

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

10986 HOUSE RESOURCES

Following the Summit, Gov. Knowles sent this Board a policy directive on how to manage wildlife. According to this directive, "A successful Alaska wildlife management policy...must be based on three basic principles:

1. That any plan should "[ensure] the long-term conservation of all wildlife species and habitats;
2. [Provide] for the broadest range of human uses and values; and
3. [Be] based on sound science and an accessible and responsive public process."

At that time, Gov. Knowles added, "Alaskans use wildlife in many ways, and I believe those uses have differing priorities." He then prioritized such uses as follows:

1. Resource protection;
2. Subsistence needs;
3. Lifestyle and recreational hunting demands, and wildlife viewing needs; and
4. Tourism.

In the same document, Gov. Knowles then gave this Board further direction that, to my way of thinking, turned his own priorities upside down. This was his list for how the Board "should proceed":

1. Establish... areas of complete protection for wolves;
2. [Establish and maintain] additional areas where bear populations are protected and where bear viewing is the priority;
3. Ban lethal bear predator control;
4. [Establish] "an adaptive management work group...to recommend ... appropriate ...researched based management action for wolf control for GMU 19D;
5. [Establish] a similar work group for GMU 13;
6. ...Appoint a 'blue ribbon committee to review current legislation and recommend reforms";
7. Told the Board that "...intensive management...is unbalanced and takes Alaska in the wrong direction...; ...places undue emphasis on the consumptive use of moose, caribou and other ungulates and *does not reflect the broad range of values most Alaskans have for wildlife*"; and
8. Said the Board composition "reflects and is responsive to the broad *legitimate needs and values of our population*...".

Members of this Board participated in the process that responded to the fourth directive. Less than a year later, the 'adaptive wildlife management team' issued the report I referenced previously. The report said the existing moose population was so low that it "[could] not sustain a harvest sufficient to meet the needs of local residents."

The team's recommendation for aerial hunting met with a storm of protest in the media and in Juneau. Individual members of the team were vilified and the make-up and motives of this Board were questioned. Despite the full force of public opinion that was brought to bear on this Board, the recommendations made by the wildlife management team were accepted. Changes were made to population and harvest objectives. In spite of that action, a policy decision *not* to implement those changes was made by Fish & Game Commissioner Frank Rue and Gov. Knowles.

Mr. Chairman, Members of the Board -- there have been times in the past where we have differed -- let's be frank, there have been times when our views on natural resource issues and especially subsistence, have been about 180 degrees apart. Today, I say to you that if there is any topic on which we may ever meet agreement as to the direction you need and want to take, it will be on this issue of predator control.

I began by talking about philosophy; and that nobody knows when they are fated to meet with death. The same is true for the wildlife on this earth. Mankind has succeeded in controlling some sectors of animal life -- albeit using methods that some view as unspeakable. Anyone who has ever visited a Tyson chicken-growing operation; or a Chicago area stockyard for pigs and cattle, must wonder about the benefits of 'managing' these pale shadows of what used to be 'wildlife'.

I eat chicken and beef and bacon; but my mouth waters immediately at the idea of fresh moose steak -- there's nothing on earth so satisfying to one of my background and origin. I live in the city, however, and if no one brings me a present of moose meat, I have the financial means and recourse to visit Safeway, Fred Meyer or the commissary. I may not be eating the meat of my choice; but I am in no danger of starvation.

My brothers and sisters in the villages, however, choose to live in places where there is not only a physical or economic reliance upon getting their moose in the fall -- but where the activities related to the hunt and harvest of moose and other wildlife resources constitute the essential underpinning of cultural survival.

That is why I am here today. I have been candid in describing myself as a tribal advocate. I want to say with the same amount of candor that predator control, while a loathsome subject for some, remains an unquestioned necessity if our villages are to remain whole. To that end, I beg of this Board to take into consideration the differences between idealism and pragmatism. Please recognize the importance of this issue's outcome to the villages who remain reliant on moose and other wildlife for subsistence. I am here to request this Board to take action that does not rely wholly on a false picture of the nature of wolves and other predators in this great land.

Thank you for your attention. I would be happy to respond if there are any questions.

VH:me

Wolf Trend Information
Alaska Wildlife Conservation Association
January 2003

Sources: ADF&G Harvest Surveys, ADF&G Annual Performance Reports, Federal Aid in Wildlife Restoration Reports, BOG minutes, BOG Proposal Booklet(s).

Trends Graph: Over 10 years of information on wolf population and human harvest with the population objective used by the BOG. Since the BOG has set a fall and a spring population objective, both are shown.

Analysis: Recent population estimates are from wolf survey flights during November 1999 and March 2000. Reports from hunters, trappers, guides, incidental sightings by ADF&G personnel and track survey data were also used. The fall 1999 population estimate was 500 – 550 wolves in 55 – 60 packs. The "preliminary spring 2000 estimate was 300 – 350 wolves. The harvest was 269 wolves. Noted by ADF&G was, "The spring 2000 estimate of 300 – 350 wolves in Unit 13 exceeds the spring population objective for Unit 13 set by the BOG by 135 wolves. We expect over 600 wolves for the fall 2003 population."

The sustained harvest level indicates a higher than "estimated" wolf population.

Although the BOG approved a wolf control implementation plan that was to begin in 2000 – 2001, no action has been taken to date. The number of prey animals taken by the wolves in excess of the population objective is critical in the decline of moose and caribou populations. For example, if the 2000 human moose harvest of 721 moose were "re-assigned" to support this population of wolves, it would only result in 5 moose per wolf. Normally wolves eat an average of 12 moose per wolf each year. Since we anticipate that the moose population will decline by another 1000 or more moose each year, the number killed by the number of wolves above the population objective is very significant. The ADF&G notes that the BOG wolf control implementation plan for Unit 13A, B, and E allows snowmachine hunting of wolves in the control area beginning in 2000 – 2001. There is no estimate of additional harvest from snowmachiners.

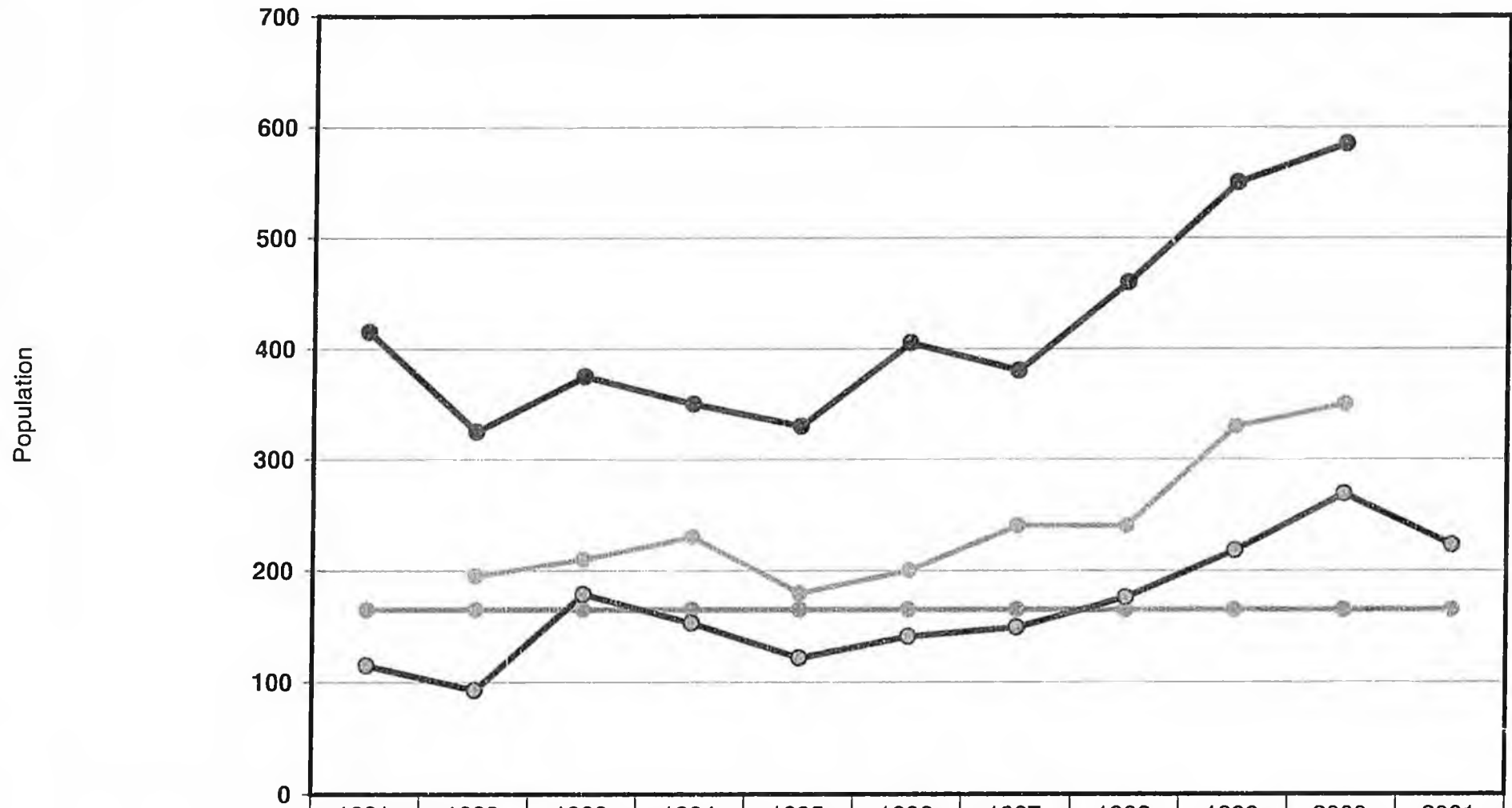
There is no action or recommendation by the ADF&G to reduce wolves in Unit 13. Without their help, any reduction is going to have to come from additional harvest by hunters and trappers.

Questions:

- Why doesn't the ADF&G explain to the Alaskan public what the effects of their wildlife and predator management in Unit 13 will be?
- How "out of balance" do these populations have to get before action is recommended by the wildlife managers?
- How do we get to the wolf population objective?

There has been no special "planning" effort in Unit 13. No options for balancing the predator and prey populations have been identified or presented to the Board or the public. There always seems to be funding for special "planning teams" in rural units with declining moose populations, McGrath, Koyukuk, Kuskokwim, but not for units used primarily by urban Alaskans. Why? The Department has not explained the impact predators are having on moose in GMU 13. It would seem GMU 13 is the perfect opportunity for the Department to "educate" the public on the effects of passive game management. Why don't they?

GMU 13 Wolf Population Trends AWCA 103



	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Spring Pop.	165	195	210	230	180	200	240	240	330	350	
Sp. Pop. Objective	165	165	165	165	165	165	165	165	165	165	165
Fall Pop.	415	325	375	350	330	405	380	460	550	585	
Harvest	115	93	179	153	122	141	149	176	218	269	223

Moose Trend Information
Alaska Wildlife Conservation Association
January 2003

Sources: ADF&G Harvest Surveys, ADF&G Annual Performance Reports, Federal Aid in Wildlife Restoration Reports, BOG minutes, BOG Proposal Booklet(s).

Trends Graph: Over 16 years of information on moose fall population and human harvest with the population objective set by the BOG (prior to March 2001) shown as a reference.

Analysis: The total moose population in any given year is the fall population minus winter mortality plus the calves (production) born in the spring minus the mortality from calving to fall. The fall population index shows year to year decline because the overall mortality exceeds the production. The fall population is derived by counting moose in the same areas each year and estimating the entire GMU. The ADF&G has not made a fall estimate since 2001. As shown, fall 2002 and fall 2003 are projections from the trend.

This moose herd that has declined by 75% since 1988. The graph is evidence that the mortality in moose has exceeded the annual production by over 1000 animals per year since 1989. The "herd" should be expected to reach its lowest level of only a few thousand moose in a few years.

There is no chance that even stopping all hunting will reverse trend. The number of brown bears in Unit 13 is over five times the "population objective" and the number of wolves is nearing three times the "population objective". The number of moose "allocated" to feeding these high levels of predation insures the continued decline. This graphic information was presented to the ADF&G and the BOG in 1999. Neither the Department nor the Board initiated any effective management to stop the decline of this moose herd.

The ADF&G made no recommendations or proposals to significantly reduce the wolf or bear population. Including the March 2003 Book, the ADF&G has made no recommendations or proposals that will reduce predation by wolves and bears on moose and caribou.

The ADF&G has spent its effort on "managing" hunters, retaining antler restrictions and reducing the length of the season none of which solves the obvious and ADF&G stated problem "the lack of moose calf and adult survival". A reduction in the quality of moose habitat is "targeted" for lowering the population objective but the existing habitat is not a factor in moose survival.

This information is evidence of a game management strategy that protects predators **EVEN WHEN THEY ARE HORRIBLY OUT OF BALANCE** with their prey species. Our wildlife biologists know that it takes a minimum of three years of intensive predator reduction to begin to reverse a rapidly declining prey population.

Questions for Alaskan interested in this "example" of not managing wildlife:

Why has the Department failed to educate the public on the need to balance various wildlife predator and prey species?

When will the Department propose management strategies to reverse the population decline?

Is it fair to ask the Board to "design" a moose hunting strategy expected to "solve" the problem?

Doesn't it make sense to manage moose to utilize their available and traditional habitat so that significant predator reduction programs are not necessary?

This is not a problem that can be solved by micro-managing hunters! Hopefully, our new administration, F&G commissioner and game board will turn their energies to rebuilding our moose, caribou and sheep herds.

Moose Calf Mortality
Alaska Wildlife Conservation Association
January 2003

Sources: ADF&G Harvest Surveys, ADF&G Annual Performance Reports, Federal Aid in Wildlife Restoration, BOG minutes, BOG Proposal Booklet(s).

Trends Graph: Using 12 years of information on the moose population and human harvest, and calf production formula to show "calves born" each year.

Analysis: In order to understand the issues related to the declining moose population in GMU 13, we have prepared this "example" for moose calf production, survival, mortality over time and the relationship between "production" and human harvest. Most basically said, 96% of all of the moose calves born in GMU 13 since 1990 have been food for the natural predators, wolves, bears, coyotes, etc.

The Alaska Wildlife Conservation Association has been analyzing the ADF&G moose information from GMU 13 since the early 1980's. The GMU 13 declining moose population has been a classic example of mismanagement, or non-management for many years. The "policy" of standing by and observing the moose population crashing has been called "management" for many of our interior game management units.

In cooperation with the Alaska Moose Federation this analysis of calf production has been updated and projected through Fall 2003.

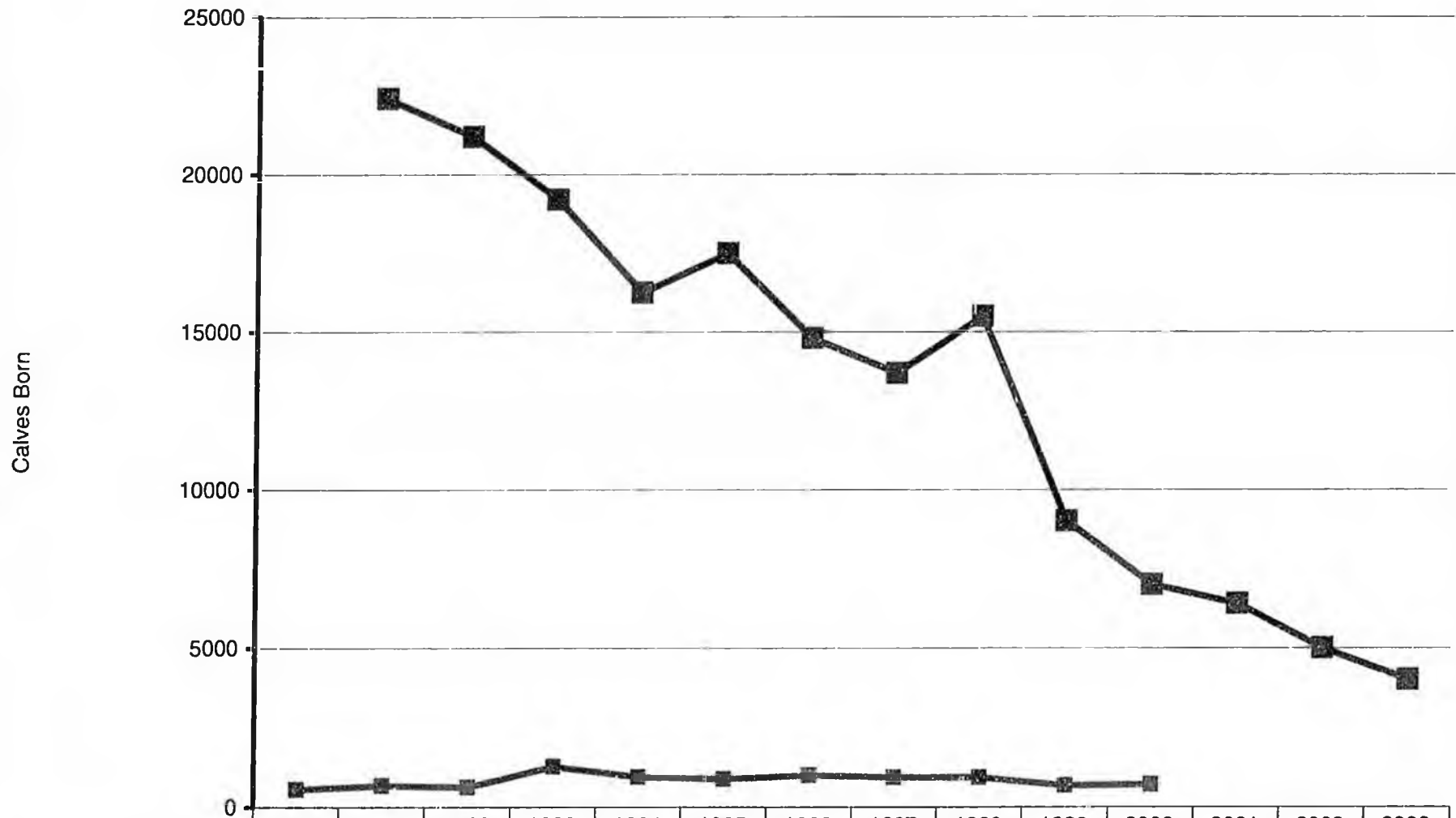
The moose population decline from 1986 through 2003 shows the net decline in population. The gross loss of moose is an even more dramatic indicator of the ecological waste of a valuable resource. The gross loss calculation includes the number of calves born into the herd. Over this time, the net loss in moose Fall population has averaged about 1,500 per year. Over the same period, the gross loss has averaged well over 12,000 moose per year. We estimate that 172,000 moose calves have been born in GMU 13 since 1990. The Fall moose population for the unit has declined to a projected 7,000 in fall 2003. The Fall population has declined by 75%, from 27,500 to 7000.

Although 190,000 moose have died in GMU 13 since 1988 only 12,000 or 4% were harvested by hunters. Hunters don't kill calves because of traditional hunting ethics and antler restrictions. Hunting has had no effect of the overall decline of the GMU 13 moose. Managing only the hunters can not reverse the decline.

