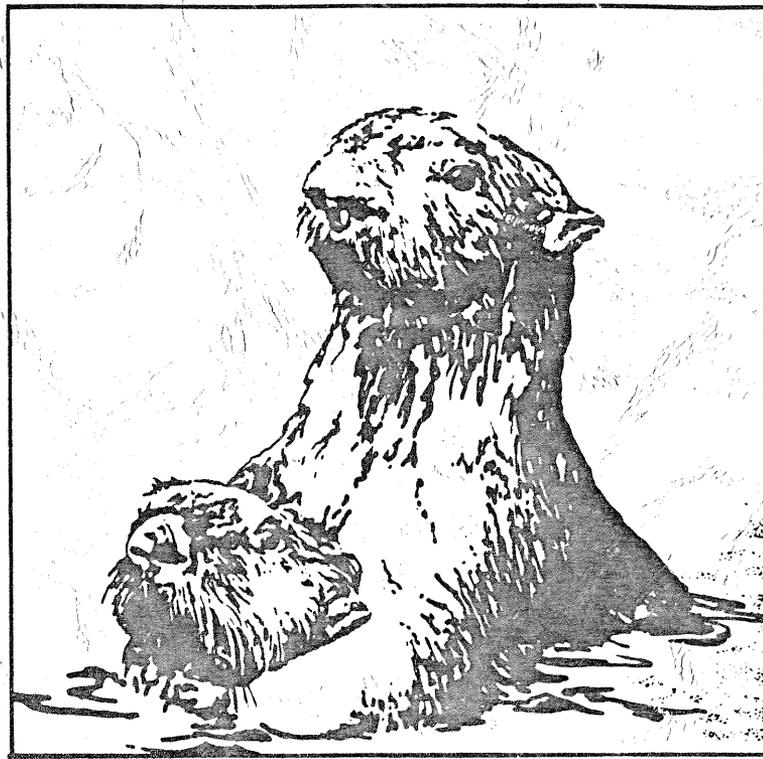


SHUYAK ISLAND

COMPREHENSIVE PLAN



Assembly Adoption
Ordinance No. 86-19-0

KODIAK ISLAND BOROUGH
ORDINANCE NO. 86-19-0

AN ORDINANCE OF THE KODIAK ISLAND BOROUGH ASSEMBLY AMENDING CHAPTER 17.02, COMPREHENSIVE PLAN, OF THE BOROUGH CODE.

WHEREAS, the Kodiak Island Borough owns a large parcel of land on Shuyak Island, and

WHEREAS, Shuyak Island is within the Kodiak Island Borough and is therefore subject to the Kodiak Island Borough Planning and Zoning powers, and

WHEREAS, the Assembly desires to manage Shuyak Island in a circumspect manner.

NOW, THEREFORE, BE IT ORDAINED by the Kodiak Island Borough Assembly that:

Section 1: The document entitled Shuyak Island Comprehensive Plan, July 1986, is hereby adopted and incorporated into the Kodiak Island Borough Comprehensive Plan.

Section 2: That Chapter 17.02, Comprehensive Plan of the Borough Code, is hereby amended by adding the following:

17.02.030 Comprehensive Plan. For the purpose of this Title the Kodiak Island Borough Comprehensive Plan consists of the following adopted documents:

L. Shuyak Island Comprehensive Plan. Prepared by the Kodiak Island Borough, dated July 1986.

Section 3: This ordinance shall be in full force and effect upon passage and adoption.

PASSED AND APPROVED THIS 4th DAY OF September, 1986.

KODIAK ISLAND BOROUGH

BY _____
Jerome Selby, Borough Mayor

BY _____
Lorne White, Presiding Officer

ATTEST:

BY _____
Gaye Vaughan, Borough Clerk

First Reading, Approval Date: 7 August 1986

Second Reading, Public Hearing, Approval Date: 4 September 1986

Effective Date: 4 September 1986

ACKNOWLEDGEMENTS

KODIAK ISLAND BOROUGH PLANNING AND ZONING COMMISSION

Steve Rennell, Chairman
Marlin Knight, Vice Chairman
Michael W. Anderson
Robin Heinrichs
Mary Lou Knudsen
Scott Thompson
D. L. Smedley

KODIAK ISLAND BOROUGH ASSEMBLY

Jerome Selby, Mayor
Lorne White, Presiding Officer
Ann Barker, Deputy Presiding Officer
Alan Austerman
Eric Blankenberg
Ken Gregg
Edward F. Naughton

KODIAK ISLAND BOROUGH COMMUNITY DEVELOPMENT DEPARTMENT

SHUYAK COMPREHENSIVE PLAN

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APPENDICES

- A. Memo - Dale Tubbs, District Manager, Southcentral District, DNR to Sam Best, Chairman, Kodiak Island Borough, March 11, 1969.
- B. Session Laws 1984, Chapter 167, Establishing the Shuyak Island State park; and providing for an effective date.
- C. Letter to Sam Best, Chairman, Kodiak Island Borough from F. J. Keenan, Acting Director, State of Alaska, Division of Laws, June 6, 1968.
- D. Shuyak Island Comprehensive Plan Questionnaire
- E. Memo - Tom Hawkins, Director, Southcentral District, DNR to Esther C. Wunnicke, Commissioner, DNR.
- F. Memo - Bob Pederson, Assistant Planner/Zoning Officer, Kodiak Island Borough, to KIB Planning and Zoning Commission. February 26, 1986.

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CHAPTER I

SUMMARY AND RECOMMENDATIONS

CHAPTER I

SUMMARY AND RECOMMENDATIONS

I. INTRODUCTION

Shuyak Island recreational attributes are world-class in their offering. The entire package of scenic wilderness, accessibility and natural diversity is found here. However, the island is small. Its limited physical capabilities make it extremely fragile in areas. Because of this fragility, the island should be managed as a whole and not along political boundaries.

Shuyak Island's geographic location makes it of regional interest, serving visitors from Anchorage, the Kenai Peninsula, and Kodiak Island (Map 2). Alaska's own population growth as well as efforts to promote tourism will require Shuyak to provide a wide array of remote recreational opportunities for an equally wide array of visitors.

II. RECOMMENDATIONS

A number of recommendations are cited to better achieve the goals of the Shuyak Comprehensive Plan.

A. A Comprehensive Recreation Plan

A comprehensive recreation plan should be completed for all of Shuyak Island or at least for the major recreational use areas (Big Bay, Neketa Bay, Carry Inlet, Shangin Bay and Skiff Passage). A comprehensive recreation plan focuses on issues specific to recreation. Information would be gathered and analyzed to determine values, behaviors and priorities of people who recreate in an area. A determination of what the recreational needs of the population are would then evolve. From this information, the demand for existing and potential recreation and leisure opportunities could be determined. Land can then be identified and set aside for these needs. A comprehensive recreation plan would also address the importance of recreation/tourism to the economy of Kodiak.

B. Land Disposal to Encourage Enclave Development in the Port Williams/Shuyak Straits Area

Shuyak Island is relatively small. An interconnecting system of waterways makes actions in one location impact other areas. To make the most of Shuyak's wilderness/recreation potential, development should be restricted and concentrated to specific compact areas (enclave). These areas would be the sites for the more intensive activities. Enclaves would provide a source of land used to trade for the private lands around the island,

leaving the remainder of the island free of development. Should the borough dispose of land on Shuyak, it is here where it should happen. Rezoning of this area is required to encourage development.

C. Creation of a new Zoning District to Reflect the Limited Nature of Activities

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

D. Land Exchange/Acquisition of Native Allotments

A number of native allotment applications are pending on Shuyak Island, located in critical recreational areas. The allotments when patented become private lands. Because of the recommendation to restrict development to enclave areas, a land exchange for these allotments should be pursued. Should the land exchange not occur, development of these private lands would greatly impact the wilderness character of the island.

E. Cooperative Management Agreements between Public Agencies

A joint management agreement between the Kodiak Island Borough, the Alaska State Division of Parks and the Alaska Department of Fish and Game should be entered into to eliminate jurisdictional disputes. A cooperative management agreement is an administrative tool that would eliminate duplication of effort and focus energies on specific problems.

Currently there exists a management agreement between State Parks and Kodiak Island Borough that approves the concept of joint management. Specifics as to what the agreement will do have yet to be identified.

F. Creation of a Shuyak Island Advisory Board

Consisting of borough and state representatives, recreational interests, and commercial fishing interests, the board would resolve conflicts that arise due to the various management objectives of the different agency's jurisdictional authority.

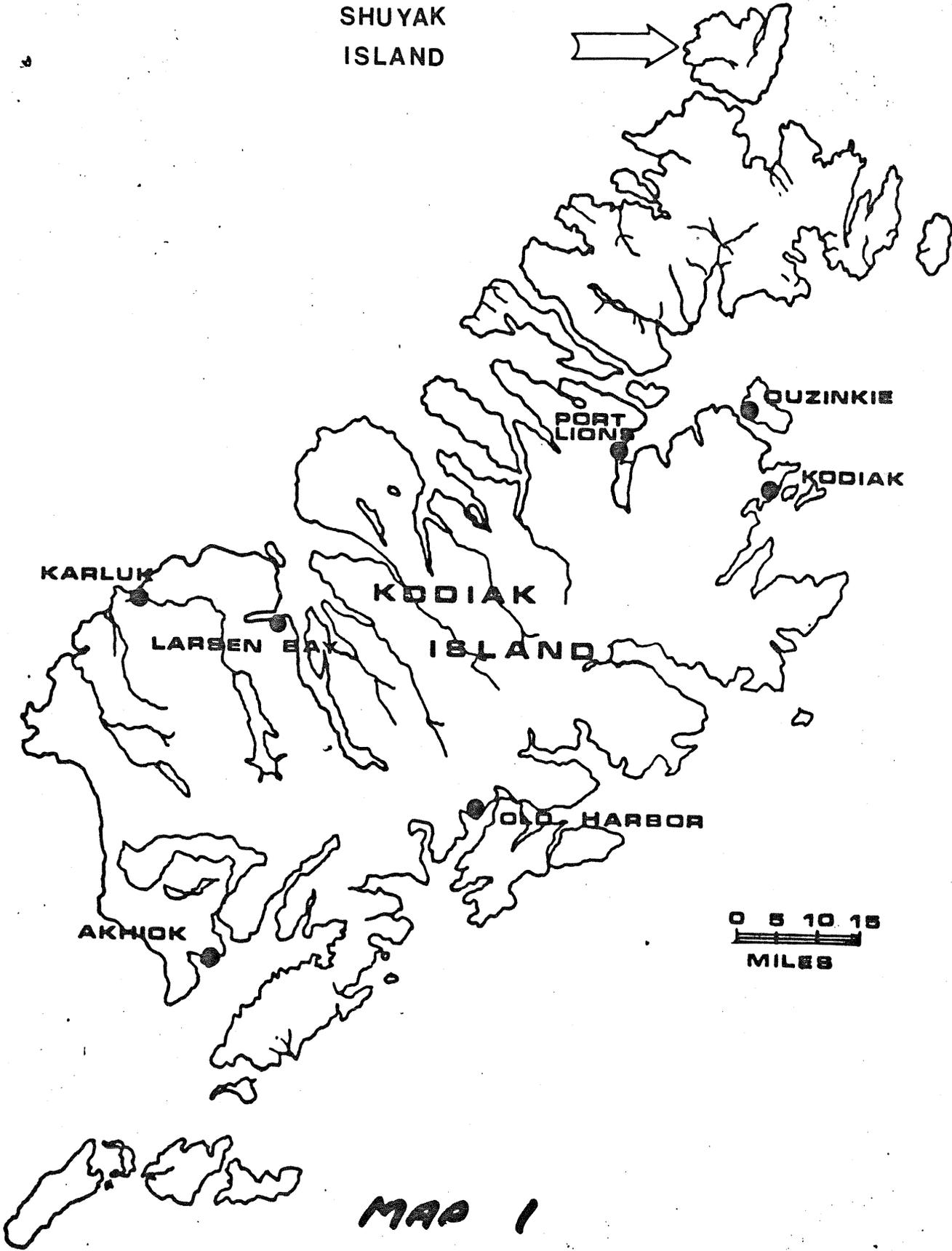
G. Encourage Scientific Research to fill Resource Gaps

There is a tremendous lack of resource data on Shuyak. Information such as water quality and quantity, deer and bear habitats, and cultural resources is needed prior to any

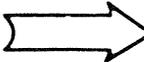
development. All existing data should be compiled in a central location so that data gaps can be identified.

H. Mineral Closure for the Entire Island

The value of Shuyak Island is in its unspoiled landscape. The potential of mineral development is inconsistent with the island's recreational and fish and wildlife habitat. The Commissioner of Department of Natural Resources can elect to close municipal lands to mining on a case by case basis. There has been previous effort to do so. Mineral closure on Shuyak Island should be sought.



SHUYAK
ISLAND



KARLUK

LARSEN BAY

KODIAK

ISLAND

PORT
LIONS

OUZINKIE

KODIAK

OLD HARBOR

AKHOK



MAP 1

LOCATION MAP

CHAPTER II

INTRODUCTION

CHAPTER II
INTRODUCTION

I. DRIVING FORCE OF CHANGE

The face of Alaska is changing rapidly. A growing population is bursting at the seams. While most of this rapid growth is occurring in Anchorage, the effect is being felt on down the Kenai Peninsula. This is especially true during the summer and fall recreation months. Either by being a sporthunter, camper, pictoretaker, beachcomber, sightseer, or fisherman, the population is venturing out of the more urban areas to experience Alaska's wilderness values.

Tourism is quickly becoming a major sector of Alaska's economy and a sector that will continue sustained growth. Tourists come to Alaska to get a glimpse of the frontier, to see the majestic scenery and indigenous cultures, to observe and hunt wildlife, and to enjoy various forms of recreation.

Regional Park

These driving forces are already apparent on Shuyak. Hunters and fisherman from Anchorage and the Kenai Peninsula are visiting Shuyak to find the experience that once existed on the mainland not too long ago. The construction of cabins on Shuyak will open up the island to a wider segment of the public, where at one time it was

restricted to the adventurous few who knew of the recreation value of the island. The next ten to twenty years will bring great changes to Shuyak. The development of an area results from the economic structure of the region. Around Kodiak fishing will continue to dominate the economy, but the growth of the tourism/recreation sector is untapped and will continue to expand, and with it the development of Shuyak.

II. PURPOSE OF THE PLAN

The purpose of the plan is to identify the resources present on Shuyak, analyze these based on their environmental capabilities, guide activities to those areas that can sustain impacts without major environmental degradation, limit intensive uses away from fragile areas, and to make recommendations as to management strategies to guide activities.

III. GOALS AND OBJECTIVES

INTRODUCTION

The setting of goals and objectives for the Shuyak Island Comprehensive Plan must keep in mind the perceived forces of change that are occurring or will occur on Shuyak, and to what magnitude they will impact the island. This list of goals and objectives was derived from the following sources in the course of the planning process:

1. Comments and concerns voiced at public hearings;
 2. Response to the questionnaire (Appendix D); and
 3. Review of resource information.
-
- A. Environmental Goals
 1. Retain Shuyak in a relatively undeveloped state
 2. Retain the natural diversity of the island
 3. Protect the island's natural environment and habitat
 4. Locate activities in areas of the island that are not susceptible to degradation
 - B. Fish and Wildlife Goals
 1. Maintain harvestable levels of fish and wildlife resources
 - C. Human Resource Goals
 1. Ensure subsistence opportunities
 2. Ensure recreational opportunities
 3. Retain essential public access across lands if disposed
 - D. Economic Goals
 1. Provide opportunities to expand local economic base
 2. Dispose of land for private ventures
 - E. Administrative Goals
 1. Manage lands to preserve the area's natural, recreational, historical and scenic resources
 2. Encourage joint management by the island's major land owners
 3. Limit the need for public services

4. Reduce conflicts among competitive recreational users
5. Identify data gaps, research needs

IV. PHYSICAL DESCRIPTION

Shuyak is always described by superlatives. Statements such as "Having wilderness values very high even by Alaska standards" and "Size for size there are few examples of places anywhere that offer the diversity exhibited by Shuyak" are common. Kodiak's most northern large island is roughly 69,000 acres in size. It is relatively low in profile with peaks to 600 feet and is dotted by hundreds of lakes. Its shore is convoluted by a number of bays, passages, and inlets that at high tides almost make Shuyak a system of islands. The web of channels and bays dictate water-oriented recreational and commercial activities. Because of the size and shape of Shuyak, activity in one area can impact the rest of the island's resource. Uses will compete with each other. In this regard, Shuyak is self-limiting.

V. LANDOWNERSHIP

In developing a plan and especially in an effort to achieve some of the desired goals and objectives, knowledge of landownership patterns is essential in understanding the political framework within which decisions can be reached. The final ownership pattern on Shuyak was the culmination of intense negotiations before a

settlement was reached between the two major landowners: the State of Alaska and the Kodiak Island Borough.

State and Borough entitlements

Prior to 1963 the lands on Shuyak Island were part of the public domain administered by the federal government. On December 22, 1961 the State of Alaska selected land on Shuyak as part of the Alaska Statehood Act. In October and December of 1963 the state received confirmation from the federal government in the form of "tentative approval" of these selections. On February 28, 1968 the first Kodiak Island Borough (KIB) land selection was made on Shuyak Island.

