Subject Match](#)

[BUDGET](#)

[FISH & GAME \(BOTH\)](#)

[INTERGOVERNMENTAL RELATIONS](#)

[LAW ENFORCEMENT](#)

[PERMITS](#)

[PUBLIC FINANCE](#)

Bill Root:

[Display Bill Root](#)

22-LS0695VB  
Utermohle  
4/16/02

**CS FOR 3d SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 178( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - SECOND SESSION**

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES FATE, Coghill, Dyson

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the powers and duties of the commissioner of fish and game, the  
2 Department of Fish and Game, and the Board of Game, to taking and use of certain  
3 game animals, and to consideration of the budget of the Department of Fish and Game  
4 by the legislature; and providing for an effective date."

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

6 \* Section 1. AS 16.05.020 is amended to read:

7 **Sec. 16.05.020. Functions of commissioner.** The commissioner shall

8 (1) supervise and control the department, and may appoint and employ  
9 division heads [, ENFORCEMENT AGENTS,] and the technical, clerical, and other  
10 assistants necessary for the general administration of the department;

11 (2) manage, protect, maintain, improve, and extend the fish, game, and  
12 aquatic plant resources of the state

13 (A) in the interest of the economy and general well-being of the  
14 state; and

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(B) to achieve an abundance of fish and wildlife resources sufficient to provide the maximum sustained yield of those resources;

(3) have necessary power to accomplish the foregoing including, but not limited to, the power to delegate authority to subordinate officers and employees of the department.

\* Sec. 2. AS 16.05.050(a) is amended to read:

(a) The commissioner has, but not by way of limitation, the following powers and duties:

(1) to cooperate with and assist the Board of Fisheries, the Board of Game, and the advisory committees established under AS 16.05.260 in allocating the fish, game, and aquatic plant resources of the state [UNITED STATES FISH AND WILDLIFE SERVICE IN THE ENFORCEMENT OF FEDERAL LAWS AND REGULATIONS PERTAINING TO FISH AND GAME];

(2) through the appropriate state agency and under the provisions of AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other lawful means, land, buildings, water, rights-of-way, or other necessary or proper real or personal property when the acquisition is in the interest of furthering an objective or purpose of the department and the state;

(3) under the provisions of AS 36.30, to design and construct hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish and game resources of the state;

(4) to accept money from any person under conditions requiring the use of the money for specific purposes in the furtherance of the protection, rehabilitation, propagation, preservation, or investigation of the fish and game resources of the state or in settlement of claims for damages to fish or game resources;

(5) to collect, classify, and disseminate statistics, data, and information that, in the commissioner's discretion, will tend to promote the purposes of this title except AS 16.51 and AS 16.52;

(6) to take, capture, propagate, transport, buy, sell, or exchange fish, [OR] game, or eggs, or to authorize a person as agent of the commissioner to take, capture, propagate, transport, buy, sell, or exchange fish, game, or eggs, for

1 propagating, scientific, public safety, or stocking purposes;

2 (7) under the provisions of AS 36.30, to provide public facilities where  
3 necessary or proper to facilitate the taking of fish or game[, AND TO ENTER INTO  
4 COOPERATIVE AGREEMENTS WITH ANY PERSON TO EFFECT THEM];

5 (8) to exercise administrative, budgeting, and fiscal powers;

6 (9) to assign the highest priority to the allocation of the fiscal,  
7 personnel, and other resources of the division of wildlife conservation for  
8 implementation of the plans, programs, and regulations adopted by the Board of  
9 Game under AS 16.05.255(e) - (g) in a timely and effective manner;

10 (10) under the provisions of AS 36.30, to construct, operate, supervise,  
11 and maintain vessels used by the department;

12 (11) [(10)] to authorize the holder of an interim-use permit under  
13 AS 16.43 to engage on an experimental basis in commercial taking of a fishery  
14 resource with vessel, gear, and techniques not presently qualifying for licensing under  
15 this chapter in conformity with standards established by the Alaska Commercial  
16 Fisheries Entry Commission;

17 (12) [(11)] not later than January 31 of each year, to provide to the  
18 commissioner of revenue the names of those fish and shellfish species that the  
19 commissioner of fish and game designates as developing commercial fish species for  
20 that calendar year; a fish or shellfish species is a developing commercial fish species  
21 if, within a specified geographical region,

22 (A) the optimum yield from the harvest of the species has not  
23 been reached;

24 (B) a substantial portion of the allowable harvest of the species  
25 has been allocated to fishing vessels of a foreign nation; or

26 (C) a commercial harvest of the fish species has recently  
27 developed;

28 (13) [(12)] to initiate or conduct research necessary or advisable to  
29 carry out the purposes of this title except AS 16.51 and AS 16.52;

30 (14) [(13)] to enter into cooperative agreements with [AGENCIES OF  
31 THE FEDERAL GOVERNMENT, EDUCATIONAL INSTITUTIONS, OR OTHER]

1 agencies or organizations, when in the best public interest, to carry out the purposes of  
2 this title except AS 16.51 and AS 16.52;

3 (15) [(14)] to implement an on-board observer program authorized by  
4 the Board of Fisheries under AS 16.05.251(a)(13); implementation