Questions:

- What policy guides moose management practices that result in drastically declining populations?
- Doesn't it make sense manage for utilization of the habitat?
- Doesn't it make sense to balance the population relationships between the natural predators and the prey?

Moose Calves in Unit 13 AWCA 103



Calves Born		22400	21200	19200	16250	17500	14800	13700	15500	9000	7000	6400	5000	4000
Hunter Harvest	556	689	628	1280	955	893	1006	937	939	689	721			

Caribou Trend Information
Alaska Wildlife Conservation Association
January 2003

Sources: ADF&G Harvest Surveys, ADF&G Annual Performance Reports, Federal Aid in Wildlife Restoration, BOG minutes, BOG Proposal Booklet(s).

Trends Graph: Over 13 years of information on caribou population and human harvest with the population objective used by the BOG and the ADF&G "commitment harvest" shown as reference.

Analysis: The ADF&G should identify a "standard" population for discussing the Nelchina Caribou Herd. They variously refer to the spring, post calving, and fall populations. Comparison over time is difficult because reports jump back and forth between the possible "populations".

The Post Calving population is extrapolated from aerial photos in late spring-early summer. It is not a true indicator of the population and the annual production because many calves are killed prior to the photo census. In November 1992, the ADF&G reported there were 50,000 caribou in the NCH. In 1999 they reported that the 1992 population was 45,484 adults. The peak population, then, was between 65,000 and 67,000 adjusted for calves and sub adults. The ADF&G proposed increasing the annual harvest to 6,000 to reduce the herd to 40,000. Harvest averaged 2,700 per year from 1987 to 1991. From 1996 to 1998 the annual harvest averaged 3,800.

Including "production" (base herd plus calves), only 6% of the peak annual population has been harvested since 1993. In March 1999 the ADF&G stated, "In recent years predation has not limited herd growth. Consequently, this caribou population is controlled primarily by human harvests under intensive management where yearly harvest quotas are based on annual calf production and survival estimates." For the last four years the post calving population has not put the herd in the population objective range, 35,000 to 40,000. Harvests have never reached the level claimed necessary to control the population, but the population declined anyway.

In 1996 the ADF&G said a harvest of 15,000 would reduce the herd to 40,000 by the spring of 1997. The harvest in '96 was 5601 but the spring population was less than 38,500. ADF&G made an objective to "maintain the harvest at 3,000". That goal requires sacrificing population to sustain harvest. They should be concerned about the overall population of the herd.

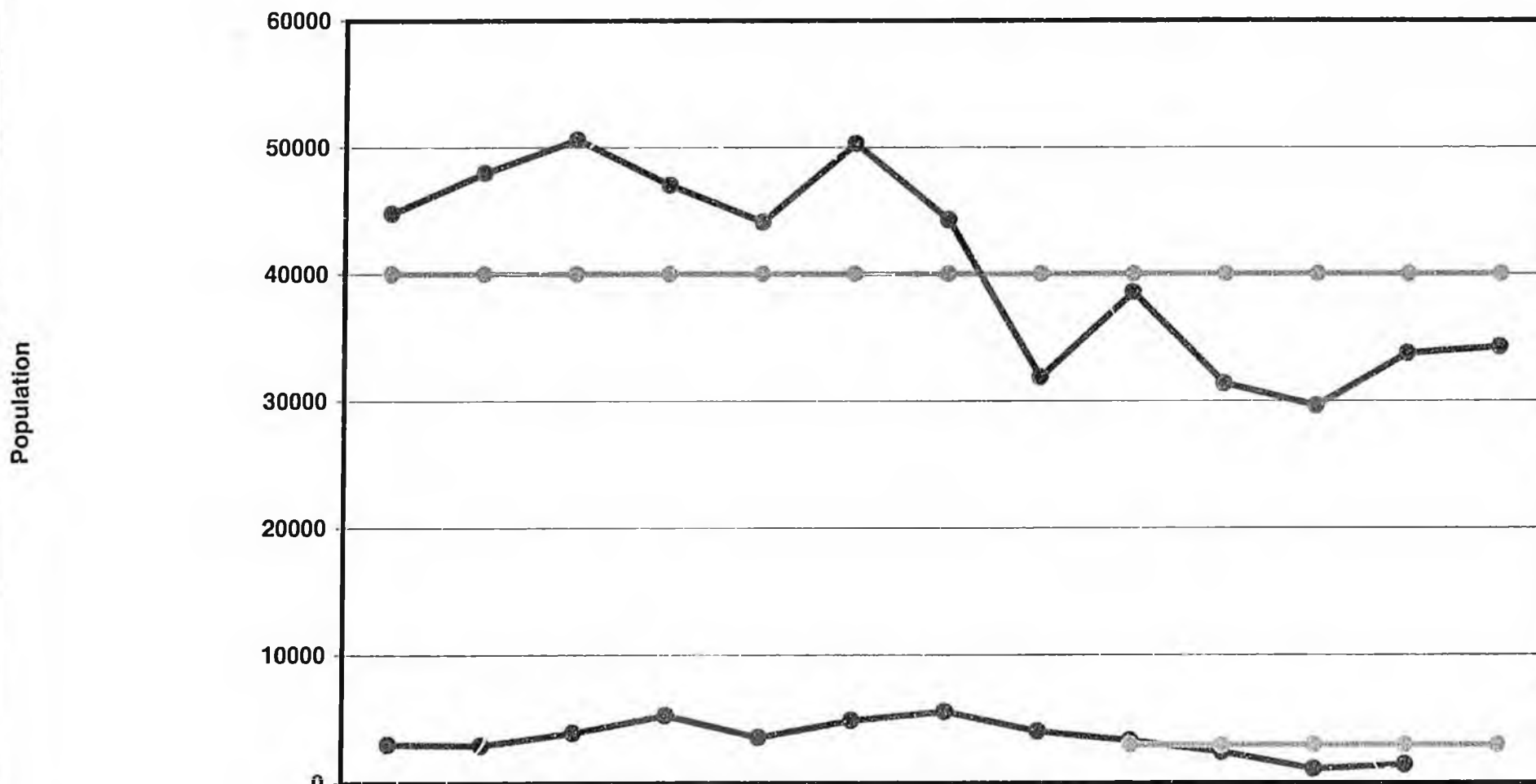
It is not possible for the harvest to have controlled the population of the NCH. The impacts of predation, not hunting, are controlling herd growth. The season was closed by emergency order in 1998, 1999, 2000, 2001 and 2002. In 2003 we will expect a significantly below 3000 harvest. The breeding population and harvest objectives are not being maintained.

Questions:

- What is proposed to increase production and survival to support the harvest objective?
- How long can a Tier II hunt continue under the present trends?
- Is it time to re-evaluate the "requirements" of harvest for Tier II and design a hunt that is partly Tier II and partly, for example, drawing permits?
- Is anything being done to change the Tier II qualifications so families who have subsisted on this herd since the '50 but don't live in Glennallen can have a chance of qualifying?
- Why are new to Alaska residents who qualify as federal "rural residents" given preference over hunters who have traditionally harvested the Nelchina caribou for generations?

Poor habitat has been used to "explain" why the population ceiling is 40,000 animals. However, when the herd exceeds the objective, as it did in the early 1990's, no evidence of degraded habitat is shown. During those years the Tier II needs have been met and Tier I hunts are possible. Perhaps it is time to consider raising the high population objective (40,000).

Nelchina Herd Caribou Population Trends AWCA 103



	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
● Harvest	3020	2920	3927	5270	3573	4916	5601	4027	3306	2450	1090	1428	
○ Projected Harvest									3000	3000	3000	3000	3000
○ Population Objective	40000	40000	40000	40000	40000	40000	40000	40000	40000	40000	40000	40000	40000
● Fall Population Est.	44800	48000	50600	47000	44093	50281	44273	31893	38552	31365	29601	33745	34280

Brown Bear Trend Information
Alaska Wildlife Conservation Association
January 2003

Sources: ADF&G Harvest Surveys, ADF&G Annual Performance Reports, Federal Aid in Wildlife Restoration Reports, BOG minutes, BOG Proposal Booklet(s).

Trends Graph: 8 years of information on brown bear population and human harvest. Board of Game population objective and ADF&G population estimate.

Analysis: A brown bear census has not been performed in several years. The estimated 1500 brown bears in the Unit is considered a very low number by many wildlife observers.

The ADF&G testified that a sustaining harvest of brown bears would be 2% to 5% of the population. The harvest has been over 125 bear for each year charted. If 125 brown bears is even 5%, the population would be 2500. If the 125 bear "average" is 2%, there are over 7000.

The Board has liberalized the brown bear harvest regulations by removing the resident tag fee, lengthening the season and changing the "one bear every four years" to one bear every year. The ADF&G stated, "Since regulations were liberalized in 1995, brown bear harvests have been high in Unit 13, yet no noticeable decline in brown bear numbers has been detected in the unit. Prolonged harvest at this level may effect a decrease in brown bear abundance that is dictated by our management objective." In the next paragraph they stated, "Current brown bear (harvest) levels are sustainable. Unless additional liberalization in seasons, bag limits, or methods and means are enacted, it is doubtful the Unit 13 brown bear population will be reduced substantially in the near future." Harvest statistics show that there has been no significant change in the sex or age.

What is missing is the fact that the number of hunters in Unit 13 is decreasing. There are many proposals to design a 2003 - 2004 moose hunt that will discourage hunters from Unit 13. The number of Tier II caribou permits will be further reduced to accommodate a reduced harvest objective. The number of large adult brown bear is only a small part of the population and few hunters are willing to spend the money to take care of a brown bear trophy for a sub-adult bear. The declining number of moose and caribou hunters causes a decline in bear harvest.

Note that nothing is said about black bear populations in Unit 13. This is a missing link that may be as out of balance as the brown bears. Brown bear population reduction will be very difficult under the best of circumstances.

Questions:

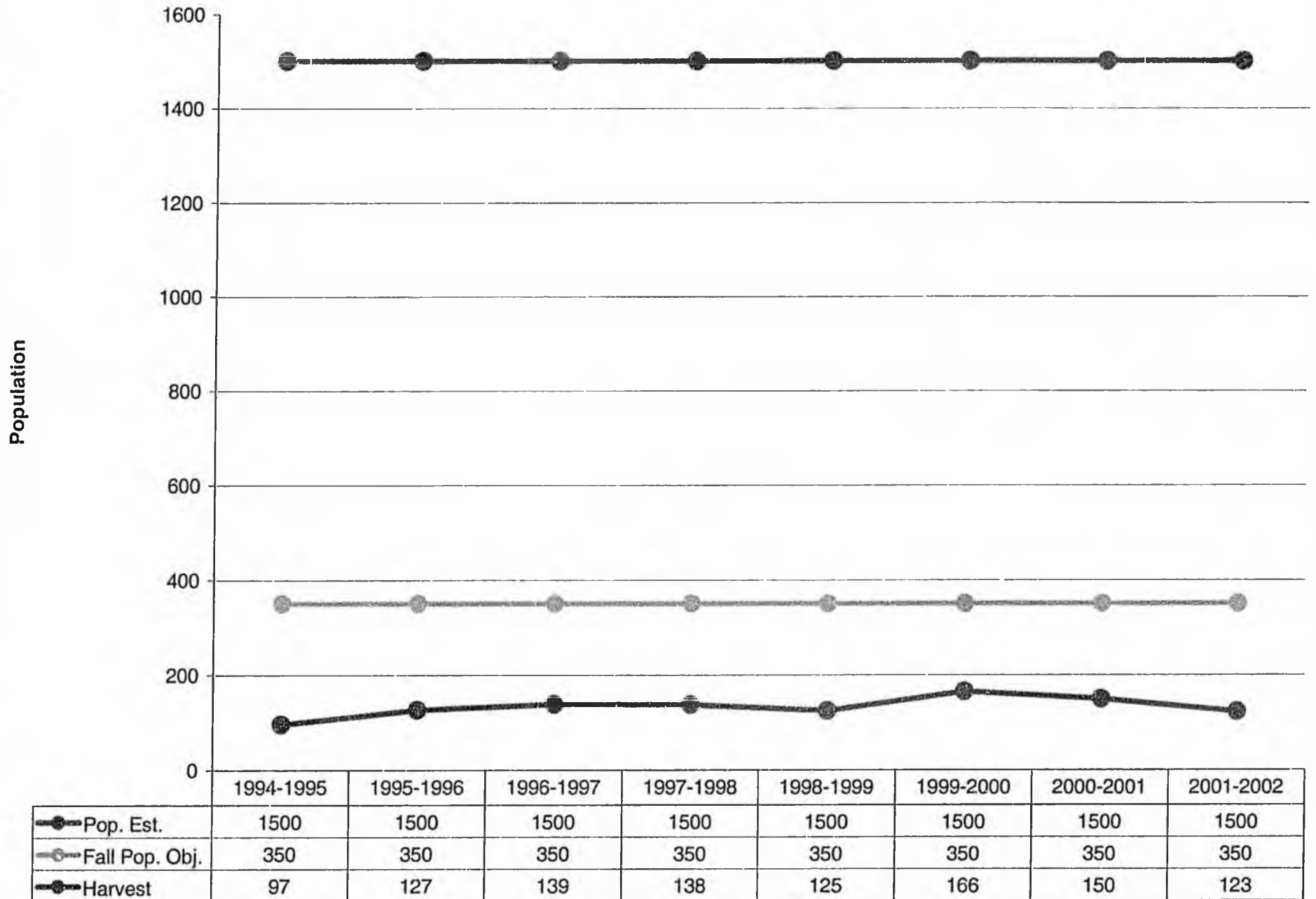
When will the ADF&G explain to the Alaskan public that they "made a mistake" in brown bear census and therefore the long term management strategy in Unit 13?

Why wait until moose and caribou populations bottom out (within the next three to four years) to discover the impact of this huge bear population?

How many years does it take to "recover" the moose and caribou populations under the present brown bear "management" regime?

There is a high population of black bears in GMU 13 in addition to the brown bears. The effects of predation by black bears is not well understood. Because of Tier II for caribou, antler and season restrictions for moose and a prohibition on non-resident hunters, few "first time" bear hunters can be expected in GMU 13. Are there ways to further increase the harvest?

GMU 13 Bear Trends AWCA 103



Subject: SB 155**Date:** Thu, 8 May 2003 09:21:10 -0800 (AKDT)**From:** "MAIER JULIE A. K." <ftjak@aurora.uaf.edu>**To:** <Representative_Hugh_Fate@legis.state.ak.us>

CC: <Representative_Carl_Gatto@legis.state.ak.us>, <Representative_Cheryll_Heinze@legis.state.ak.us>, <Representative_Bob_Lynn@legis.state.ak.us>, <Representative_Carl_Moses@legis.state.ak.us>, <Representative_Kelly_Wolf@legis.state.ak.us>, <Representative_Beth_Kerttula@legis.state.ak.us>, <Representative_David_Guttenberg@legis.state.ak.us>, <Representative_Beverly_Masek@legis.state.ak.us>

Dear Honorable Legislators,

First, let me introduce myself. I am Julie Maier, former Vice Chair of the Alaska Board of Game, Affiliate Professor at UAF with a Ph.D. in wildlife management from UAF. I've conducted research on caribou and moose for more than a decade. I enjoyed my time on the Board, particularly because I enjoyed meeting the people from around the state, hearing their concerns, and helping as much as I could through policy decisions.

There is a perception in many areas of the state that moose numbers are depressed and predator numbers are high. I agree that moose numbers are depressed in some areas but I disagree that there are more wolves now than ever. Because moose are down, wolves are hungry and they are roaming around in search of food. Because of the hungry state they are in they are less cautious and more visible.

Predators such as wolves and bears do not begin declines in the ungulate (moose, caribou) populations on which they depend. These species could not have coexisted for millions of years if wolves were bound to drive them into extinction. Many of the moose populations that are depressed are in areas of marginal moose habitat (McGrath is an example). Others are in areas of excessive overbrowsing by moose (caused by past predator control efforts) and further damage to the habitat by decades of fire suppression. The western interior portion of the state is suffering from more than a decade of a warm cycle which has resulted in a lack of ice scarring so that much of the riparian willow on which the moose depend is now out of reach (McGrath, where 75% of the riparian willow is out of reach, and the Koyukuk are examples). This may also be more widespread than we realize.

Moose numbers were overinflated in many areas of the state (particularly on the road system) because of past predator control efforts. Because of this, many hunters have an overinflated ideal of the number of moose that "should" be in an area. Overinflating an ungulate population is dangerous, particularly caribou but this is true for moose as well, because the caribou/moose then overgraze their habitat rendering it less capable of maintaining a healthy caribou/moose population. The effects of overgrazing have also been exacerbated throughout the road system units by suppressing the natural renewal agent of boreal forest ecosystems (fire) and, apparently, by a decade-long warming trend which has precluded ice scarring and renewal of riparian willows. Overinflating a constituents' expectations is also dangerous because it results in decades of back and forth fighting over predator control.

The public has voted on public land-and-shoot hunting and whether to allow it twice. Twice they have said that it is not acceptable. They have not said that predator control is unacceptable - they are willing to accept

predator control if it is shown through science to be advisable and if it is conducted in a humane way by state wildlife professionals. This is the current law. Predator control can be bad for moose and caribou so whether to engage in it or not must be carefully studied and judiciously implemented, which cannot be attained through public land-and-shoot.

I hope that you will lay SB 155 to rest along with its HB counterpart as it will only lead to another expensive, frustrating initiative which will outlaw land-and-shoot again. You will have overinflated your hunting constituents' expectations once again, to no good end. Please respect and uphold the Alaskan publics' will, as you are sworn to do.

Respectfully,

Julie Maier
Fairbanks, AK 99709



TO: MEMBERS OF THE HOUSE RESOURCES COMMITTEE

TESTIMONY RE CSSB 155 (and companion HB 208)

**DEFENDERS OF WILDLIFE
308 G St. #310, Anchorage, AK 99501
15255 Point Louisa Rd, Juneau, AK 99801**

Defenders of Wildlife appreciates this opportunity to comment on a very important wildlife issue in Alaska. We are a non-profit national organization with over 450,000 members and supporters. We have two Alaska offices in state and represent over 1,300 members in the state. Our group has a long history of involvement in the Alaska Board of Game and legislative process and we remain dedicated to sound conservation and responsible management of wildlife resources.

Defenders of Wildlife strongly opposes SB 155 and the House companion bill HB 208.

This legislation has two major defects: involving the public in airborne wolf shooting as part of state wolf control programs and removing the Commissioner of fish and game from the review and final decision making process for predator control programs.