Out-of-court settlement

The Borough is entitled to 56,000 acres of land around the Kodiak archipelago as an incentive to organize as a borough under the laws of the State of Alaska. The intent of this land grant is to create a local economic base for the borough. It would also further the quality of life for the residents of Kodiak. Shuyak Island was well suited as a borough selection because of the economic potential for forestry activities.

Borough selections on Shuyak and around Kodiak were not sanctioned by the state due to the fact that they were not "vacant, unappropriated, unreserved land" as required and by state statute

defined in AS 29.18.213. The State of Alaska contended that lands on Shuyak should be retained for public uses and therefore were not eligible for selection by the borough.

The issue was challenged in court by the Borough that lead to a negotiated settlement on August 12, 1981 (Appendix A). Called the "Final Agreement of Settlement and Consent Decree", it placed a number of major restrictions on what activities could occur on Shuyak. These include:

1. Prohibiting heavy industrial uses in a section of Big Bay as it is incompatible with recreational uses for the area proposed by the state.
2. Should the KIB receive title to land generally located on the Chiniak road system or in Kiluda Bay, presently selected by native interests under ANCSA, an equal number of acres will be reconveyed from the borough to the state in designated areas on Shuyak.
3. KIB would "obtain introduction and support passage" of legislation creating a state game refuge and a state park on Shuyak.
4. Should state lands on Shuyak not become either a state park or game refuge "such lands shall be at all time classified and managed by the state in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes." (emphasis added). If

not, Kodiak Island Borough would be given priority to select these lands.

5. Included also were public access easements, 200 feet in width, guaranteeing passage across state lands on Shuyak Island.

Map 3 portrays KIB land pattern on Shuyak Island as a result of the out-of-court settlement.

Shuyak State Park/Amendment to the Settlement

In later negotiations to create Shuyak State Park (Appendix B), the land ownership boundaries were adjusted (Map 4). Equal parcels of land, roughly 1,400 acres, were exchanged between the state and borough. This exchange gave the borough more control of lands on the westside of the island while the state received title to lands on the northside.

The landownership implications of this bill also required that should the State of Alaska not offer for sale 500 acres of "good quality" and "reasonably accessible" state-owned land for settlement around the Kodiak Archipelago by 1990, the Shuyak State Park will lose it's state park status.

Private lands

There are a number of privately owned parcels on Shuyak (Map 4). They all occur on the south coast of the island bordering Shuyak Strait. These tracts are old patented cannery sites that have remained in private ownership. The largest and most significant is the Port Williams cannery tract of 26 acres. The remaining four sites are approximately five acres in area each. There are also a number of unauthorized cabin sites on Shuyak.

Native allotments

There are four native allotment applications pending on Shuyak Island. A single individual has filed for the four allotments. The parcels are located on Map 4 and occur in Shuyak Harbor, Big Bay, and Shangin Bay. Native allotments are land selections by an Alaska Native made under the 1906 Alaska Native Allotment Act. An individual is granted legal title to lands once utilized or occupied. These lands are granted by the Federal Bureau of Land Management and become private lands.

Mineral leases

Two mineral leases (mining claims) are located on Shuyak Island. They are both five acres in size and located on State-owned land.

One occurs in Carry Inlet, the other on Big Fort Island. Surface use of the site is restricted by the state.

CHAPTER III

ISSUES

CHAPTER III

ISSUES

I. INTRODUCTION

A number of issues surfaced during all phases of public input (i.e. public hearings, questionnaire response, and informal talks). These issues covered a broad range of concerns and evoked strong emotions. In general the issues centered around a common theme: the environmental character and quality of Shuyak should be of prime importance when considering any impact to the island.

For the sake of clarity, the issues raised from public input can be categorized into two main headings. These two categories divided issues up into those covered under the scope of the Shuyak Comprehensive Plan, and those outside the scope of the plan.

Under the heading of "ISSUES ADDRESSED BY THE PLAN", issues are simply stated. In many cases the issue is still unresolved, or unanswerable at this time. Where answered, they may be included as a recommendation for action in Chapter I. Under the heading "THOSE ISSUES OUTSIDE THE SCOPE OF THE PLAN" a brief comment and contact person is included as a follow up for individuals wanting more information. Many of the issues raised can be addressed if joint management of Shuyak Island were entered into by landowners and administrative agencies.

II. ISSUES ADDRESSED BY THE PLAN

A. Development Issues

- Provide developable land (settlement, business) on Shuyak
- Increased human impact on the islands fragile environment will destroy the island beauty
- Restrict development on the outer islands

B. Borough Land Use

- What are the Kodiak Island Borough's economic priorities for Borough-owned land?
- The Borough should trade away their land on Shuyak for more developable land closer to population centers
- Need for the Borough to enforce their code of ordinance on Shuyak Island
- Borough should make developable land available in Neketa Bay, Big Bay, and Carry Inlet

C. Management

- Public administration of the island should eliminate duplication and encourage cooperation.
- Enforcement of policy decisions made by the proposed plan.

-Moritorium on State park cabin construction.

-Competing recreational demands (wilderness values vs facility development).

D. Fish and Wildlife

-Need to protect subsistence resources

E. Safety Issues

-Need for search and rescue facilities on Shuyak

III. ISSUE OUTSIDE THE SCOPE OF THE PLAN

A. Sport Fishing and Hunting Concerns

Hunting

-Limit hunting pressure on the island's deer

-Allow continued subsistence use on the island

Comment

Hunting regulations are administered by the State of Alaska Department of Fish and Game, Game Division, who can regulate hunting pressure by (1) setting bag limits or (2) regulating the number of hunters by requiring registration hunts. Contact Roger Smith, ADF&G, Kodiak Region.

B. Commercial Fishing

- Need for better enforcement during the commercial fishing season.
- Need to retain commercial fishing opportunities for Kodiak residents.
- Need to balance the commercial and sport and subsistence salmon seasons to provide more equal opportunities

Comment

Commercial fisheries are regulated by the State of Alaska Department of Fish and Game, Commercial Fish Division. Season's are based on policies established by the State Board of Fisheries, recommended by the Kodiak Fish and Game Advisory Board. Subsistence uses are given top priority by Alaska State Statute. Contact Ken Manthey, ADF& G.

C. State of Alaska, Division of Parks

- Moritorium on state park cabin construction and develop a recreation plan

Comment

Cabin construction on Shuyak Island is mandated by the Shuyak State Park bill (Appendix B). Though no specific number of cabins is stated in the bill, the number of cabins to be constructed are based on legislative funding. There are presently two cabins with others planned. Contact Ed Apperson, Parks Ranger, or a State Parks Advisory Board member.

Note: The borough has regulatory authority over state cabin construction through their zoning and building regulations. Contact Linda Freed, Kodiak Island Borough.

D. Cultural and Historic Sites

-Need to identify and protect significant cultural and historical sites

Comment

A number of sites have been located on Shuyak. Further work leading to protection will be conducted by the state. Contact DNR, Division of Parks.

CHAPTER IV

RESOURCE INVENTORY, USES, AND SUMMARY

CHAPTER IV

RESOURCE INVENTORY, USES, AND SUMMARY

I. INTRODUCTION

This chapter identifies and inventories the resources of Shuyak Island. It is a resource inventory that identifies the resource, describes the resource in quantitative terms as well as its areal extent, and list the types of activities associated with development of the resource.

This chapter will give the reader a good idea about the character and setting of Shuyak from a resource perspective without ever having to visit the island.

II. RESOURCES

A. Forestry

When flying over Shuyak the vast forest covering is readily evident. In fact, Shuyak Island has long been recognized because of its timber potential. Map 5 shows the distribution of commercial stands of trees. Upon receiving tentative approval from the federal government the state classified lands on Shuyak as "timber lands".

The timber on Shuyak is characterized as well-developed, extensive stands of large size, over-mature sitka spruce (*Picea sitchensis*). These stands occur in commercial quantities in protected bays and inlets. The commercial value of the timber tend to thin out as you travel away from these protected areas. Johnson and Becia (1967) estimates that there are approximately 23,500 acres of commercial forest on Shuyak.

Commercial timber occurs primarily on the island's west and southwest coasts, within the Big Bay area and around Port Williams. Valuable stands also occur south of Shangin Bay in the same northeast to southwest tending direction as the bay. Commercial grade timber is also found along the east side of the island following the coast. Because of the quantity of timber, the sheltered harbors and finger-like projections of Big Bay, it is easy to see why early industry interest was focused here. These same criteria would be used today, for evaluating timber sites and it is a reasonable assumption that Big Bay would again be the area of interest.

Shuyak Island is unique in that it is made up of a single tree type; sitka spruce. It is because the timber is concentrated in the protected areas close to the coast and of a single specie that the State of Alaska scheduled a timber disposal at Big Bay in 1968. Called the Big Bay No. 1 timber disposal, the sale generated five qualified bidders. The apparent low bidder was the Columbia Timber Company. The bid was rejected because

the bid price was below the appraised value of timber (Appendix C).

When looking at what is involved to support a logging operation the following items are essential:

- fresh water (camp)
- waste water disposal
- stream crossing (bridges)
- road network
- log storage areas
- docks
- fuel storage
- equipment
- support services

The forestry potential of Shuyak Island, although great, is untapped due to the depressed timber market with insufficient economics of scale to make a venture feasible.

B. Fish and Wildlife

It is the wide variety of wildlife as well as easy access to and the frequency of sightings that make Shuyak Island a popular destination. Both sea life and upland animals are regularly seen as there are many rookeries and sea bird colonies.

Migration routes for sea mammals pass by the island. Sea otters are also resident to the Island and are plentiful.

Most of the area has been well documented in regards to the presence of fish and wildlife. The Alaska Department of Fish and Game "Alaska Habitat Management Guide" graphically portrays wildlife resources on Kodiak. These wildlife resources play a major part in the local economy as species are hunted, fished, trapped, and subsisted upon. Most of the current effort is attributed to hunters from the Kenai Peninsula as many Kodiak residents hunt and fish at sites on Kodiak Island proper, Afognak, or Raspberry Island. These sites are closer and provide a wider variety of big game animals.

Big Game

A limited number of the following big game animals are found on Shuyak:

-Bear

-Elk

-Deer

Though information is limited, the population of bear is holding steady at approximately 30 (Smith, 1986). Elk and deer

populations have not been studied intensively, though deer are common and elk have been sighted.

Small Game

Land Otter, beaver, and muskrat are present on Shuyak. Little is known about the populations of these species, but they are trapped regularly.

Fish

Salmon are the most sought after resource on Shuyak especially the coho (silver salmon). Salmon streams are enumerated on Map 6 and are found throughout the island.

Other species of fish such as dolly varden, rainbow trout and pink salmon are less known, primarily because of their lack of commercial value.

Birds

Numerous eagle nests have been identified on Map 7. Other raptors also occur. Numerous sea bird colonies also exist. Their presence is a reflection of the wilderness values inherent on Shuyak. Map 8 identifies sea bird colonies including puffins and other sea ducks. Fresh water waterfowl

such as geese and ducks are present but little is known about their numbers.

Marine Animals

It is the abundance of marine life that sets Shuyak Island apart from other sites around Kodiak. Protected by federal law, marine mammals such as seals, sealions and sea otters flourish around Shuyak Island (Map 9).

Human use

The wildlife on Shuyak is harvested for both personal subsistence use as well as adding to the economic base of Kodiak. Commercial fishing, trapping, guiding and outfitting are major uses of fish and wildlife resources on the island. Subsistence efforts on Shuyak by residents of Port Lions is shown on Map 10.

The most utilized big game species is the Sitka blacktail deer. The most current 1984 data, shows that 235 deer were harvested that year. Though hunted heavily in certain areas of the island, the total population, though not completely known, is thought to be healthy (Smith, 1986). Kodiak Bear are also hunted to a limited extent on Shuyak. The trapping of otter and beaver supplements the income of individuals during the winter months.

The silver salmon runs have more than once saved a local commercial fisherman. Fished generally from late August to October, this fishery provides local Kodiak fisherman a chance to harvest the resource when most non-local fisherman have returned home. Values for the commercial silver salmon season on Shuyak are found on Table 1 (Malloy, 1986).

Pink salmon are also commercially fished on Shuyak but because of the greater number of pink salmon found around Kodiak and Afognak, the effort on Shuyak Island is minimal. Spring commercial herring fishing around Shuyak has been productive. Map 11 shows the area of herring importance.

C. SETTLEMENT

Settlement refers to residential, commercial, and industrial uses of the land. For the purposes of this study only the broad requirements for settlement are discussed.

Land needs for settlement on Shuyak is somewhat limited due to the lack of a community, Shuyak is remote and not readily accessible to employment centers. Individuals who would settle on Shuyak would need to be self-sufficient. Any growth would require a level of public services. The settlement of Shuyak would probably be based on recreation.

When identifying locations for the disposal of land for human habitation there are basic criteria to be evaluated. These criteria include:

- water
- access
- protection from weather
- soils (foundations, stabilization)
- slope
- aspect (sun direction)

Water

The need for water is the most essential element for settlement on Shuyak. Because of the rather flat lying geography of the island, potable water is at a premium. Not only are there concerns of quality but also of quantity of water during the summer months. Though Shuyak looks to be an island with much water, because of its flat nature the water does not flow causing it to be stagnant in most cases.

Water born diseases like giardiasis as well as those associated with fecal coliform are problems in areas that were once wilderness.

Access

Access to Shuyak is primarily by aircraft. A flight from Kodiak takes roughly 30 minutes. A second mode of access to Shuyak is by boat, but because of the distance from any population center, travel by small recreational watercraft is risky. Improved access could occur with the construction of an airfield on land. Should settlement and development become eminent the need for an airfield may be justifiable.

Access around Shuyak is by small watercraft, either kayak, skiff, or small boat. Off-road vehicles have never played a part here and should be prohibited.

Protection from the weather

Shuyak provides some protection from the weather in those areas that are normally associated with larger timber growth. These areas are generally found in the large bays and inlets around the island away from the exposed outer coast, and higher elevations of the interior.

Soils (foundation stability)

Soils play an important role in the siting of structures. Soils have a number of characteristics and should be considered

emerging recreational trends and the role of recreation in an individual's life.

The placement of recreation facilities should be carefully sited as not to impact fish and wildlife habitat or areas that have a fragile environment. Congestion may also occur, interfering with recreational experiences.

E. MINERALS

Mining

Shuyak is known to be in the copper/chromium belt with the probability of commercial quantities of gold, copper, silver, and other minerals (Map 14) (AEIDC, 1976).

Presently there are two gold mining claims on Shuyak. These claims tend to be more recreational than commercial in nature with little impact to the surrounding area. State statutes require that land on Shuyak (outside the State Park boundaries) remain open to mineral entry. The effects of mining would compete significantly with the wilderness and recreation values of the island. Commercial mining has little place on Shuyak as there is a lack of supporting infrastructure and economies of scale to transport, process, market, or construct needed facilities. Mining may also affect water quality, fish and wildlife habitat, and displaces wildlife.

when siting structures. These include impermeability to water, frost- heave potential, stoniness, depth to bedrock, erosion hazard, high water table, etc.

Aspect

Aspect is the siting of the building as it relates to the direction of the sun. This is important in Alaska where the low angle of the sun's rays during the wintertime provides little passive heating. In the summertime the sun's rays are more direct and the house is prone to warm more quickly.

Year-around residential use requirements differ markedly from seasonal recreational cabins which in turn differ from requirements when siting lodges or other business ventures. Although specific information is lacking, areas of settlement potential can be inferred from vegetation, soils, water availability, and protection. (Map 12).

D. RECREATION

The single most important use of Shuyak today is recreation. The types of recreation present are varied but are very much water-dependent and center primarily on sport hunting and fishing. Commercial kayaking tours also visit Shuyak. The appeal of Shuyak Island regardless of the type of recreation is certainly its wilderness values. Map 13 delineates where

present recreational activity is occurring. These are areas where there is protected anchorage for boats or landing sites for planes. As recreation demand increases for local residents and tourism in Kodiak is promoted, Shuyak Island will be looked at as a destination providing recreational opportunity.

Individuals are recreating more now than ever before. Recreational demand is influenced by a host of characteristics as described in the RECREATIONAL DEVELOPMENT HANDBOOK (1981).

This includes changes in individual:

- 1) income
- 2) leisure time
- 3) mobility
- 4) personal health and fitness and
- 5) recognition of the importance of recreation in one's lifestyle

Locally, increased subsistence needs of most residents have increased the number of people in the field. The management of Shuyak lands will have to respond to the shifts in all these factors.

Recreation is generally broken down into two classes:

1. develop site use (facilities); and
2. minimum impact recreation

Developed site use allows the construction of facilities to make the camping experience available to a larger audience where minimum impact recreation restricts the experience to the more hardy.

Shuyak provides both types of recreation at various times of the year. The island is frequently visited in the early spring by the commercial herring fleet and spring bear hunters. Kayaking trips are conducted during the summer months. Numerous fisherman spend the fall and to a lesser extent part of the summer around Shuyak. Autumn is also deer and bear season. It is only during the winter that the island remains remote to many users as the inner waterways and bays freeze up and cold northwest storms batter the island.