5 (A) must be as unintrusive to vessel operations as practicable;

6 and

7 (B) must make scheduling and scope of observers' activities as  
8 predictable as practicable;

9 (16) [(15)] to sell fish caught during commercial fisheries test fishing  
10 operations;

11 (17) [(16)] to establish and charge fees equal to the cost of services  
12 provided by the department, including provision of public shooting ranges, broodstock  
13 and eggs for private nonprofit hatcheries, department publications, and other direct  
14 services, and reasonable fees for the use of state facilities managed by the department;  
15 fees established under this paragraph for tours of hatchery facilities, commercial use of  
16 sport fishing access sites, and for operation of state hatchery facilities by private  
17 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

18 (18) [(17)] to permit and regulate aquatic farming in the state in a  
19 manner that ensures the protection of the state's fish and game resources and improves  
20 the economy, health, and well-being of the citizens of the state;

21 (19) [(18)] to operate state housing and facilities for employees,  
22 contractors, and others in support of the department's responsibilities and to charge  
23 rent that is consistent with applicable collective bargaining agreements, or, if a [NO]  
24 collective bargaining agreement is not applicable, competitive with market conditions;  
25 ~~rent received from tenants shall be deposited in the general fund;~~

26 (20) [(19)] to petition the Alaska Commercial Fisheries Entry  
27 Commission, unless the Board of Fisheries disapproves the petition under  
28 AS 16.05.251(g), to establish a moratorium on new entrants into commercial fisheries

29 (A) that have experienced recent increases in fishing effort that  
30 are beyond a low, sporadic level of effort;

31 (B) that have achieved a level of harvest that may be

1 approaching or exceeding the maximum sustainable level for the fishery; and

2 (C) for which there is insufficient biological and resource  
3 management information necessary to promote the conservation and sustained  
4 yield management of the fishery.

5 \* Sec. 3. AS 16.05.080 is amended by adding new subsections to read:

6 (b) Before entering into a cooperative agreement with any entity for the  
7 management of fish or game resources in the state, the department shall provide the  
8 public with notice of the proposed agreement and a reasonable opportunity to  
9 comment on the agreement. The department shall provide a copy of the proposed  
10 agreement to the presiding officers of each house of the legislature.

11 (c) The department shall include a clearly defined description of its  
12 administrative expenses for the fiscal year in the information compiled and submitted  
13 under AS 37.07.050(a)(1) - (12).

14 \* Sec. 4. AS 16.05.090(a) is amended to read:

15 (a) The commissioner may, with the approval of the governor, establish a  
16 departmental division of commercial fisheries, a departmental division of sport  
17 fisheries, a departmental division of wildlife conservation [GAME], and other  
18 departmental divisions as are necessary.

19 \* Sec. 5. AS 16.05.130(d) is amended to read:

20 (d) Revenue from the sale of general hunting, trapping, and fishing licenses,  
21 [AND] tags, and permits and from application fees for tags and permits together  
22 with the federal matching funds from Pittman - Robertson, Dingell - Johnson/Wallop -  
23 Breaux programs shall be allocated by the department to programs that [INTENDED  
24 TO] directly benefit license purchasers of general hunting, trapping, and fishing  
25 licenses. ~~The department shall prepare an annual report by project of expenditures~~  
26 from the fish and game fund that describes the anticipated results and benefits of  
27 each project in regard to fish stock and game population abundance goals and  
28 harvest goals set by the department and the boards and notify the legislature that  
29 the report is available.

30 \* Sec. 6. AS 16.05.255(a) is amended to read:

31 (a) The Board of Game, as it considers advisable to allocate, protect,

1 maintain, improve, and extend the game resources of the state to achieve  
2 abundance for maximum <sup>benefit</sup> sustained yield of game and for other purposes, may

3 adopt regulations [IT CONSIDERS ADVISABLE] in accordance with AS 44.62  
4 (Administrative Procedure Act) for

5 (1) setting apart game reserve areas, refuges, and sanctuaries in the  
6 water or on the land of the state over which it has jurisdiction, subject to the approval  
7 of the legislature;

8 (2) establishing open and closed seasons and areas for the taking, of  
9 game;

10 (3) establishing the means and methods employed in the pursuit,  
11 capture, taking, and transport of game, including regulations, consistent with resource  
12 conservation and development goals, establishing means and methods that may be  
13 employed by persons with physical disabilities;

14 (4) setting quotas, bag limits, harvest levels, and sex, age, and size  
15 limitations on the taking of game;

16 (5) classifying game as game birds, song birds, big game animals, fur  
17 bearing animals, predators, or other categories;

18 (6) methods, means, and harvest levels necessary to control predation  
19 and competition among game in the state;

20 (7) watershed and habitat improvement, and management,  
21 conservation, protection, use, disposal, propagation, and stocking of game;

22 (8) prohibiting the live capture, possession, transport, or release of  
23 native or exotic game or their eggs;

24 (9) establishing the times and dates during which the issuance of game  
25 ~~licenses, permits, and registrations and the transfer of permits and registrations~~  
26 between registration areas and game management units or subunits is allowed;

27 (10) regulating [SPORT] hunting [AND SUBSISTENCE HUNTING  
28 AS NEEDED FOR THE CONSERVATION, DEVELOPMENT, AND  
29 UTILIZATION OF GAME];

30 (11) taking game to ensure public safety.