- (1) To allow members of the public with private aircraft to shoot wolves from the air or same-day airborne in designated control areas is bad public policy because it is grossly inefficient, hard to control and monitor, and inhumane. In past years when the public was involved in this activity, even in the best of circumstances it was rarely possible to remove enough wolves from an area to achieve the objectives of a control program. A fixed wing plane simply cannot maneuver quickly enough to cope with a large pack of rapidly scattering wolves. In addition, significant wounding occurs because often the aircraft cannot position itself appropriately for a clean kill. This is inhumane because animals escape in rough terrain or wooded cover and suffer a slow death. Another problem with this method is the waste of a resource and research information when wolves cannot be retrieved because the plane cannot land.**

Under current federal law, we understand that state-issued permits are required before the public can engage in any form of aerial shooting. We believe that this should be

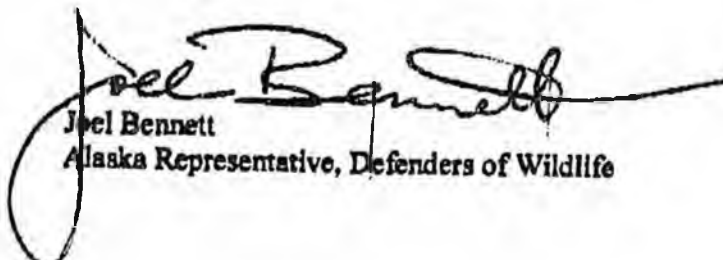
clearly spelled out in the bill, along with the main elements of the permit system itself.

We believe that the only defensible method for conducting a lethal predator control program is to use helicopters with trained professionals who are employees of the Department of Fish and Game.

- (2) To remove the commissioner of Fish and Game from the main review and approval process before a predator control program is implemented is an unreasonable and inappropriate elimination of professional oversight and executive authority. There are factors other than population goals that must be considered by the commissioner such as how a control program interacts with other Department functions, fiscal ramifications and administrative matters relating to how the program is monitored and implemented. Current law provides a proper blend of authorities between the Board of Game and the Department so that reasonable checks and balances are retained. There is no reason to change this.

As a final note, statewide ballot measure votes in 1996 and 2000 clearly demonstrated that Alaskans will support wolf control only under limited controlled circumstances where there is a bona fide biological problem and when the program is conducted by state personnel only. To consider legislation that substantially changes these standards is to invite a state and national outcry, tourist boycotts, and future ballot propositions.

Thank You,


Joel Bennett
Alaska Representative, Defenders of Wildlife



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SB 155 Same Day Aerial Predator Control

Predator management is a complex social and biological issue. There is no question, wolves do have an impact on ungulate populations, and in combination with other factors such as: bear predation, habitat quality, severe winter weather, natural population fluxuations, unrealistic harvest objectives, and over harvests can depress a given population. In essence, population biology and landscape ecology are complex issues with many factors. While there may be isolated incidents where predator control could be justified, it must first pass through three qualifiers, the specific program must be: scientifically sound, publicly acceptable, and economically feasible. For example, foxes were removed from the Aleutian Islands where the endangered Aleutian Canada Goose nests, this total elimination of foxes.

SB 155 attempts to simplify predator control to a level of absurdity. It seeks to remove the administration and commissioner, negates the executive branch from the decision making process, and reduces the department of Fish and Game to merely an administrative role. In essence, SB 155 seeks to remove the experts from the process and elevates the Board of Games above the administration. I question the legality of this. Currently, the board is run by AOC, an extreme fringe hunters organization, with a vigilante agenda against wolves. A single minded board will not necessarily be concerned with the social, political, or economic implications whereas the Governor and department would be. As SB 155 is currently written, the Governor will have no power to stop a same day airborne predator control program.

The 1996 and 2000 initiatives offered a balanced solution to a controversial issue. Not everyone was happy with the initiatives, but it allowed for a middle of the road perspective to conducting predator control. The initiatives assured that only employees within ADF&G would conduct predator control. Alaska Conservation Voters feels that under no circumstance should the public be authorized to conduct aerial predator control. In my opinion, the 1996 and 2000 initiatives that the majority of Alaskans supported offers the most balanced approach towards predator control. The legislature should leave the statutes as they currently stand.

What is going to be gained by passing this bill through this session? As this bill stands now, a lot is at stake. By holding back the rhetoric, encouraging a public process with both moderate hunters as well as wildlife viewers, and working with the administration, a reasonable management program could be attained over the interim. Nothing will be lost in terms of launching a predator control program next March or April, but it will divert a potential boycott, and the extra time will allow for more concerted attention to be applied to this very controversial issue.

Alaskans building a better future.

In conclusion, Alaska Conservation Voters can not support SB155. We contend, it is critical that the Governor and commissioner are not removed from the process. Most importantly, when aerial predator control is conducted, department employees must carry it out. The public, under no circumstances, should be permitted to conduct aerial predator control. The legislature needs to assure the public that predator control is based on sound science and is conducted in a manner that is accountable. SB 155 will only serve to cause controversy and distrust from the public. Please vote against SB 155 as it is currently crafted.

Thank you

Danielle B. Brown
Alaska Conservation Voters

Alaskans building a better future.

In conclusion, Alaska Conservation Voters can not support SB155. We contend, it is critical that the Governor and commissioner are not removed from the process. Most importantly, when aerial predator control is conducted, department employees must carry it out. The public, under no circumstances, should be permitted to conduct aerial predator control. The legislature needs to assure the public that predator control is based on sound science and is conducted in a manner that is accountable. SB 155 will only serve to cause controversy and distrust from the public. Please vote against SB 155 as it is currently crafted.

Thank you

Danielle B. Brown
Alaska Conservation Voters

Alaskans building a better future.

May 8, 2003

To: House Resource Committee
Re: SB155

Dear Representative and Chairman Fate and House Resource Committee Members,

I am writing to you today to ask you to oppose SB155. As an Alaskan resident and registered voter I am in strong opposition to this bill. Following are the reasons for my opposition.

1. In 1996 and in 2000 Alaskans voted on initiatives to ban aerial one day land and shoot predator control. It is incumbent for our legislators to abide by the voting Alaskan citizens.
2. It is extremely likely that the passage of SB155 will promote another tourist boycott as such legislation did in the early 1990s. Alaska cannot afford such economic risk, particularly at this time. This likely repercussion of the bill should, within itself, stop it in its tracks!
3. The practice of such predator control is archaic, brutal, and unethical,(not giving to fair chase). Humane and ethical methods should be used for predator control, some of those methods would include: relocation of the predators, predator sterilization, and the opening of predator hunting and trapping seasons. The above methods are less likely to elicit the heated emotional outcry of the public, media frenzies, and negative public relations.
4. An aspect of SB155 states that aerial predator control can be declared by The Board of Game without the backing of The Department of Fish and Game. It is the Department of Fish and Game that provides biological and scientific research to determine the most effective and appropriate management of wildlife in Alaska. It is crucial that wildlife be managed on a scientific basis. SB155 would allow the Board of Game to sidestep this fundamental criteria.

I believe that it is critical that the House Resource Committee assesses SB155 with the afore mentioned points clearly in mind! If prudent study of this bill is ensued then I am confident that the House Resource Committee will stop SB155 in its tracks!

Sincerely,

Jenny Pursell
P.O. Box 33578, Juneau, Ak., 99803
Phone # 789-0226

Fairbanks Daily News-Miner

Opinion

Friday, May 09, 2003 - A good move against predators

Alaskans should be pleased with the state Senate's decisive action to move the state closer to implementing sorely needed predator control programs.

While the bill approved by the Senate doesn't specifically mention the urgent problem affecting the moose population of McGrath, its language to remove the state's fish and game commissioner from such decisions will allow the Board of Game's solution to proceed.

Senate Bill 155, by Sen. Ralph Seekins of Fairbanks, would allow Fish and Game employees or private hunters authorized by the Board of Game to conduct land-and-shoot killing of wolves and other predators as part of a predator control program. It also would allow the board to consider additional factors when deciding whether to implement predator control.

The bill does not eliminate the Department of Fish and Game's managers from the process entirely. Its biologists will provide Board of Game members with the science needed to order a predator control program to begin.

Sen. Seekins' bill, which is scheduled for a hearing today in the House Resources Committee, is in response to Gov. Frank Murkowski's decision to not use helicopters or state employees in killing problem wolf populations. Rather, the governor says wolf numbers should be reduced through the efforts of local hunters and trappers, aided by a better effort by state biologists to provide the latest sightings of wolf activity and moose kills.

The governor's plan is not the aggressive, science-based approach he pitched to voters while campaigning for office last year. And it certainly is not in line with the approach called for earlier this year by the game board, which listed the use of state employees shooting from helicopters as its preferred choice for the McGrath problem.

The governor's backtracking was enough to push Sen. Seekins and others in the Legislature to act. Alaskans should be glad they did.

For too many years now the issue of controlling predators—mostly wolves and bears—has been mired in emotion rather than science, which in the case of McGrath says the predator numbers must be reduced to allow for the adequate moose population that people in that part of the state depend on. Then-Gov. Tony Knowles feared a tourism boycott should the state began killing wolves, and now Gov. Murkowski has come up with his own reasons to oppose the most effective means of limiting wolf predation.

The House should pass this bill this session and by sufficient margin, as in the Senate, to override a veto by the governor.



Contact

Dr. Paul Joslin, Conservation Biologist
(907) 277 0897, Paul@akwildlife.org

Is Killing More Wolves Really Necessary?

A poll commissioned by the Alaska Wildlife Alliance and carried out by Dittman Research Corporation in March of this year found that 73-75 percent of Alaskans oppose both state sponsored predator control and shooting wolves with the aid of aircraft. The results were consistent across the state including the rural areas. The majority of hunters were in opposition. Alaskan voters banned same-day airborne hunting of wolves in 1996, and again in 2000 after the state legislature reinstated it.

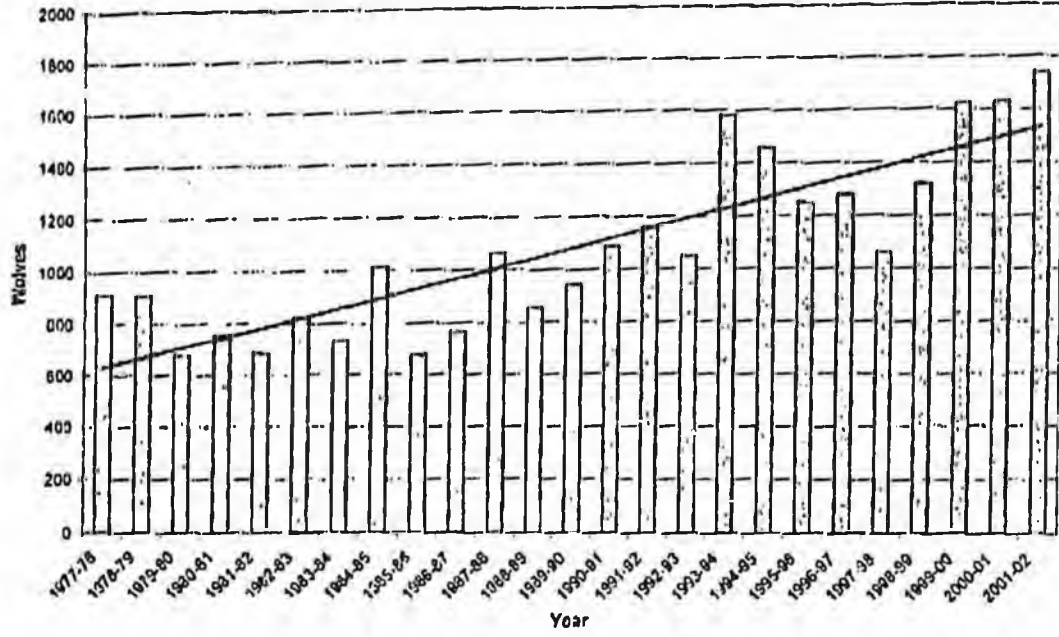
Ever since the use of aircraft was removed as an aid in hunting wolves the message heard at almost every Board of Game meeting has been the same. "Moose numbers are plummeting everywhere. There is a wolf behind every tree. Alaskan voters took away the only tool we had that works--same day airborne hunting of wolves."

The facts are different. In the McGrath area where the outcry over declining moose populations has been the loudest, and calls for aerial wolf control the strongest, the Alaska Department of Fish and Game (ADF&G) carried out what it regards as the only two reliable moose counts in the area—one in 1996 and another in 2001—and discovered that the moose population was stable to increasing. Birth rates are up, as are calf birth weights and the number of moose cows giving birth to twins. Two mild winters have made available more browse for moose. A major forest fire burned a significant portion of the area last year, and will almost certainly result in a significant amount of new moose browse in the years ahead.

And what is it all for? Pat Valkenburg, the state biologist overseeing the McGrath experiment, says that if there were just 30 more harvestable moose, the local needs would be met. Original estimates are that the experiment would cost about \$160,000 or more than \$5,000 for each moose added to the hunter's larder. There are better solutions, like local habitat restoration, aiding game dependent hunters to take moose elsewhere during the recovery phase and so on. Several scientists question if predator control is even necessary, given that all the signs are that the moose population is going up on its own.

The problem is not wolves, but ourselves. Despite popular myth, taking away of same day airborne hunting of wolves has not resulted in fewer wolves being killed. ADF&G wolf harvest figures show that *the killing of wolves state wide has more than doubled over the past 25 years.*

Annual Wolf Harvest in Alaska Over the Past 25 years



Source: ADF&G Annual Harvest Summary Records

Numerous reasons account for the rise in wolf harvest. Alaska's population has increased over 50 percent in the past 25 years, meaning that wolves are more at risk by our own presence. Newer and better tools for hunting wolves have exploded on to the scene. Semi-automatic guns such as M-16s and AK 47s have become popular weapons of choice. Snowmobile numbers have jumped at least 500 percent. They are also faster and more maneuverable than they used to be such that no wolf in open country has any hope of escaping from pursuing hunters. Once considered illegal and unsportsmanlike, pursuing wolves on snowmobiles is now permitted over vast areas of Alaska. Wolf trapping seasons and bag limits have been expanded. Private wolf bounties such as the \$100 one being offered in McGrath coupled with a \$45 government sponsored "research" bounty is serving as a further inducement to kill wolves. ADF&G sponsored wolf trapping clinics are adding even more pressure.

It is a myth that Alaska is bursting at the seams with wolves. *Minnesota has 2.5 times as many wolves per square mile as does Alaska.* How is this possible? After nearly eliminating wolves as a species in the lower 48 states more than half a century ago, America granted them near full protection under the Endangered Species Act throughout their former U.S range except Alaska. Federal and state agencies that had formerly treated wolves as vermin began piecing together their sociobiology, deciphering the role they played in the natural environment, and investigating the impact they had on domestic livestock. (Minnesota is a major producer of livestock). What was learned was communicated to an originally skeptical public through town meetings, publications, and educational programs.

What was learned

Wolves are like most other predators—they are designed to run a little slower than their prey, or when dealing with truly large adversaries like moose, are designed to be a little weaker than their prey. This means that for the most part wolves have little choice but to focus their attention on the removal of the sick and the weak. Both predator and prey benefit as a result. It has been like that for hundreds of thousands of years.

A second role that wolves share with other large land predators is that of mollifying the peaks and troughs in ungulate numbers so that they are more in balance with the ability of the habitat to sustain them. During periods of over abundance, or in years when snow depths are so great that ungulates are starving and easy to catch, wolves have a tendency to take more than they need. This accelerates the bringing of prey numbers into line as well as reduces competition for browse among the remaining ungulates. Of that which is killed nothing is wasted. Eagles, ravens, coyotes, foxes, and a host of other species feast on the leftovers.

During lean years, as for example during winters when snow fall is light, prey has more to eat and is better able to get away, wolves vigorously consume just about everything from that which they kill. Left behind are the stomach contents and a few large bones.

The "pack" is a hierarchical based family unit that responds well to these changes. While individuals may die or leave, the pack itself, and the alpha pair or pack leaders in particular, serve as a conduit for passing along knowledge about the environment and what to hunt where and when. Though only one member of the pack usually bears offspring, all members participate in rearing of the young.

Left to their own devices, wolf populations tend to remain relatively stable, adjusting moderately up or down in response to prey numbers, snow depth and other factors. The burden of who lives or dies is focused largely on the young. As with all species, they are the least knowledgeable, most expendable and most easily replaced. While not always perfect at any one moment in time, looked at over the long term wolves are an extraordinary good fit with their environment.

More focus on wolf education

Wolf education among the public has played a major role in helping Minnesotans to accept the presence of wolves at much greater densities than we have in Alaska. Biologists have been able to demonstrate that the presence of wolves has not negatively impacted prey abundance. Hunters in Minnesota are able to harvest hundreds of thousands of ungulates annually just as hunters do in Alaska. Biologists have also been able to demonstrate that wolves are not the perceived menace to domestic livestock that farmers once feared—an issue we Alaskans scarcely have to deal with. And finally their biologists have been able to show that people and wolves can coexist. Minnesota has a human density that is 50 times that of Alaska.

With this as background, wouldn't it be more prudent to focus on resolving the desires to increase the sustainable number of harvestable moose in the McGrath area through other means than wolf control? Given that we are already at a quarter century high, do we really need to be ratcheting up the killing of wolves in McGrath?

It is a failure of a democratic government when representatives of the people vote in favor of regulations that are in opposition to the will of the people that elected them. The public already clearly voted to disallow the practice of aerial and land-and-shoot hunting of wolves by the public. One cannot be an expert on all subjects, the breadth of information in the world today is overwhelming; and thus systems have been devised so that the most qualified individuals make decisions pertinent to their area of expertise. Establishment of regulations that can have tremendous impact on wildlife populations should be administered by biological professionals. Nonetheless, certain legislators and Board of Game members will acquire personal gain by acting as wildlife management professionals. These same individuals are very active members of a group which touts that moose numbers are plummeting by astronomical accounts. For example, it has been claimed that in Unit 13 the moose population has dropped from 27,000 to 7,000 in a decade, and that in Unit 19D the moose density has fallen from 3-4 per square mile to 1 per square mile = a 75% reduction. ^{of this bill} They further state that this is not a "fair chase" issue, but a scientific management issue - and this is exactly the point they are manipulating to suite their own desires.

of it is simply not censured.

The scientific reality is that true population estimates for moose and many species are not known in most parts of the state because these surveys are expensive and time demanding. Previous high estimates of moose numbers in the 1980's are pure speculation, based on no scientific data, and were the result of long-term state and privately sponsored wolf bounties, extensive aerial and land and shoot killing, and poisoning. For example in the previously mentioned Unit, # 13, where intensive predator control management has been adopted, ADF&G biologists do not know the extent of the moose population because the area is very large and encompasses much topographical variation, but in a ^{Recent} ADF&G Discussion Item concerning the review of predator/prey status in Unit 13 it was stated that quote "There are about 22,000 moose in Unit 13; an overall density of 0.9 moose per square mile or a moose density of 1.4 per square mile of area below 4,000 ft. elevation. This is a relatively high-density moose population for interior habitats." The report goes on to state that "Moose populations now appear comparable to levels observed in the early-1980's". Simultaneously the most recent studies show that the wolf population decreased by 27% in Unit 13, due to extensive trapping. In Unit 19D, also previously mentioned the February 2003 Research Progress Report state that the "previous estimates were likely low due to problems with sampling design, survey techniques, poor weather, and timing" in fact 2x more moose were found to inhabit the McGrath area than previously believed. The real problem is that localized over hunting has reduced bull ratios to as low as 9 bulls per 100 moose, leaving little to increase the resiliency of the herd or available to take, since cow moose are off limits to hunting.