The recreation value of Shuyak, long recognized by a few, has led to the creation of the Shuyak State Park. Because of the fish and game resources of the island, new state legislation creating a game refuge on the island's east side has been pursued. In addressing the island's potential to support recreation, a number of questions come to mind. The most important being: What kind of recreation opportunities are wanted for Shuyak, and more importantly, what kind of recreational opportunities will retain the island's character? What facilities, if any, are needed to fulfill these recreational opportunities? Also to be considered are the

CHAPTER V

MANAGEMENT UNITS

CHAPTER V
MANAGEMENT UNITS

I. INTRODUCTION

Shuyak Island has been divided into six categories or management units to better identify a management strategy (Map 15). The units generally follow physiological and vegetational boundaries. This methodology is best in creating management units because of the primarily undisturbed nature of the island. The units are classified using the following criteria:

1. easy to identify and distinct from one another
2. compact in nature
3. homogenous (physiographic units that are ecologically distinctive from one another)
4. land status and ownership
5. sensitivity to development
6. current land use

Using these criteria, Shuyak is broken down into the following six areas:

1. Outer Islands (Perevalnie, Party Cape)
2. Inland Waterways (Skiff Passage, Carry Inlet, and Shangin Inlet)

3. Large Protected Bays (Neketa Bay, Big Bay)
4. Southern Coastline (Shuyak Harbor, Daylite Harbor, Port Williams)
5. Eastern Coastline
6. The Interior

II. MANAGEMENT UNITS

A. Outer Islands

The outer islands are distinguished by their storm-beaten coastline. It is an energy oriented area that absorbs the brunt of cold primarily northerly and westerly winds. It is also an area of stormy seas and salt spray.

Soil development here is slow and vegetation sparse consisting of alpine plants and grasses. As you approach the coast, bare rock becomes more apparent. The lack of soil and the salt water influence have created what appears to be a bonzai garden of dwarf trees, shrubs, and herbs. (Hendricks, 1984).

From the shores of these outer islands come the magnificent views of the volcanos and snowfields of the Alaska Peninsula, the Barren islands and the Kenai Peninsula.

B. Inland Waterways

This area occurs generally on the inland facing side of the outer islands as well as in the narrow embayments. These inlets provides a stark contrast to the exposed coasts of the outer islands. The vegetation becomes more pronounced, as the moss-covered timber towers over the water. The views are block and sunlight is interrupted.

These protected waterways are areas where strong mixing of salt and fresh water occurs, making them biologically rich.

Physically, some of these inlets just fall short of cutting Shuyak Island into smaller pieces. In fact, this does occur in Skiff Passage during extremely high tides. The inner connecting nature of these waterways make them natural portage routes leading to all sections of the island.

C. Large protected bays

Consisting primarily of Neketa Bay and Big Bay, these areas are the locations where the bulk of activity will occur. The protected nature allows safe anchorage for boats as well as shelter for aircraft takeoffs and landings.

Like the inland waterways these areas support large dense stands of Sitka spruce and are generally calm. Unlike the inland waterways, these bays are open enough to provide views and vistas.

D. Southern Coastline

Historically, Shuyak Straits, and primarily Port Williams, serve as the focal point for activities on Shuyak Island. Most of this activity is due to Port Williams' value as a protected port. Processing plants have been established here since the 1920s to process seafood caught on northern Afognak Island, Shuyak Island and the northern Alaska Peninsula. (Neil Sargent, personal communication) Shuyak Straits provide the closest harbors on Shuyak for planes arriving from Kodiak. The weekly mail plane stops here delivering supplies.

Topographically, most of the strait is hilly with indented bays. This topographic nature allows the water to be utilized for hydropower.

It is also here where most of the surveyed land exists and where year-round settlement on Shuyak occurs. Sites along Shuyak Strait were surveyed for their potential as canneries.

E. Easterly Exposed Coast

This area consists of a large chunk of State-owned property along the islands entire east side. It is characterized by a fairly rugged coastline dominated by Big Fort Island.

Exposed to the summer's southeast storm tract, it is subjected to fairly warm moisture-laden winds. Thick stands of sitka spruce predominate. The large stands of timber provide critical winter habitat for the islands wildlife, offering protection from the cold northwest winter winds.

F. The Interior

It is only in the island's interior that the topography reaches any height, generally dominated by hilly areas with elevations up to 600 feet. At this elevation vegetation becomes sparse to open with little soil formation. It is here that the potential exists for soil erosion if disturbed. Little is known about the island interior as most activity has occurred along the coast.

CHAPTER VI

RESOURCE ANALYSIS

CHAPTER VI

RESOURCE ANALYSIS

I. INTRODUCTION

Resource analysis examines the conflicts of competing resources on Shuyak Island. A basic discussion of the resources and their extent took place earlier, this chapter will now look at each resource individually and point out where conflicts and competition occurs with other uses and resources.

For the purposes of this study, the chapter on resource analysis makes recommendations as to what activity should have priority over the other activities. The final decision though is made by the elected decision-making body and will take into account the political, social, physical, biological, and economic aspects of the decision on Kodiak. Because many of the resources on Shuyak overlap each other, priorities must be arrived at and a resource management decision made. A decision to allow the exploitation of one type of resource restricts, detracts, or in some cases can completely eliminate the exploitation of the other resources.

The KIB Coastal Management Program (1983) states that resource analysis has the following objectives:

1. Assess present and anticipated demands on the resource
2. Evaluate resource sensitivity and capability to meet demand

3. Projects significant anticipated changes in inventory characteristics.

When assessing demand on Shuyak, one thing becomes evident; Shuyak's emergence as an important recreational resource. The rich and varied natural environment is its prime resource.

Bishop (1974) defined a resource's importance "only where it can be transformed into an array of services." Activities occurring on Shuyak are recreation oriented, including salt water kayaking, sport hunting and fishing, sightseeing, and wilderness camping. It is Shuyak's wilderness values that are attracting people from Anchorage and the Kenai Peninsula. Commercially, recreation is also present as group-lead kayaking tours have been popular.

Future activities will cater to tourism and recreation. Alaska State Parks is proposing a number of recreational cabins in its effort to make Shuyak accessible to a wider range of the general public. Port Williams cannery has recently been sold due to its potential as a commercial lodge facility.

Because of the small and self-limiting nature of Shuyak Island, and the need for water-access for most activities, all potential uses are in competition with each other. Be it recreation, settlement, forestry, mining, etc., all are in competition for the same area of Shuyak Island--the coastline. Only by prudent management can these

activities take place without significant impact on the natural environment.

II. RESOURCES AND USES

A. Forestry

Shuyak Island is the last remaining virgin forest reserve on the Kodiak Archipelago. There is sufficient timber resources to support a modest timber harvesting operation. Map 5 indicates that the greatest commercial timber potential occurs in areas where the recreation, settlement and wildlife habitat potential is also high.

The commercial harvesting of timber, even in times of strong market demand, is a short-term benefit, and would dramatically change the character of the island impacting more long-term resource values. Any commercial operation with associated roads, docks, storage yards, etc., would impact the entire island as development in one area affects all the Island.

This is not to say that if environmental safeguards are of prime concern, timber harvesting cannot be done correctly. Shuyak's over-mature timber stands would require efficient methods of harvesting that would place environmental concerns second to an efficient cost-effective timber harvesting.

Big Bay has the greatest potential on Shuyak for timber resources. The sheltered harbor and many smaller bays, along with higher quality trees, would make a more efficient timber sale. These are exactly the attributes that were found appealing when a timber sale was proposed at Big Bay in 1968. This area is recognized for its high recreation value and is the location of the first state park cabins. Many of the island's salmon streams also are found in Big Bay.

Potential forest operations should be reviewed in light of past decisions and current efforts to reserve the Island for recreation and wildlife harvest and habitat. The general notion of not promoting commercial forestry on Shuyak Island is backed up by those who responded to the project questionnaire (Appendix D) stating that natural processes for the most part be allowed to dominate. As the logging of Afognak Island continues, the virgin forest value of Shuyak increases.

B. Settlement

Settlement here, especially year-round residential development, even on a small scale, should be limited. Adequate and reliable water supplies are questionable. Suitable soils to handle both individual waste and community waste (sanitary landfill site) are limited because of the shallow depth of the soil or a high water-table.

A stable population on Shuyak would also require a certain level of public services that would be expensive, because of its remoteness, and a burden to the local Kodiak tax base. Current state law also requires that a school facility be provided in locations where eight school aged children reside.

Should settlement occur, it should develop as an enclave. An enclave is a node of activity where development is concentrated away from sensitive areas, where it will not interrupt wildlife or wildlife habitats. This concept makes total sense because most activities will be coastal oriented. A node of activity presently occurs around Port Williams with the presence of the old cannery/lodge facility, Division of Fish and Wildlife Protection cabin, and the few private cabin sites.

Other lands should be made available here for other commercial ventures such as park ranger headquarters, concessions, including aviation and boat fuel and to accommodate the type of activity presently occurring on the Island.

C. Minerals

Though Shuyak is in a mineralized zone, the history of mining is one of a recreational character. Currently there are two mining claims on Shuyak Island. Impact from these claims are minimal because of their recreational nature. Full scale mining operations could have tremendous impacts. The State of

Alaska retains the mineral rights on state lands on Shuyak with the exception of state park lands, as well as on lands conveyed to the borough (Alaska Statute 38.05.125). Should sufficient mineral resources be found, an individual would have the opportunity to mine on borough or state-owned land. The use of surface resources such as timber, water, etc., may also be included as part of the lease. Requirements such as an overall development plan, restoration plan, and the applicant's financial ability to carry through with the plans is considered before a lease is issued from the state.

AS 38.05.185(a) states that the Commissioner of Natural Resources can make a finding that mining is incompatible with surface resources and close the area to mining. The type of surface uses that are currently viewed as incompatible uses are residential development, campgrounds, and agricultural use. State designated wildlife refuges and critical habitat areas remain open to mineral entry (memo from Tom Hawkins, Director, DNR to Esther Wunnike, Commissioner, DNR, September 6, 1983) (Appendix E).

Shuyak's small area, and interconnected bays and passages suggest that any mining would impact severely the recreational value of the island. Mineral closure for the entire island should be pursued to maintain the fish and wildlife habitat, and recreational, scenic and wilderness values of Shuyak Island.

D. Recreation

Recreation is Shuyak's greatest potential. The island has been identified as some of the finest kayaking in the state. In fact, two commercial kayaking outfits visit Shuyak Island numerous times during the spring, summer, and fall.

Sport fishing for silver salmon is the primary drawing card for anglers. Sport hunting for deer is somewhat limited compared to Afognak and Kodiak Islands because of the lack of open grassy meadows. Shuyak is still visited heavily by individuals wanting the full experience of hunting, fishing, and scenic values.

It is this recreational potential that served as the push for state park status on Shuyak. Shuyak serves as a regional park with visitors from the mainland as well as Kodiak. It is easy to see that the high scenic wilderness value of Shuyak is appealing to many.

Recreation activities should be managed to minimize impacts. Much of the vegetation on the outer islands is sensitive to human impact, and is slow in growing back. The siting of facilities can completely change the character of any area as vegetation is trampled and reduced. Subsistence opportunities are also reduced when activities are concentrated in one area.

E. Fish and Wildlife

Fish and Wildlife habitats on Shuyak Island are well documented by the Department of Fish and Game. Habitats can be inferred by examining natural features such as slope, soils, vegetation, climate and water quality. Visual inspection is also important.

The value of the timbered areas is apparent as wildlife habitat. Most wildlife species, especially those on the island's east side use the timbered area for protection from heavy snows. At lower altitudes, influenced by warmer ocean temperatures, ground cover is cleared of snow than in the higher elevations. Marine influences turn snow to rain leaving open areas available as winter food supplies.

Conclusion

An analysis of resources and uses indicates that many compete for the same area, primarily adjacent to the coasts. Of all uses, forest and mining activities appear to present the greatest conflict. Timber harvest activities will affect wildlife habitat, recreation, water quality, and other public values. There is a lack of demand for timber from Shuyak Island. Supplies from other sources are meeting present need. Mining activities, though recreational at the present, would

cause similar conflicts. Recreation will play a bigger part in Shuyak Island's future.

Opportunities for timber harvest and mining are slowly being eliminated from Shuyak with the creation of the Shuyak State Park and the attempts to create a wildlife refuge on the east side of the island.

CHAPTER VII

THE PLAN

CHAPTER VII

THE PLAN

I. INTRODUCTION

This chapter suggests land uses by management unit based on the capability of the environment to respond to such activities. Map 16 graphically portrays the level of activity recommended by the Shuyak Comprehensive Plan.

II. MANAGEMENT UNITS

A. Outer Islands

From a physiological standpoint, the outer islands are the most fragile of the management units. Soils here are very shallow and less developed with vegetation less capable of withstanding impacts. Land here should be retained in its natural state. Structures should be prohibited and trail access restricted to existing or to designated trails. Access by watercraft should be encouraged.

Restricting access to designated trails is important as this unit will be well visited due to the scenic vistas and the tremendous viewing potential of marine mammals and seabirds.

Activities occurring in this unit should concentrate on maintenance of natural vegetation with intensive onshore uses directed away from this area. Because the majority of this unit occurs within the Shuyak State Park, special effort should be initiated in the park planning process to restrict access and intensive activities.

B. Inland Waterways

The inland waterways present the greatest potential for passive recreation such as kayaking, sportfishing, and wilderness camping. The interconnecting sloughs provide portage routes that allow recreationalists access to various parts of Shuyak Island without being exposed to the winds and seas associated with the outer coast.

Because this area is a natural for kayaking and boating activities, the unassisted recreational experience should be of prime importance. Instead of signs and maps, charts should guide the recreationist.

C. Large Protected Bays

This management unit is where the greatest resource conflict will occur. The bulk of the commercial salmon and herring fishing occurs here. The presence of State Park cabins will encourage visitors to naturally select this unit as a

destination to hunt deer and sport salmon. There is a real need to balance the competing resource value of the commercial salmon fishing versus the sportfishing interest. This area can sustain more intensive uses because of more developed soils and vegetation, and more intensive activities should be directed here.

Activities in this unit should focus on habitat protection, especially for salmon. This unit should also be evaluated initially in any recreation plan because of the heavy use it receives, and its potential for resource conflict.

The construction of State Park cabins presents a challenge by both inviting more individuals to the area as well as providing a management tool to control impacts to the area. Should impacts to this unit become too great, cabin use should be limited.

D. Southern Coastline

The south coastline, primarily around Port Williams, should be developed as an enclave for activities on Shuyak Island. Because of Shuyak's small size, fragile nature and interconnecting web of bays, development should be concentrated in enclaves with trails serving as access routes to other locations on the island. The southern coastline is the area of

greatest past and present activity occurrences and is well suited for these impacts.

Intensive activities should be sited here, including private and public facilities. Land should be reserved as a land base for possible economic development. Rezoning this area to allow more intensive activities should be pursued.

4 E. Easterly Exposed Coast

The east side of the island is generally warmer than the rest of the island. It is protected from the cold north and west winds, but intercepts the warm moist southeast winds. This phenomena allows for both warmer temperatures that cause the area to be snow free making it valuable for winter wildlife habitat.

The winter habitat values become apparent when the wildlife resource maps are examined. The east side is critical deer winter habitat. The greatest distribution of active eagle nests is also found here.

Activities to occur here should keep in mind the habitat value this management unit provides, but it is capable of sustaining less intensive uses; more intensive activities could impact wildlife populations. Efforts to create a State Wildlife Refuge should continue.

The east side is primary destination for many deer hunting parties (deCreeft, 1986).

F. Interior

The island's interior is seldom visited as most activities on Shuyak Island are coastal related. It is here where much of the fish and wildlife habitat is located. This management unit includes the island's major bear habitat. Salmon spawning and rearing habitat is also located in the interior. This is especially true of silver salmon that spend the first two years of their life in these upland fresh water systems. The interior of the island also provides rainbow trout habitat. Activities for the interior unit should consider impacts to fish and wildlife harvest and habitat.

CHAPTER VIII

IMPLEMENTATION

CHAPTER VIII

IMPLEMENTATION

I. INTRODUCTION

Implementation describes activities and regulations that will get us from where we are now, to where we hope to go, based on the comprehensive plan. Implementation also depends to some extent on the availability of funds and personnel. Included in this chapter are a number of state and borough actions that would implement the plan.

II. LOCAL ACTIONS

A. Zoning

The borough has zoning control over the entire island and through this power can regulate uses and what may occur where.

Shuyak Island is currently zoned "Conservation". The Kodiak Island Borough Code of Ordinances states that the intention of a conservation zoning district is:

- A. To encourage the use of land for large lot single-family residential and agricultural purposes;

B. To encourage the continued use of land for open space areas; and

C. To encourage the discontinuance of existing uses that are not permitted under the provisions of this chapter.

Section 17.13.020 lists uses that are permitted in the Conservation District. These include:

- A. Accessory buildings;
- B. Agricultural activities;
- C. Churches;
- D. Fishing activities;
- E. Forestry activities;
- F. Horticulture activities;
- G. Hunting activities;
- H. Parks;
- I. Public facilities;
- J. Recreational activities; and
- K. Single-family dwellings.

A number of other uses are "Conditional" and may or may not be allowed after review by the Planning and Zoning Commission.

These uses include:

- A. Airports;
- B. Petroleum exploration and development;
- C. Radio and television transmitters;
- D. Resource extraction activities;
- E. Sanitariums;
- F. Solid waste disposal sites;
- G. Lumber mills and sawmills;
- H. Lumber yards, building materials manufacturers or sales; and
- I. Seafood processing establishments and their dormitories.

