

**DESIGNATION
OF
MARMOT ISLAND SPECIAL USE AREA**

August 16, 1990

ADL 225034

Under 11 AAC 96.010(a)(2) and 11 AAC 96.010(b) of the Miscellaneous Land Use Regulations, a portion of the eastern side of Marmot Island (see legal description and map) is designated as Marmot Island Special Use Area. This document outlines allowable activities within the special use area, subject to valid existing rights. Marmot Island Special Use Area will be managed by the Division of Land and Water Management of the Department of Natural Resources in accord with the purposes outlined below.

PURPOSES

The primary purposes of the special use area are to minimize human disturbance of Steller sea lions, which use the eastern beaches of Marmot Island, and to protect and preserve this important sea lion habitat.

The Steller sea lion rookeries on the east side of Marmot Island, which were once the largest in Alaska, are in decline, according to the Alaska Department of Fish & Game (ADF&G) and the National Marine Fisheries Service. The number of animals using the beaches has been declining steadily (see FIGURE 1). Steller sea lions are listed as threatened under the provisions of the Endangered Species Act.

Harassment or unauthorized disturbance of marine mammals is prohibited by the Marine Mammal Protection Act. Human disturbance of the rookeries could cause Steller sea lions to leave the beaches, further hindering population recovery.

ALLOWABLE ACTIVITIES

Historical, traditional and public uses shall be allowed to the extent those uses are compatible with the purposes of the special use area. The primary criteria for evaluating the appropriateness of proposed activities will be compatibility with Steller sea lion use of Marmot Island. Generally permitted activities will continue to be allowed on state land, with the following exceptions.

1. **Ground Transportation.** All motor vehicle ground transportation, such as 4-wheel drive vehicles, snowmachines and all-terrain vehicles, is prohibited from the toe of the bluff seaward. The use of motor vehicles in the balance of the special use area may not occur without written authorization from the Division of Land and Water Management. Authorization may be granted only after consultation with ADF&G.
2. **Aircraft or Boats.** Aircraft or boat landings and the use of boats, rafts and canoes are prohibited except in emergency situations and for scientific and/or management purposes. The use of aircraft or boats for scientific and/or management purposes

may not occur without written authorization from the Division of Land and Water Management. Authorization may be granted only after consultation with ADF&G.

3. **Access Development.** Road construction, airstrip construction, trail construction and brushing of trails may not occur without written authorization from the Division of Land and Water Management. Authorization may be granted only after consultation with ADF&G.
4. **Camping.** Overnight camping is prohibited in the special use area except for scientific and/or management purposes. Camping for scientific and/or management purposes may not occur without written authorization from the Division of Land and Water Management. Authorization may be granted only after consultation with ADF&G.
5. **Domestic Animals.** Domestic animals are prohibited within the special use area.
6. **Permits and Leases for Facilities.** No permits for temporary facilities or leases for permanent facilities shall be authorized except for scientific and/or management purposes, e.g., ADF&G's cabins which are used as a field base.
7. **Timber Harvest.** Timber harvest is currently prohibited. Furthermore, the Division of Forestry has agreed to reconsider timber harvest and other forest management options on Marmot Island only at five-year intervals from the date of their Best Interest Finding/Decision Document dated March 29, 1989, or as part of the proposed Kodiak Area Plan, whichever comes first.
8. **Mining.** All land and water (including tide and submerged land) within the special use area will be closed to mineral entry under AS 38.05.185 - 38.05.275.
9. **Recreational Mining.** The beaches from the toe of the bluff seaward to mean low water will be closed to recreational mining. The uplands will remain open for nonmotorized recreational mining.
10. **Material Sales.** The entire special use area will be closed to issuance of material sale contracts.

FAA AND U.S. COAST GUARD ADVISORIES

The Division of Land and Water Management will ask the Federal Aviation Administration (FAA) to advise pilots that if air travel near Marmot Island Special Use Area is necessary, an altitude of 1,000 feet should be maintained. Likewise, the division will notify the U.S. Coast Guard and request issuance of a notice to mariners to advise captains of vessels to maintain a minimum distance of three miles from the eastern shore of Marmot Island.

PERMIT AUTHORIZATION PROCESS

Permits or authorizations for allowed uses will be issued by the Division of Land and Water Management in consultation with the Alaska Department of Fish and Game.

MONITORING AND ENFORCEMENT

Monitoring and enforcement of the terms and conditions of this special use area will be carried out by the Division of Land and Water Management within the limits of applicable laws, regulations, and funding. Violation of the provisions of this special use area is considered trespass on state land. Procedures for enforcing trespass actions are contained in the division's Policy and Procedure Manual, Casetype 596, Trespass.

In addition to trespass proceedings by the Division of Land and Water Management, the following authorities may be invoked by other agencies to protect Steller seal lions and their habitat:

1. **Marine Mammal Protection Act (MMPA).** The MMPA prohibits the intentional lethal taking of Steller sea lions. (National Marine Fisheries Service.)
2. **Endangered Species Act of 1973.** On April 5, 1990, the U.S. Fish and Wildlife Service added the Steller (northern) sea lion to the List of Endangered and Threatened Wildlife for a period of 240 days. The emergency rules established the following protective regulations and assigned management responsibility to the National Marine Fisheries Service:
 - a. prohibit shooting at or near Steller sea lions;
 - b. establish a buffer zone of three nautical miles in which no vessel is allowed to operate;
 - c. no person may approach on land closer than one and one-half miles from the eastern shore of Marmot Island;
 - d. establish incidental kill quota of 675 Steller sea lions on an annual basis in Alaskan waters.

