

7/99

# Municipal Entitlements Amendment

Page 9, following line 11:

Insert a new bill section to read:

Sec.9. AS 29.65.030 is amended by adding a new subsection to read:

(d) For the purpose of determining the general land grant entitlement under (a) of this section, the maximum total acreage of vacant, unappropriated, unreserved land within the boundaries of the municipality between the date of its incorporation and two years after that date shall be increased by the amount of land located within the boundaries of the municipality that is transferred to the University of Alaska under AS 14.40.365.

# Proposed Amendment for Trails/Easements/Misc Errors

## PROPOSED NEW LANGUAGE IN BOLD CAPS

Sec. 5. AS 14.40.365 is repealed and reenacted to read:

**Sec. 14.40.365. University state-grant land.** (a) Except as provided in (b) of this section, before July 1, 2008, the commissioner of natural resources shall convey to the Board of Regents in trust for the University of Alaska, by quitclaim deed, the state land identified for conveyance to the university and described in the document titled "University of Alaska Land Grant List 2005," dated January 12, 2005. **THE COMMISSIONER MAY MAKE MINOR ADJUSTMENTS TO THE MAPS OR LEGAL DESCRIPTIONS WHERE THE ORIGINAL MAPS AND DESCRIPTIONS CONTAIN OMISSIONS OR ERRORS.**

- (e) Land conveyed under this section to the Board of Regents in trust for the University of Alaska is subject to any valid possessory interest or other valid existing right including any lease, license, contract, prospecting site, claim, sale, permit, right-of-way, or easement held by another person, **INCLUDING FEDERAL, STATE OR MUNICIPAL AGENCIES** on the effective date of this section.
  
- (f) Before conveying land under this section, the commissioner of natural resources shall reserve access under AS 38.05.127, but other provisions of AS 38.04 and AS 38.05 do not apply to the commissioner's preparation for conveyance of land to the Board of Regents in trust for the University of Alaska under this section. **IN ADDITION TO ACCESS UNDER AS 38.05.127, THE COMMISSIONER MAY RESERVE IN THE CONVEYANCE DOCUMENT EXISTING TRAILS, ROADS, AND OTHER ACCESS ROUTES THAT PROVIDE PUBLIC ACCESS TO ADJACENT LANDS AND PUBLIC WATERS.**

Development/Acquisition Plans and Notice

P05.11.04

- A. The vice president for finance and planning shall:
1. Cause to be maintained and updated as needed, Campus Land Acquisition Plans for each campus. No real property may be acquired for campus development purposes unless acquired pursuant to an approved Campus Land Acquisition Plan or specifically approved by the Board.
  2. Create, maintain, and update biennially, Strategic Plans for the comprehensive management and development of Investment Property which include a statement of the goals and objectives to be accomplished in managing and developing Investment Property;
  3. Annually or as needed, and after consultation with affected campuses, prepare Development Plans which describe development projects on investment Property not previously presented to the Board;
  4. Prepare an Annual Report to the Board which contains: (i) a summary of progress made toward the goals and objectives stated in Strategic Plan(s), (ii) a summary of the financial performance of the Office of Land Management for the prior fiscal year, (iii) a summary of the status of projects covered in Development Plans, and (iv) other information relevant to University Real Property.
  5. To the extent practicable, provide notice of annual Development Plans, as follows:
    - a. Make copies of such Development Plan available at all campuses, state legislative information offices, and at other such locations as the University may designate;
    - b. Publish not less than sixty (60) days prior to the scheduled consideration by the Board of Regents a notice in major newspapers of general circulation in the state which provides the public with information on the locations where the Development Plan is available for public inspection and inviting public comment on the Development Plan;
    - c. Make copies of the Development Plan available to all legislators and organized boroughs and municipalities; and
    - d. Seek public comment on the Development Plan prior to consideration by the Board.
  6. Provide reasonable public notice for all sales, leases, exchanges or transfers of interests in University Real Property.
- B. In exercising its fiduciary responsibility, the Board will administer University Real Property for the exclusive use and benefit of the University, and recognize a societal obligation to consider the needs of the state, local governments, and the community as a whole. To assist in balancing these responsibilities and obligations, the University shall consider the following

principles in managing and developing University Real Property:

1. Fair Market Value. Disposals of University Real Property interests shall be at fair market value unless a direct and substantial benefit to the University can be documented, such as when adjacent University property will become more accessible, marketable and/or valuable because of increased availability of utilities or access, or because the transaction offers other tangible benefits to the University. Reasonable fees may be established for routine transactions such as easements, rights-of-way, permits and temporary uses of University Real Property.
2. Economic Feasibility. Development projects on Investment Property shall not be undertaken unless the estimated return exceeds the estimated cost of development in an amount commensurate with the risk involved or the project will position the University to take advantage of future opportunities.
3. Environmentally Sound Development. In developing University Real Property, the University shall adhere to all applicable environmental laws and regulations. In addition, the University shall:
  - a. follow generally accepted scientific theory as the basis for development decisions;
  - b. inventory and seek funding for clean-up of any contaminated sites and pursue recovery from parties responsible for such contamination; and
  - c. develop and harvest renewable resources in an environmentally responsible manner and employ such techniques that foster the sustained yield of the resource, including allocation of a portion of revenue realized from renewable resources to enhancing the growth and yield of such resources.
4. Jobs for Alaskans. Development projects which provide an opportunity for the creation of jobs for Alaskans will be pursued to the extent economically feasible and practicable by encouraging development of in-state value-added industries.
5. Public Participation. Processes and procedures will be established to provide for public input on investment property land and resource development projects that require Board approval under Regents' Policy 05.11.05 A2(d).
6. Access Through University Property. Subject to receipt of acceptable tort immunity for death, personal injury, and property damage occurring on University lands, the University will recognize, or provide alternative access for RS 2477 rights-of-way and existing state identified historic trails which cross Investment

Property.

In addition, procedures shall be established which provide for granting access easements and rights-of-way at fair market value (including provision for any diminution of value) to others who must cross Investment Property, provided that such easements do not interfere with the University's ability to develop or use its land.

7. Traditional and Customary Use. Subject to receipt of acceptable tort immunity for death, personal injury, and property damage occurring on University lands, the University shall develop guidelines consistent with the Board's fiduciary responsibility to accommodate traditional and customary use of Investment Property for hunting, fishing, trapping, recreational use, and gathering foodstuffs.
8. Compatible Investment and Research/Educational Use. Investment Property shall be made available to faculty and staff for research and educational purposes provided such use is compatible with development plans and approved by the vice president for finance and planning or his/her designee. Academic units will be responsible for all costs and liabilities associated with such research/educational use.

04-19-96

## **Juneau Empire**

### **Bill would transfer land to University**

JUNEAU - More than 500,000 acres of state and federal land would be transferred to the University of Alaska under proposals announced Friday by Gov. Frank Murkowski and U.S. Sen. Lisa Murkowski.

The governor said he planned to introduce a bill that would transfer 260,000 acres of state land to the university using a process that would take three years to complete and cost less than \$850,000.

University officials and the state Department of Natural Resources had spent much of the past year selecting the land, said Gov. Murkowski spokesman Mike Chambers. The land would be used as educational properties and investment properties to generate revenue.

The land includes 40,114 acres in Southeast Alaska, 17,110 acres in Southcentral Alaska and 202,776 acres in Interior Alaska.

The governor plans to introduce the bill on Monday, Chambers said.

"This land transfer will help fulfill the promise of a true land grant university. It provides a portfolio of income and educational properties to deliver to the University of Alaska both a steady and strong funding stream and the tools to expand its research capabilities," Gov. Murkowski said in a statement.

In Washington, D.C., Sen. Murkowski introduced legislation Friday to grant 250,000 acres of federal land to the university, with provisions to match the extra acreage of the state land grant.

The senator's bill would require the university to return about 10,000 acres it now holds in national parks and refuges, including in Denali National Park, Kenai Fjords National Park, Wrangell-St. Elias National Park, and in the Alaska Peninsula and Maritime National Wildlife refuges.

The university would be unable to choose any federal land classified as roadless, old-growth timber acreage in the Tongass National Forest or land used by federal or military institutions.

# SITNEWS

~ Stories In The News ~

Ketchikan, Alaska [www.sitnews.us](http://www.sitnews.us)

## Governor and University Officials Craft Land Bill

February 06, 2005  
Sunday

Fairbanks, Alaska - Governor Frank H. Murkowski announced Friday that he will introduce legislation that transfers 260,000 acres of state land to the University of Alaska system.

"This land transfer will help fulfill the promise of a true land grant university. It provides a portfolio of income and educational properties to deliver to the University of Alaska both a steady and strong funding stream and the tools to expand its research capabilities," Murkowski said.

The legislation creates a streamlined transfer of lands that have been selected by the University of Alaska over the course of the last year. It would supplant Senate Bill 7, passed in 2000, which created a complicated land transfer process estimated to last ten years and cost \$17 million. Governor Murkowski's proposal is expected to take three years to complete and cost less than five percent of the previous estimate.

"This land transfer strengthens the University of Alaska's ability to prepare its students for the jobs of the future," Murkowski said.

Governor Murkowski announced the legislation during a press conference at the University of Alaska Fairbanks campus. In attendance were several University Regents along with DNR Commissioner Tom Irwin, UAF Chancellor Steve Jones and University President Mark Hamilton.

"We appreciate the commitment, cooperation and support from the Governor and the Department of Natural Resources for its help in developing this proposal," Hamilton said.

In conjunction with the state efforts, Sen. Lisa Murkowski introduced legislation to grant 250,000 acres of federal land to the University of Alaska with provisions to match additional acreage with the state land grant on a one-to-one ratio. Overall, these efforts will help the University achieve the goal of being one of the premier land grant universities in the nation.

**adn.com**

Anchorage Daily News

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**State land may end up with University of Alaska****LEGISLATION: Murkowski hopes lawmakers will approve transfer meant to benefit UA.**By LARRY PERSILY  
Anchorage Daily News*(Published: February 5, 2005)*

JUNEAU -- Gov. Frank Murkowski is asking the Legislature to approve the transfer of 260,000 acres of state land to the University of Alaska, intended to provide the school with a new source of income for the years ahead.

The fast-track legislation, which will be introduced next week and already is scheduled for a hearing Wednesday in the House Resources Committee, identifies 71 parcels around the state, including 90,000 acres with potential natural gas resources in the Nenana Basin southwest of Fairbanks.

Many of the other parcels are recreational lands, including possible cabin sites.

The Southcentral parcels "are for the most part ... lands that will be turned into recreational subdivisions," said Bob Loeffler, director of the Division of Mining, Land and Water Management at the Department of Natural Resources.

The university could earn revenue by selling or leasing the parcels.

Murkowski's proposal comes after the Alaska Supreme Court a year ago rejected a challenge to a 2000 legislative measure to set up a 250,000-acre university land endowment. Then-Gov. Tony Knowles had vetoed the bill, arguing it was an ineffective and unreliable way to fund the university. The court struck down the veto, though no lands were ever transferred.

"This has been a long time coming," Murkowski said.

All but one of the properties would be transferred to the university within three years, according to the Department of Natural Resources.

"This land transfer ... provides a portfolio of income and educational properties to deliver to the University of Alaska both a steady and strong funding stream and the tools to expand its research capabilities," Murkowski said at a Friday afternoon press conference in Fairbanks.

None of the acreage currently produces any significant income,



Gov. Frank Murkowski wants to transfer land to the University of Alaska. ( )



UA President Mark Hamilton: "We are thrilled with the opportunity." (Photo by Erik Hill / Anchorage Daily News)

Loeffler said. "There is an odd this and that," he said, such as a regional nonprofit hatchery at one of the Southeast Alaska sites, but no sizable rent or lease checks will immediately go to the university with the land transfers.

Click on photo to enlarge

Andex Resources holds an exploration license on some of the Nenana Basin land, west of the Parks Highway, and is exploring several public and private parcels in the area for natural gas potential. The company has not drilled any wells, though preliminary field work is under way this winter.

"We are thrilled with the opportunity," University President Mark Hamilton said before introducing the governor at Friday's press conference. "This is a man who believes in us."

Just a day before, however, Hamilton told a joint meeting of the House and Senate Finance committees in Juneau it could be years before the university earned significant money from such a land grant.

"We want the land, without a doubt. ... We need it. It's just not the kind of project that is going to meet the immediate needs of the university," said Hamilton, who was in Juneau for his annual plea for increased state funding for the university system.

"I don't believe that giving them this land is all that big of a favor," said Lance Trasky of Anchorage, a retired Department of Fish and Game biologist active in state and federal land-use issues. "I don't think they make that much off it over time."

In addition to the Nenana land, the governor is seeking legislative authority to transfer 47,000 acres in 44 parcels in Southeast Alaska and 39,000 acres in 14 other parcels in Southcentral and the Interior.

The proposal also includes 90,000 acres of "educational properties" statewide, the largest of which is 51,820 acres of Tanana Valley State Forest land southwest of Fairbanks that could become a university research forest.

Southcentral parcels include:

- 12,500 acres south and southwest of McCarthy.
- 1,000 acres near Willow Creek Road, formerly reserved for a new state capital.
- 450 acres near Frying Pan Lake, southwest of Willow.
- 280 acres at Deception Creek, east of Willow.

Department of Natural Resource officials said the entire list of parcels, maps and descriptions will be available on the department Web site Monday.

Other parcels in the governor's bill are:

- 960 acres at Summit Lake, west of the Richardson Highway. The region is a popular winter recreation area.
- 16,000 acres at Jarvis Creek, at the easternmost edge of the Nenana Basin, an area of coal potential.

- 2,880 acres used by the rocket launching facility at Kodiak.

Some of the parcels are best suited for commercial development, such as sites along the Dalton Highway, the Department of Natural Resources said. The Southeast lands generally are suited for remote recreational developments, some are for residential uses and some hold limited commercial timber potential, the department said in a booklet describing the properties.

The university will need to consider public access and fair allocation among different uses in managing the lands, said Rob Hardy of Wasilla, a registered big game guide and ecotourism operator.

Murkowski has worked for years, first as a U.S. senator and now as governor, to get enough land for the university to provide future income. Although he never won congressional approval for federal land transfers, he could succeed at moving state lands to the university if legislators accept his proposal.

Sen. Lisa Murkowski, meanwhile, introduced her own legislation Friday in the U.S. Senate, seeking 250,000 acres of federal land to match the governor's proposal. Sen. Murkowski's bill would allow the university to select from federal lands statewide, with prohibitions on taking lands within roadless areas in the Tongass National Forest and the National Petroleum Reserve-Alaska.

Daily News reporter Larry Persily can be reached at [lpersily@adn.com](mailto:lpersily@adn.com), or in Juneau at 523-9306.

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The list: "[University of Alaska Land Grant List Parcel Descriptions](#)"

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## UA official: There's no reason to sell Narrow Cape land

Article published on Tuesday, Feb 08th, 2005

By WES HANNA

Mirror Writer

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A recent proposal by Gov. Frank Murkowski to grant 2,880 acres of state land at Kodiak Island's Narrow Cape to the University of Alaska system has caused concern that the land transfer would lead to the closure of the road system recreational lands.