31 \* Sec. 7. AS 16.05.255(e) is amended to read:

1 (e) The Board of Game shall adopt regulations to provide for intensive  
2 management programs to restore the abundance or productivity of identified big game  
3 prey populations as necessary to achieve human consumptive use goals of the board in  
4 an area where the board has limited the harvest of the population, with the  
5 exception of musk ox populations, and has determined that

6 (1) consumptive use of the big game prey population is a preferred use;

7 (2) depletion of the big game prey population or reduction of the  
8 productivity of the big game prey population has occurred and may result in a  
9 significant reduction in the allowable human harvest of the population; and

10 (3) enhancement of abundance or productivity of the big game prey  
11 population is feasibly achievable utilizing recognized and prudent active management  
12 techniques.

13 \* Sec. 8. AS 16.05.255(g) is amended to read:

14 (g) The Board of Game shall establish population goals based on the highest  
15 possible population levels consistent with the estimated maximum carrying  
16 capacity of the habitat for the population, high [AND] harvest goals to provide for  
17 high levels of human harvest, and regulations, including seasons, bag limits, and  
18 methods and means for intensive management of identified big game prey  
19 populations to achieve a high level of human harvest. The board shall annually  
20 review the effectiveness of intensive management programs established under (e)  
21 of this section to determine whether planned progress toward established goals  
22 has been achieved. The board shall adjust the intensive management programs  
23 as necessary to achieve interim management goals.

24 \* Sec. 9. AS 16.05.255(j)(2) is amended to read:

25 ~~(2) "high level of human harvest" means the harvest of not less than~~  
26 10 percent [ALLOCATION OF A SUFFICIENT PORTION] of the harvestable  
27 surplus of an identified big [A] game population [TO ACHIEVE A HIGH  
28 PROBABILITY OF SUCCESS FOR HUMAN HARVEST OF THE GAME  
29 POPULATION BASED ON BIOLOGICAL CAPABILITIES OF THE  
30 POPULATION AND CONSIDERING HUNTER DEMAND];

31 \* Sec. 10. AS 16.05.940 is amended by adding a new paragraph to read:

1 (37) "maximum <sup>benefit</sup>sustained yield" means the highest number of a  
2 population that can be removed for human use without reducing the ability of the  
3 population to replenish its numbers, consistent with the carrying capacity of the habitat  
4 and sound biological principles.

5 \* **Sec. 11.** AS 16.30 is amended by adding a new section to read:

6 **Article 2. Nuisance and Other Game.**

7 **Sec. 16.30.050. Taking and use of certain game animals.** The  
8 commissioner of fish and game or the commissioner of public safety or a  
9 representative of either commissioner may

10 (1) take or may authorize another person to take a game animal if the  
11 animal poses a danger or a nuisance to a person, property, or the public and the taking  
12 of the animal is consistent with sound game management principles; or

13 (2) authorize a person to use a game animal that is accidentally killed.

14 \* **Sec. 12.** AS 16.43.210(c) is amended to read:

15 (c) To the extent that the commissioner of fish and game authorizes it under  
16 AS 16.05.050(a)(11) [AS 16.05.050(a)(10)], the commission may grant an interim-use  
17 permit to a person to engage in the commercial taking from a fishery on an  
18 experimental basis.

19 \* **Sec. 13.** AS 37.05.146(b)(4)(U) is amended to read:

20 (U) commercial fisheries test fishing operations  
21 (AS 16.05.050(a)(16)) [(AS 16.05.050(a)(15))];

22 \* **Sec. 14.** AS 43.75.290(3) is amended to read:

23 (3) "developing commercial fish species" means those species of fish  
24 and shellfish annually designated by the commissioner of fish and game under  
25 AS 16.05.050(a)(12) [AS 16.05.050(a)(11)];

26 \* **Sec. 15.** AS 44.39 is amended by adding a new section to read:

27 **Sec. 44.39.060. Budget.** In reviewing the proposed annual operating budget  
28 of the department and in making appropriations for the operations of the department,  
29 the legislature shall consider increases and decreases in the resource abundance and  
30 the human harvest of the fish and game resources of the state.

31 \* **Sec. 16.** This Act takes effect July 1, 2002.



# Audubon ALASKA

308 G Street, Suite 217  
Anchorage, AK 99501  
Tel: 907-276-7034  
Fax: 907-276-5069  
www.audubon.org

April 1, 2002

Committee Members  
House Resources Committee  
Alaska House of Representatives  
Juneau, Alaska

Re: Committee Hearing on HB 178

Dear Committee Members:

I am recommending that the House Resources Committee defer any action this year on HB 178 "An Act relating to the powers and duties of the commissioner of fish and game, the Department of Fish and Game, and the Board of Game, to taking and use of certain game animals, and to consideration of the budget of the Department of Fish and Game by the legislature; and providing for an effective date."