These emergency rules will be superseded by regulations proposed in the Federal Register on July 20, 1990 (Vol.55, No. 140).

3. **Feral Animal Control.** If the Alaska Department of Fish and Game determines that the wild boars roaming Marmot Island are feral, they may use their existing statutory authority over game to manage these animals. Alternatively, if such a determination is not made or does not conclude that the animals are feral, there are other means by which the state may assert possession over the animals for the purpose of controlling them.

REVIEW OF SPECIAL USE AREA DESIGNATION

The Marmot Island Special Use Area designation will be reviewed every five years or as part of the proposed Kodiak Area Plan, whichever comes first, to see if conditions have changed which may warrant changes in the allowable activities and/or area boundary.

LEGAL DESCRIPTION

The following state-owned land and water (including tide and submerged land) is established as the Marmot Island Special Use Area, subject to valid existing rights.

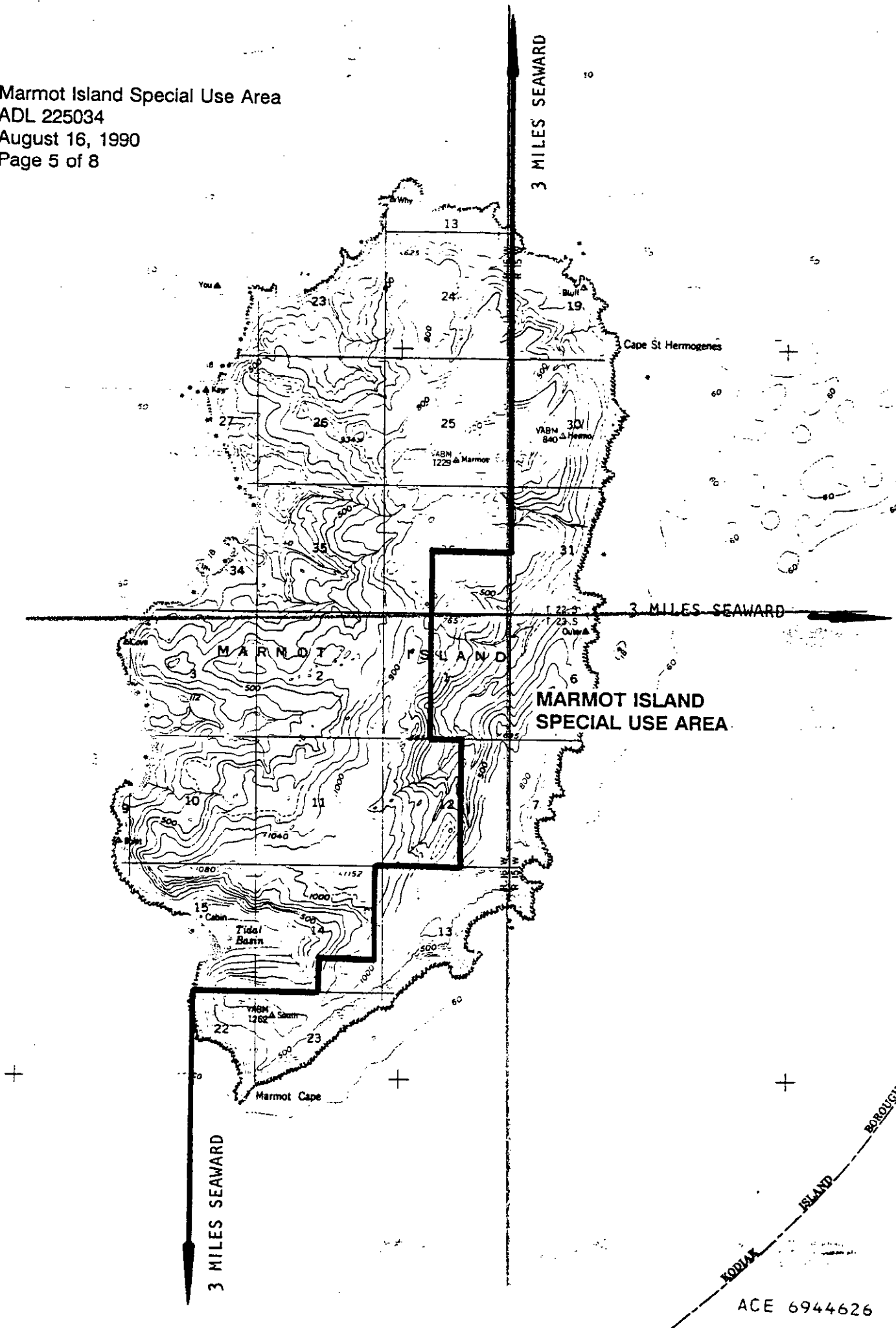
- (1) Township 22 South, Range 15 West, Seward Meridian
Section 19
Sections 30 - 31
- (2) Township 22 South, Range 16 West, Seward Meridian
Section 36: SE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$.
- (3) Township 23 South, Range 15 West, Seward Meridian
Sections 6 - 7
Section 18
- (4) Township 23 South, Range 16 West, Seward Meridian
Section 1: E $\frac{1}{2}$, E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$
Section 12: E $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$
Section 13
Section 14: E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 22: E $\frac{1}{2}$
Sections 23 - 24

(5) the tideland and submerged land and water for a distance of three miles seaward from the mean high tide line of the shoreline found on state land that is described in (1), (3), and (4) of this subsection; the boundary lines of the water described in this paragraph include the water of the state on the eastern shores of Marmot Island between lines extending

(A) three miles from the shoreline on a line extended northward from the boundary between Section 24, Township 22 South, Range 16 West, Seward Meridian and Section 19, Township 22 South, Range 15 West, Seward Meridian; and

(B) three miles from the shoreline on a line extended southward along the western boundary of Section 22: E $\frac{1}{2}$, Township 23 South, Range 16 West, Seward Meridian.