Closures could be precipitated by the private ownership of land by the University itself or through transferring the land to the Alaska Aerospace Development Corporation, some Kodiak community members fear.

Several local people have contacted Kodiak Rep. Gabrielle Ledoux's office with concerns about the land grant bill, LeDoux legislative aide Christine Marasigan wrote in an e-mail.

However, university public relations officials said Monday that should the land be conveyed to the university, it was unlikely the university would turn around and sell it to the AADC.

"I can't imagine why we would sell it," said Kale Ripley, in the public relations office of the university system. "There is no reason we would."

The university system worked with the Alaska Department of Natural Resources to select the lands for the land conveyance bill announced Friday. The Narrow Cape lands were selected as "educational property" to further the education and research aspect of the university system. They were not selected as "investment property" for their income potential.

"This (educational) category includes twelve properties that are either important to current university educational or research programs or that can be developed for such programs," the overview land list from DNR states. "Their primary purpose is educational, not for revenue-generation."

Ripley said the Narrow Cape land would complement the rocket launch lands the University already manages at the facility at Poker Flat.

The Poker Flat Research Range is the world's only scientific rocket launching facility owned by a university. It is located approximately 30 miles north of Fairbanks and is operated by the University of Alaska's Geophysical Institute. Poker Flat is home to many scientific instruments designed to study the arctic atmosphere and ionosphere, according to information from its Web site.

"This dovetails so nicely with what we are already doing with Poker Flats," Ripley said.

In theory, if the land is conveyed to the university, it could sell the land, Ripley said. There is no promise that they wouldn't, but there would need to be a compelling reason for the university system to sell.

There has been some suggestion since University of Alaska president Mark Hamilton is also president of the board of AADC, he could decide to sell the lands to AADC.

But Ripley said a land sale on the magnitude of the 2,880 acres would go before the Board of Regents and would have its own open and public process.

Hamilton is scheduled to be in Kodiak on Thursday.

There are no current plans to develop the land, Ripley said.

All current land agreements would remain in effect should the land go to the university system, Ripley said.

These include the interagency agreement that allows the Kodiak Launch Complex to operate, a grazing lease owned by the Kodiak Game Ranch which expires in 2019 and a lease to the Coast Guard for the Loran station which expires in 2017.

In the future, perhaps 50 years down the road, the university may decide to regroup and make different use of the land to better benefit the university, Ripley said.

Nor is the university planning to limit public access to the area.

"Current access and public use areas are retained," the university land grant parcel description states, "including access to Fossil Beach."

Bob Loeffler, director of DNR division of Mining, Land and Water, said even if the land at Narrow Cape is conveyed to the university system, the road easements that allow access to the land and fossil beach would be preserved.

The university land grant bill has been introduced in the legislature as House Bill 130 and is on a fast track through the Legislature.

The legislation is written so the lands would be conveyed to the university system in the next three years.

Marasigan encouraged people to come to the legislative information office, located at 112 Mill Bay Road, tomorrow at 1 p.m. when the bill will be heard in the House Resources Committee of which LeDoux is a member.

"Our office encourages people to listen in and comment at the LIO office," Marasigan wrote.

Mirror writer Wes Hanna can be reached via e-mail at [whanna@kodiakdailymirror.com](mailto:whanna@kodiakdailymirror.com).

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# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

Division of Mining, Land and Water

Director's Office Phone: (907) 269-8600

FAX: (907) 269-8904

### Fax Transmittal Memo

**Date:** March 3, 2005

**To:** Rep. Jay Ramras

**Fax #:** 907-465-2070

**Telephone #:**

**From:** Robert Loeffler

**Number of Pages Including Cover Sheet:** 3

Please call (907) 269-8600 if you have a problem receiving any part of this fax.

**Comments:**

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

# STATE OF ALASKA

FRANK MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
Division of Mining, Land and Water

550 West 7<sup>th</sup> Ave.; Suite 1070  
Anchorage, AK 99501  
Telephone: (907) 269-8600

March 3, 2005

The Honorable Representative Harry Crawford  
State Capital  
Juneau, Alaska 99801

Dear Representative Crawford:

Yesterday after the House Resources Committee hearing on HB 130, the University Land bill, you asked me two questions concerning possible native allotment conflicts:

- possible native allotment conflict with the proposed Lisianski Peninsula conveyance; and
- possible Native Allotment conflict with the proposed Biorka Island conveyance;

You also handed me information about the two potential conflicts in a letter from the Sitka Tribe of Alaska. I appreciate the information and would like to take this opportunity to respond.

***Lisianski Peninsula Native Allotments.*** The letter from the Sitka Tribe of Alaska indicates that there are three native allotments adjacent to but not in conflict with the proposed Lisianski Peninsula conveyance. They assert that these adjacent allotments would be "irreversibly damaged" by University ownership if they were developed as remote settlement areas.

I do not believe that the presence of adjacent allotments makes a university conveyance inappropriate. Specifically, state management would not be significantly different than University management for these parcels. DNR is unlikely to refrain from development on 1,443 acres along more than six miles of coastline because of the nearby allotments. A multi-year land use plan with extensive public process came to a similar conclusion. Let me explain.

In 2002, DNR finished the Northern Southeast Area Plan that includes these parcels (identified as B-06, B-07, and B-07 in the Plan). The designation for the parcels is general use, and the management intent provides that the parcels are "to be managed for multiple uses including dispersed recreation and remote settlement." The plan's intent also indicates that the remote settlement is unlikely in the near future, and should not occur until better access occurs and until more accessible state lands are developed. However, in summary, DNR concluded, after a multi-year planning process with extensive public participation, that these parcels should be included in a development category and should be used eventually for remote settlement.

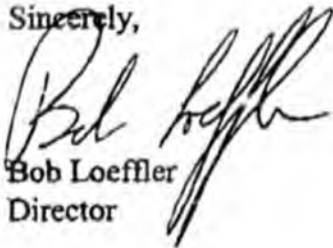
Put another way, DNR concluded that the nearby land ownership (including native allotments) was not incompatible with development. In fact DNR's management under the Area Plan would be similar to that likely by the University. I hope this answers your concerns about this parcel.

**Biorka Island Potential Native Allotments.** The effect of the potential Native Allotments on the proposed Biorka Island conveyance is different from those of Lisianski Peninsula. That allotment, a portion of which has already been approved by BLM, was excluded from the state's ownership on Biorka Island. If the heirs of Mr. Walton file a reinstatement application with BLM, and BLM approves that application, the area of the reinstated application is automatically excluded from state ownership. This problem may affect the acreage that the University ultimately obtains. However, University ownership will not affect the fate of Mr. Walton's allotment. That fate rests with BLM.

You also asked a question about the location of a seal or sea-lion haulout near the proposed Biorka Island conveyance. I am still trying to find information about that but will relay the information when I have it.

I hope this is helpful. I apologize for not getting you information you requested sooner. If you need anything else, please let me know (and I promise to respond as soon as possible).

Sincerely,

  
Bob Loeffler  
Director

Cc: Representative Ramras  
Representative Samuels

**HB**

**130**

**(FILE 2)**

**Brandon Maitlen**

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**From:** Brennans [brennans@gci.net]  
**Sent:** Sunday, March 06, 2005 8:51 PM  
**To:** Rep. Jay Ramras; Rep. Ralph Samuels  
**Subject:** Fw: HB 130; Baranof Warm Springs

Co-chairmen Ramras and Samuels,

On behalf of the Baranof Property Owners Association, thank you for hearing and listening to testimony of those opposed to inclusion of the Warm Springs Bay lagoon and lakefront parcel in the HB 130 conveyance; and thank you for your action in removing it from the bill. In the long run, the unpopularity and associated negative publicity from this conveyance would have outweighed whatever financial benefit the University would have received from this marginally developable property. Your responsiveness to public testimony was in this regard in the best interest of the University itself; was consistent with DNR's prior area plan; and is very much appreciated by the residents of Warm Springs Bay.

Jim Brennan  
President, BPOA

3/7/2005

# FAX

**ATTN.** Representative Jay Ramras

---

**Fax Number** 19074652079

**Phone Number**

**FROM** Deb Spencer

---

**Fax Number** 907-735-2505

**Phone Number** 907-735-2495

**SUBJECT** HB 130

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**Number of Pages** 5

**Date** 3/5/2005

## MESSAGE

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Dear Members of the House Resources Committee:

We are disappointed with the committee's decision to move the bill out of committee on Friday rather than as announced to be Monday. Pelican residents still wish to submit a petition letter regarding HB 130. We are concerned that the lands in our inlet will not be managed with the same level of balanced consideration and public input that is provided in DNR's Northern Southeast Area Plan.

Please take our concerns into consideration should HB 130 reach the House floor as it appears destined to do. Thank you.

February 14, 2003

Dear Legislators:

We the undersigned, residents of Pelican and Lisianski Inlet, request that you reject HB 130 and SB 96, The University Lands Bill. We urge you to protect the lands slated for transfer in Lisianski Inlet for the following reasons:

- They are highly used for subsistence and recreation purposes. Privatization of these lands designated as "Public Recreation and Tourism -Undeveloped" in DNR's own Northern Southeast Area Plan (NSEAP) would open them for any type of commercial development.
- They are adjacent to Wilderness and Roadless areas and large-scale development would be an inconsistent use. Further, this use would be inconsistent with local planning documents.
- There are no safeguards in the bill that mandate the University manage these lands in a manner that is consistent with community planning and resident's needs. "[Land] shall be managed in a manner that, to the extent practicable, permits reasonable activities of the public that do not interfere with the use or management of the land by the university," is insufficient to protect the public's best interest.
- There is already a process in place whereby the transfer of land to the University may be accomplished that allows for greater public process. Moreover, SB 7 requires the University to establish a management plan and seek public comment before land disposals. This bill seeks to circumvent the public process.
- The University is compelled to manage these parcels for profit only. DNR's management mandate is more encompassing to include recreation, compatibility with adjacent lands, local planning, traditional uses including subsistence, habitat, and development among other needs.
- The Mite Cove parcel is an important anchorage for commercial fishermen and the uplands are a documented deer and bear corridor. The NSEAP recognizes this critical habitat and use and protects this land from private ownership.
- Businesses holding DNR tidelands leases adjacent to these parcels would be displaced by private ownership.
- These parcels were designated as primarily "Public Recreation and Tourism - Undeveloped" in DNR's NSEAP; this calls for land to be remain undeveloped and cannot be sold to individuals. Other uses included water uses and some settlement, but only on the beach fringe. This is a far cry from DNR's own characterization of the bill as "focused primarily on lands that had been designated settlement, general use, or general public recreation in DNR land-use plans." Of note, "general public recreation" does not exist in the NSEAP as a land use designation.

Please carefully consider the negative impact on the residents of Pelican and Lisianski Inlet of this legislation. We can only extrapolate the deleterious effects statewide of the University Lands Bill.

Thank you for your consideration.  
Sincerely,

The Residents of Pelican and Lisianski Inlet

Pelican and Lisianski Inlet Residents Opposed to HB 130/SB 96, University Lands Bill

The undersigned residents offer their concurrence with the letter dated February 14, 2005 regarding transfer of state land to the University:

Name	Date	Signature	Mailing Address	Phone	Registered Voter? (Y/N)
Deb Jones	2-13-05	<i>Deb Jones</i>	PO Box 019 Pelican	735-2495	Y
Keith Heller	2-13-05	<i>Keith Heller</i>	BOX 304 Pelican	735-2495	Y
Laticca Stewart	2-14-05	<i>Laticca Stewart</i>	Box 402 Pelican	735-2498	Y
Mary Allard	2/14/05	<i>Mary Allard</i>	Box 27 Pelican	735-2491	Y
Harold Allard SR	2-14/05	<i>Harold Allard SR</i>	Box 27 Pelican	735-2491	Y
Gord Jensen	2-14/05	<i>Gord Jensen</i>	P.O. Box 26 Pelican		Y
William C. Stewart	2-14-05	<i>William C. Stewart</i>	PO Box 703 Pelican	735-2440	
Royce J. Mattson	2-14-05	<i>Royce J. Mattson</i>	Box 94 Pelican AK 99831	735-2303	Y
Eudelia F. Paddock	2-14-05	<i>Eudelia F. Paddock</i>	Box 79 Pelican AK 99832	735-2286	Y
DAVID DUFFEY	2-14-05	<i>David Duffey</i>	Box 73 Pelican AK 99832	735-2262	Y
Thary Strahm	2-14-05	<i>Thary Strahm</i>	Box 723 Pelican AK 99832	735-2297	Y
William Strahm	2-14-05	<i>William Strahm</i>	Box 723 Pelican AK 99832	735-2297	Y
William H. Paddock	2-14-05	<i>William H. Paddock</i>	Box 29 Pelican AK 99832	735-2286	Y
Harold R. Allard JR	2-14-05	<i>Harold R. Allard JR</i>	Box 461 Pelican AK 99832		Y
Michael Alton	2-14-05	<i>Michael Alton</i>	Box 738 Pelican AK 99832		Y
Ken Wiff	2-15-05	<i>Ken Wiff</i>	Box 74 Pelican AK 99832	735-2203	Y
Eric Paddock	2-15-05	<i>Eric Paddock</i>	PO Box 703	735-2310	Y
Bernice Kimpel	2-15-05	<i>Bernice Kimpel</i>	PO Box 705 Pelican AK 99832	735-2267	Yes
Betsy Bean	2-15-05	<i>Betsy Bean</i>	P.O. Box 243, Pelican, AK 99832	735-2267	Yes
Sandra Ramsdell	2-15-05	<i>Sandra Ramsdell</i>	PO 735 Pelican AK 99832	735-2267	Yes
Ed Schonen	2-15-05	<i>Ed Schonen</i>	PO Box 739 Pelican AK	735-2248	YES
Paula Buehler	2-15-05	<i>Paula Buehler</i>	PO Box 51 Pelican AK	735-2215	Y
SALLY JO BRIDGE	2-15-05	<i>Sally Jo Bridge</i>	P.O. BOX 762 PELICAN AK	735-2204	YES
Martha H. Hewlett	2/15/05	<i>Martha H. Hewlett</i>	PO Box 69 Pelican, AK 99832	735-2269	Yes
Allen Stewart	2/16/05	<i>Allen Stewart</i>	P.O. Box 606 Pelican AK	735-2293	Yes
Linda M. Ardy	2/16/05	<i>Linda M. Ardy</i>	P.O. Box 775 Pelican AK	735-2267	Yes
Vicki Shockey	2/17/05	<i>Vicki Shockey</i>	P.O. Box 76 Pelican, AK	735-2267	Yes
Michl Shockey	2/17/05	<i>Michl Shockey</i>	P.O. Box 76 Pelican, AK	735-2267	Yes

Name	Address	Phone	Business Hours
FRANK M. LORBER	PO Box 3, Pelican AK 99824	735-2512	Yes
Robert R. Lester	PO Box 3, Pelican AK 99824	735-2512	Yes
EMMA I. DESSA	PO Box 96, Pelican AK 99824		No
LARRY N. CARSON	PO Box 93, Pelican AK 99824	735-2512	Yes
LINDA J. CARSON	PO Box 93, Pelican AK 99824	735-2512	Yes
ALVIN G. SIMON	PO Box 93, Pelican AK 99824	735-2512	Yes
EDWIN B. SIMON	PO Box 93, Pelican AK 99824	735-2512	Yes
JAMES C. SLATER	PO Box 63, Pelican AK 99824	735-2512	Yes
LOREI A. VANDER	PO Box 63, Pelican AK 99824	735-2512	No

68 10088 88-Pelican Packet



Joseph M. Beedle  
Vice President for Finance  
Phone: (907) 450-8022  
Fax: (907) 450-8023  
joe.beedle@alaska.edu



208 Butrovich Building  
910 Yukon Drive  
PO Box 755120  
Fairbanks, A.K 99775-5120

UNIVERSITY  
*of* ALASKA  
*Many Traditions One Alaska*

Mr. John Burke, General Manager  
Southern Southeast Regional Aquaculture Association, Inc.  
14 Borch Street  
Ketchikan, AK 99901

February 28, 2005

**Re: Proposed University Land Grant  
Neets Creek Parcel**

Dear Mr. Burke:

During the legislative public hearing process on HB130, your organization sought assurances from the University of Alaska (UA) regarding SSRAA's continued uninterrupted use of Neets Creek lease area for a hatchery and cost recovery operation after title is transferred from the State of Alaska to UA. This letter addresses certain assurances that UA will agree to should a land grant bill be passed including the Neets Creek parcel (KT.1004).