*of hunting. ←
The pop. is not 900 but is 430.*

→ This # is certainly not written in stone, but is nowhere near the 7,000 purported by supporters of this bill

This is a scientific issue that needs to be resolved by professionals who have integrity and are looking out for the welfare of wildlife and the habitats in which they reside; instead of playing politics to whomever waves the biggest stick.

Thankyou,
Tenwa White

SB

190

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LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mall Stop 3101

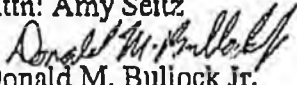
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 23, 2004

SUBJECT: State employee on board of the Kenai River Special Management Area (CSSB 190(STA))

TO: Senator Tom Wagoner
Attn: Amy Seitz

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

You asked whether sec. 4 of CSSB 190(STA) would prohibit a state employee in any department from serving on the advisory board for the Kenai River Special Management Area (KRSMA). The sentence you refer to specifically allows the commissioner of natural resources to appoint a state government employee to the advisory board as an ex officio member, with the limitation that the appointed employee may not vote.

However, if you intended to ask whether a state employee could be appointed to a voting position on the KRSMA advisory board, then the answer is not as clear. The sentence in sec. 4 is as follows:

An employee, elected official, or other representative of a federal or state government may be appointed to the advisory board as an ex officio member serving without a vote.

The language quoted above could be interpreted to mean that an employee representing a state agency could not vote, but a state employee who is not representing an agency could vote. This interpretation is based on the words "or other representative" that imply that the appointed employee is within a category of government personnel that could represent the government on the board.

On the other hand, the language could be interpreted to mean that a state employee could never be appointed to a voting position on the board. Under this interpretation, it makes no difference whether the employee is a riverfront landowner or is otherwise qualified to serve as a voting member.

While the commissioner of DNR would have to interpret the statute in order to make appointments to the advisory board, that interpretation could be subject to challenge in court if the statute is not clear and someone can show they are aggrieved by the interpretation. The potential for litigation could be avoided if the statute was clarified.

Senator Tom Wagoner
April 23, 2004
Page 2

If you prefer one interpretation over the other, I suggest that sec. 4 of the bill be amended to clarify your intent. The amendment I sent you under Work Order No. 23-LS0961\I.1 would allow a state or federal employee to serve and vote as a representative of a user group, resident property owners, a municipality, or other interest group.

If I may be of further assistance, please advise.

DMB:lmb
04-123.lmb

Amendment

OFFERED IN THE House:

To: House CS for CS for SB 190(CRA) – KRSMA

1 Page 5, line 9,

2 following " municipalities", insert "adjacent to the Kenai River"

3

4 Page 5, line 10,

5 Following "groups.", delete "An"

6 insert "Unless appointed as a representative of a user group, resident

7 property owners, a municipality adjacent to the Kenai River, or other interest

8 group, an"

9

10 Page 5, line 12,

11 Following "board", insert "only as an ex officio member serving without a
vote.

12 Page 5, line 12,

13 Following "of the", insert "voting"

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 190(STA)
 (S) Publish Date: 1/21/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title Kenai River Special Management Area RDU Parks & Recreation Mgt.
 Component Parks Management
 Sponsor Sen. Wagoner
 Requester (S) STA Component No. 452

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill adds a number of parcels of land in the lower Kenai River area to the Kenai River Special Management Area (KRSMA). These lands are currently being managed by the Division of Parks and Outdoor Recreation. The proposed additions include a portion of those envisioned in both the 1997 Revised Kenai River Comprehensive Management Plan, adopted by DNR in 1997, and the Kenai Area Plan adopted by DNR in 2000. The bill also excludes state or federal employees from serving as public members of the Advisory Board.

There is no fiscal impact anticipated with implementation of this legislation.

Prepared by: Pete Panarese Phone 269-8700
 Division Parks Date/Time 1/20/04
 Approved by: Thomas Irwin, Commissioner Date 1/20/04
 Agency Natural Resources

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSB 190(STA)
 (S) Publish Date: 1/21/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Kenai River Special Management Area RDU Sport Fisheries
 Component Sport Fisheries Habitat
 Sponsor Senator Wagoner
 Requester Senate State Affairs Component No. 2698

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

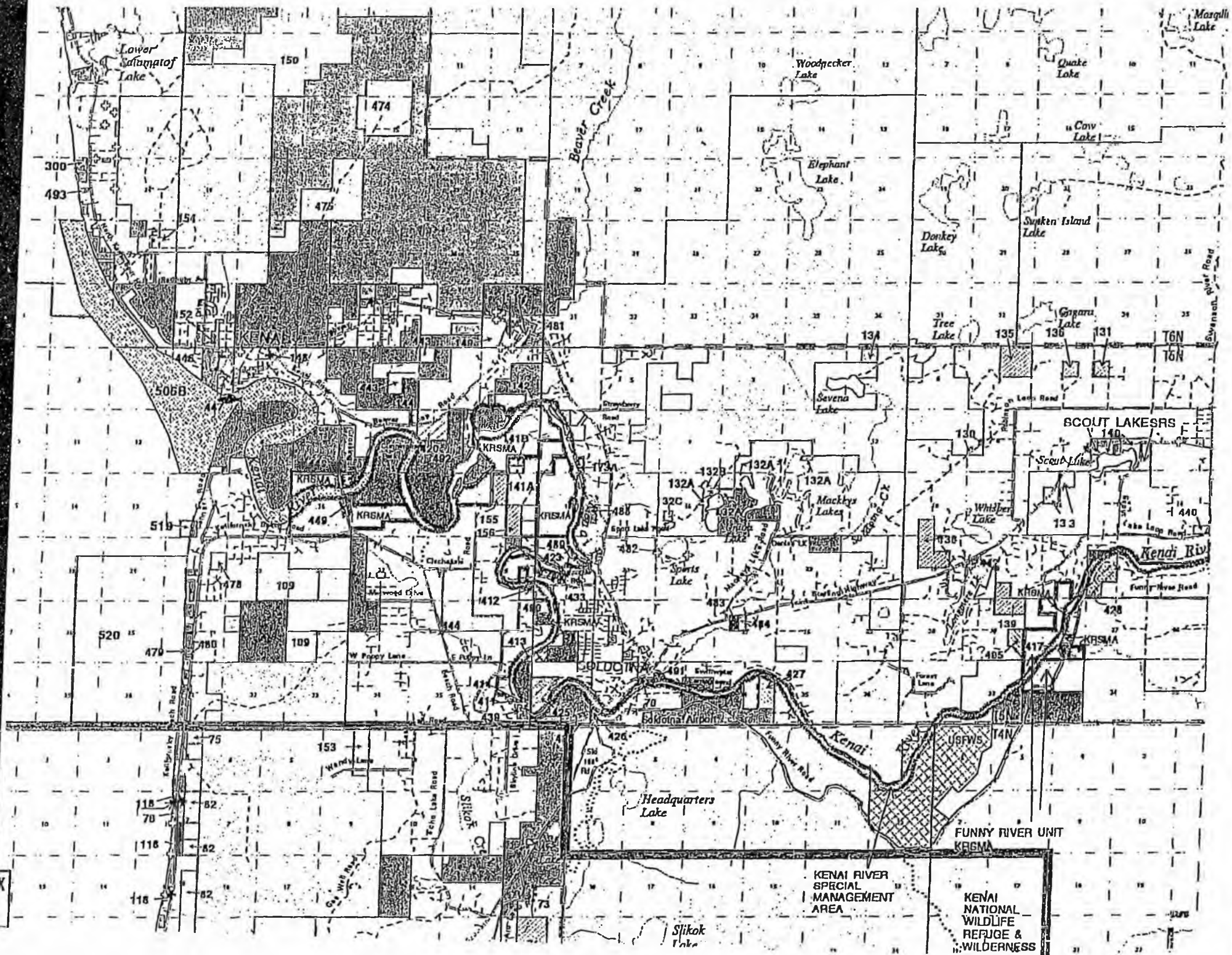
Passage of this legislation would have no fiscal impact.

Prepared by: Kelly Hepler, Director
 Division: Sport Fish
 Approved by: Commissioner Kevin Duffy
 Agency: Alaska Department of Fish & Game

Phone 465-4180
 Date/Time 1/16/04 4:18 PM
 Date 1/16/2004

RE: SB 190, Kenai River Special Management Area
Department of Natural Resources
February 27, 2004
Senate Resources Committee

- The subsurface estate is the dominant estate.
- EVOS Conservation Easements only apply to the portion of the estate acquired with EVOS funds.
- The use of lands acquired with EVOS funds is controlled by the terms of the conservation easements on them. The KRSMA designation does not affect the conservation easements.
- Conservation easements associated with EVOS lands apply to the specific land interest acquired. If the subsurface estate was not part of the purchase, the conservation easement cannot limit access to the mineral estate any more than the surface owner of any parcel of land can limit access to the minerals underlying his estate.
- Typically we did not acquire the subsurface estate with EVOS funds. If we did acquire the subsurface estate on any of the EVOS funded parcels, utilization of the minerals on that specific parcel would be limited by the terms of the Conservation Easement.
- Typically the oil and gas rights on many of the EVOS acquired parcels were previously conveyed to the State of Alaska via patent and as such would not be subject to the terms of the Conservation Easement.
- Generally, the Conservation Easement on EVOS acquired parcels is consistent with Parks Management intent and the KRSMA designation.
- The conservation easement has no effect on adjacent parcels.



K

KENAI RIVER
SPECIAL
MANAGEMENT
AREA

KENAI
NATIONAL
WILDLIFE
REFUGE &
WILDERNESS

Proposed Additions to Kenai River Special Management Area (KRSMA)

Unit #	Region	Name of Unit	OSL/ EVOS/ DJ	General State land	National Forest Community Grant	Currently managed by DOPOR (under ILMA)	Acreage of Each Unit
141B	05	Kenai R. floodplain N. of Heather Ave., adjoining Eagle Rock Unit		X			19
142	05	Eagle Rock, north shore Kenai River		X			19
378	02	Lakeview-- Mouth of Victor Creek on Kenai Lake			X		15
380A	02	South and Lower Trail Lake; existing boat launch & trailhead to Vagt			X		1
380D	02	South of ARR Bridge on East Shore Upper Trail Lake			X		98
380E	02	Upper Trail Lake, south arm, east shore			X		111
380G	02	Lower Trail Lake, narrow channel			X		1,172
380J	02	Trail River corridor & Kenai L. shore north of USFS Center			X		116
380K	02	Kenai Lake Shore--S. of USFS Work Center			X		8
382A	02	Five parcels; 2 promontories, ball diamond, boat launch shore access			X		31
382D	02	Lake front, Moose Pass townsite			X		3
383A	02	Mouth of Schilter Creek and north shore of Kenai Lake			X		628
384	02	Moose Creek & Upper Trail Lake Wayside			X		129
387	02	Small lakefront parcel on narrow reach of Upper Trail Lake			X		1
388	04	Cooper Lake, southeast end			X		1,426
390	04	West shore Kenai Lake			X		2,027
391A	04	One of numerous parcels on Kenai River & north shore of Kenai Lake			X	X	8
391B	04	One of numerous parcels on Kenai River & north shore of Kenai Lake			X	X	57
391C	04	One of numerous parcels on Kenai River & north shore of Kenai Lake			X	X	7
391D	04	One of numerous parcels on Kenai River & north shore of Kenai Lake			X	X	44
391E	04	One of numerous parcels on Kenai River & north shore of Kenai Lake			X	X	8
391G	04	One of numerous parcels on Kenai River & north shore of Kenai Lake			X	X	7
391H	04	One of numerous parcels on Kenai River & north shore of Kenai Lake			X	X	2
391I	04	One of numerous parcels on Kenai River & north shore of Kenai Lake			X	X	4
391J	04	One of numerous parcels on Kenai River & north shore of Kenai Lake			X	X	1
391K	04	One of numerous parcels on Kenai River & north shore of Kenai Lake			X	X	1
391L	04	North shore of lake: steep shoreline below Sterling Highway			X	X	72
391M	04	Lake frontage at Quartz Creek, summer cabins			X	X	9
391N	04	West shore, along Snug Harbor Road E. of subdivision			X	X	94
391O	04	North shore of lake: frontage at airstrip and east of USFS campground			X	X	6
392A	04	Riparian corridor Cooper Creek			X		46

392B	04	Riparian corridor; Bean Creek				X		100
392C	04	Riparian corridor; Shackelford Creek				X		46
392D	04	Riparian corridor; Quartz Creek				X		173
392E	04	Riparian corridor; Daves Creek				X		28
392F	04	Riparian corridor; Crescent Creek				X		44
392G	04	Riparian corridor; Dry Creek				X		65
393	04	Mouth of Juneau Creek and Bean Creek				X		230
394A	04	North shore of Kenai R. 2.5 mile stretch downstream from Cooper Cr.				X		237
394C	04	River & highway frontage between Cooper Cr. camp & Gwyn's Lodge				X		82
394D	04	Wetlands west of Gwyn's Lodge on Sterling Highway				X		40
397	04	East Quartz Creek, Tract A; 1 mile SE of Quartz Creek near Kenai				X	X	3
405	02	Johnson Pass Trail & North Shore of Upper Trail Lake				X		871
407	02	Slivers of land between ARR. & ordinary high water of Upper Trail				X		6
408B	04	Quartz and Daves Creek lowlands, 38.5-40 miles along Sterling Hwy.				X		496
411	05	Parcel along Upper Kenai River				X		9
412	05	Parcel along Upper Kenai River				X		7
413	05	College Hole; southeast bank along Upper Kenai River	X					8
420	05	Kenai River Mi. 7, north bank, 3 miles SE of Kenai on Beaver Loop	X					100
423	05	On Big Eddy of Kenai River, 1.2 miles N. of Soldotna	X					21
425	05	Girves property on Kenai River, 1 mi. W. of Sterling Hwy. & 1 mi.	X					110
426	05	Sterling Highway Bridge, south bank of Kenai River, west of	X					6
427	05	Kenai River Mi 24 at Mi 3 of Funny River Road	X					36
428	05	Kenai River Ranch, S. of Kenai River at Funny R. Road, MP 13	X					146
433	05	Big Eddy at Kenai River at Mi. 14.5; approx. 1.8 miles from Soldotna	X					2
439	05	ADFG OSL parcel	X					1
488	05	EVOS Small Parcel Larry's Fishing Hole	X					27
491	05	EVOS Small Parcel, Mullen Homestead River Addition Phase 1	X					8
495	05	Brindley View and Glen View Subdivision lots	X					72
		Total						9,144 ¹

¹ This figure includes uplands only. It does not include proposed addition shorelands (Unit 608, Trail Lakes and River) that encompass 1,447 acres that were acquired under the Statehood Act and Submerged Lands Act.

Advisory Board Statement of Purpose

The purposes for which this Board is organized are as follows:

1. To provide a forum for the collection and expression of opinions and recommendations on matters relating to State parks and outdoor recreation;
2. To promote protection of the natural and cultural features of State parks and other State lands;
3. To promote communication among the general public, other government agencies, and the administrators of State parks;
4. To inquire into matters of community interest relating to State parks and outdoor recreation; to bring matters of interest to the attention of the public;
5. To appear and testify at public and legislative hearings as representatives of State parks users and neighbors;
6. To make recommendations to the Director of the Division of Parks and Outdoor Recreation concerning, among other things, the following:
 - (a) promoting the protection and enhancement of the State's historic and recreational resources,
 - (b) promoting the interpretation and public presentation of the natural and human history of park lands,
 - (c) increasing public awareness of human impacts on parks,
 - (d) promoting orderly and consistent planning development and management programs for State parks and cultural and outdoor recreation resources,
 - (e) identifying diverse public recreation uses,
 - (f) mitigating conflicts among user groups;

**KENAI RIVER SPECIAL MANAGEMENT AREA
ADVISORY BOARD**

AGENCIES

Pete Sprague
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**KENAI RIVER SPECIAL MANAGEMENT AREA
ADVISORY BOARD**

	Term Expires
<p>Joe Connors P.O. Box 1085 Sterling, AK 99672 e-mail: joe@kenaiqguide.com</p>	<p>Phone: 262-9496 10/01/05</p>
<p>Ted Wellman Davis, Wright, Tremaine 701 West 8th Avenue Suite 800 Anchorage, AK 99501 e-mail: tedwellman@dwt.com</p>	<p>Phone: 257-5300 (W) 345-4654 Fax: 257-5399 10/01/05</p>
<p>Paul A. Shadura P.O. Box 1632 Kenai, AK 99611 e-mail: sabaka@ptialaska.net</p>	<p>Phone: 262-1771 (H) 283-5098 (W) 10/01/05</p>
<p>Jim Golden P O Box 1723 Soldotna, AK 99669 e-mail: ibgolden@alaska.net</p>	<p>Phone: 262-7491 (W) 262-7482 (H) 10/01/04 -</p>
<p>David Westerman PO Box 751 Cooper Landing, Alaska 99572 e-mail: David_Westerman@fishgame.state.ak.us</p>	<p>Phone: 595-1576 262-9368 (W) 10/01/05</p>
<p>Roland Maw Box 530 Soldotna, AK 99669 e-mail: ucida@acsalaska.net</p>	<p>Phone: 262-6101 (h) 260-9436 (w) 10/01/04 -</p>
<p>Ken Lancaster, President P O Box 104 Soldotna, Alaska 99669 e-mail: mavor@qci.net</p>	<p>Phone: 262-4591 (h) 260-6727 (w) 10/01/04 -</p>
<p>Richard Hahn P.O. Box 2754 Soldotna, Alaska 99669 e-mail: rdhahn@eagle.ptialaska.net</p>	<p>Phone: 262-8575 (h) 10/01/04 -</p>
<p>Jeff King P.O. Box 2711 Soldotna, Alaska 99669 e-mail: lakerfsh@alaska.net</p>	<p>Phone: 262-4564 10/01/04 -</p>

BYLAWS

KENAI RIVER SPECIAL MANAGEMENT AREA ADVISORY BOARD

The Kenai River Special Management Area Advisory Board was originally created in 1985 under the authority of A.S. 4 .510. The original Board was charged with developing a comprehensive management plan for the Kenai River. The original Comprehensive Plan was completed and the Board disbanded in 1986. In 1988, a new Board was appointed to help advise the Department of Natural Resources on implementation of the Plan. In July of 1995, Governor Knowles reappointed the Board and redirected the Board to address a series of specific new goals including updating the Plan. These by-laws reflect the changed scope of work for the Board.