I am a professional wildlife biologist and have lived in Alaska for 25 years. I am retired from the Alaska Department of Fish and Game after 20 years of service. I currently am the senior scientist for Audubon Alaska in Anchorage. I am also a life-long hunter and wildlife enthusiast. I have reviewed HB 178 and believe that this legislation is confusing and will be divisive for Alaska. HB 178 attempts to mandate a "cook book" approach to game management. I do not believe that the simplistic approach that HB 178 applies to game management decisions would be effective or suitable for Alaska.

HB178 requires high population goals based on historic high population levels. Management based on this prescriptive formula is unrealistic and dangerous. Wildlife populations are dynamic and population levels change, often beyond our control (e.g., following a series of severe winters and overused range conditions). Mandating this kind of management is not professionally or scientifically responsible. High levels of human harvest have been defined as "the harvest of at least 15 percent but not more than 33 percent of the harvestable surplus of an identified big game prey population." Again, mandating this prescriptive approach will lead wildlife managers into difficulties and potential conservation problems.

The Alaska Constitution does not mandate maximum sustained yield. It states: "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." Wildlife scientists and professional wildlife managers get very nervous when there are mandates for maximum sustained yield. This approach is not responsible. Furthermore, the language "subject to preferences among

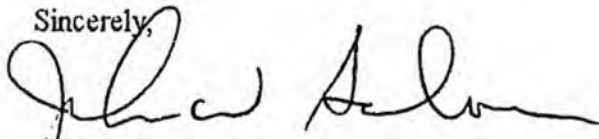
beneficial uses" recognizes the need to set priorities for alternative uses. The Alaska Constitution also addresses common use. "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." This suggests that these resources belong to all the people.

Managing big game for maximum sustained yield would be inconsistent with other values such as trophy hunts or wildlife viewing where a management goal is diversity of uses rather than maximum use for one kind of user. Maximum use would also require, in some cases, the hunting of females and young of the year. Clearly, many Alaskans don't want that kind of management.

In summary, this bill is confusing, inconsistent, and is not based on sound wildlife management principles. This bill will also further increase the divisiveness among Alaskans about wildlife management. At the least, this bill needs much more careful analysis before it is brought to a vote of the full House. I urge you to review this legislation carefully and seek out the review and recommendations from professional wildlife managers at the Alaska Department of Fish and Game.

Thank you for considering my comments.

Sincerely,



John W. Schoen, Ph.D.  
Senior Scientist

Cc: Frank Rue, Commissioner, ADF&G  
Wayne Regelin, Director, DWC,

Conceptual Amendments adopted by (H)RES -- and passed with bill 4-24-2002

HB178

Replace all Maximum Sustained Yield with Maximum Beneficial Use.

No new definition is needed on page 8 line 1-4



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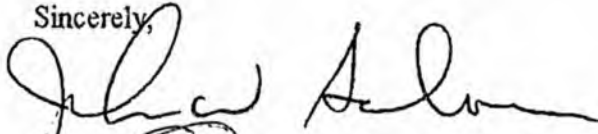
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Sincerely,



John W. Schoen, Ph.D.  
Senior Scientist

Cc: Frank Rue, Commissioner, ADF&G  
Wayne Regelin, Director, DWC,

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: 3rd SS HB 178  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish & Game  
 Title: Management of Fish and Game BRU: Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Representative Fate  
 Requester: House Resources Component No.: 473

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	**	**	**	**	**	**
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)	**	**	**	**	**	**
<b>TOTAL</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**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)

\*\* Section 3 of this bill would require the department to provide public notice before entering into any cooperative "arrangement." This term is vague and would be interpreted broadly to include a wide variety of situations. This would include permits, contracts, and agreements to receive funding. Example of potential costs: Wildlife Conservation issues ~200 permits annually. Public notice of each permit in 3 major newspapers in the state would conservatively cost \$100,000/annum. (The dept. as a whole issues over 600 permits annually.)

Other aspects of the bill may also have fiscal impacts on Wildlife Conservation and/or other divisions, but the department needs additional clarification of some sections before we can determine potential costs.

Prepared by: Matt Robus, Deputy Director Phone: 465-4190  
 Division: Wildlife Conservation Date/Time: 3/29/02 3:00 PM  
 Approved by: Commissioner Frank Rue Date: 4/1/2002  
 Agency: Department of Fish and Game



# Audubon ALASKA

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April 1, 2002

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Juneau, Alaska

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LEGISLATIVE INFORMATION OFFICE  
PO BOX 1189  
DELTA JCT., AK 99737  
PHONE: (907) 895-4236  
FAX: (907) 895-5017

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FACSIMILE TRANSMITTAL SHEET

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TO:	House Resources Committee	FROM:	Jackie W Becker <i>JWB</i> Delta Junction LIO
COMPANY:	Delta Junction LIO	DATE:	April 3, 2002
FAX NUMBER:	907-465-4822	TOTAL NO. OF PAGES INCLUDING COVER:	2
PHONE NUMBER:	907-465-2679	SENDER'S PHONE NUMBER:	907-895-4236
RE:	Written Testimony	SENDER'S FAX NUMBER:	907-895-5117

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# Alaska State Legislature

Please enter into the record my testimony to the House Resource  
 committee on HB 432 dated 4/3/02  
 bill/subject

April 3, 2002

Alaska State Legislators  
 State Capitol (MS 3100)  
 Juneau, Alaska 99801-1182

Dear Representatives,

I urge you to support Bills HB432 and SB353 which will establish a position to help prevent wide spread habitat destruction from noxious and invasive plants. The funding of this is vital to Alaska's future.