Marmot Island Special Use Area
ADL 225034
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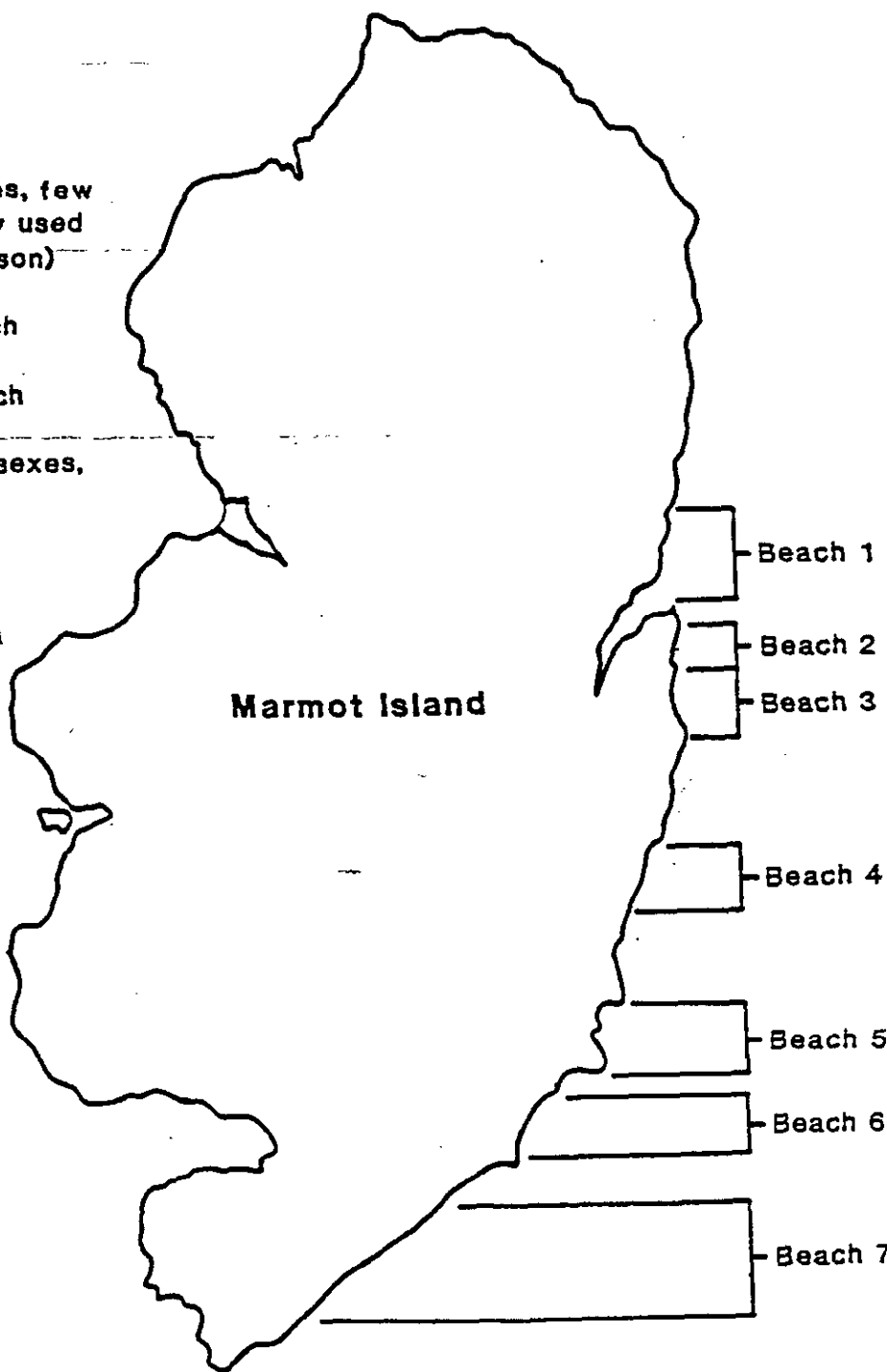
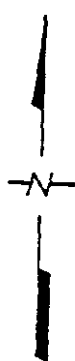