I. PURPOSES

A. The purposes of the Kenai River Special Management Area Citizens Advisory Board (hereinafter referred to as "the Board") are:

1. To advise the Governor of the State of Alaska and the Commissioner of the Department of Natural Resources on issues relating to the Kenai River watershed other than matters related to fisheries allocation;
2. To update the Kenai River Management Plan and monitor implementation of the new Plan;
3. To propose changes to regulatory processes to affect better interagency coordination;
4. To propose programs to educate the public about the importance of habitat protection along the Kenai River;
5. To review and encourage the adoption of the State, federal and local regulations which protect the habitat along the Kenai River while considering the legitimate rights of both public and private property owners;
6. To represent the broad public interest including those of property owners, the Kenai Peninsula Borough, municipalities, agencies of the State and Federal governments, and other interested groups, on issues related to the Kenai River;
7. To hold public meetings, consult with and solicit recommendations from the public;
8. To advise the Governor and the Commissioner of the Department of Natural Resources of regulations necessary to achieve implementation of the plan;
9. To address management issues, review and make recommendations on budgeting priorities, permits and other field operations or policy matters, and advise the Commissioner of the Department of Natural Resources of such recommendations;
10. To encourage the development of standard designs for boardwalks, docks, bank stabilization and other improvements that restore and protect habitat which may be permitted on an expedited basis; and
11. To review and make recommendations regarding major new permit applications not covered by standard designs for docks, boardwalks, bank stabilization and other within the Kenai River Special Management Area.

B. Other purposes of this advisory board are:

1. To provide a forum for the collection and expression of public opinions and recommendations on matters relating to the Kenai River Special Management Area and its watershed;
2. To promote the protection of resources of the Kenai River Special Management Area, including its aesthetic values, vegetation, wildlife, soils, fishery, water, educational, historic, and outdoor recreation opportunities ;

3. To inquire into matters of public interest relating to the Kenai River Special Management Area to bring matters of interest to the attention of the public; to appear and testify at public hearings as representatives of the Board;
4. To make recommendations, when the Board deems appropriate, to local, state, and federal agencies and to legislative bodies relating to issues affecting the Kenai River other than matters of fish allocation;
5. To promote interpretation and public awareness of the natural and human history of the Kenai River Special Management Area;
6. To increase public awareness and understanding of human impacts on the Kenai River Special Management Area and its resources;
7. To promote cooperation between the Kenai Peninsula Borough, municipalities, the Division of Parks and Outdoor Recreation, and other State and Federal organizations;
8. To propose and advise on cooperative agreements and land acquisitions or exchanges; and
9. To enlist public and legislative support for the Kenai River Special Management Area's policies and programs.

II. PUBLIC ATTENDANCE

Meetings of the Board are open to the public. The Board shall prescribe rules of procedure and decorum while specifying limits, and the manner of, public participation in the meetings, as further delineated under Section VI. F.

III. MEMBERSHIP

There shall be seventeen members on the Board consisting of public and agency members. Public members shall be selected to ensure representation of the broad spectrum of public interests involved with or affected by the Kenai River and to prevent domination of the Board by a single viewpoint unrepresentative of the river's broad constituency. It is the intention of these Bylaws that the Board's membership reflect representation of such adjacent geographical areas as the Cooper Landing area, the Sterling area, the cities of Soldotna and Kenai, as well as the river users in south central Alaska in general. The agency members shall be from: the Kenai Peninsula Borough, the City of Soldotna, the City of Kenai, the US Forest Service, the US Fish and Wildlife Service, the Alaska Department of Fish and Game, the Alaska Department of Natural Resources, and the Alaska Department of Environmental Conservation. The membership shall also reflect, by demonstrated interests, expertise, and advocacy for the river, various activities and skills such as fishing and hunting, motorized and non-motorized boat use, back-country hiking, trail-related use by hikers, runners, cyclists, and horseback riders, Nordic skiing, canoeing and kayaking, nature observation, natural sciences, outdoor education, appropriate commercial uses and concessions, and real estate and land use planning expertise.

Any Board member may, of course, represent viewpoints of more than one such area, activity, or skill. It is recognized that the Board's membership cannot accurately reflect all opinions of the interested populace on every issue, but there shall be no deliberate concentration of specific viewpoints on the Board which would be contrary to the balanced representation specified in these Bylaws. Each Board member carries the responsibility to represent the broad public interest and no member shall consider himself or herself merely an advocate of a specific group.

IV. NOMINATIONS AND APPOINTMENTS

A. The Commissioner of the Department of Natural Resources shall appoint the nine citizen members of the Board. Beginning December, 1997, four members shall be appointed for two-year terms and five members shall be appointed for three-year terms. Thereafter, the term of appointment shall be two years, with all terms scheduled to expire on October 1 of the appropriate year.

B. Each agency may select its representative for its position. One alternate may be appointed by each agency. The Commissioner of the Department of Natural Resources retains the right to approve or reject the agency's nominations for representative and alternate.

C. At least three months prior to expiration of the term of office of an incumbent member of the Board, the Board, through its nominating committee, shall solicit applicants from the public, from user groups, from area communities, and from the Commissioner of the Department of Natural Resources to fill the anticipated vacancy. Notice of the vacancy and the application procedures shall be published in local newspapers. The Board shall discuss the applications and shall, no later than one month prior to expiration of the term of office, nominate to the Commissioner no fewer than three individuals for each vacancy. The Commissioner shall, with thirty (30) days, appoint to each vacancy one member from among those nominated, the appointment to be effective upon expiration of the term of office of the incumbent. A Board member may be reappointed by the solicitation and nomination process specified in this paragraph.

D. If a Board vacancy occurs before the expiration of a member's term, the Board shall make three nominations from the current application list at any regular or special meeting. Any interested member of the public may be placed on an application list by submitting formal application to the Board. Such nominations shall be immediately forwarded to the Commissioner for appointment, which shall be made within fifteen (15) days following submission of the nominees to the Commissioner. An appointee to a vacant Board position shall serve the unexpired term of the person whose vacancy has been filled.

E. Any member desiring to resign from the Board shall submit his or her resignation in writing to the President.

V. REMOVAL OF BOARD MEMBERS

A. Removal Upon Unexcused Absence. A vacancy in the seat of any member may be declared to exist by an eleven (11) member vote of the entire Board if that member has, without previously being excused, failed to attend three regular meetings of the Board within any twelve month period, or two consecutive meetings.

B. Removal for Cause. A Board member may be recommended for removal for cause by an eleven (11) member vote of the entire Board. Upon approval of that action by the Commissioner, the member shall be removed and the seat declared vacant. Cause for removal of a Board member shall be limited to the following:

- 1) flagrant repeated violations of the rules and procedures developed by the Board for conduct of Board and Board committee meetings and
- 2) knowing violations of the Board Bylaws on conflict of interests.

C. Notice of Proposed Removal Action. Any motion that the Board remove any member under A or B above must be adopted by the Board as an agenda item for a regular or special meeting occurring at least one month after the motion is made to take such action. The member whose position is proposed to be declared vacant shall receive notice of the

proposed action at least twenty (20) days prior to the action, and shall be permitted to respond, in writing and orally, before such action is taken.

VI. MEETINGS

A. Meetings shall be held on the third Thursday of the month. The Board may establish other meeting schedules as it deems appropriate by majority vote. Rules and procedures governing all such meetings of the Board shall be according to the most recent edition of Robert's Rules of Order.

B. Special meetings may be called by the President (or, in his/her absence, the Vice President), or by any five board members, or by the Commissioner of the Department of Natural Resources. Special meetings may include polls by telephone or facsimile communications and voting for emergency situations.

C. The Commissioner of the Department of Natural Resources shall make a reasonable attempt to deliver notice of all special meetings to each member five (5) days prior to the meeting date. All notices of special meetings shall state the purposes thereof. All special meetings will be scheduled so as to ensure the greatest possible attendance by all members of the Board.

D. A quorum of the transaction of business at any regular or special meeting of the members shall consist of a majority of the members of the Board (9) with a minimum of not less than five members representing the public. Any number of members present at a duly called meeting constituting less than a quorum shall postpone the meeting to a time and place where a quorum is expected to be present. A majority of a quorum is required to approve items of business unless as otherwise required.

E. No person shall represent anything as the position of the Board, except when the position has been approved by vote of a majority of the quorum.

F. Each agenda for all Board meetings shall include public comment scheduled at a time during the agenda to ensure the greatest public participation. Testimony shall be limited to three (3) minutes.

G. The Board agenda shall be established by the President of the Board or in his or her absence, by the Vice President. Any Board member may, by request to the President, add items to the agenda. The Board agenda may be modified or amended by majority vote at the initiation of the meeting.

H. The Board will have an annual meeting in September of each year. In addition to the normal agenda, the following agenda items will be included: 1) elections of President and Vice-President; 2) review of the continuing need for standing and ad hoc committees; 3) appointment to committees; and 4) annual reports from the committees.

VII. OFFICERS AND COMMITTEES

A. The officers of the Board shall be a President and one Vice President, each of whom shall be elected by the Board. Such other officers and assistant officers as are deemed necessary may be elected by the Board. Board officers shall serve without salaries.

B. The officers of the Board shall be elected annually by the Board. Each officer shall hold office until his or her successor has been duly elected, except that a vacancy shall be filled in the manner hereinafter provided.

C. Any officer elected by the Board may be removed from that office by an eleven (11) member vote of the full Board membership whenever, in its judgment, the best interest of the Park and the public would be served thereby. Any such removal shall not affect that person's membership on this Board.

D. A vacancy in any officer position because of death, resignation, removal, disqualification, or otherwise, may be filled by majority vote at any regular or special board meeting.

E. The President may appoint such standing, and ad hoc committees as necessary, in order to promote the efficient conduct of Board business and maximum active participation by the public. Each committee may have non-Board members as nonvoting participants, but shall have at least one member of the Board. Ad hoc committees are established to accommodate specific tasks over a prescribed period of time.

F. The President shall, in general, supervise and coordinate all the affairs of the Board and shall, when present, preside at all meetings of the Board.

VIII. CONFLICT OF INTEREST

A Board member shall immediately disclose to the Board any significant conflict of interest involving any particular matter presented to the Board for action. A significant conflict of interest exists if the Board is asked to consider and recommend agency action, involving any real or personal property in which the Board member, or a member of his or her immediate family, holds a direct financial interest. If the Board determines a conflict of interest exists, the affected Board member shall not participate in discussion or vote on the issue. This conflict of interest policy shall not be construed to preclude Board members from participating in discussions or voting on issues in which the Board member has a general financial interest by as a result of being a member of a group or class of users affected by the proposed action.

Whenever any notice is required to be given to any member of the Board under the provisions of these Bylaws or under the provisions of the statutes of the State of Alaska, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice. Attendance at a meeting by a member constitutes notice of the meeting.

X. AMENDMENTS

The Board may adopt, alter, amend, or repeal the Bylaws with an eleven (11) member vote of the entire board, with the concurrence of the Commissioner of the Department of Natural Resources.

XI. SUPPORT

The State Department of Natural Resources shall furnish the following staff and services to the Board:

1. A designee to act as ex-officio as Secretary to the Board;
2. Upon request, furnish a meeting room;
3. Provide mail-out services for the notices and agendas of meetings, and provide public notice of the meetings by issuing press releases to all Kenai Peninsula radio stations and newspapers, as well as one Anchorage paper;
4. Prepare, circulate, and keep minutes of the meetings;
5. Furnish necessary maps, plans, and data for agenda items, as otherwise agreed from time to time;
6. In consultation with the President, the staff shall provide an agenda for each meeting.

Approved: *s/John Shively/* December, 1997

Subject: KRSMA board SB190

Date: Sun, 21 Mar 2004 15:03:30 -0900

From: "Mona Painter" <painter@arctic.net>

To: <Mary_SIROKY@legis.state.ak.us>

CC: <cameron_yourkowski@legis.state.ak.us>

Dear Chairman Carl Morgan:

My name is Jim H. Richardson from Cooper Landing, AK. After retirement I served for over five years as a public member from Cooper Landing for the Kenai River Special Management Area Board. This board has been the most effective body for receiving public input and preparing consolidated recommendations to D. N. R. for action that I encountered in my entire 33 year career of natural resource management with B.L.M. Many of the questions or issues brought before the board could be answered or resolved on the spot because all the key agency people were there. The recommendations in the Kenai River Plan were the result of public meetings in Soldotna, Cooper Landing, Anchorage, and elsewhere to gather public comments and formulate them into specific proposals.

I am deeply concerned by the portion of S. B. 190 that would take away the voting rights of agency and other members. This would discourage active agency participation and result in for less useful recommendations.

I recommend that this portion of the bill be deleted and the KRSMA Board be left to operate as it has so effectively in the past.

Jim H. Richardson

P. O. Box 757

Cooper Landing, AK 99572

Email:mrch@alaska.net

STATE OF ALASKA

Cooper Landing Fish & Game Advisory Committee

Frank H Murkowski, Governor

Bill Stockwell, Chair
PO Box 721
Cooper Landing, AK 99572-0721
Phone: 595-1540

March 20, 2004

Honorable Carl Morgan
Chair, House Community and Regional Affairs Committee
State Capitol Building,
Juneau, AK 99601-1182

SENT BY FAX 2 PAGES

SUBJECT: Senate Bill 190

Dear Chairman Morgan and Committee Members

At our meeting of March 18, 2004, the members of the Cooper Landing Advisory Committee voted unanimously to OPPOSE Section 4 of Senate Bill 190, changing the KRSMA Advisory Board Membership, and asked me to relay this opposition to our District Representative Paul Seaton which I did. His office informed me that your House Committee would be holding a hearing on March 23 and suggested that I contact you direct with our concerns.

The Cooper Landing AC SUPPORTS adding Lower River Lands to KRSMA, Section 2 of SB 190, and hope more additions can continue to be added in the future. However, we strongly feel that the proposed change to the voting membership of the KRSMA Advisory Board, Section 4 of SB 190, is certainly not in the best interest of Community of Cooper Landing and is bad policy for all Alaskans. We ask you to OPPOSE this section and AMEND TO REMOVE Section 4 before enactment of SB 190.

Cooper Landing is an unincorporated community whose residents depend on the health of the Kenai River Watershed and its adjacent land for their economic well-being and quality of life. While our voting population is small, much of the river's resources and viable habitat are in our area. The Community has depended for many years on good working relationships with ADF&G, DNR Lands and Parks, the Kenai National Wildlife Refuge, and the Forest Service for the management of our area's most vital resources. As proposed in Section 4 of SB 190, these land managers and resource experts would no longer vote on Kenai River issues vital to Cooper Landing while leaving the Municipalities of Soldotna, Kenai and the Borough as voting members. This change would shift the power to manage the Kenai River to the population base at the mouth of the river and be to the detriment of the residents of the Upper Kenai River and all Alaskans and other users in general.

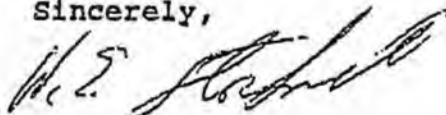
PAGE 2 COOPER LANDING ADVISORY COMMITTEE MARCH 20, 2004

We believe that the changes proposed in Section 4 of SB 190 violate the original intent of the 1984 KRSMA Act. In Section 1, Findings, of the 1984 Act it states: "A multitude of state and federal agencies with jurisdiction over various aspects of the river and adjacent public lands creates a labyrinth of regulation without effectively preventing the river's deterioration. 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 which must be protected and preserved to ensure their renewability and continued usefulness. To solve the river's problems a need exists for a comprehensive management plan for the river and its adjacent land and for coordinated management."

Coordinated management of the Kenai River Watershed requires that all land and water managers, resource managers, users and the public have equal seats at the table and that all have an equal voice and vote. To do otherwise violates the original findings of the act. Depriving all governmental entities except municipalities from vote is both unwise and poor public policy. While the health the Kenai River is of importance to adjacent municipalities, their expertise is not in management of fish and wildlife habitat and resources but in the development of land for growth and tax purposes. To leave the municipalities adjacent to the Kenai River as the only governmental entities with vote certainly seems to violate the finding that "The river's fishery and wildlife are its most important resources."

Thank you for allowing us this opportunity to provide testimony on Senate Bill 190 and thank you for examining our concerns and comments. We ask that Section 4 of SB 190 be removed in fairness to all Alaskans. If you need more information or have any questions, please contact Bill Stockwell by phone or fax at 595-1540.

Sincerely,



Bill Stockwell, Chair

cc: Representative Paul Seaton
ADF&G Board Support

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

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FAX: (907) 465-3886
- 680 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3660
PHONE: (907) 269-8431
FAX: (907) 269-8018

March 4, 2004

Mona Painter, President
Cooper Landing Community Club
PO Box 508
Cooper Landing, AK 99572

Dear Mrs. Painter:

Thank you for your February 3, 2004 letter concerning your support for adding lands along the shoreline of Kenai Lake to the Kenai River Special Management Area (KRSMA), and your recommendation that these lands be added to SB 190. I understand that there has long been interest in Cooper Landing to see additional lands added to the KRSMA.

This session, Senator Tom Wagoner introduced SB 190 to only add lands in the lower Kenai River watershed to the KRSMA. I am not aware that the upper Kenai River watershed state lands are vulnerable to threats that might warrant their addition to KRSMA, plus the Division of Parks and Outdoor Recreation's operating budget is so limited that it might be difficult for our agency to take on the additional responsibility for new lands added to the park system. We feel it is up to the local community and your legislative delegation to recommend any additional lands to KRSMA.

I recommend that you contact Senator Wagoner to discuss amending SB 190, consistent with the wishes of the local community. Thank you again for taking the time to share your recommendations for the upper Kenai River watershed.

Sincerely,



Thomas E. Irwin
Commissioner

cc: Senator Tom Wagoner
Gary A. Morrison, Director, Parks and Outdoor Recreation

Track # 04-1021

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

**ADVISORY BOARD**

February 20, 2004

The Honorable Tom Wagoner
Alaska State Legislature
State Capital
Juneau, AK 99801

Dear Senator Wagoner:

During the February 19th meeting of the Kenai River Special Management Area Advisory Board, a discussion of SB 190 was held. As you are aware, the KRSMA Board has long advocated for additional lands being added to the KRSMA, so that lands important for fish and wildlife resources and habitat and for recreation are protected for the benefit of all.

We support the addition of the 550 acres of land in the lower river that are identified in SB 190. We decided to offer no comments on the section of the bill relating to the Advisory Board makeup with the exception that we recommend that the wording be changed to permit a public member to serve as a voting member, even if they happen to be an employee of a state or federal agency. That person would not be serving as an agency representative, and under the current wording, one of our board members who was recommended by the community of Cooper Landing would be unable to serve as he also happens to be an employee of the state. We don't believe that it was your intention to prevent this type of service, and urge you to amend this section accordingly.

Thank you for the opportunity to comment on this bill.

Sincerely,

Ken Lancaster
President, KRSMA Advisory Board





February 20, 2004

CITY OF KENAI

" Oil Capital of Alaska "

210 FIDALGO AVE., SUITE 200 KENAI, ALASKA 99811-7754
TELEPHONE 907-283-7636
FAX 907-283-3014



Senator Thomas H. Wagoner
State of Alaska
State Capitol, #427
Juneau, AK 99801

RE: SENATE BILL 190 -- LETTER OF SUPPORT

Senate Bill 190 has been crafted to add certain state-owned lands into the Kenai River Special Management Area (KRSMA), as well as change the membership of the Board, identifying agency representatives as ex-officio non-voting members.