Because of the broad range of actions this district allows, there is a need to restructure the Conservation District to truly reflect the word "conservation", or create a new district that is more restrictive by disallowing the host of incompatible uses on Shuyak the present code allows.

The Planning and Zoning Commission has made interpretations of what actually is permitted as "activities" in this district in the hopes of filling in the gaps. Appendix F lists the commission's interpretations.

The Planning and Zoning Commission is reviewing a new package of zoning district recommendations. Among these are new conservation district requirements. This proposed zoning

district would tie in very well with the management plan for Shuyak. The proposed code states that the new district:

"is intended to provide protection for local subsistence, recreation, and environmental resources."

The type of uses permitted under the new classification are:

1. Agriculture
2. Recreational hunting and fishing
3. Parks
4. Navigation/communication sites

Lodges, sanitary land fills, and logging operations must be reviewed by the Planning and Zoning Commission prior to any decision being made to allow those uses.

B. Land Disposal

The borough land disposal program is another important tool implementing the Shuyak Comprehensive Plan.

Should the borough dispose of land on Shuyak Island for economic development, an enclave near Port Williams should be planned. The remainder of borough land should only be disposed of if recreation and wildlife habitat is preserved.

The economic gains of retaining the remainder of borough lands as a first-class park would also have future benefits that may well exceed the gains made by disposing of the land. By the borough being a partner in the Shuyak Island's future, a more active interest in its management can be taken.

III. STATE ACTIONS

A. Land Classification

Land classification by the state on Shuyak Island reflects the recreation value and intent of the Shuyak Comprehensive Plan. The two major state land classification categories on Shuyak are (1) "public recreation land" for the western section, and (2) "wildlife habitat land" for the east side of the island.

These classifications guarantee the land will remain open to the public. Any change in the status of this classification requires public notice and hearings if requested. (AS 38.04.065).

B. Mineral Closure

The proposed plan recommends that the Department of Natural Resources close land on Shuyak Island to mineral entry as mining, and mining support activities, are incompatible with recreation and fish and wildlife habitat values. Mineral

closure can be achieved if the value of subsurface resource is incompatible with the surface value.

C. Wildlife Refuge Legislation

State land on the island's east side should be established as a wildlife refuge. Management of critical winter habitat utilized by deer and eagle nesting sites can best be protected through this wildlife designation and consistent management practices.

IV. COMBINED ACTIONS

A. Land Exchanges and Acquisitions

The Shuyak Comprehensive Plan recommends a land trade between the State of Alaska and KIB. The state is more capable of monitoring activities on the Island. In exchange, the borough would receive developable lands closer to the population center of the island that would be of greater benefit to the base borough population and be more cost efficient in managing.

Land exchanges involving native allotments may be more difficult to consummate, but the need for the exchange is still apparent as they are located in major recreation and habitat areas. This is especially a concern if the private owner of

this land developed it in an manner inconsistent with this comprehensive plan.

B. Cooperative Management Agreements

A Cooperative Management Agreement between the borough and the state administrative agencies and the borough should be pursued. These agreements are intended to ensure compatible land use and wise management among land owners. Though an agreement exists between KIB and the State of Alaska's Division of Parks, it is an informal agreement not tied to specific duties or responsibilities.

BIBLIOGRAPHY

1. Alaska Department of Fish and Game, 1985
Alaska Habitat Management Guide Volumes 1, 2, 2, 4.
2. Arctic Environmental Information and Data Center.
Alaska Profiles - Southcentral Region, 1974. Page 66.
3. Bishop, A.B., et.al., 1974
Carrying Capacity in Regional Environmental Management. Prepared for the office of Research and Development, U.S. Environmental Protection Agency, page 42.
4. Clark, Roger N. and Stankey, George H., 1979.
The Recreation Opportunity Specturm: A Framework for Planning, Management, and Research. U.S. Department of Agriculture, Forest Service General Technical Report.
5. Johnson, Floyd R, and Becia, Enzo
Timber Volume Estimate of Commercial Stands on the Kenai Peninsula, Revised February 28, 1967.
6. Kodiak Coastal Management Plan - Concept Approved Draft (1983)
Woodward-Clyde Consultants, page 3-1.
7. Smith, R.B. 1986. Personal Communication. Wildlife Biologist Game Division, Alaska Department of Fish and Game, Kodiak, Alaska.
8. Urban Land Institute, Recreational Development Handbook, (Washington, ULI-The Urban Land Institute 1981.

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Kodiak Island Borough
Kodiak, Alaska
RECEIVED

JAN 4 1982

9 10 11 12 1 2 3 4 5

December 31, 1981

Mr. Phil C. Shealy
Borough Manager
Kodiak Island Borough
P. O. Box 1246
Kodiak, Alaska 99645

Re: Proposed legislation for Shuyak State Park and Aleksandr Baranov State Game Refuge.

Dear Mr. Shealy:

The negotiations to reach an out-of-court settlement involving the Kodiak Island Borough land selections on Shuyak Island resulted in many meetings with the State. The issue of available vacant, unappropriated and unreserved (VUU) land as defined in AS 29.18.213 (12) (c) was totally ignored by the State when the Borough land selections were rejected in total. As the Borough pressed to regain its position in the court, the State and the Borough entered into negotiations to determine if a settlement could be reached. The State's position was that their identification of State interest land over-road the definition of VUU land. In the end, the Borough Assembly accepted the boundary adjustments negotiated by the Mayor. In essence, the Borough settled for a very large block of undesirable land that was not previously selected, and gave up the most desirable east and west coastline properties.

The Borough recognized the importance of the numerous anadromous fish streams in the areas to be retained by the State, and wanted to know what assurances the State could give to permanently assure the fish habitat would not be disturbed or destroyed. At the time of the negotiations, all of the Island was classified as timber by the State, and the State Division of Forest, Land and Water Management had stated in early sessions of joint consideration regarding the Borough land selections [AS 29.18.205 (c) (d) (e)], now repealed, that Shuyak Island was to become a State forest. There were also rumors of proposals by the State to use the land retained as trading stock to acquire Native-selected land in the Roslyn Beach area. Item 8 was added to the final Agreement of Settlement and Consent Decree to assure the land would be maintained as park and game refuge land, and if it didn't, the former Borough selections would be honored.

During the negotiation process, the boundaries of the Borough land selections, park interests, and game refuge interest changed several times. I supplied many of the metes and bounds descriptions

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Mr. Phil Shealy
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as the changes evolved. Once it became evident the Borough would support a park and game refuge, Demetri Bader, a Fish and Game Biologist, provided a draft refuge bill. I supplied him with a boundary description for inclusion. The first drafts of this bill contained the same upland descriptions. I had also drafted a metes and bounds description for the proposed park land. These descriptions were then reworked by the State Division of Technical Services to provide consistency with their accepted land boundary terminology.

Near the end of the negotiations, Mr. Al Meiners, a Division of Parks employee, substituted the new boundary descriptions that now included the extensive tide and submerged land areas. It also included a common boundary between park and refuge land for the northern portion of the Island that was not initially claimed by either. This change was proposed with no background. It was later learned that the Fish and Game representatives were not aware the refuge boundary was changed to include the extensive tide and submerged land area. Rather than prolong the negotiations on this point, the Borough said it would seek introduction of the park and refuge bills, but would not support the inclusion of the tide and submerged lands. This was the reason for adding the clause in Items 6 and 7 of the Agreement of not being obligated to support inclusion of tide and submerged lands.

Reasons for the Borough not wanting to support the descriptions including the tide and submerged land are:

1. The added areas extend as much as three miles from Shuyak Island.
2. The designation as park and refuge land may mean the areas can be closed to commercial fishing and other uses.
3. None of the tide and submerged lands were involved in the Borough selection rights being negotiated.
4. No research data has been gathered to indicate these designations are the highest and best use for these waters.
5. Some of the area may be valuable for oil and gas leasing.

The question is now raised as to why the Borough should introduce the two bills that they are not totally in favor of. At the time of the negotiations, the Second Session of the Eleventh Legislature was in session. It was past the time the State agencies could have new bills introduced for consideration. The Borough indicated they could have the bills introduced by their legislators. As it turned out, the Agreement did not get approved by the court until August 12, 1981. This was several months after the Legislature adjourned. Even though the Agreement calls for the Borough's effort to introduce the legislation in the 1981 session, it is following through with the intent of the Agreement. Once the bills are referred to a committee, the

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Page Three

Borough needs to make its objections known and provide the amended descriptions in Exhibits A and B. The Borough would then lobby for the exclusion of the water areas. The final decision to include or exclude the extensive tide and submerged area would then become a legislation decision of what they consider to be the State's best interest.

The question may now be raised as to why the representatives for Kodiak should introduce a bill which the Borough wants them to amend. It is strictly a matter of getting the bill into committee to provide an opportunity for a meaningful discussion of the issues. There has been a change in the Borough Assembly membership and Borough Mayor since this Agreement was signed. It may be a good idea to review this action with the Assembly to reaffirm the Borough's position to lobby for removal of the tide and submerged land areas.

Sincerely,

Dale P. Tubbs

DALE P. TUBBS
DPT:bw

Enclosures: Exhibits

APPENDIX B

Original sponsors: Mulcahy and V.Fischer

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 51 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act establishing the Shuyak Island State Park;

7

and providing for an effective date."

8

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

9

* Section 1. AS 41.21 is amended by adding new sections to read:

10

Sec. 41.21.170. DECLARATION OF PURPOSE. (a) The purpose of

11

AS 41.21.170 - 41.21.178 is to establish, subject to valid existing

12

rights, the state-owned or acquired uplands and freshwater bodies

13

described in AS 41.21.172 as the Shuyak Island State Park. The pri-

14

mary purposes of establishing the Shuyak Island State Park are to

15

protect the area's recreational and scenic resources, to protect the

16

area's fish and wildlife habitat, and to preserve and enhance the

17

continued use of the area for sport and subsistence hunting and fish-

18

ing, trapping, and recreational activities.

19

(b) Under the provisions of AS 38.05.300, state land, water, or

20

land and water containing more than 640 acres may be closed to multi-

21

ple purpose use only by act of the legislature. Because the area

22

described in AS 41.21.172 exceeds 640 acres, AS 41.21.170 - 41.21.178

23

are intended to close the described land and water to multiple purpose

24

use in conformity with AS 38.05.300 and to dedicate them as a special

25

purpose site in accordance with art. VIII, sec. 7, Constitution of the

26

State of Alaska.

27

Sec. 41.21.172. DESIGNATED STATE LAND AND WATER. The uplands

28

and freshwater bodies owned or acquired by the state within the

29

following described parcel are designated as the Shuyak Island State

1 Park: all uplands, including Dark Island and other islands, islets,
2 pinnacles, and rocks within the Shuyak Island complex lying easterly
3 of Shelikof Strait, south of Stevenson Entrance, north of Shuyak
4 Strait, and lying westerly and northerly of the following described
5 boundary line (all sections of unsurveyed land are protracted):
6 Beginning at the section corner common to sections 13 and 24 of T19S,
7 R21W, S.M. and sections 18 and 19 of T19S, R20W, S.M., then northerly
8 and easterly approximately 2.8 miles along a line dividing the east
9 and west sides of Neketa Bay (the island in the SW1/4 of section 17,
10 T19S, R20W, S.M. is on the east side of Neketa Bay for the purpose of
11 this description) to the center of the isthmus dividing Neketa Bay and
12 Big Bay located in the SW1/4 of section 9, T19S, R20W, S.M., then
13 northeasterly approximately 25 feet to the mean high tide line of Big
14 Bay; then meandering easterly and northerly in a counter-clockwise
15 direction along the mean high tide line of Shuyak Island to a point
16 common to the W 1/16th line in the north half of the north half of
17 Section 10, T19S, R20W, S.M.; then north along the W 1/16th line
18 approximately 150 feet to the section line common to Sections 3 and
19 10, T19S, R20W, S.M.; then east 0.5 miles between Sections 3 and 10 to
20 the E 1/16th corner of Sections 3 and 10, T19S, R20W, S.M.; then north
21 0.5 miles along the E 1/16th line of Section 3 to the C-E 1/16th
22 corner of Section 3, T19S, R20W, S.M.; then west 0.25 miles along the
23 E-W 1/4 line of Section 3 to the C 1/4 corner of Section 3, T19S,
24 R20W, S.M.; then north 0.25 miles along the NS 1/4 line of Section 3
25 to the C-N 1/16th corner of Section 3, T19S, R20W, S.M.; then north-
26 northeasterly approximately 1.65 miles to the C-E-W-SW 1/125th corner
27 of Section 26, T18S, R20W, S.M.; then east 0.80 miles along the S
28 1/16th line of Section 26 to the S 1/16th corner of Sections 25 and
29 26, T18S, R20W, S.M.; then south 0.25 miles between Sections 25 and 26

1 to the corner common to Sections 25, 26, 35, and 36, T18S, R20W, S.M.;
2 then east between Sections 25 and 36, T18S, R20W, S.M. and Sections 30
3 and 31, T18S, R19W, S.M. approximately 1.75 miles to the intersection
4 with the mean high tide line on the west shore of the unnamed bay that
5 connects to Shangin Bay; then meandering southerly and easterly along
6 the mean high tide line of that unnamed bay to Shangin Bay and then
7 continuing southerly, easterly, and northerly along the mean high tide
8 line of Shangin Bay to a point common to the N 1/16th line of Section
9 32, T18S, R19W, S.M.; then east along the N 1/16th line of Sections 32
10 and 33 approximately 0.3 miles to the NW 1/16th corner of Section 33,
11 T18S, R19W, S.M.; then northeasterly approximately 1.5 miles to the
12 section corner common to Sections 22, 27, 28, and 21, T18S, R19W,
13 S.M.; then north along the west boundary of Sections 22 and 15, T18S,
14 R19W, S.M., to the point of mean high tide in Shangin Bay.

15 Sec. 41.21.174. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)

16 The state uplands and freshwater bodies described in AS 41.21.172 are
17 assigned to the Department of Natural Resources for control, mainte-
18 nance, and development consistent with the purposes and provisions of
19 AS 41.21.170 - 41.21.178.

20 (b) The Department of Fish and Game is responsible for the
21 management of fish and game resources in the Shuyak Island State Park,
22 consistent with the sustained yield principle and the purposes and
23 provisions of this chapter. The Board of Fisheries, the Board of Game
24 and the commissioner of fish and game are responsible for adopting
25 regulations governing uses of fish and game in accordance with AS 16.
26 The fish and game habitat and breeding areas shall be managed to
27 ensure that the fish and game resources of the park continue on a
28 sustained yield basis.

29 (c) The Department of Natural Resources shall consult with the

1 Department of Fish and Game before adoption of regulations governing
2 public use of the Shuyak Island State Park.

3 (d) The Department of Fish and Game shall consult with the
4 Department of Natural Resources before adoption of regulations govern-
5 ing fish and game management in Shuyak Island State Park.

6 (e) The regulations established under this section shall be
7 adopted in accordance with the Administrative Procedure Act (AS 44.-
8 62).

9 (f) The commissioner of natural resources shall permit reason-
10 able camping within the Shuyak Island State Park on an extended basis
11 on request.

12 (g) Nothing in AS 41.21.170 - 41.21.178 prohibits the Department
13 of Fish and Game from engaging in stream rehabilitation enhancement
14 and development under AS 16.05.092 on land within the Shuyak Island
15 State Park.

16 (h) The Department of Public Safety and the Department of Fish
17 and Game shall have necessary access for fish and game management,
18 research, and enforcement purposes.

19 Sec. 41.21.176. COMPATIBILITY OF USES. (a) The commissioner of
20 natural resources may designate by regulation incompatible uses within
21 the park uplands and freshwater bodies.

22 (b) Use of a weapon in the Shuyak Island State Park shall be
23 allowed except in unique areas that may be closed for purposes of
24 public safety by regulation by the commissioner of natural resources.

25 (c) The regulations governing public use of the Shuyak Island
26 State Park shall provide ample access for legal sport and subsistence
27 hunting and fishing, trapping, and recreational uses. Except to
28 protect public safety the commissioner of natural resources may not
29 restrict the exercise of sport or subsistence fishing or hunting, or

1 trapping permitted under law or under a regulation of the Board of
2 Fisheries or the Board of Game within the Shuyak Island State Park.

3 Sec. 41.21.178. ADDITIONS TO PARK. Land may be added to the
4 Shuyak Island State Park only by an act of the legislature. The com-
5 missioner of natural resources may not acquire land within the bound-
6 aries of the Shuyak Island State Park by eminent domain.

7 * Sec. 2. (a) The commissioner of natural resources shall seek an
8 amendment to the Agreement of Settlement and Consent Decree of June 19,
9 1981, between the state and the Kodiak Island Borough to make the following
10 uplands that were retained by the state under that agreement of settlement
11 available to the Kodiak Island Borough under AS 29.18.201 - 29.18.213:

12 T19S, R20W, S.M.

13 Sec. 16

14 Sec. 17

15 Secs. 19 - 21

16 Sec. 29

17 Sec. 30

18 (b) The commissioner of natural resources shall seek a relinquishment
19 of borough land selections under AS 29.18.201 - 29.18.213 and an amendment
20 to the Agreement of Settlement and Consent Decree of June 19, 1981, between
21 the state and the Kodiak Island Borough to include the following described
22 land of an equal acreage to that land described in sec. 2(a) in the Shuyak
23 Island State Park:

24 T18S, R20W, S.M.

25 Sec. 26

26 Secs. 34 - 36

27 T18S, R19W, S.M.

28 Sec. 31

29 (c) Subsections (a) and (b) of this section are repealed six months

1 from the effective date of this Act if the Agreement of Settlement and
2 Consent Decree of June 19, 1981, is not amended as proposed in (a) and (b)
3 of this section.