Marmot Island Special Use Area
ADL 225034
August 16, 1990
Page 6 of 8

LOCATION OF MARMOT ISLAND NORTHERN SEA LION ROOKERIES

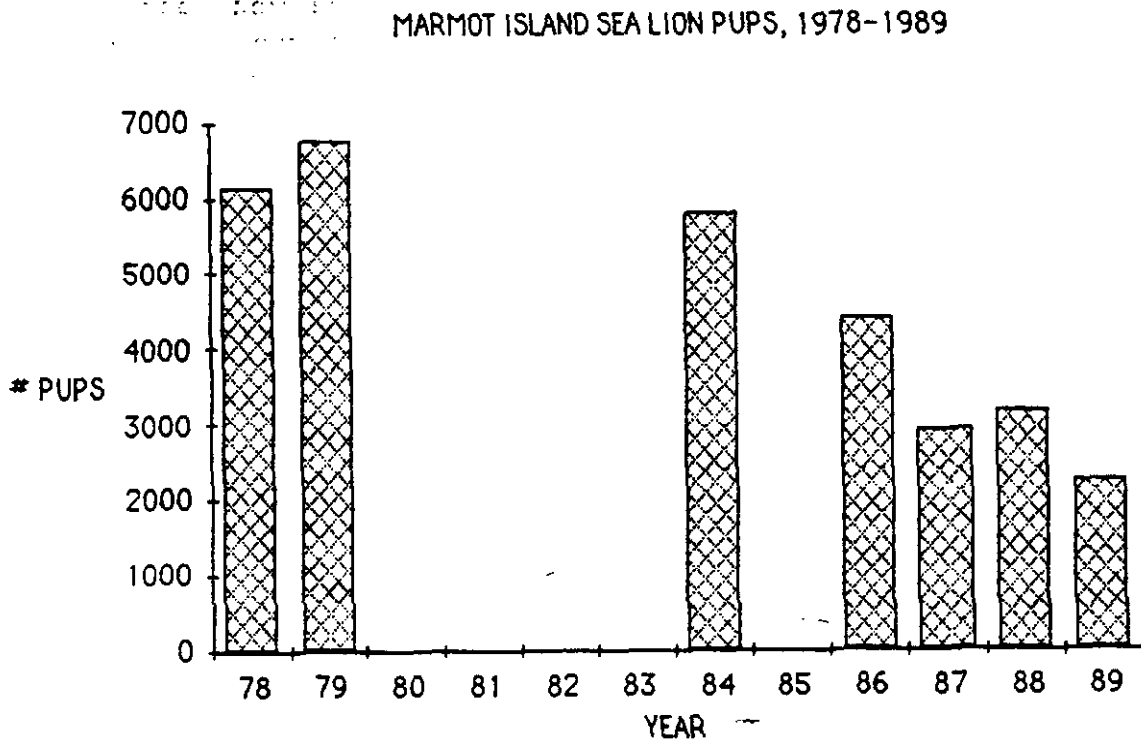
LEGEND

- Beach 1. Males only
- Beach 2. All ages, both sexes, few pups, not currently used (1987 pupping season)
- Beach 3. Major pupping beach
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Obtained from ADF&G.

FIGURE 1



Based on data collected by the
Alaska Department of Fish and Game and the
National Marine Fisheries Service.

Marmot Island Special Use Area
ADL 225034
August 16, 1990
Page 8 of 8

DESIGNATION OF MARMOT ISLAND SPECIAL USE LANDS
ADL 225034

Effective Date August 16, 1990

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I find that this is consistent with the Department of Natural Resources' management authority and that it is in the best interest of the state.

In ninety (90) days or by written notice of the designation before the end of the 90-day period, the activities described herein will be managed according to the terms of this special use lands designation.



Gary Gustafson, Director
Division of Land and Water Management

8/16/90
Date

GG:GC:ref/[a:marmot.su3]