At their regular meetings of January 21 and February 18, 2004, the Kenai City Council reviewed Senate Bill 190 and the properties to be added to the Management Area.

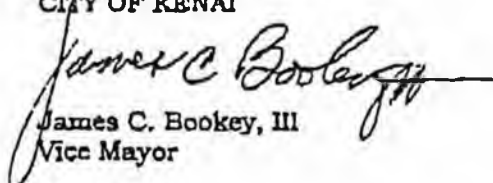
Addition of Properties: Of those properties proposed to be added to the Management Area, two are situated inside the boundaries of the City of Kenai -- Government Lot 9 and Tract A-1B. The Kenai City Council voiced no objections to these properties being added to the Management Area.

Board Restructuring: Though voting privileges will be removed, the proposed amendments continue to acknowledge the importance of inclusion of agency representation and participation on the Board. The Kenai City Council voiced no objections to these proposed amendments.

The Kenai City Council supports the proposed amendments to AS 41.21.502 and AS 41.21.510 included in Senate Bill 190. The Council also emphasizes the importance of the amendment to AS 41.21.501(b) to ensure the representation of user groups, resident property owners, and municipalities are those who are "adjacent to the Kenai River."

If you have any questions, please contact us at 283-8231.

CITY OF KENAI


James C. Bookey, III
Vice Mayor

JCB/clf

STATE OF ALASKA

FRANK H. MURKOWSKI
GOVERNOR

DEPARTMENT OF FISH AND GAME
OFFICE OF THE COMMISSIONER

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

February 20, 2004

The Honorable Thomas Wagoner
Alaska State Senate
Room 427, State Capitol
Juneau, AK 99801

Dear Senator Wagoner,

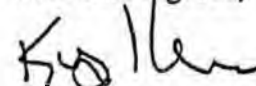
The Alaska Department of Fish & Game supports Senate Bill 190.

Section 2 of this bill adds lands purchased specifically for conservation purposes into the Kenai River Special Management Area (KRSMA). Most of these lands are wetlands not available for other uses, but which are critical habitats, and as such, we support their inclusion into the KRSMA.

Section 4 excludes employees, elected officials, or other representatives of a federal or state governments from being appointed to the Kenai River Special Management Area Advisory Board. Alternatively, it allows such individuals to serve as non-voting advisory members. We support this change. We do not believe it is appropriate for these individuals to hold voting seats, but do feel their input is necessary and valuable.

Please let me know if you have any questions.

With best regards,



Kelly Hepler
Director, Division of Sport Fish
Alaska Department of Fish and Game

Subject: SB190 Resources Committee Testimony

Date: Mon, 16 Feb 2004 14:39:40 -0900

From: <akscitec@alaska.net>

To: Senator_Thomas_Wagoner@legis.state.ak.us

Dear Senator Wagoner,

This is testimony of the Friends of Cooper Landing (FOCL), for the Senate Resources Committee hearing on SB 190, Monday, February 16, 2004.

We are a broad-based community organization, which understands from long experience how important a healthy Kenai River and watershed are to the life and economy of people living on the Kenai Peninsula. For that reason FOCL supports adding critical parcels of land to the Kenai River Special Management Area.

Unfortunately we cannot support SB 190 in its current form, because it will negatively impact river management. State and Federal agencies are responsible for maintaining the health of the Kenai River System. Removing State and Federal agency voting memberships will simply politicize the KRSMA Board, and potentially allow special interests to dominate. That would be very unwise, as well as be inappropriate for a management board. We strongly oppose this section of SB 190, which is unacceptable as written.

Thank you,

Bob Baldwin, President
Friends of Cooper Landing
akscitec@alaska.net

**KENAI PENINSULA BOROUGH**

144 N. BINKLEY • SOLDOTNA, ALASKA • 907-262-7599
BUSINESS (907) 262-4441 FAX (907) 262-1882

**DALE BAGLEY
MAYOR**

VIA FAX: 907 465-4779

Senator Tom Wagoner
State Capitol, Rm. 427
Juneau, AK 99801-1182

Dear Senator Wagoner:

I support the provisions of Senate Bill 190 that provides for more local control of the Kenai River Special Management Area Advisory Board by making state and federal agency representative *ex-officio* members of the board.

I strongly oppose having any additional land added to the Kenai River Special Management area.

Sincerely,

Dale Bagley
Kenai Peninsula Borough Mayor

January 30, 2004

Honorable Tom Wagoner
Senator, Alaska State Legislature
State Capitol
Juneau, Alaska, 99801-1182

Dear Senator Wagoner,

I met you and your wife, Dorothy, at Diana and Jim Zirul's party this past New Year's Eve. We talked a short time about your home dry wall needs, SBS being closed on Sundays, and our new Home Depot being open.

I hear you have a keen interest in the long term health and well being of the Kenai River and are sponsoring SB-190 to legislatively add State-owned public lands to the Kenai River Special Management Area Plan (KRSMA). I strongly support your leadership in doing this. Even though I'm a member of the KRSMA Advisory Committee, I'm writing to you as a very interested private property owner and stakeholder in the economy of the Kenai Peninsula. I believe aggressive management of the Kenai River and Kasilof River watersheds is vital to the long term prosperity of our community. However, I would like to try to convince you to strengthen SB-190 by adding the state-owned public lands and waters in the upper Kenai River watershed, as listed in CS HB-165. Those lands and waters provide a significant portion of habitat and spawning areas for Kenai River sockeyes. I worry that leaving these upper River State-owned lands and waters in limbo risks sale and development or uncontrolled impacts on these habitats, to the detriment of the watershed and our economy. As you may know, CS HB-165 passed the House in 2001 essentially on a unanimous vote. For reasons unknown to me, CS HB-165 "died" in committee in the Senate in 2001 because of objections raised by your predecessor, John Torgerson. Since he is apparently no longer a factor in this matter, it seems likely that SB-190, if supplemented by the additional public land tracts listed in CS HB-165, with one possible exception, would be a non-controversial bill in both the Senate and the House. That possible exception could be the tract of land along the SW shore of Kenai Lake, which contains the Chugach Electric Association (CEA) aqueduct from Cooper Lake to CEA's power generating station. Since it seems that CEA could be concerned that designating this land as KRSMA might impact their re-licensing process, it

might be prudent to set that tract aside for now and concentrate on the rest of the upper watershed lands and waters that are not controversial.

For your information, I have sent a letter to US Senator Ted Stevens requesting he personally endorse SB-190, and a similar letter, with the recommendations and rationale above, to Senator Gary Stevens and suggested he join you in sponsoring SB-190. I have also sent similar letters to Representatives Mike Chenault, Kelly Wolf and Paul Seaton requesting they support your (hopefully supplemented) bill in the House. If all the pertinent State-owned lands are legislatively added to the KRSMA through SB-190, there is no doubt in my mind it would be a key milestone in contributing to the health and well being of the Kenai River, and provide long lasting economic benefits to the Peninsula.

Thank you for any response or action you may take on these requests. I have included a separate, short biographical sketch to help you understand my interest and involvement in the requests in this letter.

Sincerely,



Richard Hahn

P.O. Box 2754

Soldotna, Alaska, 99669

907-262-8575

email rdhahn@ptialaska.net

Cooper Landing Community Club

Since 1949---community center park, cemetery, rifle range recreation property, museum property,
Helen Rhode Memorial Park permit, ambulance and fire department property lease...

PO Box 508 Cooper Landing, AK 99572

February 3, 2004



At community center park, Baan Creek Road

At Snail-a-thon Beach (KAP Unit 390)

Tom Irwin, Commissioner
Department of Natural Resources
400 Willoughby Avenue, Suite 500
Juneau, AK 99801

Dear Commissioner Irwin:

After receiving several emails and two phone calls regarding Senate Bill 190, I brought this matter before the Cooper Landing Community Club members at the Jan. 29, 2004 meeting. I read the letter the CLCC wrote to Commissioner Shively Jan. 30, 2000 (copy enclosed) during discussion. The CLCC passed a motion to once again confirm our belief in the Cooper Landing Advisory Planning Commission's comments regarding the Kenai Area Plan included in the 1996 Cooper Landing Land Use Classification Plan For Borough-Owned and Borough Selected Lands. I will enclose a copy of that section of the plan. The focus of the attention was on section c on page 31 of 35 recommending that shoreline lands along Kenai Lake be included in the Alaska State Park System... These lands were not included in SB 190.

Sincerely,

Mona Painter, President

(907) 595-1248
painter@arctic.net

copies:

State Parks Kenai Area Supt. Degernes,
Kenai Pen. Borough Mayor Bagley,
Senator Tom Wagoner
Senator Gary Stevens
Representative Dan Ogg



COOPER LANDING COMMUNITY CLUB, INC.

Since 1949----Library, Park, Cemetery, Ambulance Squad, Dall Homemakers, Gun Club
P.O. Box 508 Cooper Landing, AK 99572

John Shively, Commissioner
Department of Natural Resources
400 Willoughby Avenue, 5th Floor
390

January 30, 2000

Juneau, AK 99801

re: Kenai Area Plan, particularly Unit

Dear Commissioner Shively:

We reaffirm the Cooper Landing Advisory Planning Commission's comments regarding the Kenai Area Plan in the Cooper Landing area which were written to Bruce Talbot and Nancy Pease of the Department of Natural Resources on May 11, 1995. These comments are included in our Cooper Landing Land Use Classification Plan For Borough-Owned and Borough Selected Lands adopted by the Kenai Peninsula Borough via Ordinance 96-37: An Ordinance Incorporating The 1996 Cooper Landing Land Use Plan Update as an Element of the Kenai Peninsula Borough Comprehensive Plan.

Unit 390, which includes lands between Snug Harbor Road and Kenai Lake in which our Snail-a-thon beach/community picnic site is located, is of particular concern to us since Kenai Peninsula Borough Mayor Dale Bagley has requested this state land be available for Kenai Peninsula Borough selection. We want this area kept for public access recreation, scenic value, and habitat protection. We do not want this land developed. The annual Snug Harbor Snail-a-thon is the biggest community fund raiser for support of the community park and the Cooper Landing Elementary School bringing in over \$45,000. through the years. Approximately 100 people gather annually on that beach for this one event.

Cooper Landing residents enjoyed the use of the Snail-a-thon beach/community picnic site even before the Snug Harbor Snail-a-thon began in 1980. This is one place on the Cooper Landing end of Kenai Lake that people can access without going through private property, a USFS campground, or through the power transmission line right-of-way. Residents who cannot walk from the Snug Harbor Road can be driven to the beach so that even physically challenged folks can enjoy this beautiful site.

Our affirmation comes to you through a motion which passed unanimously at our regularly scheduled meeting January 27, 2000. The meeting and agenda were publicized in advance.

Sincerely,

CC: DNR Talbot, DNR Loeffler, DNR Degernes,
Senator Torgerson Representative Davis
K. P. Borough Mayor Bagley
CLAPC Wilson

Mona Painter, President
(907) 595-1248
painter@arctic.net

V. STATE LAND

1. Recommendations to the State re: State Lands

Although this plan (1996 Cooper Landing Land Use Plan Update) applies to land which has all ready been selected by the Borough, significant consideration was given to the Kenai Area Plan as set forth by the State of Alaska Department of Natural Resources because of the likelihood of selection of these lands by the Borough in the future.

On May 11, 1995, the CLAPC forwarded a letter to DNR outlining the Commission's concerns and recommendations for the lands in the Cooper Landing area addressed in the Kenai Area Plan. Appendix #3 is a copy of this letter.

Map "D", in the back of this document, shows some of the Kenai Area Plan Recommendations.

In cases where the State is still considering the Borough's selections, Unit Numbers have been assigned to these areas and are being discussed as part of the Kenai Area Plan. A Final Decision issued by the State of Alaska gives the Borough management authority on those lands and issuance of a Patent may or may not include certain conditions on the transfer of ownership and/or changes in the amount of acreage conveyed.

The following is a brief summary of the recommendations forwarded to the State DNR:

- a. The CLAPC considers Units numbered 388, 389, 390, 391, 393A, 393B, 394A, 394B, 395, and 396 as falling within the planning area, and/or having a significant affect on the community of Cooper Landing.
- b. That the Kenai Area Plan Planning Team consider certain portions of the 1992 Community Recommendations On A Land Use Plan for Borough Lands; specifically, the portion beginning "Land Status and Existing Land Use" and the Survey Results (of) Cooper Landing Community Goals. The directions for community growth and expansion expressed in this document reflect our goals for both state and borough lands. The plan should be useful to State Land Management Planners in formulating State Land Use Decisions in the Cooper Landing area.
- c. The CLAPC recommends that the state shoreline lands along Kenai Lake and its tributary streams be included in the Alaska State Park System for habitat protection, scenic value, and public access as specified in Kenai River Special Management Area, 1986. These

Cooper Lake Roads are appropriate per Section 1A of Cooper Landing community Goals Survey, August 1991.

GENERAL COMMENT: While the CLAPC supports traditional firewood and house-log use of Units 388 and 389, we question the utility of sales like the current hemlock rich, 240 acre Cooper Lake sale. We oppose extensive permanent road construction in this area and support the State's designation of winter removal on proposed sales. The community would rather limit permanent roads to planned development projects.

The Commission is concerned with the broad commercial leasing guidelines for Unit 388 and would like to work with the state on more refined designations with greater protection of habitat and recreation values around Cooper Lake. The community recommendations for borough-selected lands were crafted during the winter of 1995-1996. It is the intention of the Commission members to continue working with the state on Cooper Lake designations and guidelines to balance community expansion needs with retention of current recreation values. Future commercial and residential land disposals in Unit 388 and 389 must be coordinated with development plans on borough-selected lands and must be subject to community comment and approval.

VI. POTENTIAL NEW SELECTIONS UNDER AS 29.65

1. Recommendations to the Borough re: State and Borough Lands.

Although the above recommendations were addressed to the State, the following sections are included herewith as recommendations for selection/classification process (and other suggestions) to be considered by the Kenai Peninsula Borough.

- a. The selection of the 1,138-acre Unit 395 for community expansion as a residential subdivision with consideration for the integrity of the Resurrection Pass Trail System and surrounding fish and wildlife habitat. Also, all residential recommendations are contingent upon the ability of the developer to provide adequate road access, adequate sewage disposal facilities, and a potable water supply.

The commission recommends a 200 foot preservation greenbelt along either side of the Juneau Bypass state right-of-way, with limited access, and no roadside commercial development.

- b. The selection of the 523-acre Unit 394B for community expansion as commercial and residential subdivision. The northeast corner of this parcel where the Sterling Highway runs directly along the Kenai River to the south of Cooper Creek Campground is an important bald eagle winter feeding area and should be protected either by inclusion in State

- b. There is to be NO access to or from the new alignment other than the departure from the existing road at either end of the bypass. The NO ACCESS issue is not a matter taken lightly by the community

Diverting traffic away from the business district could be damaging to the community's economic base. Most businesses rely heavily on tourism and it is difficult enough to operate on a seasonal basis. It is important to the residents that Cooper Landing remain a viable, thriving community.

VII. IMPLEMENTATION

While this 1996 Update to the 1992 CLLUP provides recommendations to the KPB on the classification of its land, it is not a revision of the 1992 CLLUP. The CLAPC is encouraged to update the 1992 CLLUP to address the many significant issues affecting the Cooper Landing community as mentioned in the introduction.

KPB 17.10.080(l) states that "classification or reclassification shall be compatible with any land use plan adopted under the borough comprehensive plan or another plan approved the assembly. If a proposed classification or reclassification is not compatible with an approved land use plan, a plan revision shall be necessary before the classification or reclassification is adopted." Classifications are general land use recommendations. Within each classification definition there is significant latitude to implement the classification. It is not until KPB land is disposed or developed for a public purpose that classification is ultimately implemented. Prior to development, large tracts of KPB land need to be, at a minimum, surveyed, soil tested, and subdivided. This could cause the modification of classification boundaries. Specific decisions on items such as lot size and alignment of roads can only be decided during the subdivision planning and development stage.

Certain preexisting land uses have been determined through filing of subdivision plats and reservations in conveyance instruments. Specifically, land that has been subdivided has established or dedicated access, easements, and, in some cases, development setback and non-development buffer areas. Where these decisions have been made through the platting process, classification recommendations do not supersede the subdivision plat. Additionally, land use plans and KPB classifications are subject to any restrictions and reservations imposed on the property by patent or conveyance documents from the State of Alaska, the United States or the Kenai Peninsula Borough.

The Southern Intertie Route Selection Study Phase 1, dated May 3, 1996 shows Cooper Landing as being affected by one of the alternate corridors. The alternate alignment generally parallels the existing Quartz Creek transmission line. Should this alignment be selected the right-of-way for the intertie would be an additional 150 feet.

Thanks for SB 190

Subject: Thanks for SB 190

Date: Thu, 22 Jan 2004 17:27:21 -0800

From: "Wellman, Ted" <tedwellman@DWT.com>

To: "Senator_Thomas_Wagoner@legis.state.ak.us" <Senator_Thomas_Wagoner@legis.state.ak.us>

Thanks for introducing SB 190. I would like to encourage you to consider adding other lands in the upper part of the river to KRSMA that are equally or more critical to the health of the river in future legislation. The original bill Ken introduced contained the main tributaries of the river such as Trail River and areas around Trail Lake, Funny River, Quartz Creek, a few parcels around Kenai Lake, Cooper Landing and other other similar areas. If memory serves me correctly, none of the land had to be purchased. If there is controversy, affected parcels could be left out. What I would like to see is the salmon streams be protected before development makes a mess of the rearing habitat as has been done on the Lower Kenai. . I would happy to show you on the map these other lands when convenient for you. Thanks again for your help

Ted Wellman<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Davis Wright Tremaine, LLP

tedwellman@dwt.com

(907) 257-5326

Fax (907) 257-5399

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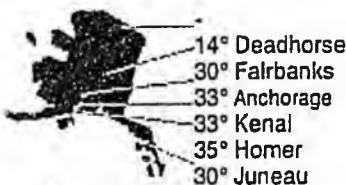
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Web posted Sunday, April 18, 2004

Wagoner bill gets KRSMA backing

By **MATT TUNSETH**
Peninsula Clarion

Something's better than nothing.

The Kenai River Special Management Advisory Board on Thursday endorsed a bill in the Alaska State Senate that would add approximately 536 acres to the Alaska State Parks management area < but not before board members voiced their frustration that the inclusion falls short of what they'd like to see added.

"I find it to be woefully inadequate," said board member Paul Shadura.

"This is another frustrating wall we've hit here," echoed board member Jim Golden.

The board members directed their remarks toward staff members from the office of Sen. Tom Wagoner, R-Kenai, who were participating in the meeting via teleconference. Wagoner is the sponsor of the bill in question < SB 190.

Their comments seemed to strike a nerve with Wagoner's staff, who wondered aloud about board members' assertion that the bill doesn't go far enough to add lands into the special management area.

"If it wasn't worth your trouble, why did you bring it to the senator?" asked Mary Jackson, a member of Wagoner's staff.