As a Delta farmer we have spent thousands of dollars on chemicals, time and equipment to try and control and eradicate this problem in our area. It is impossible for a few of us in the area to control this problem without the assistance of the legislators. The plants are aggressive and highly competitive and left unattended they can destroy state and public lands.

The current infestations in Alaska are still at a manageable level where immediate eradication and prevention efforts can dramatically reduce the future financial burden of controlling widespread infestations. Prevention is much cheaper than control. The funding of this position is vital to Alaska's future. Identifying outbreaks early and responding to them quickly will greatly reduce the substantial economic loss and ecological damage that puts our agricultural lands at risk and also detrimental to our forests, wilderness areas, parks and recreational sites.

Recreational vehicles, horseback riding can spread the noxious weed at a very high rate.

Signed: E. L. Hillert  
 Testifier  
A DELTA FARMER  
 Representing (Optional)  
 Address H.C 60 BOX 4210 DELTA JUNCTION AK 99737  
 Phone No. 907-895-4338 FAX 907-895-5481  
gipaw@willak.net



State of Alaska  
Legislature

PLEASE ENTER MY TESTIMONY INTO THE RECORD TO THE

HRES COMMITTEE IN REGARD TO THE  
(COMMITTEE NAME)

HJR 47 ON 4/2/02  
(BILL/SUBJECT) (DATE)

ALASKA POWER AND TELEPHONE  
STRONGLY SUPPORTS HJR 47.  
PLEASE FORWARD TO COMMITTEE  
MEMBERS.

SIGNED DON MAHON  
(PLEASE PRINT)

ALASKA POWER AND TELEPHONE  
(ADDRESS AND PHONE NUMBER)

**Alaska Power & Telephone  
Comments on Ultra Low Sulfur Fuel  
March 5, 2002**

Alaska Power & Telephone supports any controls that have a clear human health or environmental benefit. However, while studies indicate that pollutants caused by high sulfur fuel may contribute to respiratory disease, the impact of these pollutants in isolated remote Alaskan communities is negligible. Where is the justification in mandating Ultra Low Sulfur Diesel Fuel by 2010 in rural Alaska?

The financial impact on the consumers from these same communities will be of such proportion to adversely affect virtually every aspect of community life. In addition to the direct impacts this mandate will cause, such as increased fuel costs, compatibility with existing equipment, and storage concerns during the transition period, this mandate will increase an already high electric kilowatt-hour rate.

- Rural Alaska is heavily dependant on diesel generation.
- Fuel cost is estimated to increase approximately 23 cents per gallon.
- The BTU rating will be decreased by 14%, increasing fuel consumption.
- Dual fuel storage and dual delivery and metering systems will be required.

Electric consumers, whose kilowatt-hour rates are as much as 45 cents today could expect an increase of up to 5% if these costs are passed on to the consumer. These increased costs will also place an additional burden on the state PCE program.

Alaska Power Company (APC) currently provides electric service to 24 rural communities throughout Southeast and Interior Alaska. Of these, 19 communities depend strictly on diesel as the primary fuel source for generation, and the remaining five are hydroelectric facilities that depend on diesel generation as a backup.

The 19 APC communities that currently use diesel-powered generation are:

- Naukati
- Coffman Cove
- Hydaburg
- Whale Pass
- Hollis
- Tok
- Tanacross
- Dot Lake
- Tetlin
- Bettles
- Evansville
- Mentasta Lake
- Chistochina


- Eagle & Eagle Village
- Healy Lake
- Northway & Northway Village
- Allakaket
- Alama
- Alcan Border Station

The five APC hydroelectric communities that still depend on diesel generation as a back-up are:

- Craig
- Skagway
- Haines
- South Thorne Bay
- Klawock

We suggest the committee adopt a resolution with provisions that would require the DEC request the EPA to reevaluate and address the ramifications and costs to rural Alaska consumers.

Respectfully submitted,



Donald E. Mahon  
Vice President, Operations  
Alaska Power Company

*Adopted - word changed - no obj*

WORK DRAFT

WORK DRAFT

WORK DRAFT

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22-LS0695\B  
Utermohle  
4/16/02

*Y N*  
*Shows* *Female*  
*House*  
*Scale*  
*change*

**CS FOR 3d SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 178( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES FATE, Coghill, Dyson**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the powers and duties of the commissioner of fish and game, the  
2 Department of Fish and Game, and the Board of Game, to taking and use of certain  
3 game animals, and to consideration of the budget of the Department of Fish and Game  
4 by the legislature; and providing for an effective date."