Our first assurance is that UA will work with SSRAA and the Department of Natural Resources (DNR) to secure a formal lease agreement prior to the transfer of property to UA. Based on information that we have received from the DNR, Lease ADL No. 226285 is near completion and major negotiating points have been reached.

We have also agreed to provide a deed restriction that will provide for a right of first refusal for SSRAA to purchase the leased property. The deed restriction includes a provision restricting UA from developing or utilizing the leased property in any manner that negatively affects the use or occupancy of the property by SSRAA so long as the lessee lawfully occupies the property, retains its non-profit status and maintains significant hatchery and recovery operations at Neets Creek, without the written consent of SSRAA.

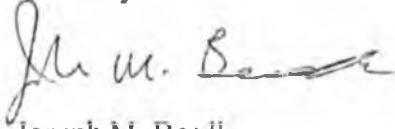
Attached please find draft deed restriction language that would be included in the transfer deed. UA is also proposing an amendment to HB130 (see attached), in section 6, subsection (b) that improves the public notice process and is intended to provide more engagement opportunity for affected land owners and the general public.

Mr. John Burke  
Neets Creek Parcel  
Page 2

We are confident that UA will be a good lessor and neighbor to SSRAA and look forward to more detailed interactions should this bill become law and should the Neets Creek parcel be transferred to UA.

Thank you for your communication efforts and courtesies extended to UA management as we work through this process.

Sincerely,



Joseph M. Beedle  
Vice President for Finance

cc: House Resource Committee  
DNR  
Representative Jim Elkins

Attachments:

Deed Restrictions – Neets Creek  
Public Notice Amendment

**NEETS CREEK  
SOUTHERN SOUTHEAST REGIONAL AQUACULTURE ASSOCIATION, INC.  
DEED RESTRICTIONS**

**ADD LANGUAGE TO THE "UNIVERSITY OF ALASKA LAND GRANT LIST."**

[Insert for quitclaim deed from State of Alaska to the University of Alaska]

**SUBJECT TO:** Lease ADL No. 226285 (Southern Southeast Regional Aquaculture Association, Inc.). Grantee shall not develop or utilize the above Property in any manner which negatively affects the use or occupancy of the Property by the Lessee so long as lessee lawfully occupies the Property, retains its non-profit status and maintains significant hatchery and recovery operations at Neets Creek/Bay, without the written consent of the Lessee, which consent shall not be unreasonably withheld.

**Lessee's Right of First Refusal.** Before any of the above Property may be sold for the first time by the Grantee, the Lessee shall have a right of first refusal to purchase the Property on the terms and conditions set forth below (the "Right of First Refusal").

(a) **Notice of Proposed Transfer.** Grantee shall deliver to Lessee a written notice (the "Notice") stating: (i) Grantee's bona fide intention to sell all or a portion of the Property; (ii) the name of the proposed purchaser(s) ("Proposed Purchaser"); (iii) the bona fide purchase price or other consideration for which Grantee proposes to sell all or a portion of the Property (the "Offer Price"); and (iv) the material terms and conditions of the proposed offer (the "Offer Terms"). The Notice shall be deemed Grantee's offer to sell the Property (or the portion of the Property affected by the proposed sale) to Lessee at the Offer Price and on the same Offer Terms stated in the Notice.

(b) **Exercise of Right of First Refusal.** At any time within 90 days after receipt of the Notice, Lessee may, by giving written notice to Grantee, elect to purchase the Property at the Offer Price and on the same Offer Terms stated in the Notice.

(c) **Termination of Right of First Refusal.** The Right of First Refusal shall terminate as to the Property (or the portion of the Property affected by the proposed sale) 90 days after receipt by Lessee of the Notice.

(d) **Assignment of Right of First Refusal.** The Right of First Refusal shall not be assigned.

Douglas Owen

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**From:** jbryner [jbryner@matnet.com]  
**Sent:** Wednesday, February 09, 2005 1:47 PM  
**To:** Rep. Jay Ramras  
**Subject:** HB 130  
**Attachments:** haessler-norris trail system.pdf; haessler-norris doc.pdf

Dear Representative Ramras,

I had sent you a cc of the following letter to Representative Neuman, but I put in the wrong email address for you, and the mail bounced back today. Please take note of our concerns. Thank you.

Sincerely,

Joan Bryner

\*\*\*\*\*

Dear Representative Neuman,

We would like herewith to voice our opposition to HB 130. In general, we believe it is not a good idea to attempt to finance the University through land sale. We would prefer a direct financing through the legislative budget. The University should receive the funds that it needs in the present, not funds based on some possible future sale of land.

Having voiced the above opposition, we would like to bring your attention specifically to the parcels located in the area of Willow. It seems to us that the choice of parcels may have been made from a desk in Juneau and not from viewing the land *in situ*. Much, if not most, of this land is comprised of wetlands. It would be very costly to develop such lands and would require permits; thus, it would not really be beneficial to the University.

However, our immediate concern has to do with a trail system historically developed and at present frequently used in the Frying Pan Lake and Deception Creek areas. The Haessler-Norris Trail System is documented in the Mat-Su Borough archives. We are enclosing via attachment a map and description of this trail system. Some of these trails have been in use for decades. Today these trails are regularly used by mushers training for the Iditarod and the Fur Rondy races. Private ownership of these parcels could completely wipe out the trail system should an owner deny access over these lands.

Therefore, we strongly propose to you to amend the bill so as to **exclude** the Willow area parcels. It would indeed be extremely regrettable if the Haessler-Norris Trail System were to be jeopardized by this bill.

I would like this letter to be put into the public record.

Sincerely,

Joan and Bruno Bryner  
P.O. Box 247  
Willow, Ak 99688

Tel. 907 495 6253

## Douglas Owen

---

**From:** Ronald Dick [redick@gci.net]  
**Sent:** Wednesday, February 09, 2005 2:07 PM  
**To:** Rep. Jay Ramras; Rep. Ralph Samuels; Rep. Jim Elkins; Rep. Carl Gatto; Rep. Gabrielle LeDoux; Rep. Kurt Olson; Rep. Paul Seaton; Rep. Harry Crawford; Rep.Mary.Kapsnen@legis.state.ak.us  
**Subject:** Land transfer

I am a resident of Sunnyside, AK (jwest of Pelican) in Lisianski Inlet. I am opposed to the transfer of land at the cove in Lisianski Inlet. This is an important heavy weather anchorage and over night spot for the commercial fishing fleet, it is a very important subsistence site for the Native community and the other rural residents of the area, and any development would be inconsistent with the upland use of wilderness. Thank you for considering my input

Ronald E. Dick



14 Borch Street

Ketchikan,  
Ak 99901

Phone:  
(907) 225-9605

FAX:  
(907) 225-1348

## Southern Southeast Regional Aquaculture Association, Inc.

8 February 2005

Chairman Jay Ramras  
Chairman Ralph Samuels  
House Resources Committee  
State Capitol Building  
Juneau, AK

Dear Representative Ramras and Representative Samuels:

This letter is written to inform you that Southern Southeast Regional Aquaculture Association (SSRAA) strongly opposes the inclusion of the Neets Creek Parcel, which is the Neets Bay Hatchery site and it's associated watershed, in those lands proposed to be transferred from the State to the University of Alaska. We ask you not to transfer this parcel to the University of Alaska; that it remain as State lands.

The reasons for our opposition to the land transfer are summarized below:

1. The Neets Creek land parcel is almost exactly the small watershed that is the sole source of water for Neets Bay Hatchery and the hatchery site, which lies in the lower end of the parcel at saltwater.
2. The Neets Bay Hatchery site is one of the few true production hatchery sites in Alaska that can sustain both large-scale production as well as cost recovery in a Special Harvest Area.
3. The single over-riding goal in the administration of university land is to generate revenue for the university.
4. University land administrators pursue two courses in meeting their goal: if the land is appreciating in value or provides significant revenue through use it is held; if the land is not appreciating in value or does not otherwise provide funds through use it is sold to generate revenue.
5. SSRAA is a non profit corporation. Regional commercial salmon fishermen chose to tax themselves 3% of the ex-vessel value of their harvest to initiate funding for SSRAA in the early 1980's and continue to do so as collateral for SSRAA's well-being.
6. If SSRAA is significantly charged for use of the Neets Bay Parcel, SSRAA would necessarily have to increase cost recovery harvest and revenue, taking fish that would have otherwise been harvested by fishermen. This is in essence a tax on salmon fishermen.

7. If SSRAA is required to buy the land to retain its current site, the organization will have to increase cost recovery harvest to repay the required loans. Again, this is in essence a tax on SE salmon fishermen.
8. If the watershed is used for another form of resource extraction, the quantity and quality of water in the small watershed will likely be altered and detrimental to hatchery operations.
9. Regardless of whether both parties work in good faith, the current goals of University Land administration of the Neets Creek Parcel and SSRAA are mutually exclusive.
10. The University could not reach its goals without significantly impacting a non-profit organization that would have to take more from its users to meet the increased costs of operation. Or put otherwise, the University would be taxing fishermen to support its programs.
11. The other alternative is that SSRAA would leave the site and either cease to exist or reduce production to a fraction of what the organization now produces. This would result in a significant loss in harvest for SE fishermen.
12. Any long or short-term value the University would receive for this parcel is very small related to the long-term value now produced for SE Alaska communities from SSRAA's activity on the site.

A more detailed explanation of this issue is attached.

We appreciate your willingness to consider our position on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Burke" with a stylized flourish at the end.

John Burke  
SSRAA General Manager

cc:

Representative Jim Elkins  
Representative Carl Gatto  
Representative Gabrielle LeDoux  
Representative Kurt Olson  
Representative Paul Seaton  
Representative Harry Crawford  
Representative Mary Kapsner  
Representative Peggy Wilson  
Senator Burt Stedman.

### SSRAA's Perspective of the Proposed Land Transfer of the Neets Creek Parcel:

The outcome of this proposed land transfer would at the least result in an additional tax on commercial fishermen in SE Alaska and in the worst case it would bring an end to SSRAA operations.

The Neets Creek Parcel is the Neets Bay Hatchery site and its watershed. The hatchery is located at the interface of this parcel with saltwater. There is a barrier falls on Neets Creek that blocks the entire watershed to salmon. Much of the parcel was relatively recently logged and there are currently no tenants or resource users in or adjacent to this parcel except SSRAA. This is a small watershed and it is likely that any significant use of the parcel involving resource extraction would negatively impact water quality and become a detriment to successful operation of the hatchery.

Neets Bay is one of only several true production hatcheries in the State of Alaska; it is SSRAA's flagship facility. While the uncultivated bays and freshwater streams in SE Alaska suggest that there are many opportunities for fisheries enhancement, in actuality there are few sites that meet the criteria for such an operation considering the distance from important wild salmon stocks, availability of a quality water source and the ability to establish an adjacent Special Harvest Area that accommodate both cost recovery and common property fisheries without impacting traditional fisheries or adjacent wild stocks. Neets Bay is such a place and it is the only hatchery that meets all of these criteria in Southern Southeast Alaska.

SSRAA annually gains approximately 75% of the corporation's operating revenue by conducting cost recovery harvest in Neets Bay. There are currently no alternative sites in Southern SE Alaska where SSRAA could do large-scale cost recovery.

Without a fully functioning Neets Bay Hatchery, both in the production of fish and cost recovery harvest, SSRAA could not exist as it is now known.

The process of the proposed land transfer has increased our concern about this matter. Though we have been working closely with DNR for several years to design a long-term lease for the Neets Bay Hatchery site, the first we heard of the proposed land transfer was on Tuesday of last week when we were called by a staff member of one of our local legislators. DNR has been involved in a land selection process for several years while we were in direct good-faith discussion with that agency over a long-term lease of the same site. Recent activities associated with this lease process were done at the request of DNR and at a cost to SSRAA, including a survey of the hatchery site and a professional assessment of the value of the site. While the actions of DNR are not the issue of concern, the actions leave questions of "good faith dealing" unanswered and significantly raise the level of concern around this issue.

The concern related to "process" did not end early last week. Through numerous calls and e-mails to personnel in DNR, we simply were not able to get any information about what was happening and where we stood in the process. The best answer we received can be paraphrased: "people very high in government had made these decisions after careful consideration and that what was done was done". We discovered late Friday afternoon that there would be a news release from the Governor's Office that afternoon and that a representative from the University would be in Ketchikan to answer questions

about the proposed land transfers the following Monday, which was yesterday as I write this letter. We would not have known of these things had we not inquired after being alerted by our legislative representative.

SSRAA staff and members of the Executive Committee of the Board of Directors met with the representative from the University on Monday. This person was open and candid, but not reassuring. First, lands are transferred to the University Land Trust to generate income. While existing land uses are taken into consideration, the generation of income is the goal of administering these lands. There are generally two consequences: the land is held if it can be used to create significant income or if the land was appreciating in value; if the land does not meet either of those criteria it is sold as profits from the sale will generate interest income in the Land Trust.

While we feel we may be able to work with the administrators of this program, we are left wondering exactly what that would mean in terms of an outcome. It seems the two groups have contradictory goals. SSRAA is a non-profit corporation designed to provide salmon harvest for common property fisheries, and not to make a profit. Successful operation of Neets Bay Hatchery is essential to produce the numbers of fish required to significantly enhance salmon fisheries in the region as well as being essential to create the cost recovery revenue necessary to sustain SSRAA. Neets Bay Hatchery is the heart of SSRAA's activity. The University Land Trust administrators are charged with generating revenue from lands they hold. Increasing lease costs or user fees for SSRAA would require additional cost recovery harvest to meet those costs, which by its nature takes fish from common property users. Simply put, any increase in user fees would come directly from fish/revenue that would otherwise go to regional commercial and sport fishermen as SSRAA would have to increase its share of cost recovery harvest to meet the new costs. Any other use of this land would likely disturb this small watershed directly impacting water quality and the successful function of the hatchery. In addition, it is hard to imagine any additional use of this small tract of land that would generate significant revenue for the University. If the University chose to sell the land SSRAA would have to buy the land in order to continue its current program. The required loan would be paid by additional cost recovery harvest, which would again come directly from fish that would otherwise be harvested by common property users.