Jackson's remarks seemed to cause board members to soften their position.

"That's 500 acres more than we had before," pointed out board member Jeff King.

Another issue for the board to consider regarding the bill had to deal with the provision that state officials not be allowed to serve on the board. Currently, the board includes seats for members of state and federal agencies. Under Wagoner's bill, those seats would remain, but agency officials would be included as ex-officio members without the right to vote.

by topic, or click on the day to see the stories from the past week.

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On that issue, the board seemed to feel that although agency officials provide valuable input, taking away voting privileges was less of an issue than getting at least some land added to the management area.

"To me, the land inclusion < even if it is 500 acres > trumps that," King said.

Shadura, however, said he believes agency representatives provide valuable input and shouldn't be excluded from being full members.

"One of the reasons I come to this board is to be able to sit with federal and state agencies," he said.

Jackson said Wagoner believes agency members do provide valuable input, and that the ex-officio provision would still allow those agency members to lend their expertise to the board.

"It's just flat stupid to turn away talent," she said.

In the end, the board decided the inclusion of the 536 acres was worth its endorsement and voted 10-3 to relay the message to Wagoner that he should continue pushing the bill.

The board, however, did not speak in favor of a potential addition to the bill being pushed by Rep. Kelly Wolf, R-Kenai. Jackson said Wolf is seeking to include a provision that would disallow "derby-style fishing events" that attract large amounts of anglers to the river.

Board members who spoke to Wolf's proposal were unanimous in their belief that the proposal is a thinly-veiled attack on the Kenai River Sportfishing Association's annual Kenai River Classic, and they took issue with Wolf's desire to include a provision that seems to have little to do with the original bill.

"I don't like it to be tagged on to the bill," said board member Ted Wellman, who likened Wolf's proposal to comparing apples and oranges. "I think that's inappropriate."

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SB

265

State of Alaska
OFFICE OF THE GOVERNOR

Frank H. Murkowski
Governor
P.O. Box 110001
Juneau, Alaska 99811-0001
NEWS RELEASE



John Manly
Press Spokesman
907-465-3500
FAX: 907-465-3532
www.gov.state.ak.us

FOR IMMEDIATE RELEASE: December 18, 2003

No. 03-256

State, Aleut Corp. Sign MOU on Oil & Gas Exploration
Will Hold Concurrent Lease Sales and Work Together on Infrastructure

(Juneau) – Governor Frank H. Murkowski today announced that the Department of Natural Resources has signed a Memorandum of Understanding with the Aleut Corporation to hold concurrent oil and gas lease sales on their adjacent lands, and to work to facilitate the construction of transportation infrastructure to support oil and gas development in the Aleut Corporation area. The MOU is similar to one entered into by DNR and the Bristol Bay Native Corporation last Fall and is consistent with the administration's policy of working with the people of the area to develop natural resources.

"The Aleut Corporation is the other major landowner in the Alaska Peninsula area, where we believe significant, commercial quantities of oil and gas can be found," Murkowski said. "We are very pleased that the Aleut Corporation shares the vision of resource development with the state and BBNC. We hope to build a strong economy in cooperation with the people of the region. This MOU is one marker of our commitment, along with the regional corporation, to provide a foundation for that economy."

Under the five-year MOU, the parties agree to work cooperatively to ensure that resource exploration and development activities are done in an environmentally responsible manner, and consistent with land management and development plans of both parties. They also will work to re-open offshore oil and gas prospects in the region, and will try to synchronize the timing of leasing schedules for their respective, adjacent lands. The MOU also has both parties working together to facilitate design and construction of a transportation network to make oil, gas, and other mineral prospects more accessible, and to interconnect communities.

Under the MOU, the state and Native corporation also have a mandate to communicate their development goals to other interested parties throughout Southwest Alaska, including tribal organizations, village corporations, and borough and city governments.

The MOU was signed today by Aleut Corporation President Martha Malavansky and DNR Commissioner Tom Irwin. In accordance with his policy of working with the local people, Murkowski said he expects to sign similar MOUs with the Bristol Bay Borough, the Lake & Peninsula Borough, and the Aleutians East Borough, as well.

###

HB 384/CSSB 265
Oil and Gas Lease Sale Schedule/Notification
February 19, 2004

Summary:

- HB 384/CSSB 265 would amend the current Five-Year Oil and Gas Lease Program requirements by allowing DNR to amend the Five-Year schedule on a more timely basis with legislative notification.
- This legislation would allow the state to schedule an areawide lease sale on the Alaska Peninsula for fall 2005. Without this bill, the soonest a sale could be held would be January 2007.
- HB 384/CSSB 265 benefits would include:
 - Giving the State the flexibility to respond quickly to changing industry, market, and other conditions and more quickly bring new areas on-line for leasing, resulting in additional revenues for the State of Alaska.
 - Permitting frontier areas in particular, to be brought into production sooner than currently possible.
 - Retaining legislative review of the lease sale program.

Background:

- Under current oil and gas statutes (AS 38.05.180(b) and (c)):
 - The Commissioner of Natural Resources is required to biennially prepare and present to the first regular session of each legislature a five-year schedule of proposed oil and gas lease sales.
 - A proposed lease sale, in turn, must be included in the schedule submitted to the legislature for at least two calendar years before the sale may be held.
- Therefore, under current law, it may be as long as four years between when a sale is requested and when it may be held. For example, under current law, the soonest a sale may be held in the Bristol Bay area is January 2007.
- As a result of these restrictions, the commissioner is unable to quickly respond to changing industry, market and State fiscal conditions in designing and implementing a lease sale program.
- HB 384/CSSB 265 would amend the Five-Year Program requirements by:
 - Allowing DNR the flexibility of amending the sale schedule at any time and notifying the Legislature of the change.
 - Removing the current requirement under AS 38.05.180(c) that a proposed sale be on the schedule for two years. Instead, a sale may not be held before the date in the Five-Year Program.
 - DNR annually, instead of biennially, prepares the Five Year Program and notifies the Legislature of its availability.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 265
(S) Publish Date: 1/14/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
Title Five-Year Oil and Gas Program RDU Resource Development
Component Oil and Gas Development
Sponsor _____
Requester _____ Component No. 439

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
By amending the Five-Year Oil and Gas Program requirements, DNR will be able to add competitive sales to the schedule at any time instead of only once every two years (current law requires that Five-Year Program be presented to the Legislature in January of the first regular session of each legislature). These amendments will ultimately allow DNR to hold sales in the frontier areas sooner, therefore bringing the state additional revenues (bonus bids, rentals, and eventually, production royalties) in a shorter amount of time. It is impossible to accurately predict at this time what this increase in revenues might be.

Prepared by: Bill Van Dyke Phone 269-8800
Division: Oil and Gas Date/Time 10/27/03
Approved by: Thomas Irwin, Commissioner Date 10/27/03
Agency: Natural Resources

MEMORANDUM OF UNDERSTANDING

Between

ALASKA DEPARTMENT OF NATURAL RESOURCES

And

THE ALEUT CORPORATION

To

HOLD CONCURRENT OIL AND GAS LEASE SALES OF STATE AND TAC LAND IN THE ALEUT REGION & TO FACILITATE CONSTRUCTION OF A TRANSPORTATION INFRASTRUCTURE THAT WILL SUPPORT THESE DEVELOPMENT PROJECTS

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into by and between the Alaska Department of Natural Resources (DNR) and The Aleut Corporation (TAC), collectively referred to as "the Parties." The purpose of this MOU is to contribute to the achievement of common goals and objectives of the Parties and to establish an effective communication framework between the Parties.

Background:

- A. The DNR is tasked with managing the State of Alaska's land in southwest Alaska and the natural resources contained therein, including oil, gas, and minerals, and TAC is responsible for managing its 1.572 million acre mineral estate on behalf of its 3,250 shareholders.
- B. Similar to the North Slope and Cook Inlet regions of Alaska, the Bristol Bay basin including portions of the Aleut region on the Alaska peninsula has been identified as having good potential for commercial quantities of oil and gas deposits.
- C. Any discoveries of, and subsequent development of, commercial quantities of oil, gas, & mineral deposits in the Aleut region should benefit both the State of Alaska and TAC's shareholders.
- D. Like other mineral deposits, oil and gas resources know no political boundaries, and it is often logical and desirable for two adjacent landowners to have similar land management and leasing programs in place.
- E. With TAC's support, the Alaska Division of Geological and Geophysical Surveys applied for a 3-year, \$700,000 U.S. Dept. of Energy grant to further evaluate the oil and gas potential of the Bristol Bay basin.
- F. The development of transportation infrastructure, as recommended by the Southwest Alaska Regional Transportation Plan, such as deep water ports, roads and airports, along the Alaska Peninsula should make oil, gas, and other mineral prospects more accessible, and thereby more economically feasible to explore and develop.

- G. The Alaska DNR, TAC, and BLM have been working collaboratively to rationalize ANCSA 17(b) and RS 2477 access issues.
- H. The Alaska DNR, TAC, and BLM have been working collaboratively to revoke obsolete federal land withdrawals in the Bristol Bay region.
- I. TAC supports the construction of an access road from Cold Bay to King Cove.

Agreements:


- The term of this MOU will be for five (5) years from the effective date and can be extended for five-year periods thereafter with the written agreement of the Parties.
- To the extent consistent with their respective interests and statutory or regulatory responsibilities, or corporate responsibilities, the Parties will work cooperatively to ensure that exploration and development activities are consistent with the land management and development plans of both Parties.
- The Parties agree that they will cooperate to ensure all development projects in the Aleut region are pursued in an environmentally responsible manner with maximum efforts to minimize impacts to fishery resources.
- TAC and the State of Alaska will work cooperatively to re-open offshore oil and gas prospects to exploration.
- Where reasonable to do so, the Parties will endeavor to synchronize the timing of their oil and gas-leasing schedule for their respective lands.
- The Parties will help facilitate the design and construction of a transportation network that will make oil, gas, and other mineral prospects more accessible and inter-connect communities.
- The Parties will communicate their development goals to other interested parties in southwest Alaska, such as tribal organizations, village corporations, and borough and city governments.
- The Parties will not act contrary to applicable laws, regulations, policies, and procedures.
- To the extent legally permissible, information generated pursuant to this MOU may be kept confidential when requested in writing by a party to this MOU. Information released by a party to this MOU must credit the source of the information.
- Where reasonable, the Parties will issue joint press releases on matters related to this MOU and will coordinate responses to media questions.
- Notices regarding actions under this MOU will be sent to (for each party):

DNR Commissioner
State of Alaska DNR
550 W. 7th Ave., Suite 1400
Anchorage, AK 99501-3561

Chief Executive Officer
The Aleut Corporation
4000 Old Seward Hwy, #300
Anchorage, AK 99503

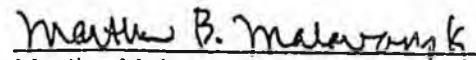
- This MOU may be terminated within thirty(30) days written notice by either Party.
- This MOU can be modified upon written consent of the Parties.
- Others may become party to this MOU upon written consent of the Parties.

Approved:



Tom Irwin, Commissioner
Alaska Dept. of Natural Resources

12/18/03
Date



Martha Malavansky
President, TAC

12/18/03
Date

MEMORANDUM OF UNDERSTANDING

Between

ALASKA DEPARTMENT OF NATURAL RESOURCES

And

BRISTOL BAY NATIVE CORPORATION

To

FACILITATE OIL AND GAS LEASE SALES ON STATE AND BBNC LAND IN THE BRISTOL BAY REGION

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into by and between the Alaska Department of Natural Resources (DNR) and the Bristol Bay Native Corporation (BBNC), collectively referred to as "the Parties." The purpose of this MOU is to contribute to the achievement of common goals and objectives of the Parties and to establish an effective communication framework between the Parties.

Background:

- A. The DNR is tasked with managing the State of Alaska's land in southwest Alaska and the natural resources contained therein, including oil, gas, and minerals, and BBNC is responsible for managing its 3.1 million acre mineral estate on behalf of its 7,100 shareholders.
- B. Similar to the North Slope and Cook Inlet regions of Alaska, the Bristol Bay basin has been identified as having good potential for commercial quantities of oil and gas deposits.
- C. Exploration of oil and gas resources is a vital component to stimulating the local economy and providing jobs and economic opportunities in the region.
- D. The discovery of commercial quantities of oil and gas would provide an opportunity for low cost energy in the region, further stimulating the local economy.
- E. Any discoveries of commercial quantities of oil and gas in the Bristol Bay region will benefit both BBNC's shareholders and the State of Alaska, so it is in the best interest of the Parties to encourage exploration for such resources.
- F. BBNC has requested that the State facilitate on-shore oil and gas exploration in the region by holding annual areawide leasesales, beginning as soon as possible.
- G. Like other mineral deposits, oil and gas resources know no political boundaries, and it is often logical and desirable for two adjacent

landowners to have similar land management and leasing programs in place.

- H. With BBNC's support, the DNR's Division of Geological and Geophysical Surveys applied for a 3-year, \$700,000 U.S. Dept. of Energy grant (\$150,000 of cash and in-kind contributions to be provided by BBNC) to further evaluate the oil and gas potential of the Bristol Bay basin.

Agreements:

The Parties agree to the following provisions:

- The Parties will work cooperatively to facilitate oil and gas leasesales of state and BBNC lands in the region to be held as soon as feasible.
- The Parties will cooperate to ensure all development projects in the Bristol Bay region will be pursued in an environmentally responsible manner and will minimize impacts to fishery resources.
- The Parties will work cooperatively to convince the federal government to re-open federal offshore oil and gas prospects in the region to exploration.
- The Parties will endeavor to synchronize the timing of their oil and gas leasing schedule for their respective lands.
- The Parties will help facilitate the design and construction of a transportation network that will make oil, gas, and other mineral prospects more accessible and inter-connect communities in the region.
- The Parties will communicate their development goals to other interested entities in southwest Alaska, such as tribal organizations, village corporations, and borough and city governments.
- The Parties will not act contrary to applicable laws, regulations, policies, and procedures.
- To the extent allowable by statutes and regulations, the Parties will share information that will assist in accomplishing the objectives of this agreement.
- Where reasonable, the Parties will issue joint press releases on matters related to this MOU and will coordinate responses to media questions.
- Notices regarding actions under this MOU will be sent to (for each party):

DNR Commissioner
State of Alaska
550 W. 7th Ave., Suite 1450
Anchorage, AK 99501

Chief Executive Officer
Bristol Bay Native Corporation
800 Cordova Street
Anchorage, AK 99501


- The term of this MOU will be five (5) years from the effective date and can be extended for five-year periods thereafter with the written agreement of the Parties.
- This MOU may be terminated with thirty days written notice by either Party.
- This MOU can be modified upon written consent of the Parties.

- Others may become party to this MOU upon written consent of the Parties.

Approved:


Thomas E. Irwin, Commissioner
Alaska Dept. of Natural Resources

7/10/03
Date

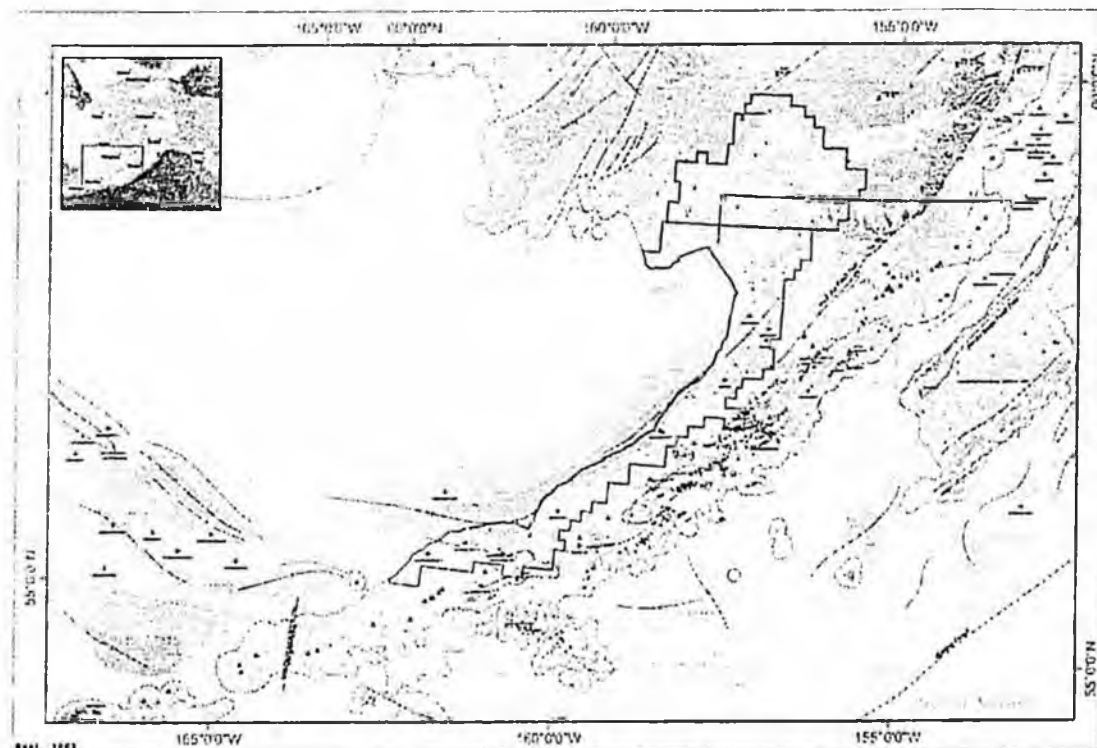

Tom Hawkins
SRVP & COO, BBNC

7.10.03
Date

THE
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DOCUMENT(S)
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Alaska Peninsula and Bristol Bay Region Oil and Gas Programs