4 (d) If the Agreement of Settlement and Consent Decree of June 19,
5 1981, is amended as proposed in (b) and (c) of this section, the uplands
6 within the following described lands are added to the Shuyak Island State
7 Park:

8 T19S, R20W, S.M.

9 Sec. 8, SE1/4, SE1/4, SE1/4

10 Sec. 9

11 * Sec. 3. Subject to the availability of funds, the Department of
12 Natural Resources shall construct public use cabins within the Shuyak
13 Island State Park.

14 * Sec. 4. The commissioner of natural resources shall identify the
15 boundaries of the Shuyak Island State Park by posting each inland boundary
16 described in AS 41.21.172 as enacted in sec. 1 of this Act or as added
17 under sec. 2 of this Act at its beginning and its end and not less often
18 than each one-eighth of a mile.

19 * Sec. 5. The commissioner of natural resources shall identify and
20 offer for sale to the public 500 acres of state-owned land within the
21 Kodiak Island Borough under AS 38 within five years of the effective date
22 of this Act. The land offered for sale under this section shall be
23 reasonably accessible to residents of the City of Kodiak, shall be land of
24 good quality, and may not include land proposed as of February 1, 1984 by
25 the Department of Natural Resources for sale by the department during
26 fiscal years 1984, 1985, or 1986. The disposals of the land shall be held
27 in the City of Kodiak. The commissioner of natural resources shall submit
28 to the legislature not later than the 10th day of the Second Regular
29 Session of the Sixteenth Alaska State Legislature a report on the

1 * compliance by the Department of Natural Resources with this section.

2 * Sec. 6. AS 41.21.170 - 41.21.178 enacted by sec. 1 of this Act is
3 repealed July 1, 1990, if the commissioner of natural resources does not
4 report to the legislature under sec. 5 of this Act that the Department of
5 Natural Resources has identified and offered for sale 500 acres of state-
6 owned land within the Kodiak Island Borough under AS 38 within five years
7 after the effective date of this Act.

8 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).

APPENDIX C

June 6, 1968

Refer to: Anchorage Area Office

Mr. Sam Best, Chairman
Kodiak Island Borough
Kodiak, Alaska 99615

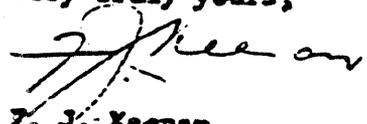
Dear Sam:

The timber sale auction for Big Bay Number 1, on Shuyak Island, held June 4th, did not result in a sale for the Borough timber. The successful bidder for the Perinosa Sale, Columbia Lumber Company, did not submit a sealed bid for the Big Bay Number 1 sale.

The sale, as prepared, will now be kept off the market until renewed interest is shown. At that time, the timber will be reappraised and the sale readvertized. The new appraisal will reflect a price somewhat in line with the Perinosa sale on Afognak Island.

It is unfortunate that a sale was not consummated on the June 4th offering when there was an extremely good show of interest by industry. Ten companies submitted qualifying bids for the Perinosa sale and five of these submitted qualifying bids for the Big Bay Number 1 sale. It is hoped that competitive interest such as this, will be present when the timber is offered again.

Very truly yours,


F. J. Keenan
Acting Director

DPT/an

cc: A. E. Flourds
State Forester

APPENDIX D

SHUYAK ISLAND
COMPREHENSIVE PLAN
QUESTIONNAIRE

1. Have you ever visited Shuyak Island?
a) Yes b) No

2. Approximately how many times?
a) Never d) 3-5
b) Once e) 5-10
c) Twice f) greater than 10

3. What season(s) do you visit Shuyak?
a) Spring c) Fall
b) Summer d) Winter

4. What was the primary purpose(s) of your visit?

5. What mode of transportation do you use to travel to Shuyak Island?
a) Plane b) Boat

6. Put into order of significance those uses of Shuyak Island that are of most importance to you.
(1 being of greatest significance)

a) _____ Hunting (sport)	f) _____ Kayaking/canoeing
b) _____ Fishing (sport)	g) _____ Wilderness value
c) _____ Forestry	h) _____ Commercial Fishing/ Processing
d) _____ Economic Development	i) _____ Other
e) _____ Hunting & fishing lodge	

7. What is Shuyak Islands greatest problem, or potential problem?

- 7A. Why do you think this is so?

8. What type of development should take place on Shuyak Island? List in order of importance.
(1 being of greatest significance)
- a) Left alone
 - b) Public recreational facilities/trails
 - c) Residential settlement
 - d) Lodges/businesses
 - e) Industrial development/canneries
 - f) Mining & mineral development
 - g) Forestry
 - h) Other
9. Much of Kodiak Island Borough property is on Shuyak Island. How should the Borough manage this land (see map)? (circle one)
- a) Keep as park lands
 - b) Trade for more developable properties
 - c) Dispose land for year-round homesites
 - d) Dispose land for recreational cabin sites
 - e) Encourage business development
 - f) Encourage industrial development
10. Should sportfishing be enhanced at the expense of Commercial Fishing around Shuyak?
- a) Yes
 - b) No
11. Should motorized vehicles be allowed on Shuyak?
- a) Yes
 - b) No
12. How many years have you lived in the Kodiak area?
- a) 0-1 years
 - b) 1-2 years
 - c) 2-5 years
 - d) 5-10 years
 - e) 10-20 years
 - f) greater than 20 years
13. How many years have you lived in Alaska?
- a) 0-1 years
 - b) 1-2 years
 - c) 2-5 years
 - d) 5-10 years
 - e) 10-20 years
 - f) greater than 20 years
14. What is your age?
- a) less than 20
 - b) 20-25 years
 - c) 26-30 years
 - d) 31-35 years
 - e) 36-40 years
 - f) 41-45 years
 - g) 46-50 years
15. How many times a year do you recreate outside the general city limits of Kodiak, but remain on the archipelago.
- a) 1-2
 - b) 3-5
 - c) greater than five

16. What is your current occupation? (Circle One)

- a) Commercial Fisherman
- b) Government employee
- c) Construction
- d) Professional/Technical
- e) Managerial/Administrator
- f) Housewife/househusband
- g) unemployed
- h) Other

17. Any other comments?

APPENDIX E

TO: Esther C. Wunnicke
Commissioner

DATE: September 6, 1983

James K. Barnett
Deputy Commissioner

FILE NO.

TELEPHONE NO. 276-2653

FROM: Bob Arnold
Deputy Commissioner

SUBJECT: Decision Memoranda
No. 44 Mineral Closing
Orders for Alaska
State Game Refuges and
Critical Habitat Areas

Tom Hawkins
Director

J. Hawkins

Statement of Issue: Should the Department close Alaska State Game Refuges and Critical Habitat areas to locatable mineral entry under AS 38.05.185?

Background: The Department of Fish and Game has requested closure to mineral entry of state game refuges, critical habitat areas and game sanctuaries. These legislatively designated areas contain about 1,770,000 acres * of uplands, tidal and submerged lands (ADF&G table enclosed which summarizes acreages) scattered about the southern part of Alaska. Current statewide policy is that all upland areas are open to mineral entry by claim (locatable minerals) unless specifically closed by a mineral closing order or legislative action. The tidal and submerged land areas are closed by regulation (AAC 86.500(f)) until June 30, 1984 with approximately 850 applications for offshore prospecting permits (OPP) already on file. OPP's may lead to a mining lease upon discovery of a valuable mineral deposit. This memorandum does not address leaseable minerals: coal, oil, gas, phosphates, etc.

Issues:

1. Management Authority

A long standing question has been the extent of ADF&G management authority. The Department of Fish and Game has authority to approve or disapprove the sufficiency of plans and specifications for the proper protection of fish and game within state game refuges and critical habitat areas under AS 16.20.060 and .260 respectively. The Department of Natural Resources takes the position, however, that it has land management authority over state lands within refuges and critical habitat areas under AS 16.20.050 and .250. Locatable minerals can be located and rights to those minerals established without pre-applying to the Department of Natural Resources or Fish and Game. The consideration of plans and specifications by Fish and Game for mineral claim development may, therefore, occur after rights have been established.

2. Validity of Claims

DMEM has been told that DMEM has neither the funding or the policy direction to pursue the invalidation of claims via field investigation, even if claims are suspected of being questionable or frivolous.

* Source State Game Refuges, Critical Habitat Areas and Game Sanctuaries, ADF&G Habitat Protection Section, June 1979.

3. Intent of legislation is at times unclear.

Trading Bay and Susitna Game Refuges are open to oil and gas development and Walrus Island is open to mineral leasing by statute. It could be implied, therefore, that the legislature intended all other uses to be closed except those specifically mentioned. On the other hand it might be inferred that because oil and gas development was left open other mineral use should remain open.

4. Criteria for mineral closures.

AS 38.05.185(a) states that state land may not be closed to mining or mineral location unless the commissioner makes a finding that mining would be incompatible with significant surface uses on the state land. Significant surface use is currently viewed as being intensive use such as residential development, campgrounds and agricultural use. A recent request for closing lands to mineral entry on Tugidak Island for habitat protection was not approved by the ADNR pending discussing with ADF&G standards for Mineral Closing Orders on habitat lands. However, refuges and critical habitat areas have been legislatively reserved for wildlife and habitat management purposes.

5. Reduction of areas open to mineral exploration and entry.

Alaska's game refuges, critical habitat areas and sanctuaries total about 1,770,000 acres of uplands, tide and submerged lands (all but 8,500 acres are in the Southcentral District). Mineral industry will be opposed to closure as Alaska has seen a huge reduction in areas open to exploration/entry over the last 10 years. A recent coastal zone consistency determination on a Cook Inlet offshore prospecting permit application excluded eight refuges or CHA's and all AMSA's from mineral exploration.

Options

1. Close all designated areas to mineral entry and leasehold operations;

- Results:
- a) Maximum protection to surface resources,
 - b) Open conflict from mineral industry, support from environmental protection groups,
 - c) Closure or restriction of 1,770,000 acres to mineral exploration, entry and development.

2. Restrict mineral entry to leasehold location process; by leasehold location order issued in accordance with AS 38.05.185, 11 AAC 55.040.

- Results:
- a) Acceptable level of protection is attainable assuming:
 - 1. ADNR leasehold procedures will be further developed

det
"Significant
Surface
Use"

2. Mineral industry is committed to an elevated level of mitigation, i.e., replacement of lost habitat on acre for acre basis, dollar reparations for wildlife production lost, high levels of surface rehabilitation.
 3. ADF&G cooperation in achieving a workable program.
 - b. Resistance from mineral industry.
 - c. Environmental groups may be pacified but less than happy.
 - d. Inevitable loss of some habitat and wildlife production, at least in the short run.
 4. Clearly understandable policy statement by DNR.
3. Leave areas open, adopt criteria for closure or leaseholds to be applied selectively.

- Results:
- a. Difficulty will be encountered establishing criteria mutually acceptable to ADNR and ADF&G that would be consistent on a statewide basis and meet both agency goals.
 - b. Inevitable loss of habitat and wildlife production, recreation spin-off, etc.
 - c. Selected areas would be left open, closed or open to leasehold only, this would be the most flexible option, perhaps not satisfying anyone; this option may spur frivolous filings, perhaps to precipitate legal action.
 - d. Most important areas would be closed and therefore protected.
 - e. Exploration could continue on areas left open.

Recommended Option:

Option 2; Restrict mineral entry to leasehold process for all legislatively designated refuges, critical habitat areas and sanctuaries.

Rationale:

1. Acceptable level of protection can be achieved while allowing exploration to continue.
2. Application of protective measures to leases will restrict development of minerals to deposits of sufficient value which would pay for necessary mitigation.

3. Leasehold process effectively reduces impacts from frivolous filings.
4. Leaseholds represent a compromise solution that would be more acceptable to both the mineral and environmental groups.
5. Leasehold as a policy "across the board" will be easily understood as a consistent policy and will avoid future problems over "interpretation" of criteria.

TH:PB:dm

Enclosure

Mineral Closing Memo

Bill L. Heim
Bill Heim
Division of Agriculture

BH
11/28/83
Date

Comments: _____

Robert Arnold
Robert Arnold, Deputy Commissioner
Department of Natural Resources

option 2

12/12/83 Although I agree with option #2 I think
Date mineral closure should be considered on a case by case
basis.

James K. Barnett
James K. Barnett, Deputy Commissioner
Department of Natural Resources

X

12-6-83 Pursuit of criteria for closure per
Date option #3 would be more acceptable to ADFTG, but can
also be accomplished through the mineral leasing process.

Esther C. Wunnicke
Esther C. Wunnicke, Commissioner
Department of Natural Resources

X *

1-9-84
Date

* Use mineral closing
on case by case basis as
exception to #2 which
should be general rule.

AGREE

DISAGREE

Tom Hawkins

Tom Hawkins, Director
Division of Land and Water Management

1984
11/21/83
Date

Comments: leaseholds are appropriate when potential of surface conflicts are significant.

Kay Brown

Kay Brown
Division of Minerals and Energy Management

11-21-83
Date

Comments: Agree with recommended option

Neil Johannsen

Neil Johannsen
Division of Parks

12-5-83
Date

Comments: Form 35s & Legislative intent behind each Refug & Critical habitat should be reviewed. Then each unit should be reviewed on case-by-case basis. Maybe MCOs for some, not others.

Ross Schaff

Ross Schaff
Division of Geological and Geophysical Survey

11/28/83
Date

Comments: _____

John Sturgeon

John Sturgeon
Division of Forestry

11/29/83
Date

Comments: _____

APPENDIX F



Kodiak Island Borough

MEMORANDUM

TO: File

FROM: Community Development Department *RUP*

DATE: February 26, 1986

SUBJ: Administrative Interpretation and Definition of the Permitted Uses in the Conservation Zoning District

PURPOSE

The purpose of this memo is to clarify the uses permitted under the requirements of the C--Conservation Zoning District and also to establish definitions for those permitted uses that are not currently defined in Title 17. This issue has surfaced again because several listed permitted "activities" (agricultural, fishing, forestry, horticulture, hunting and recreational activities) are not defined in the Borough Code and these broad terms can be subject to a wide variety of interpretations. It is the intent of the Community Development Department to have a written interpretation so that all requests are evaluated in a consistent manner.

APPLICABLE CODE SECTIONS

Section 17.03.080 Uses Prohibited Unless Authorized

This section provides that any land use not specified as a permitted use is prohibited. Therefore, permitted uses should be clearly defined so there is no ambiguity as to whether a use is permitted or not. The complete section reads as follows:

"Section 17.03.080 Uses Prohibited Unless Authorized. Land uses not listed as a permitted use in a district are prohibited."

Chapter 17.13 C--Conservation District.

Chapter 17.13 establishes the description and intent, permitted uses, conditional uses and development standards for all activities and construction within those areas zoned C--Conservation. The description and intent section sets the broad policy guidelines for this district and can be used as a benchmark to determine if a proposed land use and/or activity is appropriate for areas zoned conservation. The specific description and intent of this district is:

"17.13.010 Description and Intent. The conservation district is established for the purpose of maintaining open space areas while providing for large lot single-family residential and agricultural land uses. For the conservation district, in promoting the general purposes of this title, the specific intentions of this chapter are:

- A. To encourage the use of land for large lot single-family residential and agricultural purposes;
- B. To encourage the continued use of land for open space areas; and
- C. To encourage the discontinuance of existing uses that are not permitted under the provisions of this chapter."

Under Section 17.13.020, eleven (11) uses and activities are listed as permitted uses in the district. Only two of the eleven (accessory buildings and single-family dwellings) are currently defined in the Borough Code. Six of the remaining nine uses are identified as a type of "activity." Unfortunately, these activities are not defined and can be widely interpreted. This leads to the questions of to what extent are these activities permitted and to what extent can structural development be permitted as a part of the listed activity?

The first method of determining the extent to which the activities are permitted is to examine the description and intent of the C--Conservation Zoning District. The stated purpose of the C--Conservation District is to maintain open space areas while providing for single-family residential and agricultural land uses. Clearly then the intent of the ordinance for this district is to maintain land in its open, natural and undeveloped state but also to allow for single-family residential development and agricultural activities on privately owned parcels.

This description and intent does not imply that any structural development is permitted, with the exception of single-family residences, agricultural and accessory buildings. Therefore, it follows that the listed permitted activities are only allowed to the extent that they are conducted in conjunction with a single-family residence on a parcel or take place in such a manner that does not require the development of a structure. Otherwise, the stated purpose of maintaining conservation lands in open space would not be achieved.