If the University Land administrators determined that the land must be sold, and SSRAA either could not or chose not to purchase the land it is very likely SSRAA would cease to exist.

The University could not reach its goals without impacting a non-profit organization that would have to take from its users to meet the increased costs of operation. Or put otherwise, the University would be taxing fishermen to support its programs.

Finally, it is hard to imagine that any funds the University might get from administration of this land would be but a small fraction of what the region now receives from SSRAA's operations on the parcel. There is a legitimate possibility that the actions of the University would cause SSRAA to fail.

Background on Neets Bay Hatchery and SSRAA: Currently about 130 million chum salmon are produced annually at Neets Bay for release there and at 3 additional sites (Anita Bay, Kendrick Bay and Nakat Inlet) in Southern SE Alaska. The Neets Bay coho program with 3 million smolts released annually is the largest long-term coho program in SE Alaska in terms of adult returns. In addition there are 800,000 chinook released

annually at Neets Bay. Because all the hatchery facilities in the region are fully utilized, these programs could not be transferred to other existing sites.

The hatchery was built in 1983 with loans secured by fishermen who taxed themselves as collateral for the loans. The site was built on US Forest Service Land. SSRAA continued to lease the site from the Forest Service until 1993 when the land was transferred to the State. SSRAA has worked with DNR since 1998 to establish a lease on the site. SSRAA has met all requirements of DNR in this process. The primary difficulty of the process was that SSRAA desired a long-term lease to insure the operation and the nature of such a lease was relatively unique in DNR process. It is important to note that SSRAA has willingly incurred costs for requirements imposed by DNR and has always acted in good faith in these negotiations.

SSRAA runs three additional hatcheries, Whitman Lake in Ketchikan, Burnett Inlet near Wrangel and Crystal Lake near Petersburg. The Neets Bay facility is considerably larger than the other sites and is the only place where SSRAA does a significant cost recovery program.

The impact of SSRAA's programs is far-reaching in Southern SE Alaska. In 1999 the McDowell Group estimated the annual regional economic impacts of the organization at approximately 28 million dollars. The primary value is distributed directly to commercial salmon fishermen who harvest SSRAA-produced fish and the processors who buy, process, and sell these fish. Many of these fishermen as well as SSRAA employees populate local SE communities and support local businesses, secondarily adding to this amount. At the time of the survey McDowell estimated that SSRAA production contributes \$3.1 million a year through guided sport fishing and associated businesses in Ketchikan alone. While this is included in the \$28 million estimate, benefits of the sportfish harvest of SSRAA-produced fish in communities from Sitka and Craig in outside waters through Wrangel and Petersburg on inside waters is not included.

SSRAA is run by a Board of Directors primarily comprised of commercial fishermen and including representatives from local communities and other interests.

John Burke  
SSRAA General Manager

# PORT ALEXANDER COMPREHENSIVE PLAN

## INTRODUCTION

### PURPOSE

A comprehensive plan is a guide for making decisions that affect the future development of a community. The plan identifies community goals and sets policies and development standards to achieve the goals. Thus, when issues arise about development or capital expenditures, they can be evaluated on a basis of established policy. This helps assure that development and expenditures will be consistent with community goals.

The original Port Alexander Comprehensive Plan is the result of a four-year effort by members of the Planning Commission, City Council and interested residents. The Plan was formalized after several citywide meetings and countless work sessions and adopted in 1984. Revision process was begun in 1995 and adopted in 1996. As adopted by the city, this plan becomes the official framework for future development.

Three key terms are used throughout this document:

**Plan Element:** A major category or subject area, such as land and water use, circulation/transportation, or community facilities.

**Goal:** A desired condition or situation to be achieved.

**Objective:** A course of action selected to reach a goal.

### UPDATING THE PLAN

The Planning Commission will meet annually, and present updates changes to the City Council in January. It should include a description of events during this time that have affected the plan, how the plan was affected, and, if appropriate, recommendations for changes in the plan. If changes in the plan are recommended, hearings will be held to ensure that the goals and objectives of the plan accurately reflect the long-term quality of life and the desires of the community.

Revised  
2/8/04

Dear Jay Ramras,

I am a graduate student at the University of Alaska, Fairbanks. Many of my family members work for the University. However, we are united in believing that the University Lands Bill is a very poor deal both for UA and for the State of Alaska. The Lands Bill will not come close to solving the UA's budget problems; however, it may prejudice the State against granting funds to UA in the future. Furthermore, it puts the University in a position where it must liquidate its lands to continue operating at current levels.

More importantly, the Lands Bill treats Alaska's people unethically. Communities were given only two days to respond to a bill that had apparently been under preparation for at least a year. Many communities may be affected strongly and adversely by passage of this bill. All of us Alaskans will lose out as still more of our precious public lands pass into private hands. This bill could transfer as much as 167,000 acres of land away from the people of Alaska. Furthermore, we will lose our right to public process if this bill is passed as written. In future, the University could develop these holdings without any public notification or hearings. Mary Montgomery has attempted to assuage fears about the loss of public process by describing the UA's policy of public notification. However, it seems disingenuous of her to defend the bill on these grounds, when the bill itself specifically eliminates the state statute that forms the mandatory basis for this policy. It seems that this Lands Bill is not so much an attempt to equitably fund the University as it is a semi-transparent plan to develop public lands without public sanction.

Governor Murkowski claims that private lands are better managed than public

lands. This is only true when "better managed" means "managed for private gain."  
Considerations of public good, or of the rights of communities and individuals, seldom  
have a place in the management decisions of a private entity seeking private gain. I  
support the University, but its mission is not to be a steward of Alaskans' land. It should  
be funded fairly, not at the expense of ethical treatment for Alaskan citizens. Please,  
stand up for Alaskans' rights by opposing HB 130.

Thankyou,

Rosemary McGuire

Box 83553

Fairbanks, AK.

99708

(907)-455-6347

Jane Pierson

---

**From:** Rebecca McGuire [ftrlm@uaf.edu]  
**Sent:** Tuesday, March 01, 2005 4:07 PM  
**To:** Rep. Jay Ramras  
**Cc:** Rep. Jim Elkins; Rep. Carl Gatto; Rep. Gabrielle LeDoux; Rep. Kurt Olson; Rep. Paul Seaton; Rep. Harry Crawford; Rep. Mary Kapsner; ftrlm@uaf.edu  
**Subject:** UNIVERSITY LAND GRANT/STATE FOREST

Resources Committee:

As a graduate student at UAF, I would like to see a well-funded University system. However, I feel that Governor Murkowski's recently submitted bill to transfer State lands to the University (HB 130) is the wrong way to fund us. The Lands Bill will not come close to solving the University's budget problems; however, it may prejudice the State against granting funds to UA in the future. Furthermore, it puts the University in a position where it must liquidate its lands to continue operating at current levels.

The bill was introduced February 7th, which was the first notification that the affected communities were given. Communities were given only two days to respond to a bill that had apparently been under preparation for at least a year. Many communities may be affected strongly and adversely by passage of this bill. All Alaskans will lose out as still more of our precious public lands pass into private hands. This bill could transfer as much as 167,000 acres of land away from the people of Alaska.

The other problem, as I see it, is that once this land passes to UAF, a private institution, the public process is sidelined. There is little required public notice or commentary once the land is in private hands. The University could develop these holdings without any public notification or hearings. Mary Montgomery has said that University's policy of public notification will prevent this loss of public process. However, it seems disingenuous of her to defend the bill on these grounds, when the bill itself specifically eliminates the state statute that forms the mandatory basis for this policy. It seems that this Lands Bill is not so much an attempt to equitably fund the University as it is a semi-transparent plan to develop public lands without public sanction.

Governor Murkowski claims that private lands are better managed than public lands. This depends upon your definition of 'better managed'. Considerations of public good, or of the rights of communities and individuals, seldom have a place in the management decisions of a private entity seeking private gain. I support the University, and I want it to be funded. However, it should be funded fairly, not at the expense of ethical treatment for Alaskan citizens. As a lifelong Alaskan, I feel that this is a great mistake and reflects poorly on the University and the State legislature.

Please, stand up for Alaskans' rights by opposing HB 130.

Rebecca McGuire

**Jane Pierson**

---

**From:** christine lundstedt [baranof9general@yahoo.com]  
**Sent:** Tuesday, March 01, 2005 1:06 PM  
**To:** Rep. Jay Ramras  
**Subject:** HB130

Christine Lundstedt  
479 Katlian Street  
Sitka, Alaska  
Baranof9general@yahoo.com

Representative Jay Ramras  
State Capitol Building  
Juneau, Alaska

Dear Representative Ramras,

This letter is to urge you to drop Baranof - Warm Springs Bay from HB130.  
There are pressing and concrete reasons why Baranof Warm Springs should be excluded.

**Tourism:**

Baranof present, is already a very high use area, and a regular full day stop on the itinerary of all cruisers and commercial tour vessels in Southeast. No matter how gluttoned visitors are on Southeast beauty they always comment Warm Springs Bay is a jewel in a class of its own. At the Baranof General Store (I own it, my daughters run it) which is the de facto tourist information office, we hear this all day every day and began keeping a log of the commercial cruise boats last summer and discovered we are a very high use destination indeed with thousands of visitors every season. Of our state's top three industries, tourism today is the one with the most nearly unlimited potential. Visitors are thrilled by the pristine nature of Warm Springs Bay. Development, roads, buildings, ferry terminals in this wonderful bay would be a grim anachronism and a death knell for the bay as a destination and we certainly seem to have value in the Southeast tourism picture. This pristine beauty, the very reason people come to Alaska, is something you cannot create but it certainly is something easily destroyed and impossible to get back ever again. The lands bill is written in defiance of a lengthy and thoroughly researched conclusion DNR came to in their extensive report only two years ago that the precise lands included in the proposed University Grant should never be developed but preserved for the existing and continued high level of public recreational use. And DNR noted the great majority of the parcel in question is impossible to build on. Some ears have evidently been boxed at DNR to produce the lands bill with a straight face.

The no strings development the University land grant opens us up means the destruction of the very real and rich culture of a century old Alaskan townsite and its well demonstrated strong appeal for visitors.

If they, and we, see paved roads, ferry terminals, all the development that is suddenly proposed for this bay and town visitors and homeowners hearts will sink and we surely will be dropped from tourism itineraries like a hot rock.

3/1/2005

### Baranof Water Supply:

Baranof depends completely on Baranof Lake and River for its fresh water. It is the present undisturbed natural terrain that assures us of the clean and pure water we now have. As the selected lands are non-percolating the massive disturbance caused by construction along the east end and south shore of Baranof Lake and River will create filthy water as sediments and pollutants wash directly into the river and our drinking water. In fact it is impossible to redirect waste water and everything it will carry anywhere else but the lake and river. Fish and Game will tell you the river and lake are superb cut throat trout habitat highly prized by fishermen, and it is a world class destination for fly fishermen the bay's wonderful Baranof Wilderness Lodge in particular caters to. Disturbance of muskeg creates a quagmire that will never resolve with ongoing use of these fragile areas. The fouling of the water will increase exponentially with additional construction of buildings and their use. We ask the House Resources Committee to exclude the Baranof-Warm Springs Bay lands from the selection to protect our only source of safe and clean water and the high levels of use of our lake and river provide. Please consult a map and notice how very close together these resources are grouped. Destroy one, destroy them all.

### Baranof Hot Springs:

The hot springs between Baranof Lake and townsite are a legend in themselves, and supply hot water to homeowners and to the thousands of visitors to Warm Springs Bay. The City and Borough of Sitka has participated in the construction of a public bath house in Baranof that is enjoyed by thousands every year. Also there is a very substantial complex of natural hot mineral water pools in the rain forest right alongside the Baranof River that is utterly spectacular. These pools have long been and continue to be described in superlatives in countless travel books, periodicals, current and ancient cruising atlases, and commercial cruise ships themselves include pictures and text in their advertising literature to tell potential clients they are in for something very special indeed when they arrive at Baranof in Warm Springs Bay for a soak in their famous hot springs. These hot springs come from deep beneath the earth's mantle to the surface in extensive serpentine fissures that in the case of Tenakee are intelligently protected by blasting prohibitions. Tenakee has an ordinance prohibiting blasting anywhere within a 20 mile radius of the townsite in order to protect their one small spring. Baranof has nine primary fissures and springs in quite a close grouping used by many times more people than in Tenakee that richly deserve protection. Certain of our springs are clearly quite unstable, delivering a substantial flow for a period (of months) and only a trickle the next. Our Sitka Assembly is presently working on an ordinance that will prohibit blasting within the most reasonable radius in order to preserve these wonderful springs that are a treasure for so many people.

### Seismic Activity:

The 267 acres selected for the lands bill are identical with the land identified for most costly, and one of the most popularly reviled preliminary ferry terminal SATP plans.

With specific regard to the cross-island road to Baranof, a major east-west fault runs directly alongside and just to the north of the proposed road bed. Furthermore, the fault is in an area of Baranof Island itself categorized as being at particularly high risk of seismic activity. For one I feel pretty convinced that spending more than 100-million dollars to build such a road could instead buy a fleet of good smaller ferries with a turn of speed, as well as a little dredging and widening in Sergius Narrows. Then we will truly have a highly effective, flexible and vastly more affordable system that will realistically incorporate Sitka into the Southeast transportation grid.

Thank you for your attention in a matter that carries such broad and long term consequences for the financial, commercial, and cultural health of our state. Again we urge you to drop the 267 acres in Warm Springs Bay from any form of HB130.

Best regards,

Christine Lundstedt  
Sarah Lundstedt  
Dana Lundstedt  
(registered Alaska voters all)

# STATE OF ALASKA / FRANK MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
Division of Mining, Land and Water

550 West 7<sup>th</sup> Ave.; Suite 1070  
Anchorage, AK 99501  
Telephone: (907) 269-8600

March 3, 2005

The Honorable Representative Harry Crawford  
State Capital  
Juneau, Alaska 99801

Dear Representative Crawford:

Yesterday after the House Resources Committee hearing on HB 130, the University Land bill, you asked me two questions concerning possible native allotment conflicts:

- possible native allotment conflict with the proposed Lisianski Peninsula conveyance; and
- possible Native Allotment conflict with the proposed Biorka Island conveyance;

You also handed me information about the two potential conflicts in a letter from the Sitka Tribe of Alaska. I appreciate the information and would like to take this opportunity to respond.

***Lisianski Peninsula Native Allotments.*** The letter from the Sitka Tribe of Alaska indicates that there are three native allotments adjacent to but not in conflict with the proposed Lisianski Peninsula conveyance. They assert that these adjacent allotments would be "irreversibly damaged" by University ownership if they were developed as remote settlement areas.