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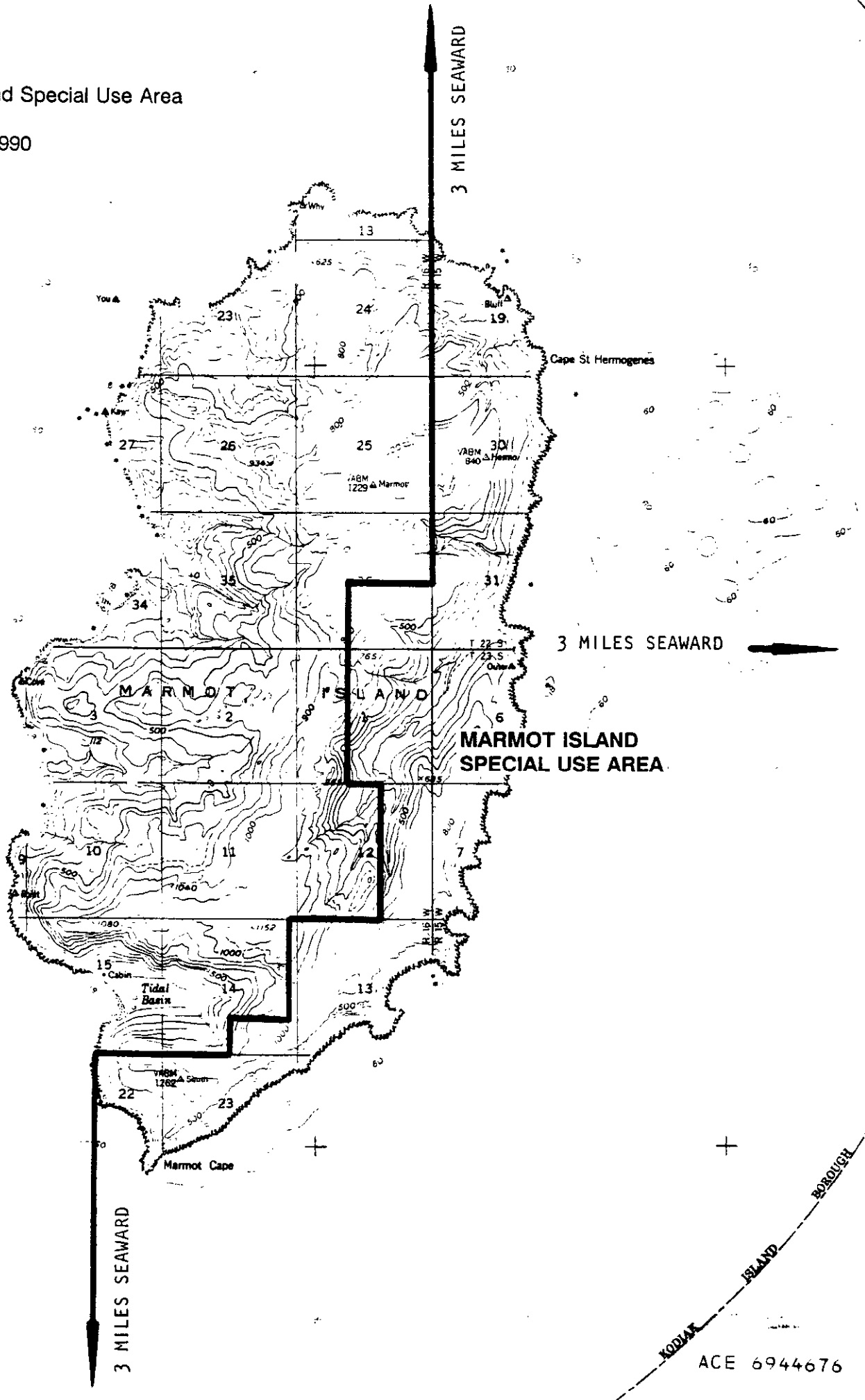
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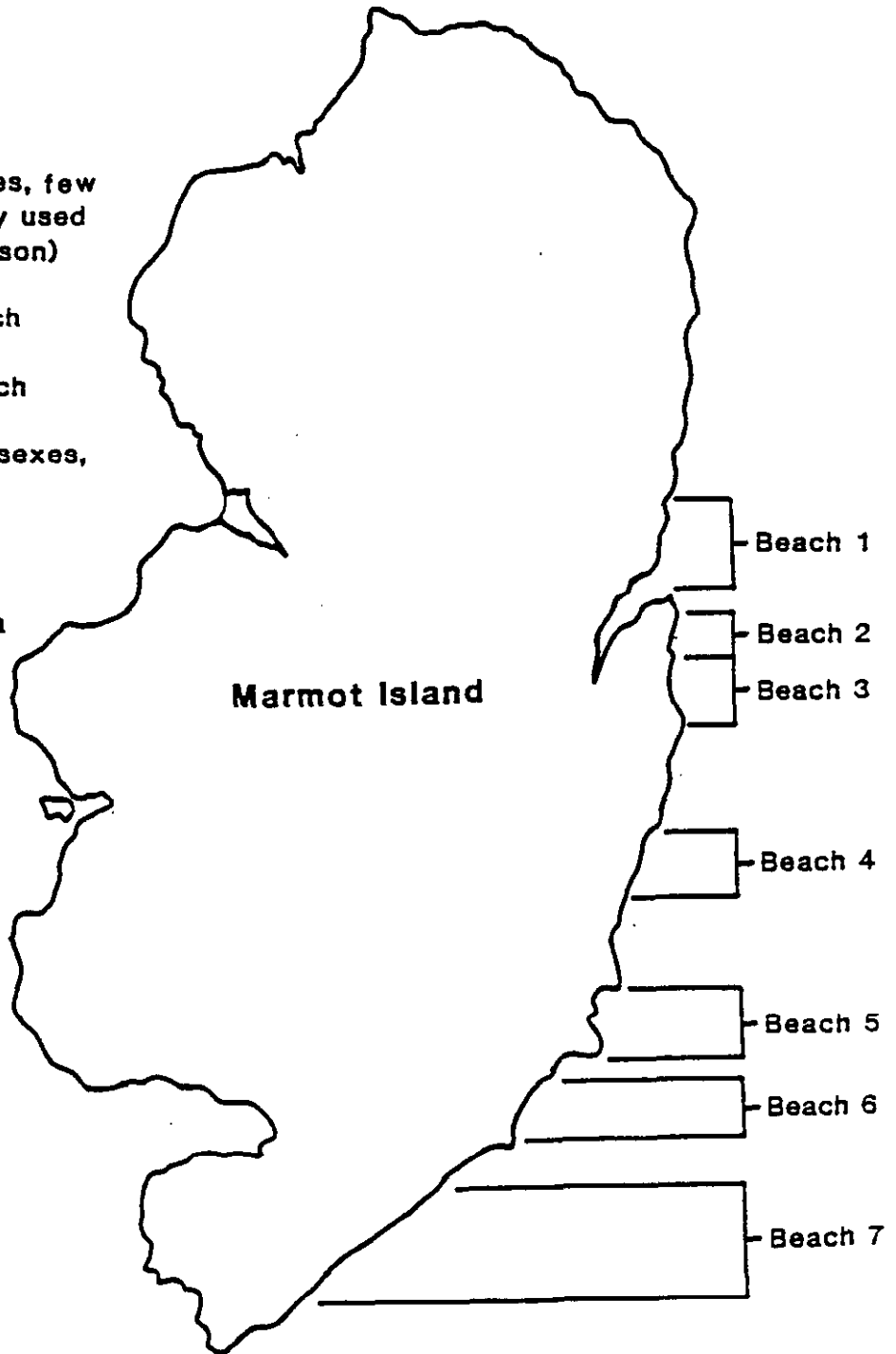
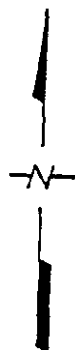
Marmot Island Special Use Area
ADL 225034
August 16, 1990
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LOCATION OF MARMOT ISLAND NORTHERN SEA LION ROOKERIES