Another method of determining the extent to which these activities are permitted is to evaluate the listing of permitted uses:

"Section 17.13.020 Permitted Uses. The following land uses and activities are permitted in the conservation district:

- A. Accessory buildings
- B. Agricultural activities
- C. Churches
- D. Fishing activities
- E. Forestry activities
- F. Horticulture activities
- G. Hunting activities

- H. Parks
- I. Public facilities
- J. Recreational activities
- K. Single-family dwellings"

Five of these uses (accessory buildings, churches, parks, public facilities and single-family dwellings) imply that structural development is permitted. Agricultural and fishing activities also imply that structural development is permitted because there is a maximum height of 50-feet established for agricultural and fishing buildings (Section 17.13.060) and these uses have specific regulations within the Borough Code (Chapter 17.52). The remaining permitted activities (forestry, horticulture, hunting and recreational) do not imply structural development because no development standards for such buildings are included in the Borough Code. Moreover, all of these activities can take place without structures. The operative term in the listing of permitted uses is "activities." Activities are actions, processes, procedures or pursuits that can occur independently of man-made structures. Therefore, the forestry, horticulture, hunting and recreational activities listed as permitted uses in the C--Conservation Zoning District will be interpreted to mean an activity only, that in no way implies structural development in conjunction with the activity that is permitted.

EXISTING ADMINISTRATIVE PROCEDURES AND CASE EXAMPLES.

The current procedure for determining permitted uses in the C--Conservation Zoning District is to decide whether the proposed use is clearly permitted in the Zoning District. If the use is not clearly identified as permitted or if there is some ambiguity as to whether it is permitted, the use cannot be established without first obtaining an exception from the Planning and Zoning Commission. Examples of such cases include the Northland Ranch Resort, the Silver Salmon Lodge and the Koncor Logging Camp.

Northland Ranch Resort

This facility was granted an exception by the Planning and Zoning Commission to the permitted uses of the C--Conservation Zoning District on May 15, 1985. Prior to this exception, the Ranch operated for approximately one year as a "dude ranch" under the definition of "recreational activities" as interpreted by former Borough staff. A dude ranch was taken to mean a vacation resort, offering "activities" such as horseback riding, typical of western ranches, and not open to the public on a day-to-day basis. Eventually the Ranch grew beyond its "dude ranch" concept and began to operate as a bar, restaurant, hotel and lodge operation. At this point it was determined that an exception was necessary because the Ranch no longer met the interpretation of what a recreational activity is.

Silver Salmon Lodge

This commercial hunting and fishing lodge was granted an exception to the permitted uses of the C--Conservation Zoning District on November 20, 1985, by the Planning and Zoning Commission. An exception for the

lodge was necessary because although fishing and hunting activities are permitted uses, the lodge will be a commercial venture and businesses are not permitted in the C--Conservation Zoning District.

Koncor Logging Camp

This facility was granted an exception by the Planning and Zoning Commission to the permitted uses of the C--Conservation Zoning District on February 19, 1986. Staff determined that an exception was necessary because a logging camp and ancillary facilities are not clearly listed as permitted uses even though forestry activities are a permitted use in the C--Conservation Zoning District.

SUMMARY

Evaluation of the description and intent, permitted uses and previous exception cases in the C--Conservation Zoning District provides a practical basis for defining the extent to which permitted uses and activities can occur in the C--Conservation Zoning District. Clearly, single-family residences, accessory buildings, agricultural buildings, churches and fishing buildings are permitted structural developments in the C--Conservation Zoning District. Two additional permitted uses (parks and public facilities) also imply that structural development is permitted if the park or public facility will include any structures.

The remaining permitted uses in the C--Conservation Zoning District are forestry, horticulture, hunting and recreational activities. These "activities" do not imply that any structural development is permitted because the Borough Code is silent on development standards for such buildings and moreover, all of these activities can occur without structures.

DEFINITIONS FOR THE PERMITTED USES IN THE C--CONSERVATION ZONING DISTRICT

The Community Development Department will utilize the following definitions to evaluate requests for development in the C--Conservation Zoning District:

A. Accessory Buildings

"Accessory building" means a detached building, the use of which is appropriate, subordinate and customarily incidental to that of the main building and which is located on the same lot as the main building. An accessory building shall be considered to be a part of the main building when joined to the main building by a common wall not less than four feet long or when an accessory building and the main building are connected by a breezeway which shall not be less than eight feet in width. "Accessory building" means any structure, regardless of type of foundation or base support, including skidmounted or other movable structures. (Kodiak Island Borough Code Section 17.51.020)

B. Agricultural Activities

"Agricultural activities" means the production, keeping or maintenance, for sale, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apilary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. (From the Illustrated Book of Development Definitions)

"Agricultural building" means a building or structure used to shelter agricultural equipment, fishing equipment, hay, grain, poultry, livestock or other agricultural products and in which there is no human habitation. (Kodiak Island Borough Code Section 17.52.020)

C. Churches

"Churches" means a building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith. (From the Illustrated Book of Development Definitions)

D. Fishing Activities

"Fishing activities" means the use of land in conjunction with sport, subsistence, setnet fishing and other commercial fishing activities. This definition does not include seafood processing establishments and their dormitories. A "fishing building" is included in the definition

of "agricultural buildings" and does not imply that any other type of structural development is allowed. (See Kodiak Island Borough Code Section 17.52.020)

E. Forestry Activities

"Forestry activities" means an activity of primarily engaging in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services. This definition does not imply that any structural development is permitted in conjunction with forestry activities. (From the Illustrated Book of Development Definitions)

F. Horticulture Activities

"Horticulture activities" means the cultivation of a garden or orchard. This definition does not imply that any structural development is permitted in conjunction with horticultural activities. (From the Illustrated Book of Development Definitions)

G. Hunting Activities

"Hunting activities" means the use of land in conjunction with subsistence, sport and guided hunting activities. This definition does not include "lodges" or other structures used primarily as base camps for hunting activities and does not imply that any structural development is permitted in conjunction with hunting activities.

H. Parks

"Parks" means a tract of land, designated and used by the public for active and passive recreation. (From the Illustrated Book of Development Definitions)

I. Public Facilities

"Public facilities" means a facility operated by a public body or a public or private utility designed to serve the public health, safety or general welfare, and including such uses as public schools, parks, hospitals, post offices, and such accessory uses as administrative and service facilities. (From Fairbanks North Star Borough Code)

J. Recreational Activities

"Recreational activities" means the use of land in conjunction with leisure time activities. This definition does not imply that any structural development is permitted in conjunction with recreational activities.

K. Single-Family Dwellings

"Single-family dwellings" (dwelling, one-family) means any detached building containing only one dwelling unit. (Kodiak Island Borough Code Section 17.06.200)

"Dwelling" means a building or any portion thereof designed or used exclusively for residential occupancy including one-family, two-family and multiple family dwellings, but not including any other building wherein human beings may be housed. (Kodiak Island Borough Code Section 17.06.180)

"Family" means any number of individuals related by blood or marriage or an unrelated group of not more than five persons living together as a single housekeeping unit in a dwelling unit. (Kodiak Island Borough Code Section 17.06.230)

Single-family dwellings may be allowed in conjunction with any of the previously mentioned activities as long as all the C--Conservation Zoning District regulations are met as well as these definitional criteria.

cc: Jerome Selby, Borough Mayor
Bud Cassidy, Resource Management Officer
Ray Camerdella, Facilities Coordinator
Wayne Haerer, Assessor
Gordon Gould, Zoning Officer
Planning and Zoning Commission
Koniag, Inc.
Lesnoi, Inc.
Ouzinkie Native Corporation
Karluk Tribal Council
Margaret Hayes, DNR
Alagnak, Associates
Koncor, Inc.
Island Realty
Associated Realty
AAA Realty
Kodiak Real Estate Association