I do not believe that the presence of adjacent allotments makes a university conveyance inappropriate. Specifically, state management would not be significantly different than University management for these parcels. DNR is unlikely to refrain from development on 1,443 acres along more than six miles of coastline because of the nearby allotments. A multi-year land use plan with extensive public process came to a similar conclusion. Let me explain.

In 2002, DNR finished the Northern Southeast Area Plan that includes these parcels (identified as B-06, B-07, and B-07 in the Plan). The designation for the parcels is general use, and the management intent provides that the parcels are "to be managed for multiple uses including dispersed recreation and remote settlement." The plan's intent also indicates that the remote settlement is unlikely in the near future, and should not occur until better access occurs and until more accessible state lands are developed. However, in summary, DNR concluded, after a multi-year planning process with extensive public participation, that these parcels should be included in a development category and should be used eventually for remote settlement.

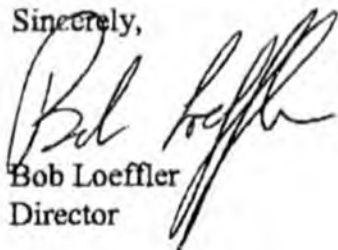
Put another way, DNR concluded that the nearby land ownership (including native allotments) was not incompatible with development. In fact DNR's management under the Area Plan would be similar to that likely by the University. I hope this answers your concerns about this parcel.

***Biorka Island Potential Native Allotments.*** The effect of the potential Native Allotments on the proposed Biorka Island conveyance is different from those of Lisianski Peninsula. That allotment, a portion of which has already been approved by BLM, was excluded from the state's ownership on Biorka Island. If the heirs of Mr. Walton file a reinstatement application with BLM, and BLM approves that application, the area of the reinstated application is automatically excluded from state ownership. This problem may affect the acreage that the University ultimately obtains. However, University ownership will not affect the fate of Mr. Walton's allotment. That fate rests with BLM.

You also asked a question about the location of a seal or sea-lion haulout near the proposed Biorka Island conveyance. I am still trying to find information about that but will relay the information when I have it.

I hope this is helpful. I apologize for not getting you information you requested sooner. If you need anything else, please let me know (and I promise to respond as soon as possible).

Sincerely,



Bob Loeffler  
Director

Cc: Representative Ramras

Representative Samuels



*By Leigh Gerber Board member*

**Greater Ketchikan Chamber of Commerce**

P.O. Box 6957, Ketchikan, Alaska 99901

Phone: (907) 225-3184 Fax: (907) 225-3187

E-mail: info@ketchikanchamber.com

www.ketchikanchamber.com

*330 active members +  
have passed the following resolution*

**Ketchikan Chamber of Commerce Resolution**

**# 05-01**

**2005 Officers**

**Renee Schofield**  
President  
Tongass Substance  
Screening

**Joe Johnston**  
1st Vice-President  
Davies-Barry Insurance

**Rob Skinner**  
2nd Vice-President  
Lewis Motors

**Glen Thompson**  
Secretary  
Tongass Sanitation

**Steve Boehert**  
Treasurer  
Wells Fargo Bank

**J.C. Conley**  
Past President  
Service Auto Parts

**2005 Directors**

**Leigh Gerber**  
Norquest Seafoods

**Owen Graham**  
Alaska Forest Association

**Chris Herby**  
Channel Electric, Inc

**Mike Holman**  
Individual Member

**Jennifer Naylor**  
Individual

**Mike Round**  
SSRAA

**Andrew Spokely**  
Andres Oil

**Kim Kirby**  
Southeast Kayaks

**Doug Ward**  
Alaska Ship & Dry Dock

**Jodie Beck**  
Ally HR Solutions

WHEREAS Southern Southeast Regional Aquaculture Association's (SSRAA) hatchery at Neets Bay has consistently produced significant social and economic salmon enhancement benefits for Ketchikan since 1983; and

WHEREAS SSRAA, a not for profit corporation, has produced \$28 million dollars in total economic output for the Ketchikan region in 2000 and produces similar benefits year after year for the past twenty-four years; and

WHEREAS the salmon production from Neets Bay hatchery is credited with the majority of this economic output; and

WHEREAS Neets Bay is SSRAA's largest production hatchery releasing over 135 million juvenile salmon to the common property fishery to enhance the salmon resource of southeast Alaska for the benefit of all who want them; and

WHEREAS any development within the watershed of Neets Creek and Bluff Lake, where SSRAA draws its water for the hatchery, could jeopardize these benefits to the economy and residents of Ketchikan; and

WHEREAS proposed House Bill # 130 would transfer the ownership of this Neets Creek parcel containing these watersheds and the hatchery land from the state of Alaska Department of Natural Resources to the University of Alaska Board of Regents for the purpose of revenue generation through sales and or development of this parcel; and

WHEREAS the goals and purposes of selected University of Alaska lands are in direct conflict with the goals and purposes of SSRAA's use of this land; and

WHEREAS control and management of the Neets Creek watershed is vital to future hatchery production at Neets Bay hatchery; Now, therefore,

BE IT RESOLVED that the Greater Ketchikan Chamber of Commerce in convention assembled this *3rd* day of February, 2005 in the City of Ketchikan, Alaska opposes the transfer of the watershed and hatchery land at Neets Creek, parcel KT.1004, contained in H. B. #130, from the state of Alaska Department of Natural Resources to the University of Alaska Board of Regents; and

BE IT FURTHER RESOLVED that this body supports legislation that would protect and secure this parcel from future uses that could negatively impact SSRAA's Neets Bay hatchery operations.

Blaine Ashcraft, Business Manager

Greater Ketchikan Chamber of Commerce

*Committee*

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
DIVISION OF PUBLIC SERVICES

PETERSBURG LEGISLATIVE INFORMATION OFFICE

PHONE: 772-3741

FAX: 772-3779

FAX TRANSMISSION

TO: *House Resources*

FAX: *907.465.2070*

DATE: *3.4.2005*

MESSAGE:

*2 pages to follow this cover.  
Please include this testimony  
into the record for HB 130*

would be available for borough selection, selections that would be necessary for the financial viability of these political entities?

Of course, I also am very disappointed in how fast this bill has been moving, how little regard there has been for the public process and needs and concerns of cities, and how the teleconference of Feb. 4 was conducted. It is unacceptable to treat the speakers in the manner portrayed by the chairman. The university had their chance to offer information at the one ( and only one so far) public meeting. Valuable teleconference time should not have been used for a question and answer session between university officials and committee members. The allotted speaking time should be given equally to each speaker, instead of letting some speak over the time but cutting other comments off after just a few sentences. There should also be more public meetings between the university and the public to discuss the lands chosen, and other options.

Finally, and perhaps most importantly, the state needs to re-shoulder its responsibility for funding educational needs for Alaska. You need to end the situations where, every two to three years, something else is sold to support vital services and programs.

Thank you for your time.

Concerned citizens,

Mona Christian, Dave Kensinger

ATTN. House Resources Committee

HB 130 public testimony  
March 4, 2005

My name is Mona Christian speaking from Petersburg. My husband and I live 20 miles by water south of Petersburg in the residential area adjacent to the land offered near Beechers Pass Marine Park, and we own several pieces of property there.

According to the inaccurate map on-line to which we're all supposed to refer, most of my property could be for sale! DNR reassures me that this will not be the case, but I recommend that a more accurate map be immediately published. The present map also shows much beach front land available, which is just the opposite of the situation. Most of the beach front land is private, residential property. This leads to several other concerns and facts that the committee and university lands people need to be aware of:

- most of the land offered begins 1200 feet off the beach
- most of that land is muskeg, or swampy land that is almost impossible to build on at that distance inland
- this land, which is 27 miles by water from Petersburg, is not in an organized borough, which means we have no building codes, planning and zoning, police or fire protection, ambulance service, or electric, water, or sewer connections

All these facts preclude the desirability of this land for residential development. Despite what was implied at the Feb. 4 teleconference, the fact that people own land in the area already does not automatically demand that other land be offered for sale so others can live there. If there is to be land disposal and sales, it should be with accessible, "buildable" land, and for sensible economic reasons.

As far as the stated need for more land to be available for private ownership, one need only look at land recently offered across the state. In the Feb. 9 Mental Health sale, only 13 parcels out of 40 were bid on. Last fall 28 parcels were offered, also by the university, near the proposed Beechers Pass area. Only 2 parcels were bid on. So here we have two problems-land offered that isn't being purchased, and volumes of property dumped on the market that if sold, would depress land valuations for existing property owners.

Before any more land is offered, these issues need to be addressed. One could ask if proper research was done before some of the state land was selected, which highlights another reason for slowing down the process of this bill's progression.

In addition, this land is in an area that Petersburg/Wrangell may incorporate into a borough, an action which has been strongly encouraged statewide for several years. So if the state wants all lands to be in boroughs, why are you removing large chunks that

John H. Littlefield  
POB 2212  
4102 Halibut Point Road  
Sitka, AK 99835  
907-747-6866 voice  
907-738-6866 cell

Co-Chair Representative Ramras  
House Resources Committee

Re: HB130

Dear Representative Ramras,

I will be traveling tomorrow, and will be unable to testify on House bill 130 however, I do want my remarks noted for the record.

The Littlefield family is the owner of a certified 160 acre native allotment on Lisianski Peninsula near Sitka. It seems certain that developing the Lisianski Peninsula will increase our property value. While that seems like good news, it is at best a mixed blessing. As have many, many residents testified against this bill, I think I need to add my voice to the committee process as well. City and Borough of Sitka Assembly member, Doris Bailey, has adequately expressed my concerns with the land transfers around Lisianski Peninsula and Sitka from a personal basis. I submit these additional comments more as a matter of process. I have expressed some of these thoughts to my legislators, Peggy Wilson, and Bert Stedman.

1. I support the University of Alaska, and believe most Alaskans share that opinion.
2. I support the State of Alaska's efforts to make land available to the public.
3. I believe in a transparent public process, to accomplish both of these items as well as other work of the people.

House Bill 130 has combined two distinct items into a single action. I believe the actions should be debated on their merits separately. I believe that most Alaskans support the University and if they don't they should. If long-term funding for the University is our goal, then we should investigate ALL funding options. House Bill 130 has identified a problem, long-term funding of the University, and selected granting highly questionable parcels of land to the University as the only solution. The problem and solution in this case are not necessarily compatible or desirable to many.

All Alaskans should share in the burden of funding the University. I have several suggestions on how they could do that and I'm sure there are others.

1. We don't have to look much farther than the permanent fund for a long-term funding solution to many of the University's needs. My best information indicated there was about \$30 billion in the permanent fund. I am not an accountant, but I would suggest that an endowment to the University of approximately \$500 million would go a long ways toward ensuring economic stability for the University. The University's annual income would of course, vary by the amount of the endowment, but this amount would dwarf the existing endowment fund and generate real dollars immediately for the University. The exact amount of the necessary endowment could easily be calculated by an accountant. I realize that many other Universities have several billions of dollars in their endowments. We'll get there one of these days and much faster if we jump start the endowment with a large cash infusion.

2. Secondly, I would recommend that lands granted to the University should be selected from the North Slope or other areas where the likelihood of getting long-term returns from gas, oil, or minerals is very likely. The University needs annual income. Returns from gas, oil, and minerals can provide that for many years. All Alaskans together owned the State lands. But there's a great difference between lands that are valuable for mineral, gas, and oil development and remotely located and lands that are similar, but close to existing communities. Land selections near existing communities, disproportionately affect the local citizens more so than the rest of the State residents. Much of the lands that have been selected in Southeast have little value to the University other than the income that would be derived from a sale. The sales would generate a onetime deposit to the University's endowment fund and will not generate annual income. It will also generate a great amount of dissatisfaction from the local residents.

3. There is a process already in place to get land to the University. These programs are subject to public scrutiny at this time. This is the preferred method to dispose of public lands. It may take a little longer, but the public is better served when everyone has their input in the final decisions are made. If the University owns these lands they will not have to answer to the public when they dispose of these lands. In fact, as a private owner, the University could completely pave over all of these lands if they wished. Sound preposterous? Probably so, but we have no guaranty they won't. Remember that the solutions to the long term funding of the University are just that, long-term. They do not need to be solved today. Further the legislature could direct the DNR to speed up the existing process while still honoring the public process.

What would I like you to do? I would like you to simply kill or table this bill. It is not so timely, that the funding issues cannot be fully debated and the full range of alternatives presented for discussion. A new bill (or several) could easily address these issues.

Thank you for your consideration,

John H. Littlefield  
907-738-6866

5/04/05 - Testimony from C & B of Sitka  
Doris Bailey, Assembly

Ladies and Gentlemen: Thank you for the opportunity to testify today. My name is Doris Bailey and I am a member of the Assembly of the City and Borough of Sitka. We had an emergency meeting the evening of February 14<sup>th</sup> to unanimously oppose the parcels that are proposed within the City and Borough of Sitka to be transferred to the University, with the exception of that parcel on Japonski Island where the University has its campus. We believe that parcel to be an appropriate transfer.

I would like to address the "Not in My Backyard" syndrome which, in listening to your meetings, I have gathered is one of the issues which has deterred you from considering the very strong and loud protest you have heard from Southeast Alaska. I would like to consider each parcel that is in the C&B of Sitka. As we understand it, these parcels are being transferred with the idea that they are viable commercial property that is now or will be appropriate for development and therefore would be good to transfer to the University so that they can be sold for funds to operate said institution.

The City and Borough already has a substantial amount of lands along our road system and in Sitka Sound which are in trust land status. The University controls the 193 acres South Benchlands and a 487 acre tract that includes Thimbleberry and Heart Lakes. The Mental Health Trust owns parcels above Sawmill Creek Road, half of Lisianski Peninsula and large numbers of islands in Sitka Sound. Therefore, the community is already shouldering more than its share of trust land selections. In addition, the willingness of the University to accept local land use controls has not been clarified.

Biorka Island is 16 miles out in the Pacific Ocean from Sitka. It is at the head of Sitka Sound and directly faces the ocean. There are no islands or other barriers outside of Biorka. My husband and I lived out there for 3-1/2 years in the middle and late 1970's so we are aware of Nature's forces which are available in all their fury at Biorka Island. There are occasions year round when it is impossible to either get on or off this island by either boat or air. During the winter these "times" can extend to a week or more. Development of Biorka Island could result in a fishing lodge being placed adjacent to one of the most heavily used salmon fishing areas (there's a major drag on the north side of the island) and there is concern that lodge clients may put added pressure on this fishery. There is also the possibility that the development of a lodge on Biorka Island could put substantial pressure on Goddard Hot Springs and the two small municipally owned bath houses on that property. In addition, there are many aids to navigation located on that island which are owned, operated and maintained by the Federal Aviation Administration. There are at least two radars, a Tacan and other communications equipment. Has the FAA been contacted regarding development on the island? I would suspect they would have security concerns and would not welcome development which would bring people to wander about the island investigating their facilities. You have said that the Native allotment that is under dispute within the parcel designated would be released when that parcel is proved. I am a bit amazed that the University is interested in land on which there is such a specific encumbrance. I do not think that the highest and best use for the proposed land on Biorka Island could possibly be development of any kind.