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

6 \* Section 1. AS 16.05.020 is amended to read:

7 **Sec. 16.05.020. Functions of commissioner.** The commissioner shall

8 (1) supervise and control the department, and may appoint and employ  
9 division heads [, ENFORCEMENT AGENTS,] and the technical, clerical, and other  
10 assistants necessary for the general administration of the department;

11 (2) manage, protect, maintain, improve, and extend the fish, game, and  
12 aquatic plant resources of the state

13 (A) in the interest of the economy and general well-being of the  
14 state; and

L

1 (B) to achieve an abundance of fish and wildlife resources  
2 sufficient to provide the maximum sustained yield of those resources;

3 (3) have necessary power to accomplish the foregoing including, but  
4 not limited to, the power to delegate authority to subordinate officers and employees  
5 of the department.

6 \* Sec. 2. AS 16.05.050(a) is amended to read:

7 (a) The commissioner has, but not by way of limitation, the following powers  
8 and duties:

9 (1) to cooperate with and assist the Board of Fisheries, the Board of  
10 Game, and the advisory committees established under AS 16.05.260 in allocating  
11 the fish, game, and aquatic plant resources of the state [UNITED STATES FISH  
12 AND WILDLIFE SERVICE IN THE ENFORCEMENT OF FEDERAL LAWS AND  
13 REGULATIONS PERTAINING TO FISH AND GAME];

14 (2) through the appropriate state agency and under the provisions of  
15 AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other  
16 lawful means, land, buildings, water, rights-of-way, or other necessary or proper real  
17 or personal property when the acquisition is in the interest of furthering an objective or  
18 purpose of the department and the state;

19 (3) under the provisions of AS 36.30, to design and construct  
20 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish  
21 and game resources of the state;

22 (4) to accept money from any person under conditions requiring the  
23 use of the money for specific purposes in the furtherance of the protection,  
24 rehabilitation, propagation, preservation, or investigation of the fish and game  
25 ~~resources of the state or in settlement of claims for damages to fish or game resources;~~

26 (5) to collect, classify, and disseminate statistics, data, and information  
27 that, in the commissioner's discretion, will tend to promote the purposes of this title  
28 except AS 16.51 and AS 16.52;

29 (6) to take, capture, propagate, transport, buy, sell, or exchange fish,  
30 [OR] game, or eggs, or to authorize a person as agent of the commissioner to take,  
31 capture, propagate, transport, buy, sell, or exchange fish, game, or eggs, for

1 propagating, scientific, public safety, or stocking purposes;

2 (7) under the provisions of AS 36.30, to provide public facilities where  
3 necessary or proper to facilitate the taking of fish or game, AND TO ENTER INTO  
4 COOPERATIVE AGREEMENTS WITH ANY PERSON TO EFFECT THEM];

5 <sup>high</sup> (8) to exercise administrative, budgeting, and fiscal powers;

6 ~~(9) to assign the highest priority to the allocation of the fiscal,~~  
7 personnel, and other resources of the division of wildlife conservation for  
8 implementation of the plans, programs, and regulations adopted by the Board of  
9 Game under AS 16.05.255(e) - (g) in a timely and effective manner;

10 (10) under the provisions of AS 36.30, to construct, operate, supervise,  
11 and maintain vessels used by the department;

12 (11) [(10)] to authorize the holder of an interim-use permit under  
13 AS 16.43 to engage on an experimental basis in commercial taking of a fishery  
14 resource with vessel, gear, and techniques not presently qualifying for licensing under  
15 this chapter in conformity with standards established by the Alaska Commercial  
16 Fisheries Entry Commission;

17 (12) [(11)] not later than January 31 of each year, to provide to the  
18 commissioner of revenue the names of those fish and shellfish species that the  
19 commissioner of fish and game designates as developing commercial fish species for  
20 that calendar year; a fish or shellfish species is a developing commercial fish species  
21 if, within a specified geographical region,

22 (A) the optimum yield from the harvest of the species has not  
23 been reached;

24 (B) a substantial portion of the allowable harvest of the species  
25 ~~has been allocated to fishing vessels of a foreign nation; or~~

26 (C) a commercial harvest of the fish species has recently  
27 developed;

28 (13) [(12)] to initiate or conduct research necessary or advisable to  
29 carry out the purposes of this title except AS 16.51 and AS 16.52;

30 (14) [(13)] to enter into cooperative agreements with [AGENCIES OF  
31 THE FEDERAL GOVERNMENT, EDUCATIONAL INSTITUTIONS, OR OTHER]

1 agencies or organizations, when in the best public interest, to carry out the purposes of  
2 this title except AS 16.51 and AS 16.52;

3 (15) [(14)] to implement an on-board observer program authorized by  
4 the Board of Fisheries under AS 16.05.251(a)(13); implementation

5 (A) must be as unintrusive to vessel operations as practicable;

6 and

7 (B) must make scheduling and scope of observers' activities as  
8 predictable as practicable;

9 (16) [(15)] to sell fish caught during commercial fisheries test fishing  
10 operations;

11 (17) [(16)] to establish and charge fees equal to the cost of services  
12 provided by the department, including provision of public shooting ranges, broodstock  
13 and eggs for private nonprofit hatcheries, department publications, and other direct  
14 services, and reasonable fees for the use of state facilities managed by the department;  
15 fees established under this paragraph for tours of hatchery facilities, commercial use of  
16 sport fishing access sites, and for operation of state hatchery facilities by private  
17 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