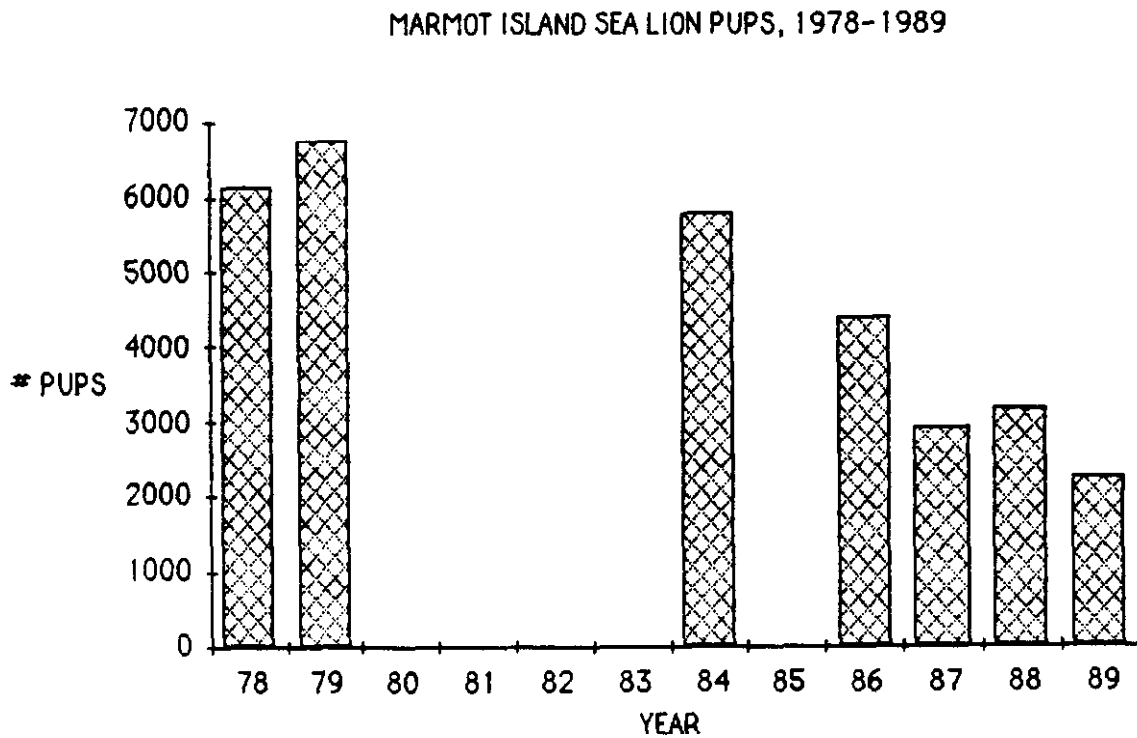
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FIGURE 1



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Marmot Island Special Use Area
ADL 225034
August 16, 1990
Page 8 of 8

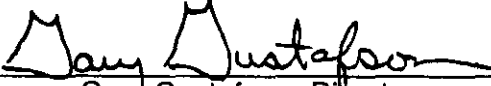
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ADL 225034

Effective Date August 16, 1990

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Gary Gustafson, Director
Division of Land and Water Management

8/16/90

Date

GG:GC:ref/[a:marmot.au3]

FILE: ADL 225034
SEE LAND DATA? Y

CUSTOMER-ID: 000035187 MARMOT ISLAND
SPECIAL USE AREA
* AK *

CASE TYPE: SPECIAL USE LAND CUST UNIT: LAND MANAGEMENT
DATE INITIATED: 08-16-1990 CASE STATUS: EFFECTIVE
TOTAL ACRES: 36,917.000
FILE LOCATION: SCDO LAND SECTION
OFFICE OF PRIMARY RESPONSIBILITY: LAND-SOUTHCNTRL REG
LAST ACTION: 08-16-1990 CHANGE LEGAL TEXT