Lisianski Peninsula is another case in point with regard to Native issues. The Dog Point Fish Camp operated by the Littlefield family has used Dog Point for subsistence and cultural teaching activities for many years. They have children's camp, camps for adults with addictions and family camps wherein they teach Tlingit cultural values and subsistence fishing and hunting and preservation of food. The proposed parcel completely surrounds the Littlefield parcel and their parcel will without doubt be impacted to extinction should it be developed. And, once again, as I understand it, development is the purpose of the transfer. As you are aware Sitka Tribe is strongly opposing the transfer of this property to the University, as is the City and Borough of Sitka. It is in protected waters and the highest and best development use would undoubtedly be tourist use which, as I said,

would strongly impact the Littlefield operation.

Middle Island is an island which was subdivided by the State of Alaska and a lottery held some years ago for parcels which now have many homes and cabins located upon them. The entire developable beachfront of Middle Island is targeted for residential and recreational uses. This beachfront on Middle Island has already been selected or subdivided (the University would acquire two beachfront areas - one on the west side that has steep terrain and the back of the bay on the south side that runs totally dry at low tide). The center of the island which consists of a steep rocky wooded mountain was not claimed for any residential use at the time of the lottery because of the topography. The only possible use that the City and Borough can fathom would be logging. Logging would certainly impact those residential uses which exist on the beach front as well as destroy the view shed. In addition, the City and Borough has claimed for part of their land the rest of the beach front property on Middle Island and has designated it for residential uses along with strict park/reserved uses because the primary herring spawn fishery is around Middle Island. This was done because of the Tribe's strong concerns about activity affecting the herring spawn in this primary use area. The City has done its part to set aside a major high habitat area on Middle Island for public recreation and has set aside an area that has development potential but has petroglyphs. The selection of Middle Island and the potential for logging, creates incredible uncertainty for private land owners, the municipality and residents on the north half of Sitka that have homes that look over the island. This uncertainty may harm values of existing lots and lots the municipality plans on developing. Once again, we strongly feel that this parcel should not be transferred to the University because its development possibilities are in conflict with the other uses of the island.

The parcel at Baranof Warm Springs townsite is 9.5 acres. The proposed University selection is 267 acres. It is up the bluff from the town site and on the opposite side of the spectacular falls which draws so many people to visit. This open meadowy area is mostly wetlands and is the watershed for the town site as well as the possible connection to the warm springs for which it gets its name. Any kind of development in this area is going to be very iffy due to the need for permits from the Corps of Engineers for wetlands permits, the danger of contamination of the water supply and the possibility of destroying the thermal conduits for the hot water that has been a drawing card for this settlement. The small bay already receives a large amount of transient traffic during the summer and development of the UA land would totally overwhelm the small anchorage, State of Alaska dock, small boardwalk that serves the private cottages, and the small fragile hot springs.

Having said all this and trying to show that development is not appropriate on the parcels selected, please be assured that the City and Borough is desperately in need of land for building residential units. The University owns a large parcel which the City and Borough has coveted for residential building use for many years. It is the only large parcel of land close enough and with terrain that is suitable for building. Getting utilities to this parcel is estimated to cost more than \$52,000 per lot which is the stumbling block for development. We are diligently working with the University to try to come up with some way we can save this land for residential use as we are extremely concerned that it not be sold to some kind of conservancy entity which would tie it up as "wilderness." If costs are so prohibitive close to the City and Borough, we believe that is another reason these proposed remote parcels are absolutely not conducive to development.

To reiterate, the City and Borough of Sitka already has a substantial amount of area in trust status. We respectfully and urgently request that you hear our plea and do not transfer these parcels to the University who would find little in these parcels to allow them to get any income from them.

To: Representative Jay Ramras  
Re: HB 130: Baranof Warm Springs drinking water  
CC: House Resources Committee members, Bob Loeffler, DNR

The Baranof Property Owners Association ("BPOA") is an incorporated association of the private property owners in the township of Baranof, at the head of Warm Springs Bay. The BPOA strongly opposes the inclusion of the Warm Springs Bay parcel in HB 130 because of the harmful effects any development of the proposed conveyance parcel would have on the drinking water system used by residents of Baranof.

The community of Baranof is served by a pipeline water system which draws cold water from the Baranof River, immediately downstream from Baranof Lake. HB 130's proposed conveyance to the University includes uplands which drain directly into Baranof Lake, which will be the recipient of effluent and sewage from any development of these lands, presenting a real threat to water quality in the drinking water system used by Baranof residents. The town of Baranof, which has existed since the 1920's, does not support the proposed conveyance of state land because homesite or commercial development will jeopardize the clean water source upon which the community has long relied. The wetland quality of the proposed conveyance, coupled with its unavoidably harmful effect on the water used by our town, compels us to strongly oppose this proposed conveyance to the University. Please do not approve a conveyance that will destroy our water source.

Jim Brennan  
President, Baranof Property Owners Association  
1006 G Street, Anchorage, Alaska, 99501  
274-7803, [brennans@gci.net](mailto:brennans@gci.net)

2/28/2005

FAX

Page 1 of 2

To: House Resource Committee  
cc: Rep. Peggy Wilson

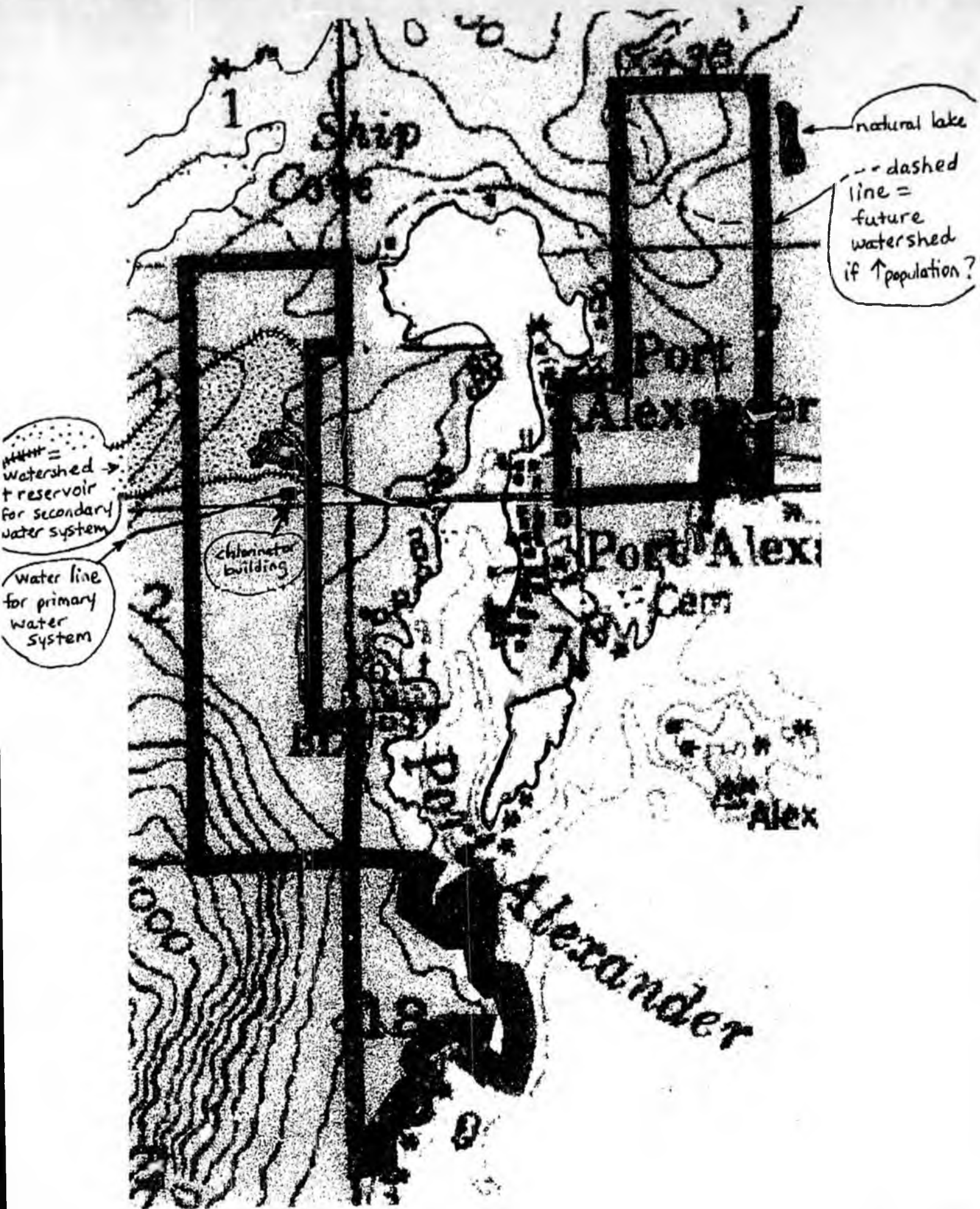
From: Laurie Mastrella, Marty Remund  
POB 8147 Port Alexander 99836  
(907) 568-2226 marty.remund@worldnet.att.net

Re: HB130 University Land Grant

The following page shows the relationship between Port Alexander's existing water system and the parcels selected for the U. of AK Land Grant under HB130.

As you can see, a significant part of our community's water system is within the proposed Land Grant.

Obviously, many in our community have concerns about the idea of development in our watershed. Thank you for looking into dropping at least this parcel. We would prefer all of the nominated lands around P.A. remain public as they are absolutely essential for subsistence.



# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

- 400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FAX: (907) 465-3886
- 550 WEST 7<sup>TH</sup> AVENUE, SUITE 1400  
ANCHORAGE, ALASKA 99501-3650  
PHONE: (907) 269-8431  
FAX: (907) 269-8918

February 7, 2005

The Honorable Jay Ramras, Co-chair  
The Honorable Ralph Samuels, Co-chair  
House Resources Committee  
Alaska State Legislature  
Juneau, AK 99801

Re: HB 130, University Lands Bill

Dear Representative Ramras and Samuels:

Thank you for scheduling a hearing in your Committee this week for the University Lands Bill. The bill was introduced on Monday, February 07, 2005.

The bill transfers 260,000 acres of State land to the University and implements the intent of SB 7, passed by the 2000 Legislature. Unlike SB 7 this bill identifies specific lands to be transferred. The transfer is much quicker and less expensive than the process identified in SB 7. All but one of the 71 parcels identified in the Governor's proposal will be transferred within three years at a cost that is less than 5% of the SB 7 estimate. This proposal eliminates the potential disincentive to development that attends SB 7, because once the legislation passes, the eventual land manager is immediately clear. This proposal provides more income-producing land to the University than was available under SB 7. The specific lands to be transferred are summarized in the enclosed Fact Sheet.

Under the proposed legislation, the Department of Natural Resources (DNR) will transfer all but one of the parcels to the University of Alaska within three years of the bill's passage. During those three years, DNR will complete the required title search, and will reserve appropriate public access easements, navigable waters, etc. Actual authority for management will change on the date the deeds are recorded. The one exception to the three-year transfer is the University Research Forest, a 51,820-acre tract southwest of Fairbanks within the Tanana Valley State Forest. For fifty years DNR will continue to manage the forest for commercial timber and public use in a manner consistent with the University's research needs. All transfers are subject to valid existing rights.

This transfer will provide the University with potential for near-term and long-term income. The investment properties — those in Southeast and elsewhere in Alaska — provide some near-term and medium-term revenue potential. It will take time and effort to turn even the land with near-term income potential into revenue for the University. Despite the delay in creating income, this land will strengthen the University's financial base.

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

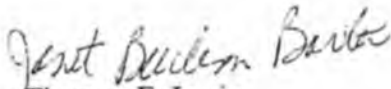
Representative Ramras and Samuels

February 7, 2005

Page 2 of 2

For your information I have enclosed a Fact Sheet and a copy of the *University of Alaska Land Grant List 2005*. Thank you for your consideration. Please contact Janet Burleson Baxter at (907) 465-4730 if have any questions. You may also contact Bob Loeffler, Director of the Division of Mining, Land and Water at (907) 269-8600.

Sincerely,

  
Thomas E. Irwin  
Commissioner

Enclosures: University Land Fact Sheet, 2/4/05  
*University of Alaska Land Grant List 2005*  
Governor's Transmittal Letter

cc: Janet Baxter, Legislative Liaison, DNR  
Bob Loeffler, Director, DMLW



# UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110  
Juneau, Alaska 99801 172  
(907) 586-2820  
(907) 463-2545 Fax  
E-Mail: [ufa@ufa-fish.org](mailto:ufa@ufa-fish.org)  
[www.ufa-fish.org](http://www.ufa-fish.org)

March 1, 2005

Representative Jay Ramras, Co-Chair  
Representative Ralph Samuels, Co-Chair  
House Resources Committee  
Alaska State Legislature  
State Capitol (Mail Stop 3100)  
Juneau AK 99801-1182

Dear Representative Ramras,

The United Fishermen of Alaska Board of Directors recently met and considered House Bill 130 regarding land grant transfers for the University of Alaska. While UFA recognizes the importance of land grants to finance the University of Alaska on par with nationwide land-grant universities, we object in particular to the inclusion of the Neets Bay parcel (KT.1004) in the proposed legislation.

The Neets Bay Parcel is the location of a hatchery operation under the management of Southern Southeast Regional Aquaculture Association (SSRAA). The Neets Bay hatchery is the only hatchery location that provides SSRAA with a cost recovery fishery, and therefore funds SSRAA's other hatchery operations that help support commercial and sport fisheries critical to the Southeast Alaska economy. According to a McDowell Group study, SSRAA's hatchery operations contributed \$28 million to the economy of Southeast Alaska in 2000. Other SSRAA hatcheries that are provided funding from the Neets Bay cost recovery operation provide 15,000 - 20,000 coho salmon each year to the sport and charter fisheries around Ketchikan, as well as an estimated 67 percent of the sport-caught king salmon in the Ketchikan area.

The Neets Bay hatchery operation requires the use of the waters flowing from the watershed that comprises the Neets Bay parcel. According to hatchery operators, all of the available water in the watershed is needed to sustain the hatchery operation, leaving no available water for remote residential development. The other potential use listed in

#### MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Armstrong Keta • At-sea Processors Association  
Bristol Bay Reserve • Concerned Area "M" Fishermen • Cordova District Fishermen United • Douglas Island Pink and Chum  
Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association  
North Pacific Fisheries Association • North Pacific Scallop Cooperative • Northern Southeast Regional Aquaculture Association  
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation  
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Southeast Alaska Herring Seiners Marketing Association  
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association  
United Catcher Boats • United Salmon Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association  
Western Gulf of Alaska Fishermen

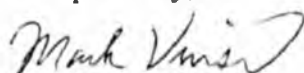
the parcel description, commercial timber harvest, poses a threat to the water quality that is essential to the hatchery operation. UFA agrees with SSRAA that residential or timber development of the Neets Bay watershed is incompatible with the long term needs of the hatchery operation.