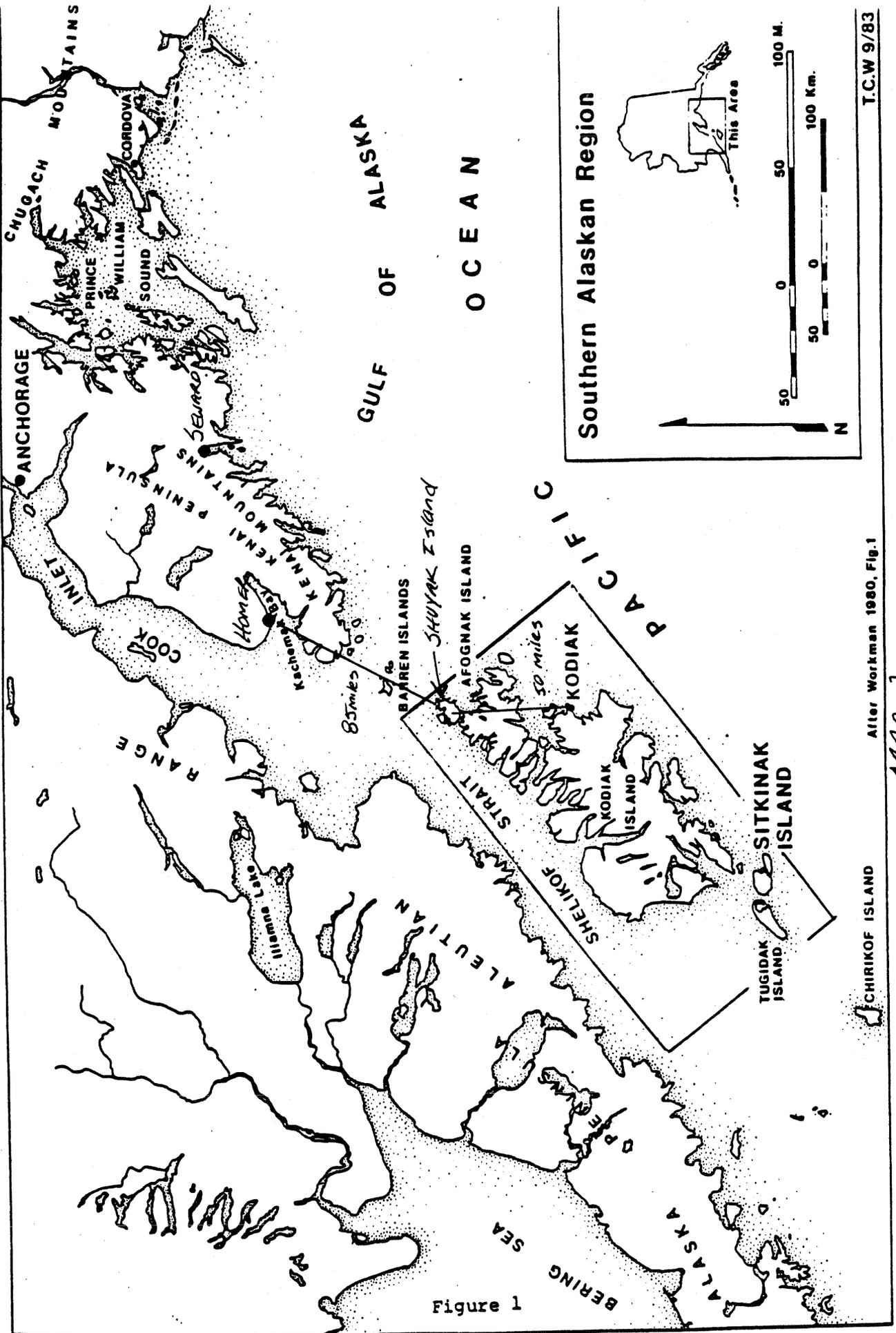


Figure 1

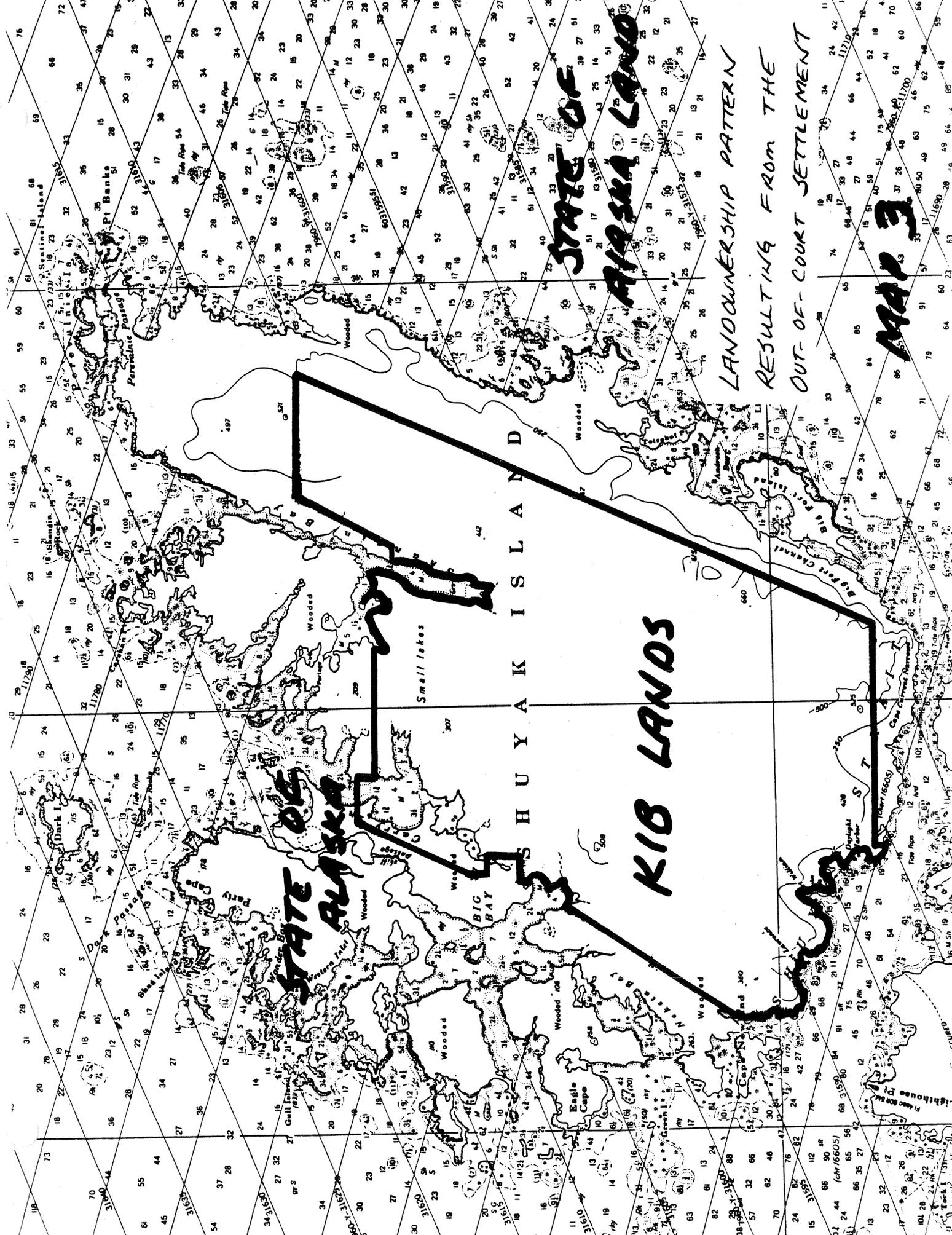
After Workman 1980, Fig. 1

CHIRIKOF ISLAND

T.C.W 9/83

MAP 2

Regional Location Map



STATE OF ALASKA

HUYAK ISLAND

KIB LANDS

**LAND OWNERSHIP PATTERN
RESULTING FROM THE
OUT-OF-COURT SETTLEMENT**

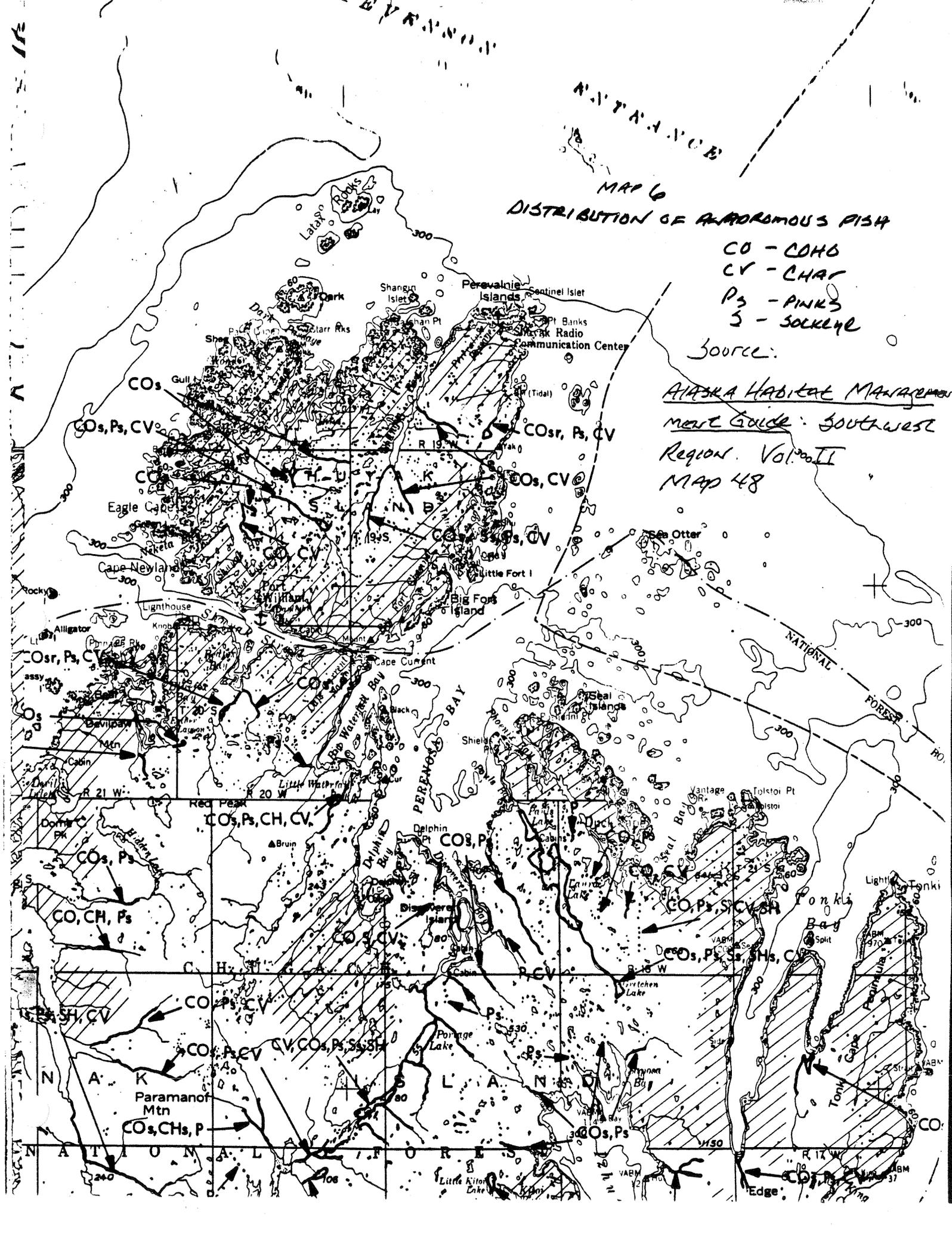
MAP 3

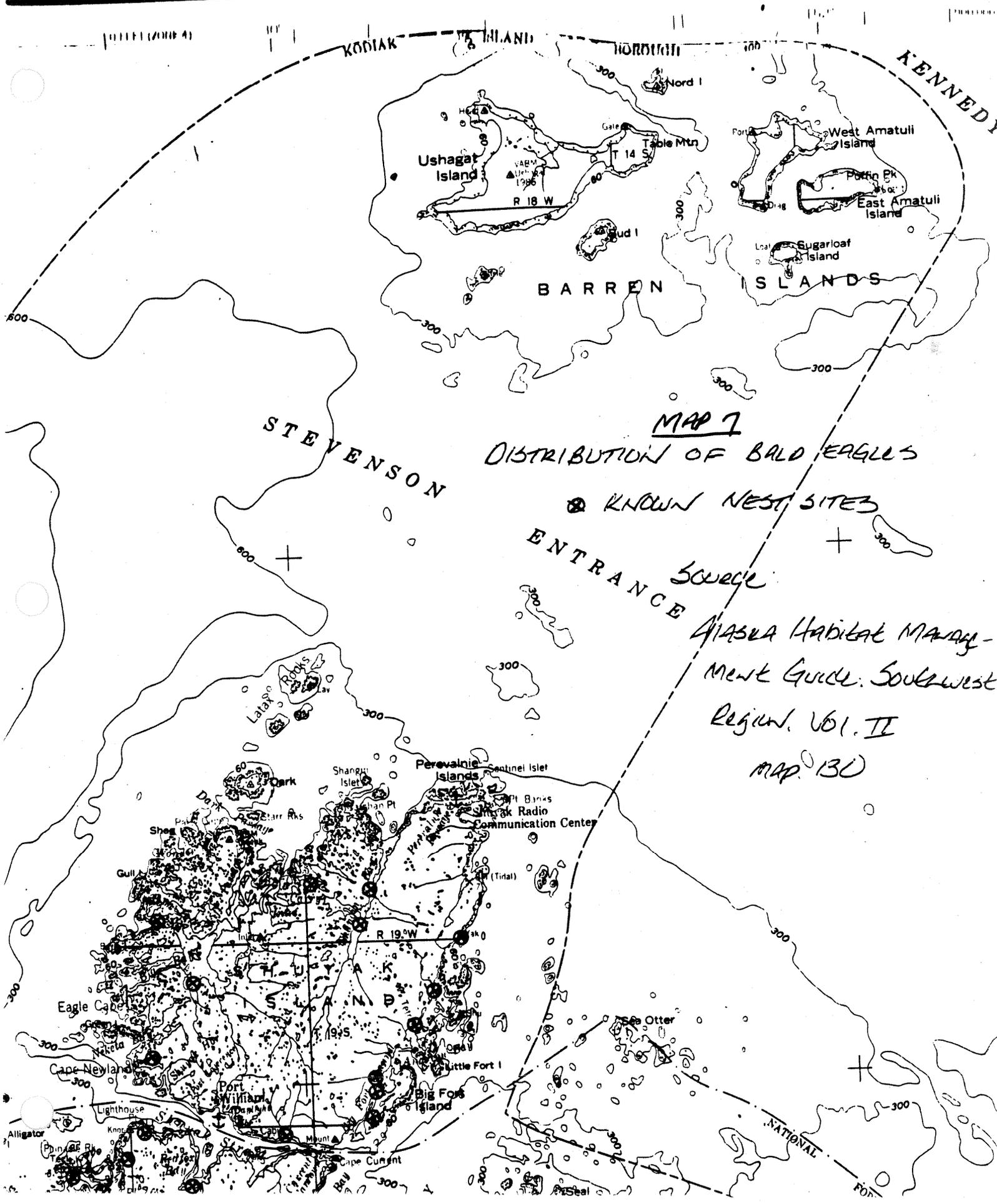
MAP 6
DISTRIBUTION OF ANADROMOUS FISH

CO - COHO
CV - CHAT
Ps - PINKS
S - SOCKEYE

Source:

ALASKA HABITAT MANAGEMENT
MANUAL GUIDE: SOUTHWEST
REGION. Vol. II
MAP 48





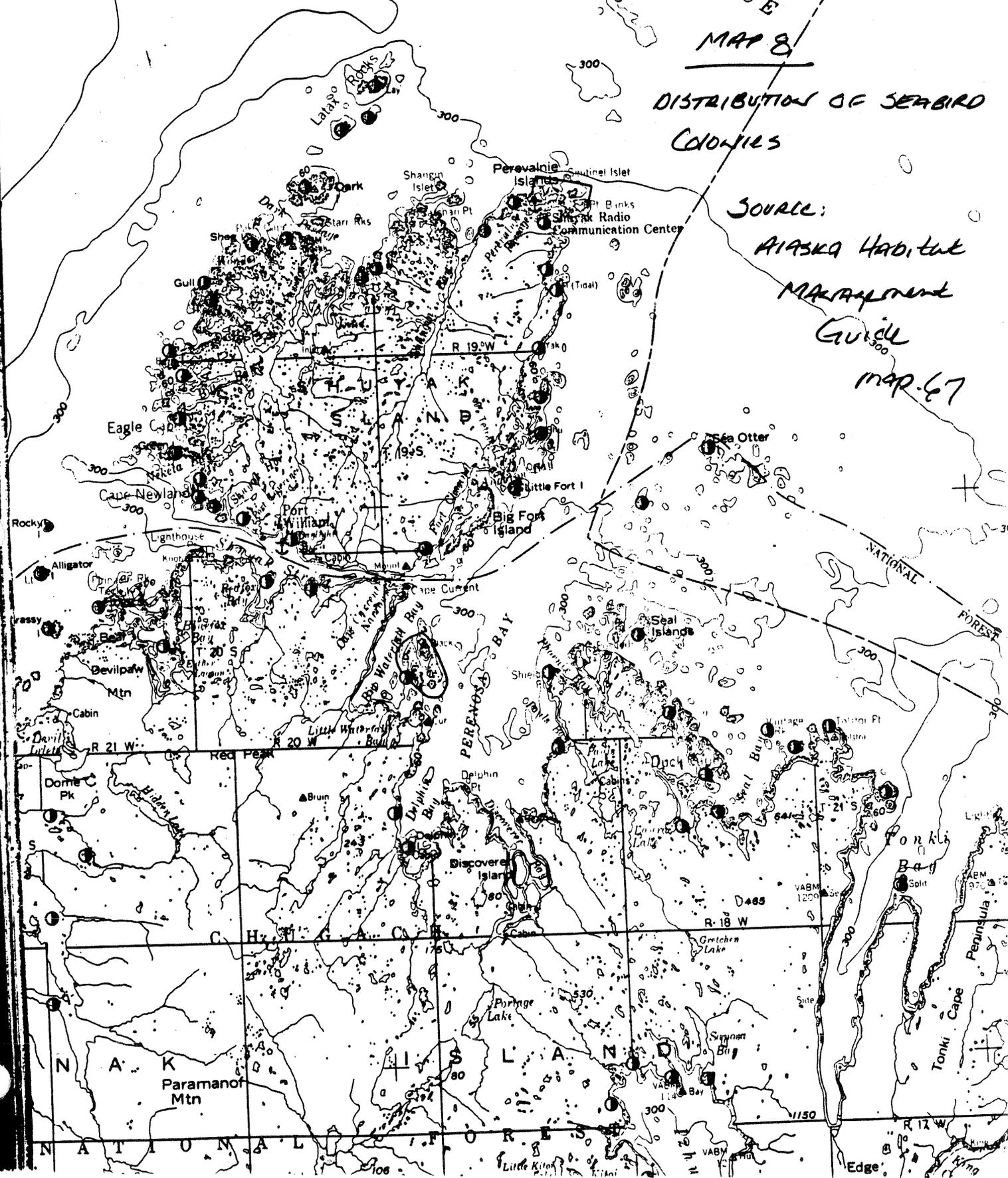
ENTRANCE

ENTRANCE

MAP 8

DISTRIBUTION OF SEABIRD COLONIES

SOURCE:
ALASKA HABITAT
MANAGEMENT
GUIDE
MAP 67

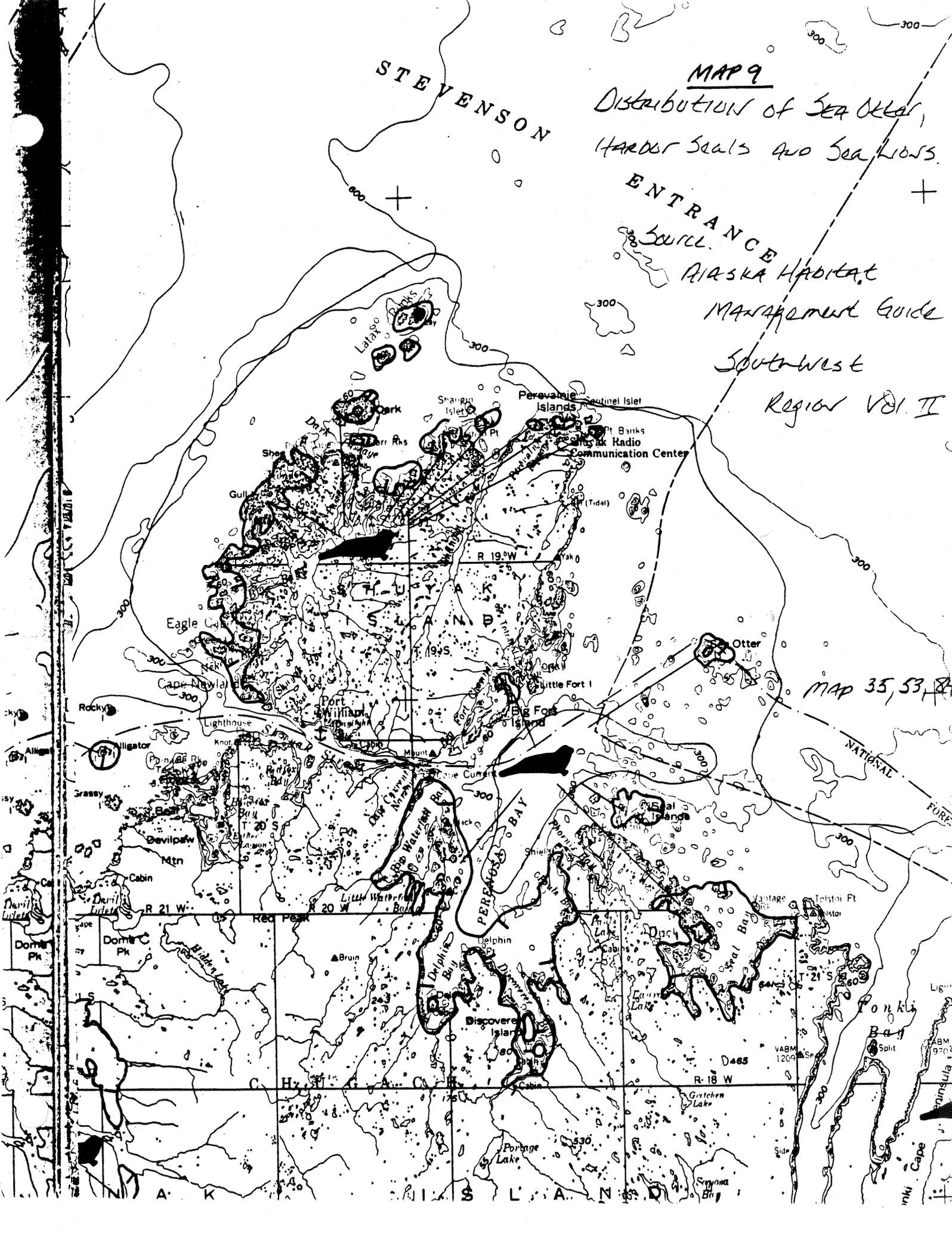


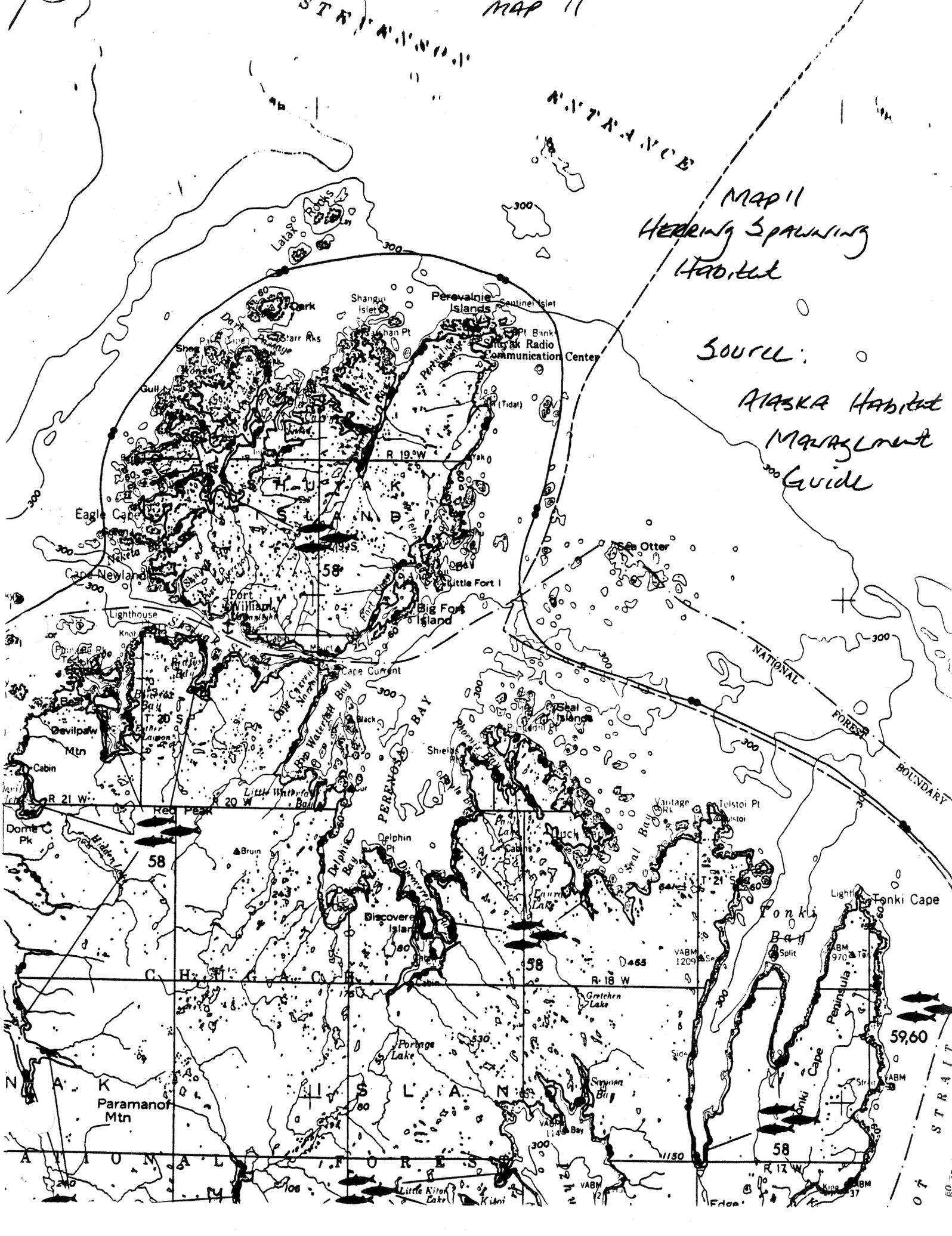
MAP 9

Distribution of Sea Otter,
Harbor Seals and Sea Lions.