M: S	T: 022S	R: 015W	S: 3	TOTAL ACRES: 640
M: S	T: 022S	R: 015W	S: 4	TOTAL ACRES: 640
M: S	T: 022S	R: 015W	S: 5	TOTAL ACRES: 640
M: S	T: 022S	R: 015W	S: 6	TOTAL ACRES: 613
M: S	T: 022S	R: 015W	S: 7	TOTAL ACRES: 614
M: S	T: 022S	R: 015W	S: 8	TOTAL ACRES: 640
M: S	T: 022S	R: 015W	S: 9	TOTAL ACRES: 640
M: S	T: 022S	R: 015W	S: 10	TOTAL ACRES: 640
M: S	T: 022S	R: 015W	S: 15	TOTAL ACRES: 640
M: S	T: 022S	R: 015W	S: 16	TOTAL ACRES: 640
M: S	T: 022S	R: 015W	S: 17	TOTAL ACRES: 640
M: S	T: 022S	R: 015W	S: 18	TOTAL ACRES: 616
M: S	T: 022S	R: 015W	S: 19	TOTAL ACRES: 618
M: S	T: 022S	R: 015W	S: 20	TOTAL ACRES: 640
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M: S	T: 022S	R: 015W	S: 31	TOTAL ACRES: 621
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M: S	T: 022S	R: 016W	S: 36	TOTAL ACRES: 200
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M: S	T: 023S	R: 015W	S: 4	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 5	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 6	TOTAL ACRES: 622
M: S	T: 023S	R: 015W	S: 7	TOTAL ACRES: 624
M: S	T: 023S	R: 015W	S: 8	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 9	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 10	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 15	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 16	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 17	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 18	TOTAL ACRES: 625
M: S	T: 023S	R: 015W	S: 19	TOTAL ACRES: 627
M: S	T: 023S	R: 015W	S: 20	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 21	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 22	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 27	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 28	TOTAL ACRES: 640

FILE: ADL 225034
SEE LAND DATA? Y

M: S	T: 023S	R: 015W	S: 29	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 30	TOTAL ACRES: 628
M: S	T: 023S	R: 015W	S: 31	TOTAL ACRES: 630
M: S	T: 023S	R: 015W	S: 32	TOTAL ACRES: 640
M: S	T: 023S	R: 015W	S: 33	TOTAL ACRES: 640
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M: S	T: 023S	R: 016W	S: 1	TOTAL ACRES: 400
M: S	T: 023S	R: 016W	S: 12	TOTAL ACRES: 240
M: S	T: 023S	R: 016W	S: 13	TOTAL ACRES: 640
M: S	T: 023S	R: 016W	S: 14	TOTAL ACRES: 140
M: S	T: 023S	R: 016W	S: 22	TOTAL ACRES: 320
M: S	T: 023S	R: 016W	S: 23	TOTAL ACRES: 640
M: S	T: 023S	R: 016W	S: 24	TOTAL ACRES: 640
M: S	T: 023S	R: 016W	S: 25	TOTAL ACRES: 640
M: S	T: 023S	R: 016W	S: 26	TOTAL ACRES: 640
M: S	T: 023S	R: 016W	S: 27	TOTAL ACRES: 320
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M: S	T: 023S	R: 016W	S: 35	TOTAL ACRES: 640
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***** CASE ACTIONS *****

08-16-1990 DESIGNATION EFFECTIVE
 DATE SIGNED: 08-16-1990
 ENFORCEMNT DATE: 11-14-1990
 STATUS 55 EFFECTIVE
 UNDER 11 AAC 96.010(A)(2) & (B), LANDS DESCRIBED ARE HEREBY DESIGNATED
 SPECIAL USE LANDS. WILL BE CALLED MARMOT ISLAND SPECIAL USE AREA.

***** LEGAL DESCRIPTION *****

PURPOSES

THE PRIMARY PURPOSES OF THE SPECIAL USE AREA ARE TO MINIMIZE HUMAN DISTURBANCE OF STELLER SEA LIONS, WHICH USE THE EASTERN BEACHES OF MARMOT ISLAND, AND TO PROTECT AND PRESERVE THIS IMPORTANT SEA LION HABITAT.

THE STELLER SEA LION ROOKERIES ON THE EAST SIDE OF MARMOT ISLAND, WHICH WERE ONCE THE LARGEST IN ALASKA, ARE IN DECLINE, ACCORDING TO THE ALASKA DEPARTMENT OF FISH AND GAME (ADF&G) AND THE NATIONAL MARINE FISHERIES SERVICE. THE NUMBER OF ANIMALS USING THE BEACHES HAS BEEN DECLINING STEADILY. STELLAR SEA LIONS ARE LISTED AS THREATENED UNDER THE PROVISION OF THE ENDANGERED SPECIES ACT.

HARASSMENT OR UNAUTHORIZED DISTURBANCE OF MARINE MAMMALS IS PROHIBITED BY THE MARINE MAMMAL PROTECTION ACT. HUMAN DISTURBANCE OF THE ROOKERIES COULD CAUSE STELLAR SEA LION TO LEAVE THE BEACHES, FURTHER HINDERING POPULATION RECOVERY.

ALLOWABLE ACTIVITIES

HISTORICAL, TRADITIONAL AND PUBLIC USES SHALL BE ALLOWED TO THE EXTENT THOSE USES ARE COMPATIBLE WITH THE PURPOSES OF THE SPECIAL USE AREA. THE PRIMARY CRITERIA FOR EVALUATING THE APPROPRIATENESS OF PROPOSED

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ACTIVITIES WILL BE COMPATIBILITY WITH STELLER SEA LION USE OF MARMOT ISLAND. GENERALLY PERMITTED ACTIVITIES WILL CONTINUE TO BE ALLOWED ON STATE LAND, WITH THE FOLLOWING EXCEPTIONS.