If SSRAA is significantly charged for use of the Neets Bay Parcel or required to purchase the parcel from the University, SSRAA would necessarily have to increase cost recovery harvest and revenue, taking fish that would have otherwise been harvested by commercial or sport fishermen. This is in essence would be a tax on salmon fishermen.

To ensure continued operation of the Neets Bay hatchery, and its essential contribution to the fisheries and economy of Southeast Alaska, and to prevent negative financial impact to SSRAA, fishermen and Southeast communities, UFA requests that the Neets Bay parcel be removed from the list of land grant parcels included in HB 130.

Thank you for your consideration.

Respectfully,



Mark D. Vinsel  
Executive Director

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
DIVISION OF PUBLIC SERVICES

PETERSBURG LEGISLATIVE INFORMATION OFFICE

PHONE: 772-3741

FAX: 772-3779

FAX TRANSMISSION

TO: Rep. Ramnas

FAX:

DATE: Feb 28, 2005

MESSAGE:

Please distribute to all  
committee members before  
Wed meeting. Thanks

NATHAN GRUENING  
PO BOX 1030  
PETERSBURG, ALASKA 99833

February 18, 2005

Dear Chair Ramras:

I have lived for half of the year for my entire life (26 years) in Baranof Warm Springs Bay. I request that you remove Baranof from HB 130.

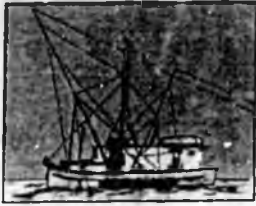
You have heard from others many reasons why and I will not repeat them. But you have not heard that the proposed land exchange at the top of Baranof River and Baranof Lake is our community drinking source. I for one do not want to drink water that has been gathered from below human sewage.

Please do not allow our water shed to be polluted. Remove the Baranof selection from HB 130.

Sincerely,



Nathan Gruening



# Alaska Trollers Association

130 Seward St., No. 211  
Juneau, Alaska 99801  
(907) 586-9400  
(907) 586-4473 Fax

February 20, 2005

Chairman Jay Ramras  
Chairman Ralph Samuels  
House Resources Committee  
State Capitol Building  
Juneau, AK 99801

Dear Representative Ramras and Representative Samuels:

The Alaska Trollers Association strongly opposes the transfer of the Neets Creek parcel, KT.1004, from Alaska Department of Natural Resources to the University of Alaska Board of Regents under HB 130.

Development of the lands at Neets Creek, which have been nominated for transfer to the University of Alaska, could negatively impact hatchery operations that are dependent on this watershed for incubation and rearing of salmon. Our fear is a degradation of water quality and quantity, both which are essential to maintaining a healthy hatchery program.

Southern Southeast Alaska Aquaculture Association (SSRAA) is a regional aquaculture corporation funded through a 3% enhancement tax paid by commercial salmon fishermen. SSRAA currently operates the Neets Bay Hatchery, which has a long and distinguished record of producing high value salmon returns for both commercial and sport salmon fishermen throughout the Southeast region. The commercial troll fleet, from Yakutat to Ketchikan, derives significant benefit from the salmon produced at Neets Bay hatchery.

ATA feels strongly that the benefits accrued from the salmon produced at the Neets Bay Hatchery far outweigh the risks that could be associated with new development in the vital Neets Creek watershed. We would appreciate your support to retain Neets Creek parcel KT.1004 under state ownership.

Sincerely,

Dale Kelley  
Executive Director

**Brandon Maitlen**

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**From:** Brennans [brennans@gci.net]

**Sent:** Sunday, February 27, 2005 7:25 PM

**To:** Rep. Gabrielle LeDoux; Rep. Jay Ramras; Seton@legis.ak.us; Samuels@legis.state.ak.us; Olson@legis.ak.us; Kapsner@legis.ak.us; Gatto@legis.state.ak.us; Crawford@legis.ak.us; Ekins@legis.state.ak.us

**Subject:** HB 130; Baranof Warm Springs drinking water

The Baranof Property Owners Association ("BPOA") is an incorporated association of the private property owners in the township of Baranof, at the head of Warm Springs Bay. The BPOA strongly opposes the inclusion of the Warm Springs Bay parcel in HB 130 because of the harmful effects any development of the proposed conveyance parcel would have on the drinking water system used by residents of Baranof.

The community of Baranof is served by a pipeline water system which draws cold water from the Baranof River, immediately downstream from Baranof Lake. HB 130's proposed conveyance to the University includes uplands which drain directly into Baranof Lake, which will be the recipient of effluent and sewage from any development of these lands, presenting a real threat to water quality in the drinking water system used by Baranof residents. The town of Baranof, which has existed since the 1920's, does not support the proposed conveyance of state land because homesite or commercial development will jeopardize the clean water source upon which the community has long relied. The wetland quality of the proposed conveyance, coupled with its unavoidably harmful effect on the water used by our town, compels us to strongly oppose this proposed conveyance to the University. Please do not approve a conveyance that will destroy our water source.

Jim Brennan  
President, Baranof Property Owners Association

**Douglas Owen**

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**From:** Darlene Dehlin [d.dehlin@worldnet.att.net]  
**Sent:** Thursday, February 24, 2005 3:29 PM  
**To:** Rep. Jay Ramras; Rep. Ralph Samuels; Rep. Jim Elkins; Rep. Carl Gatto; Rep. Gabrielle LeDoux;  
Rep. Kurt Olson; Rep. Paul Seaton; Rep. Harry Crawford; Rep. Mary Kapsner  
**Cc:** Rep. Peggy Wilson  
**Subject:** HB 130

Members of the House Resource Committee:

Rep. Jay Ramras, Co-chair  
Rep. Ralph Samuels, Co-chair  
Rep. Jim Elkins  
Rep. Carl Gatto  
Rep. Gabrielle LeDoux  
Rep. Kurt Olson  
Rep. Paul Seaton  
Rep. Harry Crawford  
Rep. Mary Kapsner

HB 130 is a bad bill. It is an ineffective and unreliable method of funding the University. In addition, granting these lands to the University for development of any kind could be harmful to the land and the people living in or near these areas.

It appears that the Governor is trying to pull another fast one by "fast-tracking" this piece of legislation. He seems to believe that his own agenda is more important than the needs and wishes of his fellow Alaskans.

I would like to see all the parcels in SE Alaska removed from the bill.

Thank you all for your help!

Sincerely,

Darlene Dehlin  
PO Box 6311  
Sitka, AK 99835  
907-747-4522  
email: [d.dehlin@att.net](mailto:d.dehlin@att.net)

**Douglas Owen**

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**From:** Backlagoon@aol.com  
**Sent:** Wednesday, February 23, 2005 12:50 PM  
**To:** Rep. Jay Ramras; Rep. Gabrielle LeDoux  
**Subject:** HB 130 letter to Rep. Wilson

Rep. Wilson,

Thank you for taking the concerns of Southeast Alaskans directly to Co-chair Ramaras and seeking a different solution. If the University truly has to make money from the state's parcels, then they should seek areas in which land has high appraisal value. In other words, if you were a realtor in PA, to make a living you would have to have a well-paying night job! Land selection around PA could bode prospecting problems such as, no power utility, maxed-out water utility and poor parcel access.

Personally speaking, an area that I almost daily use for exercise, hunting and berry-bicking right behind my house is selected. My access to this "network of game trails" will be cut off, leaving no where else to go within range of my house. This scares me because there are limited recreational areas around town, and we have no roads and skiff access is limited to good days in Chatham Strait.

I appreciate your consideration in this matter that affects our small community so greatly.

Anissa Berry  
Port Alexander

**Rebecca Rooney**

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**From:** Rick Fleischman [Capt-Rick@soundsailing.com]  
**Sent:** Thursday, February 17, 2005 4:55 PM  
**To:** Rep. Peggy Wilson  
**Cc:** Sen. Bert Stedman; Rep. Jay Ramras; Rep. Ralph Samuels; Rep. Jim Elkins; Rep. Carl Gatto; Rep. Gabrielle LeDoux; Rep. Kurt Olson; Rep. Paul Seaton; Rep. Harry Crawford; Rep. Mary Kapsner  
Rep.Mary.Kapsner@legis.state.ak.us  
**Subject:** House Bill 130

Dear Peggy,

Thank you for your support on our concerns about House Bill 130. I'm glad to hear that the plan is being modified to include some of the public input given at the House Resource committee meetings.

As we discussed briefly on the phone, there is some concern regarding the hot springs in Warm Springs Bay and the possibility of damaging or even losing the springs completely in the event of major development; specifically in regards to the operation of heavy machinery and/or blasting.

My understanding from talking to people who know a lot more about geology and hot springs than I do is that thermal springs bring heated water from below the earth's surface to the springs we enjoy via fissures in the earth's crust. Geothermal hot springs are relatively fragile in the regard that blasting or other vibrations from heavy machinery can collapse these fissures preventing the hot water from reaching the surface.

Because of this, Tenakee Springs has an ordinance prohibiting blasting within 20 miles of the springs there. Around 1895, some people in Tenakee decided it would be a good idea to enlarge the spring, which comes out of a rock near the shoreline and is now right in the middle of town across from the general store. The easy way to enlarge the rock pool was to blast it with dynamite which some of the miners in town proceeded to do. After blasting, the new pool was much nicer. The only problem was that the hot water stopped flowing to it. Fortunately for Tenakee and all who have visited there since, the hot water started running again after a few weeks. It's important to note that this was a small scale blasting -only clearing rock about 4 feet X 8 feet and about 5 feet deep.

As the hot springs at Baranof (Warm Springs Bay) are one of the major reasons the area is valued so highly by local residents, fishermen, and visitors from around the world, any risk of damaging or losing the hot springs is of the utmost concern.

I have also heard talk of faults around Baranof Lake. As far as I know, there has not been any extensive geologic mapping in the area. There was a feasibility study by the state considering building a road from Sitka to Warm Springs Bay. On page 10 of the study dated March 8, 1996 by Lachel and Associates, I found the following reference:

"A major fault runs just north of, and parallel to, the proposed highway and tunnel route."

On page 49, the same study recommends, "The location, orientation, and characteristics of the

fault lying to the north and parallel to the tunnel line must be determined and assessed for its potential effects on the tunnel construction.

I did find a geological map of Baranof Island showing faults at:  
<http://www.dggs.dnr.state.ak.us/scan1/p/oversized/P0792pt02.PDF>.

On Plate 2, there is a major fault north of Warm Springs Bay that runs on an east/west orientation from Mt. Edgcumbe all the way to Chatham Strait just north of Warm Springs Bay. I assume that this is the fault discussed in the feasibility study. The plate also shows an approximate position of the Medveje Lake fault that runs east/west and ends near the south shore of Baranof Lake.

I don't know if you have visited the hot springs here at Baranof. If not, you should put it high on your priority list because they are truly an incredible treasure. I have traveled extensively and have never seen a more beautiful scene than the thermal pools surrounded by the rain forest overlooking the glacial fed, class 5 rapids of the Baranof River. It is truly a world class spot and we must protect it! Thank you for your efforts to make sure that the 276 acres of land in Warm Springs Bay is removed from the list of parcels to be transferred to the University of Alaska in House Bill 130.

Sincerely,

Rick Fleischman

1802 B Alder Way  
Sitka, AK 99835  
747-7473

Note: I am currently caretaking at the Baranof Warm Springs lodge and can be reached on a cell phone here--206.605.8363.

----- Original Message -----

**From:** Rep. Peggy Wilson  
**To:** lhscwls+hb130@legis.state.ak.us  
**Sent:** Thursday, February 17, 2005 12:19 PM  
**Subject:** HB 130 Update

I am so glad that you all have taken time out of your schedules to keep abreast of developments with HB 130.

In response to the outpouring of testimony, The Resource Committee has suspended public testimony for HB 130. The Committee is going to roll up their sleeves and work with DNR and the University to create a modified plan. Some of the changes will be handled with amendments to the bill and some of the changes will be handled by agreements with the stakeholders and the University. Once the changes have been fleshed out they will be released for public review. This review process will include public testimony. HB 130 is expected to be on the House Resources Calendar on March 2, 2005.

HB 130 repeals requirements that the University seek public comment on ALL future University land developments - not just those under HB 130. (see section 6 HB 130)

Sec. 14.40.366. Management requirements for university land. [See editor's note.] (a) The Board of Regents shall, by policy, establish procedures for mineral entry or location and mineral leasing on university land selections made under AS 14.40.365 that are consistent with the Constitution of the State of Alaska and the Alaska Statehood Act (P.L. 85 - 508, 72 Stat. 339).

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THE UNIVERSITY OF ALASKA, ETC.

§ 14.40.367

(b) Notwithstanding other provisions of law, the University of Alaska shall seek public comment on proposals for development, exchange, or sale of university selections made under AS 14.40.365. The Board of Regents shall adopt policies that provide that the university shall prepare an annual plan for management and disposition of university land under this section and shall, not less than 60 days before scheduled approval by the Board of Regents of the plan,

(1) make copies of the plan available at all legislative information offices and at other locations as the university may designate;

(2) publish a notice in newspapers of general circulation in the state that provides the public with information on the locations where the plan is available for public inspection;

(3) give notice to all legislators and to local governments with jurisdiction over the land affected by the proposal; and

(4) seek public comment on the annual plan before action by the Board of Regents approving the plan.

(c) Subject to appropriation of the income, the Board of Regents shall use an amount up to 20 percent of the earnings derived from the management of university land conveyed to the university under AS 14.40.365 for programs and services supporting the development of natural resources within the region from which the earnings were derived. The earnings shall be used by the campus or campuses located within the region from which the earnings were derived if a municipality within which the campus or campuses are located provides to the campus or campuses a match of the same amount. This subsection does not apply if the match is not made available by a municipality.

(d) Before the conveyance or the disposal of an interest in the land to a third party, land conveyed to the University of Alaska under AS 14.40.365 shall be managed in a manner that, to the extent practicable, permits reasonable activities of the public that do not interfere with the use or management of the land by the university. The Board of Regents shall adopt a permitting process consistent with this subsection. (§ 5 ch 136 SLA 2000)

Effective dates. — Section 5, ch. 136, SLA 2000, which enacted this section, took effect on July 20, 2000.

See the editor's note for additional information as to the effectiveness of this enactment.

Editor's notes. — The Governor has contested the

veto override of HCS CSSB 7(FIN) am H, which has been designated as ch. 136, SLA 2000 and which enacted this section. See 2000 Op. Alaska Att'y. Gen. No. 1. The issue is under litigation in *Alaska Legislative Council v. Knowles*, 1JU-00-1237 Civ. (First Jud. Dist. at Juneau).

new  
14.40.366 ← Deleted

# Sitka Tribe of Alaska

Tribal Government of Sitka, Alaska

February 16, 2005

VIA FACSIMILE  
Representative Ramras  
Co-chair, House Resources Committee  
State Capitol, Room 104  
Juneau, AK 99801-1182  
fax: 907-465-2070

FEB 23 2005

Re: Written Testimony on House Bill 130

Dear Representative Ramras:

I write to oppose the inclusion of 438 acres of land on Biorka Island and 1,443 acres of land on Lisianski Peninsula in House Bill 130/ Senate Bill 96. These lands are adjacent to or overlapping with native allotment lands that Tlingit people of Sitka have fought to receive as native allotments for over eighty years. This land grant to the University would irreversibly change the nature of these native allotments and in one case would be conflicting with the native allotment claim. Thus I urge the State to amend Senate Bill 130 to exclude these lands from lands the University would receive in HB 130.