ENTRANCE
SOUTHWEST
ALASKA Habitat
Management Guide

Southwest
Region Vol. II



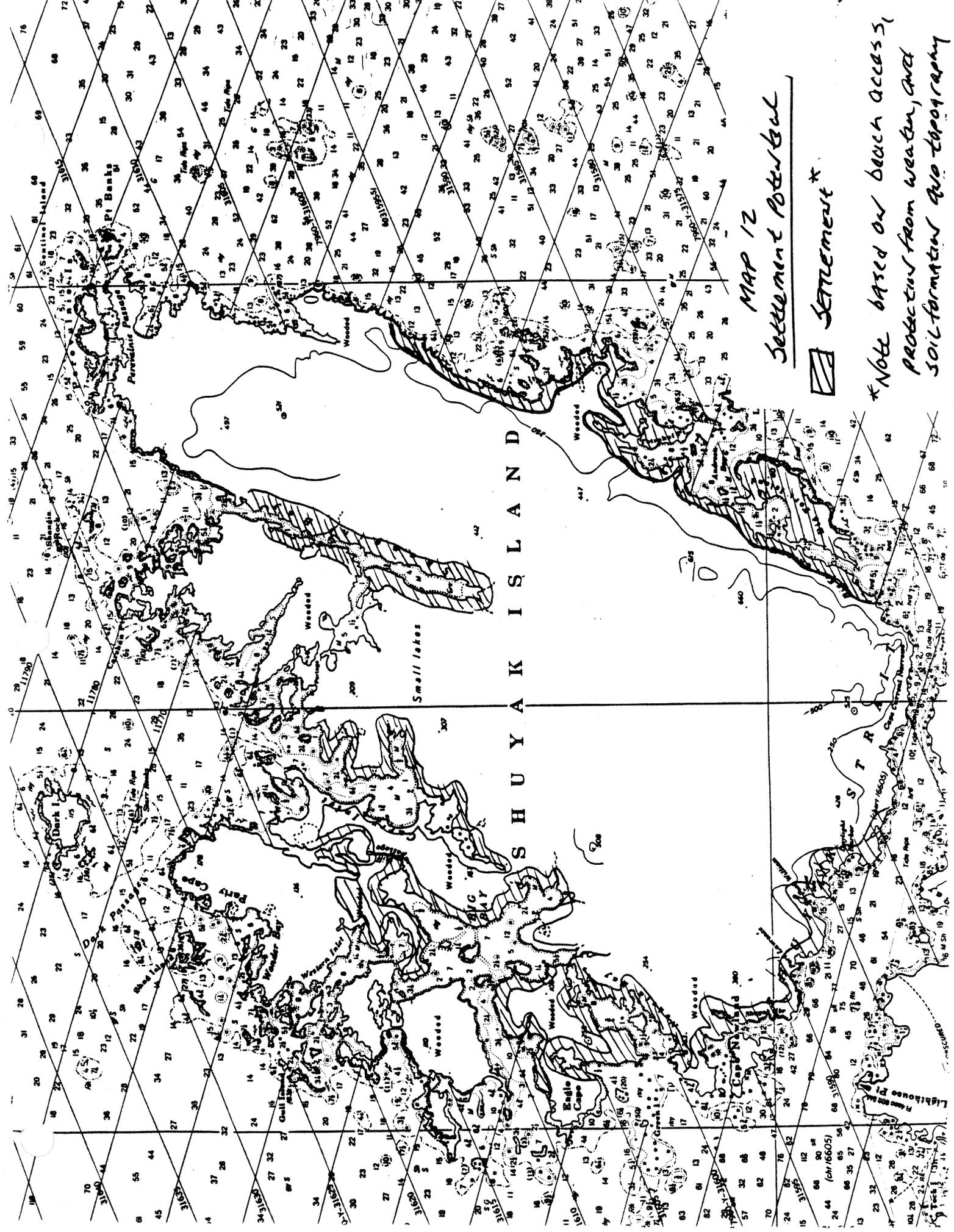


MAP II
Herring Spawning
Habitat

Source:
Alaska Habitat
Management
Guide

NATIONAL FOREST
BOUNDARY

59,60
OF STRAIT

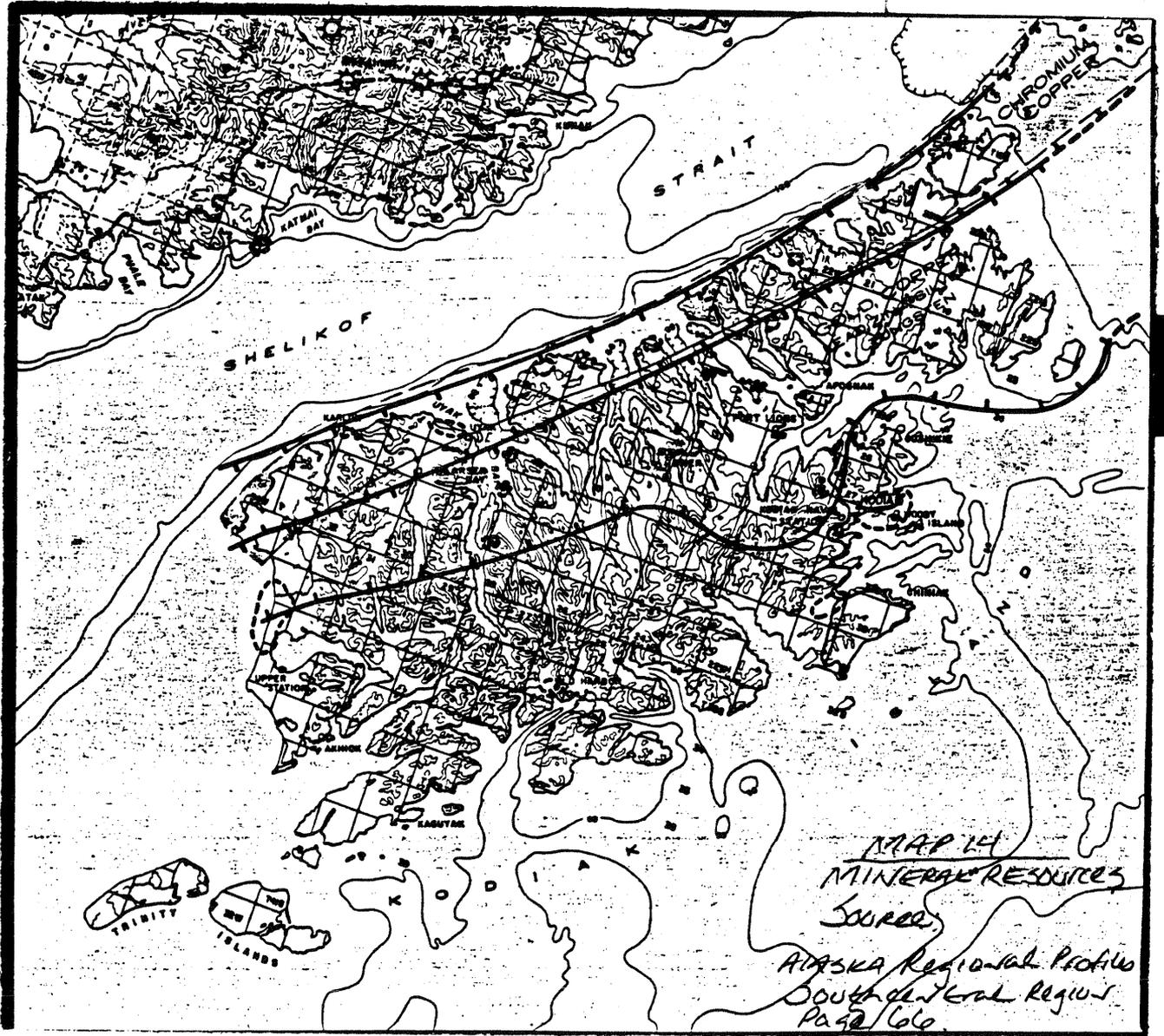


MAP 12

Settlement Potential

Settlement *

*Note based on beach access, protection from weather, and soil formation and topography



DRAFT

MAP 15

MANAGEMENT UNITS

Outer Islands

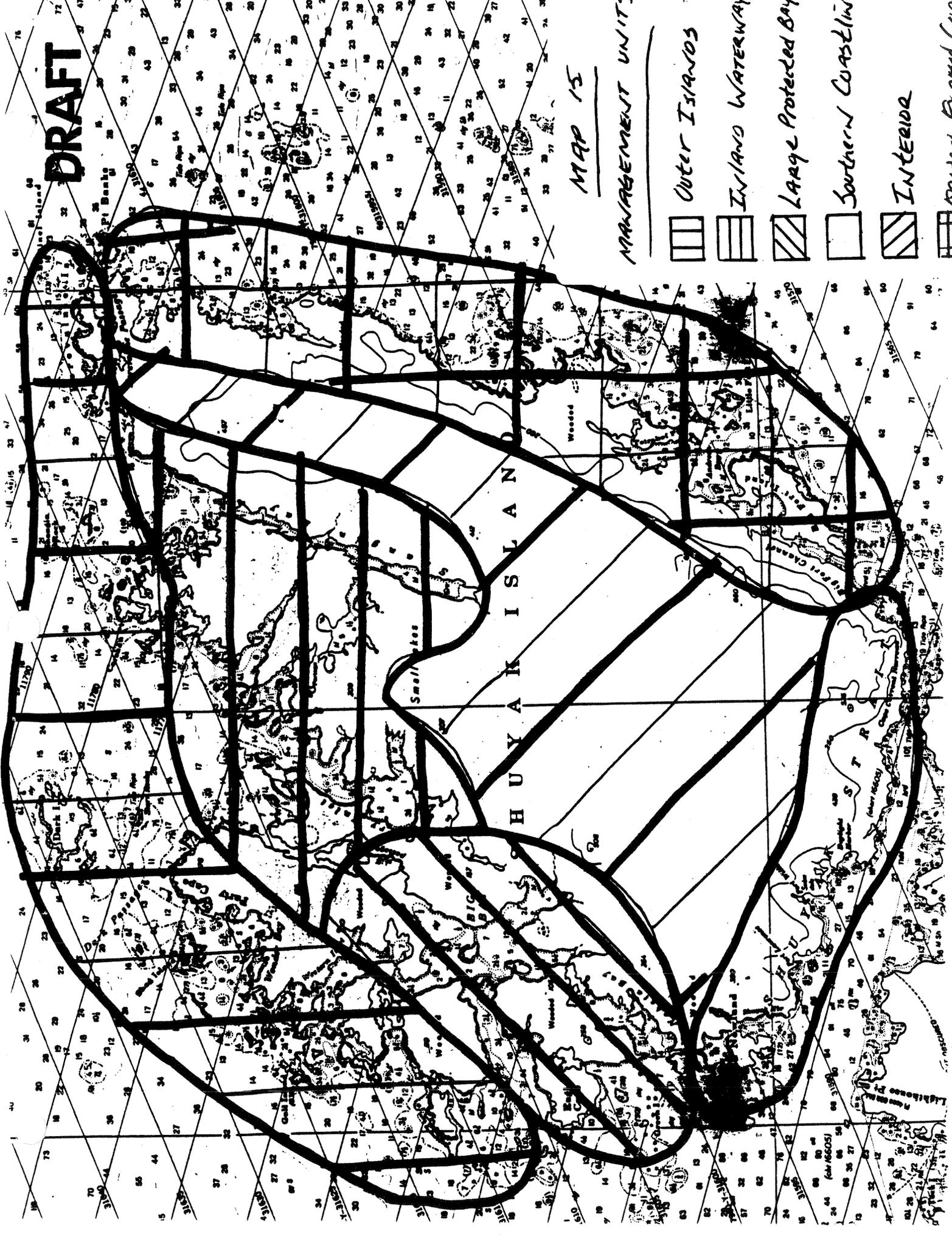
Inland Waterway

Large Protected Bays

Southern Coastline

Interior

Eastern Exposed Coast



HUAYAK ISLAND

Small Bays

Woods

Beach

Lighthouse Pt.

(for 16605)

DRAFT

MAP 16

SHUYAK PLAN MAP
MANAGEMENT UNITS

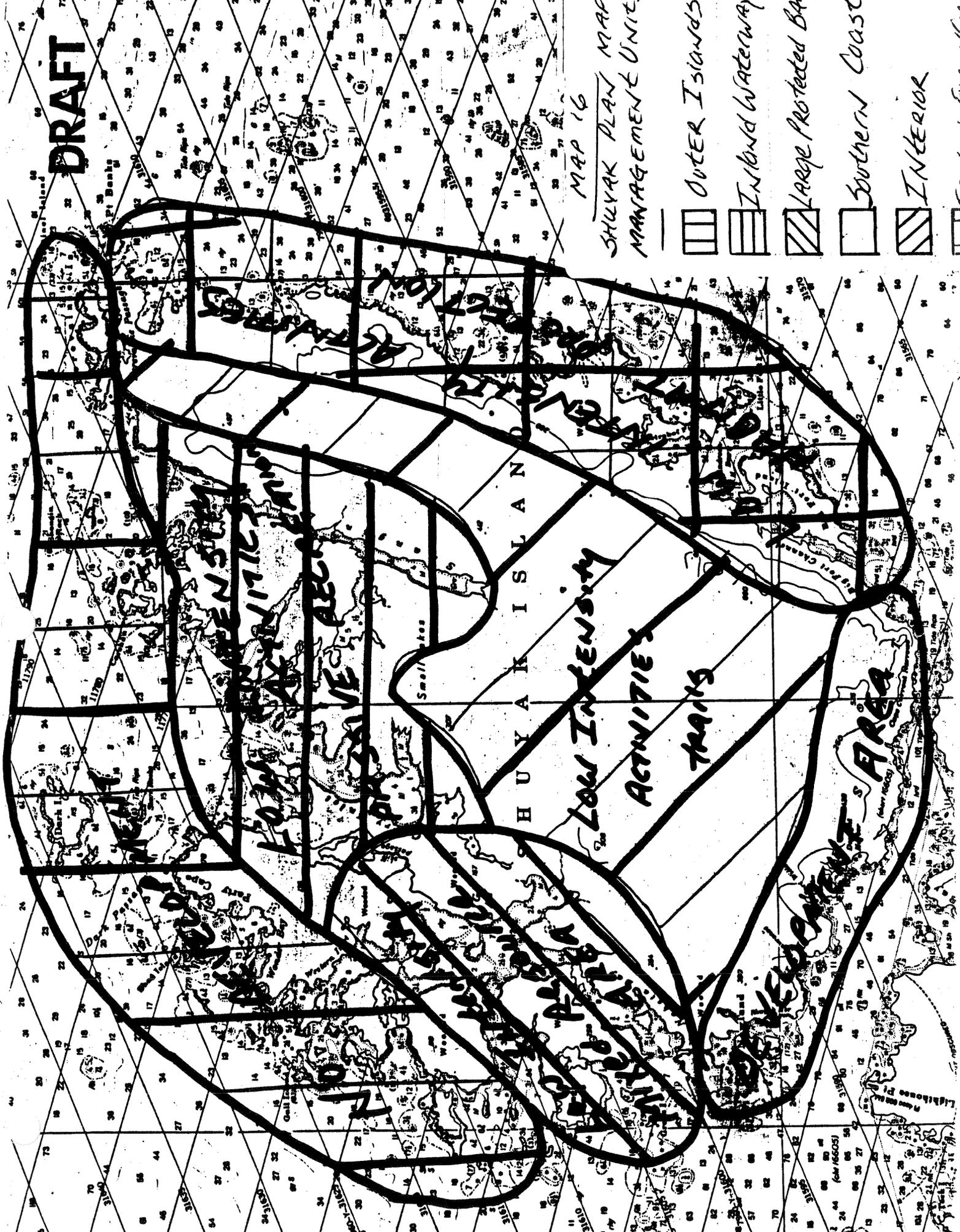
OUTER ISLANDS

INLAND WATERWAYS

LARGE PROTECTED BAYS

Southern Coast

INTERIOR



Small Islets

SHUYAK ISLAND

LOW INTENSITY
ACTIVITIES

TRAILS

SCOPATZ AREA

Outer Islands

Inland Waterways

Large Protected Bays

Southern Coast

Interior

RECT

SUMMARY OF SALMON HARVEST ON SHUYAK ISLAND
1976 TO 1985

Year	No. 1/ Landings	Harvest by Species (Nos. of fish)					Total (All Species)	Estimated Ex-vessel Value (all species)
		Kings	Reds	Coho	Pinks	Chums		
1976	1	0	0	1,527	0	0	1,527	4,700.00
1977	7	0	0	1,363	15	2	1,380	7,700.00
1978	28	0	0	6,272	3,940	29	10,241	50,000.00
1979	73	0	8	20,549	471	16	21,036	149,000.00
1980	14	0	0	5,456	1,929	0	7,385	31,000.00
1981	22	0	98	15,129	3,641	1,252	20,120	93,000.00
1982	21	0	1,520	12,096	4,480	532	18,628	84,000.00
1983	27	0	113	15,355	5,383	8	20,859	70,000.00
1984	19	0	23	13,896	6,083	139	20,141	114,000.00
1985	13	0	42	8,622	28	1	8,693	66,000.00
10 Year Average	-	-	-	10,027	-	-	-	67,000.00

1/ All landings by seine gear. Each landing represents an individual fish ticket, i.e., receipt of delivery.

TABLE 1