18 (18) [(17)] to permit and regulate aquatic farming in the state in a  
19 manner that ensures the protection of the state's fish and game resources and improves  
20 the economy, health, and well-being of the citizens of the state;

21 (19) [(18)] to operate state housing and facilities for employees,  
22 contractors, and others in support of the department's responsibilities and to charge  
23 rent that is consistent with applicable collective bargaining agreements, or, if a [NO]  
24 collective bargaining agreement is not applicable, competitive with market conditions;

25 ~~rent received from tenants shall be deposited in the general fund;~~

26 (20) [(19)] to petition the Alaska Commercial Fisheries Entry  
27 Commission, unless the Board of Fisheries disapproves the petition under  
28 AS 16.05.251(g), to establish a moratorium on new entrants into commercial fisheries

29 (A) that have experienced recent increases in fishing effort that  
30 are beyond a low, sporadic level of effort;

31 (B) that have achieved a level of harvest that may be

1 approaching or exceeding the maximum sustainable level for the fishery; and

2 (C) for which there is insufficient biological and resource  
3 management information necessary to promote the conservation and sustained  
4 yield management of the fishery.

5 \* Sec. 3. AS 16.05.080 is amended by adding new subsections to read:

6 (b) Before entering into a cooperative agreement with any entity for the  
7 management of fish or game resources in the state, the department shall provide the  
8 public with notice of the proposed agreement and a reasonable opportunity to  
9 comment on the agreement. The department shall provide a copy of the proposed  
10 agreement to the presiding officers of each house of the legislature.

11 (c) The department shall include a clearly defined description of its  
12 administrative expenses for the fiscal year in the information compiled and submitted  
13 under AS 37.07.050(a)(1) - (12).

14 \* Sec. 4. AS 16.05.090(a) is amended to read:

15 (a) The commissioner may, with the approval of the governor, establish a  
16 departmental division of commercial fisheries, a departmental division of sport  
17 fisheries, a departmental division of wildlife conservation [GAME], and other  
18 departmental divisions as are necessary.

19 \* Sec. 5. AS 16.05.130(d) is amended to read:

20 (d) Revenue from the sale of general hunting, trapping, and fishing licenses,  
21 [AND] tags, and permits and from application fees for tags and permits together  
22 with the federal matching funds from Pittman - Robertson, Dingell - Johnson/Wallop -  
23 Breaux programs shall be allocated by the department to programs that [INTENDED  
24 TO] directly benefit license purchasers of general hunting, trapping, and fishing  
25 licenses. ~~The department shall prepare an annual report by project of expenditures~~  
26 from the fish and game fund that describes the anticipated results and benefits of  
27 each project in regard to fish stock and game population abundance goals and  
28 harvest goals set by the department and the boards and notify the legislature that  
29 the report is available.

30 \* Sec. 6. AS 16.05.255(a) is amended to read:

31 (a) The Board of Game, as it considers advisable to allocate, protect,

1       maintain, improve, and extend the game resources of the state to achieve  
2       abundance for maximum sustained yield of game and for other purposes, may  
3       adopt regulations [IT CONSIDERS ADVISABLE] in accordance with AS 44.62  
4       (Administrative Procedure Act) for

5               (1) setting apart game reserve areas, refuges, and sanctuaries in the  
6       water or on the land of the state over which it has jurisdiction, subject to the approval  
7       of the legislature;

8               (2) establishing open and closed seasons and areas for the taking of  
9       game;

10              (3) establishing the means and methods employed in the pursuit,  
11       capture, taking, and transport of game, including regulations, consistent with resource  
12       conservation and development goals, establishing means and methods that may be  
13       employed by persons with physical disabilities;

14              (4) setting quotas, bag limits, harvest levels, and sex, age, and size  
15       limitations on the taking of game;

16              (5) classifying game as game birds, song birds, big game animals, fur  
17       bearing animals, predators, or other categories;

18              (6) methods, means, and harvest levels necessary to control predation  
19       and competition among game in the state;

20              (7) watershed and habitat improvement, and management,  
21       conservation, protection, use, disposal, propagation, and stocking of game;

22              (8) prohibiting the live capture, possession, transport, or release of  
23       native or exotic game or their eggs;

24              (9) establishing the times and dates during which the issuance of game  
25       ~~licenses, permits, and registrations and the transfer of permits and registrations~~  
26       between registration areas and game management units or subunits is allowed;

27              (10) regulating [SPORT] hunting [AND SUBSISTENCE HUNTING  
28       AS NEEDED FOR THE CONSERVATION, DEVELOPMENT, AND  
29       UTILIZATION OF GAME];

30              (11) taking game to ensure public safety.

31       \* Sec. 7. AS 16.05.255(e) is amended to read:

1 (e) The Board of Game shall adopt regulations to provide for intensive  
2 management programs to restore the abundance or productivity of identified big game  
3 prey populations as necessary to achieve human consumptive use goals of the board in  
4 an area where the board has limited the harvest of the population, with the  
5 exception of musk ox populations, and has determined that

6 (1) consumptive use of the big game prey population is a preferred use;

7 (2) depletion of the big game prey population or reduction of the  
8 productivity of the big game prey population has occurred and may result in a  
9 significant reduction in the allowable human harvest of the population; and

10 (3) enhancement of abundance or productivity of the big game prey  
11 population is feasibly achievable utilizing recognized and prudent active management  
12 techniques.