Exploration Licensing



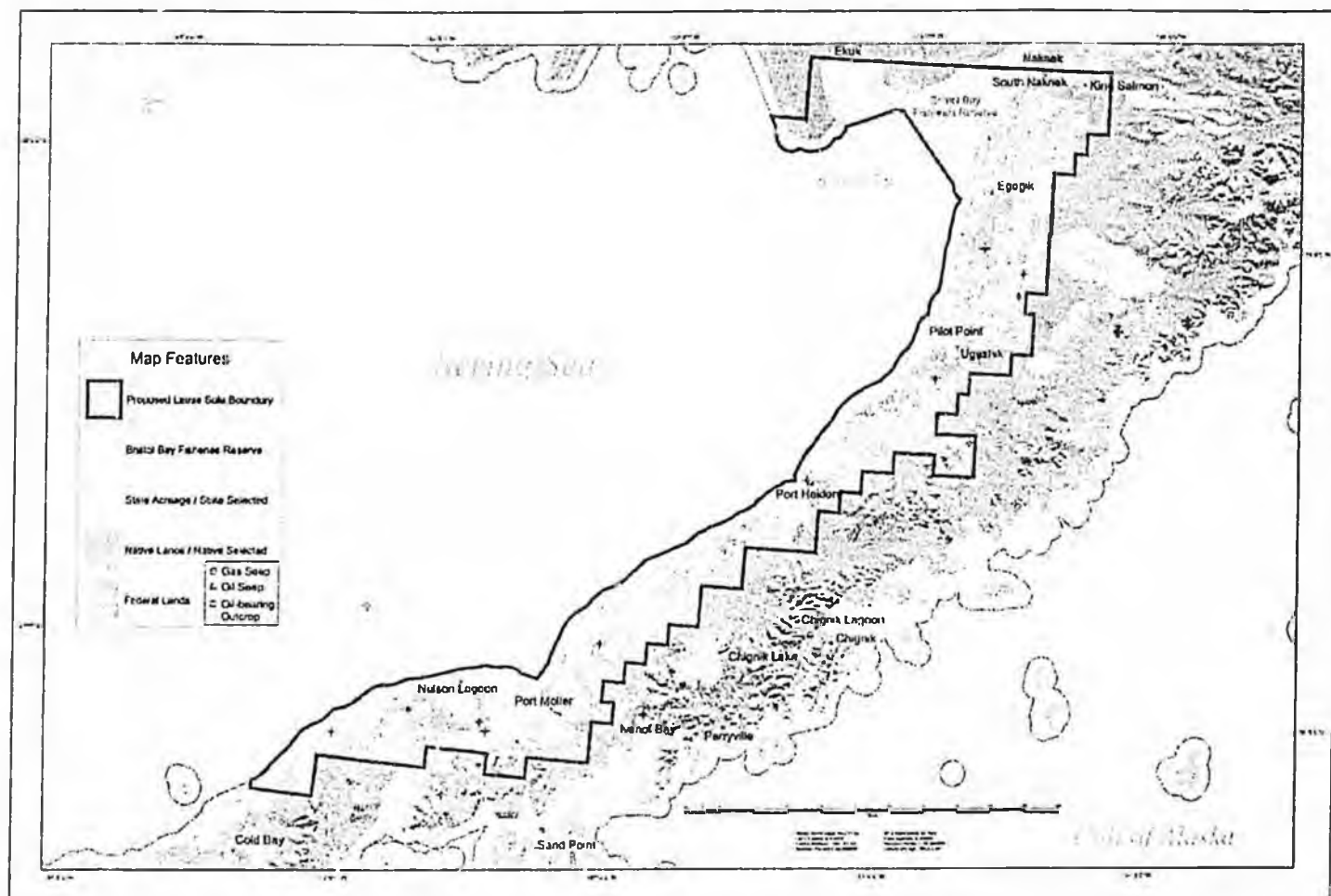
Areawide Lease Sales



Alaska Department of
**NATURAL
RESOURCES**
DIVISION OF OIL & GAS

OCTOBER 2003

Areawide Lease Sales



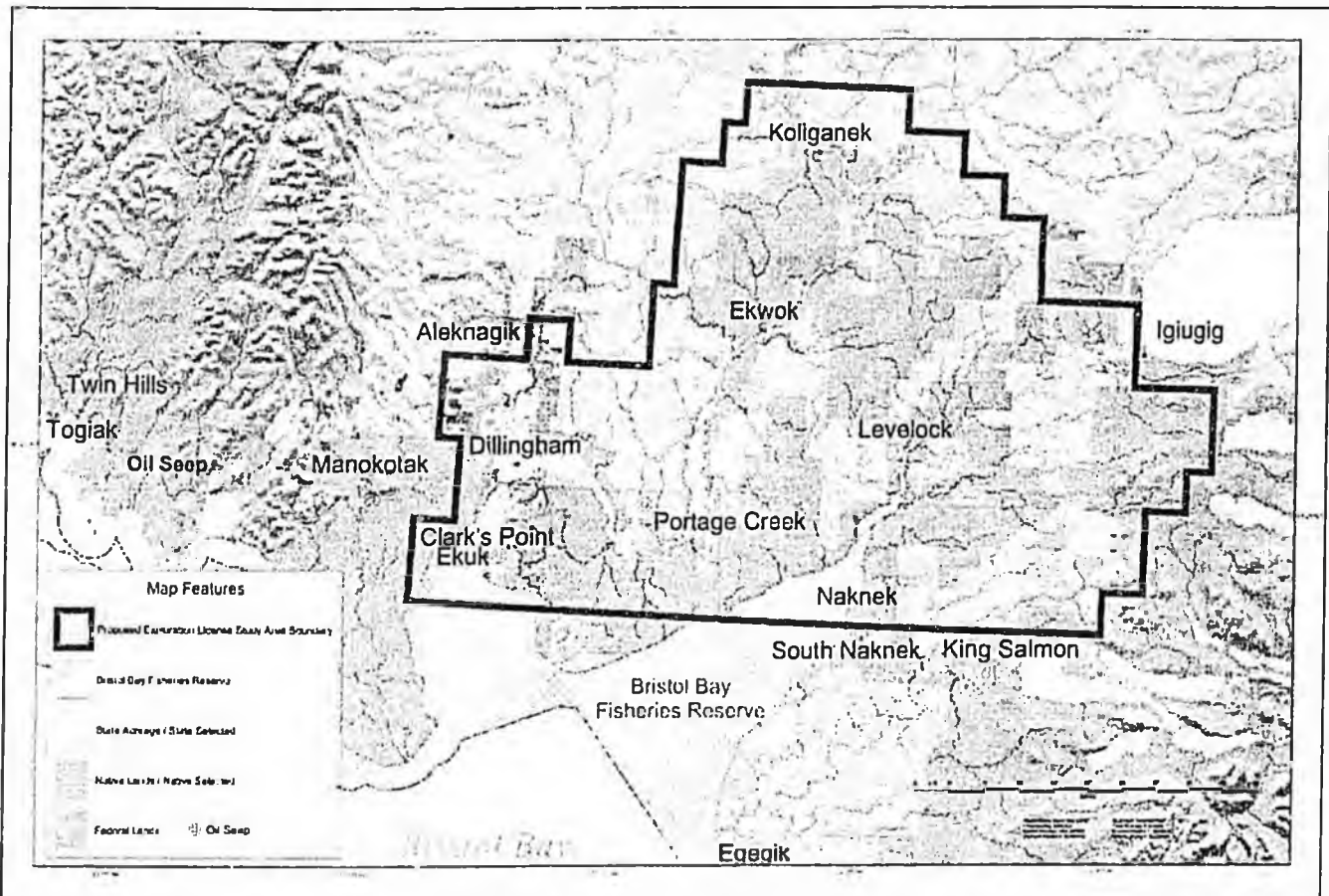
AK Peninsula Areawide Leasing	2003				2004				2005				2008									
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Request for agency information																						
Public Comment Period																						
DO&G conducts public informational meetings																						
Draft Prelim. Finding & ACMP Consistency Analysis																						
Issue Prelim. Finding and Consistency Analysis																						
Public comment period																						
DO&G interprets geological and geophysical data																						
DO&G and DGGG geologic field parties																						
Draft proposed ACMP Consistency Determination																						
Consistency Determination evaluation period																						
Draft Final Best Interest Finding (BIF)																						
Issue BIF & CD. Announce sale																						
Reconsideration (30-day)/Court Appeal (30-day)																						
LEASE SALE																						
Title review																						
Leases awarded																						
Effective date of leases - April 1																						

Alaska's areawide leasing program allows companies to submit sealed bids on tracts of land of up to 5,760 acres in size. The Commissioner of the Department of Natural Resources sets the terms of the lease sale; the minimum acceptable per acre bid, the primary term of the lease; and the production royalty rate. The highest bidder on a tract wins the right to explore that tract for oil and gas. However, no activity can take place without the required permits in place. In the Bristol Bay region and the Alaska Peninsula, all activity on an oil and gas lease must be in compliance with the Alaska Coastal Management Program and local coastal management district plans.

Leases normally have a primary term of 7 or 10 years; minimum bids are generally set at \$5 or \$10 per acre, depending on the area being leased; and the royalty rate is normally 12.5% or 16-2/3%. Once a lease is issued, the lessee pays annual rentals to the state, starting at \$1 per acre and increasing to \$3 per acre by the 5th year of the lease.

If it's determined that an Alaska Peninsula Areawide lease sale is in the state's best interests, a sale will be held in October 2005.

Exploration Licensing



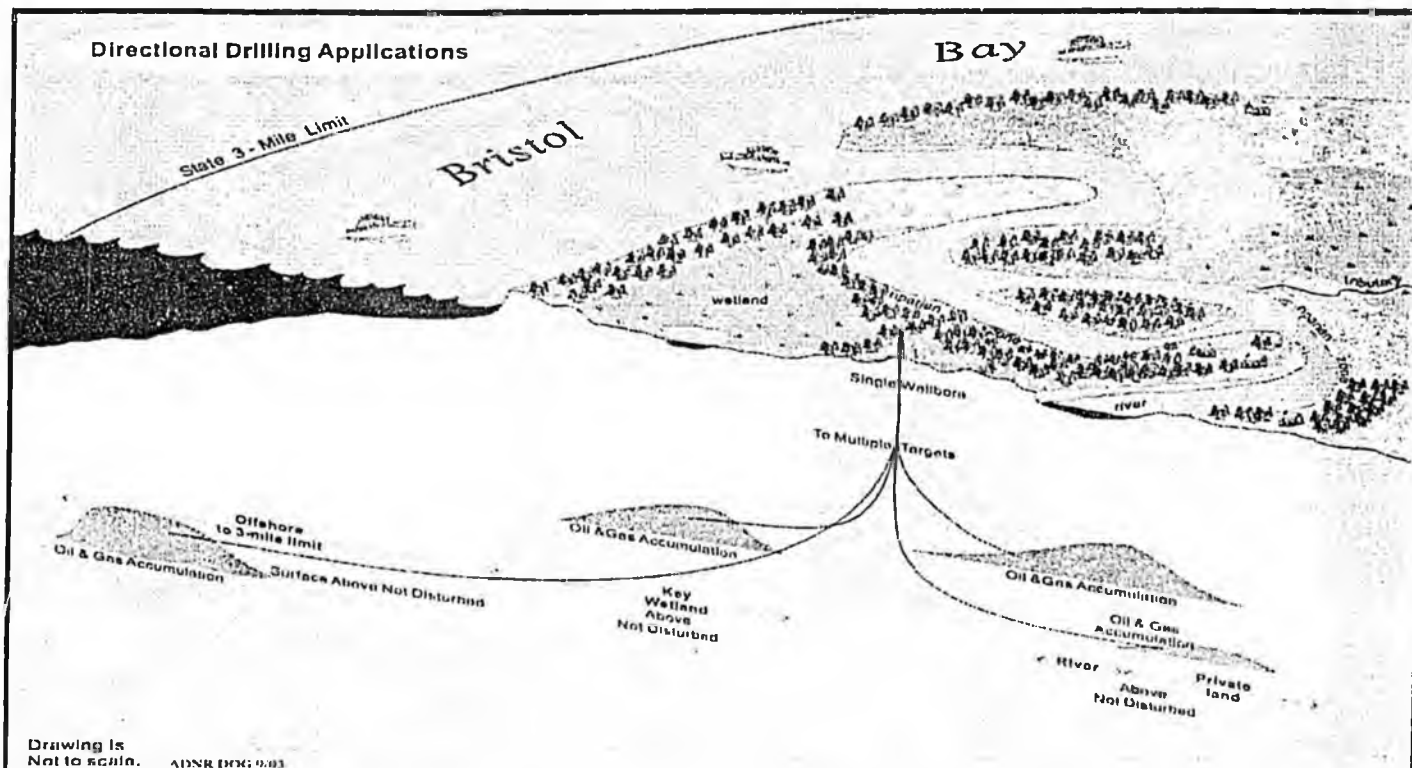
Exploration Licensing	2003						2004											
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
DO&G issues solicitation for license proposals	■																	
Request for agency information		■																
Prospective licensee informs of intent to submit			■															
Prospective licensee submits proposal				■														
DO&G requests public comment period on area					■													
DO&G solicits competing proposals						■												
DO&G conducts public informational meetings							■											
DO&G interprets geological and geophysical data								■										
Draft Prelim Finding & ACMP Consistency Analysis									■									
Issue Prelim Finding and Consistency Analysis										■								
Public comment period											■							
Draft proposed ACMP Consistency Determination												■						
Consistency Determination elevation period													■					
Draft Final Finding														■				
Issue Final Finding and Consistency Determination															■			
Reconsideration (30-day)/Court Appeal (30-day)																■		
Sealed bid auction; AWARD LICENSE																	■	
Effective date of license - Oct 1																		■

Alaska's exploration licensing program encourages oil and gas exploration in remote areas of the state, and supplements the state's oil and gas leasing program. The holder of an exploration license has the exclusive right to explore an area between 10,000 and 500,000 acres for up to 10 years. The maximum acreage a single licensee can hold at any one time is 2 million acres.

Rather than paying an up-front bonus payment to the state, as is done in conventional leasing, an applicant for an exploration license bids direct exploration expenditures. The bidder willing to spend the most on exploration is awarded the license. The recipient of a license must pay a \$1 per acre license fee and post a performance bond. There are no additional charges during the term of the license. After completing an approved work commitment, the licensee has the exclusive right to convert any compact and contiguous portion of the licensed area to conventional oil and gas leases.

The licensing process is initiated in one of two ways: (1) Each year during April applicants may submit to the Commissioner, Department of Natural Resources, a proposal to conduct exploratory activity within an area they have specified; or (2) the Commissioner, at any time, can solicit proposals to explore an area specified by the Commissioner. This solicitation was done for the Bristol Bay basin in July 2003. In response to the Department's solicitation, one company submitted a proposal. Following that submittal the Department solicited additional competing proposals from industry.

If it's determined that an exploration license for the Bristol Bay basin is in the state's best interests, a license will be awarded in September 2004.



Exploration History and Hydrocarbon Potential

- The northern half of the Alaska Peninsula is a low relief coastal plain underlain by a thick sequence (18,000+ feet) of Tertiary strata that is contiguous with the Bristol Bay basin to the north. Here the setting is very good for both structural and stratigraphic traps as well as the likelihood of encountering good to locally excellent reservoir quality rocks.
- Hydrocarbon source rocks of Tertiary age appear to be largely gas prone. The deeper, older Mesozoic strata may have both gas and oil generating potential.
- Reservoir estimates at this stage are very difficult to quantify. Oil reserves may exist in the hundreds of million barrels and gas in multiple trillion cubic feet. Only drilling will give further refinement of figures.
- 26 wells have been drilled onshore since 1903, the latest being the Amoco Becharof #1 in 1985. One offshore stratigraphic test well was drilled in 1983, the ARCO North Aleutian COST Well #1.
- Numerous oil seeps are present along the southern half of the Alaska Peninsula. Oil and gas shows are evident in many of the wells. No commercial flow of oil has been proven to date.

Typical Permit Process - Onshore Exploration Well on the AK Peninsula		M	J	J	A	S	O	N	D	J	F	M	A	M
1	Preapplication Conference													
2*	ACMP Consistency Determination - AS 46 40													
3	DNR DO&G - Lease Plan of Operations Review													
4	DNR Parks - Cultural Resource Survey													
5	DNR DMLW - Temporary Water Use Permit													
6	DEC - Oil Spill Discharge and Contingency Plan													
7	DEC - Solid Waste Disposal Permit													
8	DEC - Wastewater Disposal Permit													
9	ADNR - Title 41 Anadromous Fish Stream													
10	Army Corps of Engineers - Section 404 Permit													
11	AOGCC - Conservation Order													
12	AOGCC - Permit to Drill													
13	AOGCC - Application for Sundry Approval													
14	Construction and Drilling													
15	Demobilization and Rehabilitation													

Project: Onshore Date: 9/03/03 Permitting Activity: Public Notice:

* Only for activity within the Coastal Zone

DEPARTMENT OF NATURAL RESOURCES 550 West 7th Ave.; Suite 1400 Anchorage, AK 99501

Commissioner: Tom Irwin (907) 269-8431 Tom_Irwin@dnr.state.ak.us

Deputy Commissioner: Dick LeFebvre (907) 269-8431 Dick_LeFebvre@dnr.state.ak.us

DIVISION OF OIL & GAS 550 West 7th Ave.; Suite 800 Anchorage, AK 99501

Director: Mark Myers (907) 269-8431 mdm@dnr.state.ak.us

Leasing Manager: James Hansen (907) 269-8804 jjh@dnr.state.ak.us

Petroleum Land Mgr: Patrick Galvin (907) 269-8775 psg@dnr.state.ak.us

Petroleum Geologist: Don Brizzolara (907) 269-8768 dwb@dnr.state.ak.us

Note: For up-to-date on-line information, check the Division of Oil and Gas Web page at "www.dnr.state.ak.us/oil".

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Bristol Bay Borough

October 22, 2003

RECEIVED
OCT 27 2003

Commissioner Tom Irwin
Department of Natural Resources
550 W 7th Avenue, Suite 1400
Anchorage, Alaska 99501

DIVISION OF
OIL AND GAS

RE: Bristol Bay Region: Oil and Gas Programs
Public Comments - Due October 30, 2003

Commissioner Irwin:

Please consider the following comments from the Bristol Bay Borough:

1. The Bristol Bay Borough Assembly is in strong support of the State of Alaska's recent efforts to advance oil & gas exploration in the Bristol Bay region.
2. The Bristol Bay Borough is committed to finalizing a Memorandum of Understanding with the Alaska Department of Natural Resources outlining critical areas of interest with respect to regional oil & gas development and outstanding municipal lands issues.
3. The Bristol Bay Borough is supportive of the continued public outreach evidenced to date by the State of Alaska on the Bristol Bay oil & gas exploration initiative and anticipates that this outreach effort will remain constant throughout the proposed development timeline.

DEPARTMENT OF
NATURAL RESOURCES

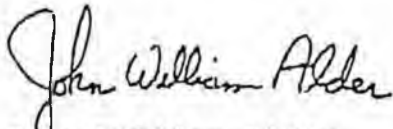
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COMMISSIONER'S OFFICE

Letter to Commissioner Irwin
October 22, 2003
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4. The residents of the Bristol Bay Borough are heavily dependent upon the robust regional fish & wildlife resources for subsistence needs. While the Bristol Bay Borough Assembly is in support of resource development, all development must proceed with due diligence in order to minimize potential negative impacts to the fish & wildlife resources.
5. Local knowledge of regional environmental conditions and fish & wildlife characteristics is one of our greatest resources in the Bristol Bay region. Accordingly, the Bristol Bay Borough recommends that all state agencies proceed throughout the oil & gas development process in a method that relies heavily upon local input. Any subcommittees or advisory panels empowered by the state should include local knowledgeable residents.
6. The Bristol Bay region has long suffered from seasonally sporadic employment. The regional oil & gas development initiative offers an exciting departure from the long winter season low employment cycle. The Bristol Bay Borough Assembly strongly urges the State of Alaska to continue in its expressed commitment to channel oil & gas employment training through the newly established Southwest Alaska Vocational Education Center (SAVEC) in King Salmon thereby enabling optimal local hire during exploration and development of potential oil & gas prospects.

Sincerely,



John William Alder
Borough Manager

cc: Mayor Michael Swain
Borough Assembly members