As the Resources Protection Director at Sitka Tribe, I am primarily responsible to protect the property interest of native allotment applicants and landowners in the Sitka area. Sitka Tribe has compacted this responsibility from the federal government since 1995.

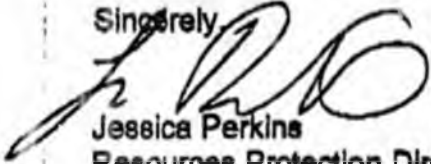
### *Biorka Island*

I write on behalf of the family of Rudolph Walton, native allotment applicant of 160 acres of land on Biorka Island. Biorka Island was traditionally called Was'is to the Tlingit people of Sitka. It was on this land that Rudolph Walton (1867-1951) was born and had his summer camp. Mr. Walton applied for 160 acres of land on Was'is as a native allotment under the Native Allotment Act of 1906 in 1909. (Native allotment application A-01494 or J-01494). In 1921, Mr. Walton received title to 44.5 acres of land and the remainder of the island was reserved to the Navy. In 1940 the War Department condemned Mr. Walton's native allotment. In 1961, the War Department determined Mr. Walton's native allotment to be surplus to the War Effort and granted 22.5 acres of land to the Federal Aviation Administration and 20 acres of land to the United States Coast Guard. Since that time, the heirs of Rudolph Walton have fought to get Rudolph Walton's land back. This spring, the heirs will be filing a reinstatement application for the full 160 acres of land. The 160 acre application would include a portion of the 438 acres of land proposed to be transferred to the University of Alaska in HB 130.

**Lislanski Peninsula**

Three native allotments are on land adjacent to the 1,443 acres of land to be granted to the University of Alaska under House Bill 130. These native allotments would be irreversibly damaged as remote fish camps as they have been historically and presently used if the adjacent lands were granted to the University and developed as a remote settlement area. Thus, I urge you to exclude the land on Lislanski Peninsula from House Bill 130.

Sincerely,



Jessica Perkins  
Resources Protection Director

Cc:

Representative Samuels, co-chair House Resources Committee, State Capitol, Room 126, Juneau, AK 99801-1182, fax: 907-465-3810

Representative Elkins (907-465-3793), Representative Gatto (907-465-2381),  
Representative LeDoux (907-465-4956), Representative Olson (907-465-3835),  
Representative Seaton (907-465-3472), Representative Crawford (907-465-4565),  
Representative Kapsner (907-465-4589)

Representative Peggy Wilson (907-465-3175)  
Senator Bert Stedman (907-465-3922)  
Governor Frank Murkowski (907 465-3532)

STATE OF ALASKA  
THE LEGISLATURE

FEB 22 2005

LEGISLATIVE AFFAIRS AGENCY  
DIVISION OF PUBLIC SERVICES

PETERSBURG LEGISLATIVE INFORMATION OFFICE

PHONE: 772-3741

FAX: 772-3779

## FAX TRANSMISSION

TO: House Resources Comte

FAX: 907.465.2070

DATE: 2.22.2005.

MESSAGE:

2 pgs to follow this cover. (3) total

Please enter this testimony into the Comte record on HB130. She was unable to give it orally before the Comte on 2/16/2005. The Comte ran out of time.

Thank you.

Ellen Sharpsteen

February 21, 2005

Representative Peggy Wilson  
Representative Ralph Samuels  
Representative Jay Ramras

Re: House Bill 130

Dear Representatives:

I attended the teleconference but was unasked to speak do to the extremely limited time allowed for this bill. Time which should have been utilized for public comment was taken up with a bill that wasn't even on the agenda and for "official clarification" of the meaning of a superfluous phrase.

As a property owner in Farragut Bay, I feel that you were remiss in letting me know of this bill in a timely manner. The apparent speed which this bill has moved is not appropriate. The comment period is much to short and the notice is almost nonexistent. This is totally objectionable.

Irrespective of that, my comments are as follows:

According to your map, Read Island and its neighbor, Round Island, as well as Flock Rock in Farragut Bay are being designated for transfer to the University for inclusion into the Land Grant Trust Fund. This does not make any sense. Flock Rock, as its name implies, is just a group of rocks exposed above the water line. There aren't any trees, anchorages, hunting, or fishing available at Flock Rock. It is not ever suitable for subdivision into parceling out for home sites. Therefore, there isn't any viable means of income with their inclusion.

Round Island is a local name for an island connected to Read Island via a sunken reef. There aren't any anchorages at Round Island. It is covered with trees and except for the reef, is steep sided. It also isn't suitable for home sites, and is therefore not viable for a means of income.

Read Island, on-the-other-hand, does have anchorages which are used extensively by commercial fishermen, sport fishermen, eco-tourism charters, pleasure crafters, hunters, and trappers. It does have some cedar trees, which could be harvested, although with great difficulty. The island is used for trapping, and hunting as well. It is forested near the water, while in the interior of the island, there are large areas of muskeg. This would be very difficult to build on, let alone getting the building materials to the site.

Instead of depriving people of its use, a user fee, such as the Forest Service now charges, could be applied to people using the island. This would be a continuous income generating source to the University. Granted, initially, it would be much less than if the

Island were sold to a private individual. But over the long term, it might even end up being more income.

However, a much better idea would be to not give any land to the University, but to designate a percentage of income off the oil and gas money which comes to the State of Alaska. I feel that the free tuition for the top ten percent of high school graduates is ridiculous. These top ten percent of the graduates would be recipients of scholarships as well as college loans and grants. They do not need free tuition.

Another area of concern for me is Whitney Island at Cape Fanshaw. This is an area used extensively by all the above users, as well as day users, like for picnics. People explore the old fox farm, the "Post Office" on the mainland, the old cannery, and other old building sites. They harvest the raspberries, strawberries, and other fruit. The lilacs are especially nice for cut flowers. These were planted when people lived at Cape Fanshaw and have now gone wild.

To put this area into a privately owned situation would be disastrous. Even if the University decided not to sell the land outright, they would remove its use by the public.

Once again, I do not feel that the University should get any land, but should, in fact, receive money from the oil and gas revenue. The Alaska Senate Bill 7, enacted in 2000 should be rescinded and Lisa Murkowski stopped from initiating her Bill in the U.S. Senate.

Please, do not allow this bill to pass. It would be more of a detriment to future generations than the money it would generate today.

Sincerely,



Gayle M. Eastwood

## ALASKA BIRCH WORKS

Bob Zachel  
P.O. Box 83244  
Fairbanks, AK 99708  
(907) 455-6164

FEB 22 2008

TO: Jay Ramray

RE: Land transfer from the  
Tanana Valley State Forest to the  
University of Alaska.

The TVSF land being considered  
for transfer to UA is land currently  
being used for active logging. This  
land is in the Posic Creek area. There  
is an existing road system that  
was built and is maintained by  
Dept of Forestry in conjunction with  
timber sale contracts. The timber  
in this area is good quality, has good  
access, and is close to existing markets,  
and processing facilities.

The road system is also ~~to~~ used  
extensively by hunters and other  
recreational users.

UAF has an experimental forest in  
this area called Bonanza Creek Experimental  
Forest. Several years ago the faculty

## ALASKA BIRCH WORKS

Bob Zachel  
P.O. Box 83244  
Fairbanks, AK 99708  
(907) 455-6164

of the Forestry Dept. voted to stop all timber sales in this area. Putting more forest lands under their control will likely ~~not~~ result in more of same policy. VAF has no road building or maintenance program. Without maintenance the existing road system will be lost and with it the access by all users.

Giving VA productive timber land will likely lead to less development and more administrative cost.

The land VA is getting is for revenue generation. When the VA ~~is~~ president says this is not going to help reduce funding request in the foreseeable future I question the wisdom of doing it.

I am opposed to giving VA land from the TVSF that is currently being used by the local logging and saw-mill operation.

Bob Zachel  
Alaska Birch Works

Douglas Owen

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From: EDWINA L BARNETT SIMMONS [simmonsbarnett@msn.com]

Sent: Sunday, February 20, 2005 9:12 PM

To: Rep. Jay Ramras

FEB 21 2005

To: My Representative: Peggy Wilson, and the House Resource Committee:

Jay Ramras co-chair, Ralph Samuels co-chair, Jim Elkins, Carl Gatto,  
Gabrielle LeDoux, Kurt Cison, Paul Seaton, Harry Crawford, Mary Kapsner

Dear Representatives:

I was born in Fairbanks in 1945 and my wife in 1954, and we both grew up on homesteads with a subsistence lifestyle. We watched the population of that area grow from 10,000 to 60,000 in what felt like overnight during the peak of the TransAlaska pipeline construction period. We also watched in dismay at how a large influx of people can change your chosen lifestyle because of the increase demand on the hunting and fishing resources. Fairbanks no longer offered the lifestyle we desired, so we searched for a new area/community that matched our needs. We found that in Lisianski Inlet. It was and still is perfect with the low density, the sheer magnificence of scenery, and the abundance of fish and wild game for a subsistence lifestyle. We loved the area enough to re-locate, build a new home, raise a family, live here for the past 20 years and retired here.

Lisianski Inlet is *not* an area that can support a larger population *because* of its remoteness, which is the very reason why so many Pelicanites have chosen to live here. This is an area that Nature has chosen to keep remote through the roughness and steepness of the land and by the unpredictable patterns of the weather and the ocean. There are some areas of Alaska that need to remain remote and this is one of them. Please do not destroy the Inlet and the subsistence lifestyle that the people of Lisianski Inlet/Pelican have chosen. The passage of HB 130 and the development that is sure to follow would ruin the area and this unique way of life.

Thank you for your consideration to our strong objection to the passage of HB 130.

Sincerely,

Avery and Edwina Simmons  
907-752-5037

2/21/2005

FEB 21 2005

**Douglas Owen**

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**From:** Jennifer Price [Jen@soundsailing.com]  
**Sent:** Friday, February 18, 2005 3:55 PM  
**To:** Rep. Jay Ramras  
**Cc:** Rep. Peggy Wilson; Rep. Ralph Samuels; Rep. Jim Elkins; Rep. Carl Gatto; Rep. Gabrielle LeDoux; Rep. Kurt Olson; Sen. Bert Stedman; Rep. Paul Seaton; Rep. Harry Crawford; Rep. Mary Kapsner  
**Subject:** HB 130

Dear Representative Ramras and committee members,

I am writing to thank you for the opportunity to give my testimony Wednesday, February 16th, regarding the controversial House Bill 130. I hope to punctuate my statement given over the phone with this written testimony.

I am opposed to HB 130, clearly, because of specific parcels of land which are listed in the proposed grant to the University of Alaska. While I am unfamiliar with many of the areas designated farther north and in the interior, it was quite clear to me over the several days of testimony put forth that people from all over the state are alarmed with the prospect of losing the public land surrounding their homes, recreational areas, and subsistence grounds.

I admit that many of us are not exactly eloquent in our vocal testimonies, nor in our written testimonies, but what counts here is the passion and determination of each and every voting Alaskan who makes his feelings known to our representatives. Please take to heart every testimony you've heard or read in relation to this bill--in the recent past and in the near future-- because we are counting on you, our elected officials, to listen to us and to fairly evaluate that for which we are fighting--to keep our public lands public.

I advocate doing away with HB 130 completely and finding a different way to help fund the University of Alaska. If this is not to happen I would hope that the revised bill will delete all of Southeast Alaska from the land grant, most importantly Baranof, Warm Springs Bay. I think you heard plenty of testimony on behalf of this lovely little pocket of beauty and serenity, so I'll be brief. I am a person who owns NO property here in the bay, therefore I have NO financial interest in the area, but I am actually in the majority of its champions. The Baranof Homeowner's Association consists of a small group of landowners, many from whom you've heard testimony recently. But there are hundreds of people who frequent this spot consistently including Sitkans, out-of-state boaters, the fishing fleet, the Coast Guard, destination fishers, hikers, wildlife enthusiasts, charter boats and scores of other types. We all return to this place repeatedly because of the thundering waterfall, the raging river, the unspoiled wetlands, the pristine lakes, the majestic mountains, the world-class hot springs, and the phenomenal fishing and wildlife. What is missing here is any large-scale development, and that is what we all cherish about this wonderful sanctuary called Warm Springs Bay.

We all live in Alaska for many disparate reasons, but I would wager a bet that most Alaskans choose to live in this great state because of its vastness, its physical diversity, and especially its seemingly limitless wilderness. Let's not give what is currently public land to an entity which may sell to a private party, thereby losing, parcel by parcel, the very essence of this great vast land we call Alaska.

2/21/2005

Thanks for listening.

Jennifer Price  
Caretaker, Baranof Wilderness Lodge

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# Kodiak Game Ranch

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2/1/2005



My name is Bill Burton and I'm the owner of the Kodiak Game Ranch at Narrow Cape along with my wife and son. We have the ranch that the U. of Ak has selected for the 2,880 acres out of our lease area. We've operated this ranch for going on 40 years, and this Ranch has been operated as a livestock ranch for over 60 years. The ranches on Kodiak with their state leases have kept open to the public most of the public land on the road system. If it hadn't been for the leases most of this land would have been put in private land status, which would have prevented their use for the general public. If this is taken over by the Univ. it could prevent the public access not only to the Narrow Cape area, but the rest of the ranch which includes all the valleys and the Sacramento River, which are hunting and fishing areas the public has been using, as they would have to pass through the Univ. land to access the rest of the ranch.

We are opposed to their land selection out here for a couple of reasons, unless the Univ. can give both the Borough and us a written agreement, which this bill states and the promises that Kate Ripley stated in the Mirror article of Feb 8<sup>th</sup>. First of all, she stated there are no current plans to develop the land, and all current land agreements would remain in effect. These would include the KLC, and our grazing lease that we, Kodiak Game Ranch, operate. Furthermore, she also stated that the Univ. is not planning to limit public access to the area. However, our concern is that when our lease term is up, that we would be able to renew the lease and we would like something written giving clause about a renewal to our lease.

This land that the Univ. is proposing to select will take the majority of our winter range that our livestock have to graze on and winter range is absolutely essential to us to be able to run the livestock. Also we have a fencing contract with the NRCS (Natural Resources Conservation Service) to fence off a portion of that land for conservation purposes. All of the fencing materials have already been purchased, as the contract has been approved. This is a fairly large contract, so if the State lease for which it is located on now becomes University land, will we be able to fence off the pasture, or will we be stuck with the cost of the fencing materials with no place to fence?

The University says that this would be land utilized for education and research purpose. However, they also state in the future they might regroup and make a different use of the land, (to better benefit the university). Possibly subdivide and sell the land for the most possible profit for the University?

Now maybe the University will do better with their rocket research and educational facilities, but they for sure haven't had a very good record supporting agriculture in the state in the last few years. At one time they did quite a lot of Ag. Research, and had good facilities to do so, but these have all been allowed to decay and disappear, and livestock