13 \* Sec. 8. AS 16.05.255(g) is amended to read:

14 (g) The Board of Game shall establish population goals based on the highest  
15 possible population levels consistent with the estimated maximum carrying  
16 capacity of the habitat for the population, high [AND] harvest goals to provide for  
17 high levels of human harvest, and regulations, including seasons, bag limits, and  
18 methods and means for intensive management of identified big game prey  
19 populations to achieve a high level of human harvest. The board shall annually  
20 review the effectiveness of intensive management programs established under (e)  
21 of this section to determine whether planned progress toward established goals  
22 has been achieved. The board shall adjust the intensive management programs  
23 as necessary to achieve interim management goals.

24 \* Sec. 9. AS 16.05.255(j)(2) is amended to read:

25 (2) ~~"high level of human harvest" means the harvest of not less than~~  
26 10 percent [ALLOCATION OF A SUFFICIENT PORTION] of the harvestable  
27 surplus of an identified big [A] game population [TO ACHIEVE A HIGH  
28 PROBABILITY OF SUCCESS FOR HUMAN HARVEST OF THE GAME  
29 POPULATION BASED ON BIOLOGICAL CAPABILITIES OF THE  
30 POPULATION AND CONSIDERING HUNTER DEMAND];

31 \* Sec. 10. AS 16.05.940 is amended by adding a new paragraph to read:

Rep Keating - Human  
why 10% harvest

Public closed

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Rep Fate

<sup>Fate</sup>  
Append #1 - conceptual  
replace all max SW. yield  
w/ max beneficial use

Model Fate

~~w/ new definition for max benefit.~~

no objection

3/11/11

Even though he's on our side

1 (37) "maximum sustained yield" means the highest number of a  
2 population that can be removed for human use without reducing the ability of the  
3 population to replenish its numbers, consistent with the carrying capacity of the habitat  
4 and sound biological principles.

5 \* Sec. 11. AS 16.30 is amended by adding a new section to read:

6 **Article 2. Nuisance and Other Game.**

7 **Sec. 16.30.050. Taking and use of certain game animals.** The  
8 commissioner of fish and game or the commissioner of public safety or a  
9 representative of either commissioner may

10 (1) take or may authorize another person to take a game animal if the  
11 animal poses a danger or a nuisance to a person, property, or the public and the taking  
12 of the animal is consistent with sound game management principles; or

13 (2) authorize a person to use a game animal that is accidentally killed.

14 \* Sec. 12. AS 16.43.210(c) is amended to read:

15 (c) To the extent that the commissioner of fish and game authorizes it under  
16 AS 16.05.050(a)(11) [AS 16.05.050(a)(10)], the commission may grant an interim-use  
17 permit to a person to engage in the commercial taking from a fishery on an  
18 experimental basis.

19 \* Sec. 13. AS 37.05.146(b)(4)(U) is amended to read:

20 (U) commercial fisheries test fishing operations  
21 (AS 16.05.050(a)(16)) [(AS 16.05.050(a)(15))];

22 \* Sec. 14. AS 43.75.290(3) is amended to read:

23 (3) "developing commercial fish species" means those species of fish  
24 and shellfish annually designated by the commissioner of fish and game under  
25 AS 16.05.050(a)(12) [AS 16.05.050(a)(11)];

26 \* Sec. 15. AS 44.39 is amended by adding a new section to read:

27 **Sec. 44.39.060. Budget.** In reviewing the proposed annual operating budget  
28 of the department and in making appropriations for the operations of the department,  
29 the legislature shall consider increases and decreases in the resource abundance and  
30 the human harvest of the fish and game resources of the state.

31 \* Sec. 16. This Act takes effect July 1, 2002.

<sup>AWCA</sup>  
Paul Seelye - Sports

Dick Bishop - <sup>IOC</sup>

MSU next for Moose - not double  
Mr. Valenka

Rep Scari - doesn't have a biological definition for MSU?

Paul Iselin AK Wildlife Alliance

Still does not like new language  
MSU - all species

Wayne Reagin - opposes

Scari Q: where in Bill is wolf control?

Fate Q: were not into managing - love @ mission / means

A: YES - I'd rather do that in mission / means

Rep Kattala - how much \$?

Wayne Reagin - indeterminate

Rep Chenault - fish issues

Q - optimum escapement level vs. max 5yr yield

A - I can't address - no knowledge

Scari Q - explain fiscal process

A - how the dot spends the \$

SITE: ANCHORAGE LIO

COMMITTEE: HRES

DATE: 4-3-02

SUBJECT OF MEETING:

HB 178

UPDATE #: 1



P R I N T YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

DO YOU WANT  
TO TESTIFY?  
Y or N

<b>Vic Van Balleberghe</b>			<b>Y-HB 178</b>
Email address:			
<b>Kevin Saxby</b>		Dept of Law	<b>Y-HB 178</b>
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			