1. GROUND TRANSPORTATION. ALL MOTOR VEHICLE GROUND TRANSPORTATION, SUCH AS 4-WHEEL DRIVE VEHICLES, SNOWMACHINES AND ALL-TERRAIN VEHICLES, IS PROHIBITED FROM THE TOE OF THE BLUFF SEAWARD. THE USE OF MOTOR VEHICLES IN THE BALANCE OF THE SPECIAL USE AREA MAY NOT OCCUR WITHOUT WRITTEN AUTHORIZATION FOR THE DIVISION OF LAND AND WATER MANAGEMENT. AUTHORIZATION MAY BE GRANTED ONLY AFTER CONSULTATION WITH ADF&G.

2. AIRCRAFT OR BOATS. AIRCRAFT OR BOAT LANDINGS AND THE USE OF BOATS, RAFTS AND CANOES ARE PROHIBITED EXCEPT IN EMERGENCY SITUATIONS AND FOR SCIENTIFIC AND/OR MANAGEMENT PURPOSES. THE USE OF AIRCRAFT OR BOATS FOR SCIENTIFIC AND/OR MANAGEMENT PURPOSES MAY NOT OCCUR WITHOUT WRITTEN AUTHORIZATION FROM THE DIVISION OF LAND AND WATER MANAGEMENT. AUTHORIZATION MAY BE GRANTED ONLY AFTER CONSULTATION WITH ADF&G.

3. ACCESS DEVELOPMENT. ROAD CONSTRUCTION, AIRSTRIP CONSTRUCTION, TRAIL CONSTRUCTION AND BRUSHING OF TRAILS MAY NOT OCCUR WITHOUT WRITTEN AUTHORIZATION FROM THE DIVISION OF LAND AND WATER MANAGEMENT. AUTHORIZATION MAY BE GRANTED ONLY AFTER CONSULTATION WITH ADF&G.

4. CAMPING. OVERNIGHT CAMPING IS PROHIBITED IN THE SPECIAL USE AREA EXCEPT FOR SCIENTIFIC AND/OR MANAGEMENT PURPOSES. CAMPING FOR SCIENTIFIC AND/OR MANAGEMENT PURPOSES MAY NOT OCCUR WITHOUT WRITTEN AUTHORIZATION FROM THE DIVISION OF LAND AND WATER MANAGEMENT. AUTHORIZATION MAY BE GRANTED ONLY AFTER CONSULTATION WITH ADF&G.

5. DOMESTIC ANIMALS. DOMESTIC ANIMALS ARE PROHIBITED WITHIN THE SPECIAL USE AREA.

6. PERMITS AND LEASES FOR FACILITIES. NO PERMITS FOR TEMPORARY FACILITIES OR LEASES FOR PERMANENT FACILITIES SHALL BE AUTHORIZED EXCEPT FOR SCIENTIFIC AND/OR MANAGEMENT PURPOSES, E.G., ADF&G'S CABINS WHICH ARE USED AS A FIELD BASE.

7. TIMBER HARVEST. TIMBER HARVEST IS CURRENTLY PROHIBITED. FURTHERMORE, THE DIVISION OF FORESTRY HAS AGREED TO RECONSIDER TIMBER HARVEST AND OTHER FOREST MANAGEMENT OPTIONS ON MARMOT ISLAND ONLY AT FIVE-YEAR INTERVALS FROM THE DATE OF THEIR BEST INTEREST FINDING/ DECISION DOCUMENT DATED MARCH 29, 1989, OR AS PART OF THE PROPOSED KODIAK AREA PLAN, WHICHEVER COMES FIRST.

8. MINING. ALL LAND AND WATER (INCLUDING TIDE AND SUBMERGED LAND) WITHIN THE SPECIAL USE AREA WILL BE CLOSED TO MINERAL ENTRY UNDER AS 38.05.185-38.02.275.

9. RECREATIONAL MINING. THE BEACHES FROM THE TOE OF THE BLUFF SEAWARD TO MEAN LOW WATER WILL BE CLOSED TO RECREATIONAL MINING. THE UPLANDS WILL REMAIN OPEN FOR NONMOTORIZED RECREATIONAL MINING.

10. MATERIAL SALES. THE ENTIRE SPECIAL USE AREA WILL BE CLOSED TO

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ISSUANCE OF MATERIAL SALE CONTRACTS.

PERMIT AUTHORIZATION PROCESS

PERMITS OR AUTHORIZATIONS FOR ALLOWED USES WILL BE ISSUED BY THE DIVISION OF LAND AND WATER MANAGEMENT IN CONSULTATION WITH THE ALASKA DEPARTMENT OF FISH AND GAME.

LEGAL DESCRIPTION

THE FOLLOWING STATE-OWNED LAND AND WATER (INCLUDING TIDE AND SUBMERGED LAND) IS ESTABLISHED AS THE MARMOT ISLAND SPECIAL USE AREA, SUBJECT TO VALID EXISTING RIGHTS.

(1) TOWNSHIP 22 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN
SECTION 19
SECTIONS 30-31

(2) TOWNSHIP 22 SOUTH, RANGE 16 WEST, SEWARD MERIDIAN
SECTION 36: SE1/4, E1/2E1/2SW1/4.

(3) TOWNSHIP 23 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN
SECTIONS 6-7
SECTION 18

(4) TOWNSHIP 23 SOUTH, RANGE 16 WEST, SEWARD MERIDIAN
SECTION 1: E1/2, E1/2E1/2W1/2
SECTION 12: E1/2E1/2, E1/2W1/2E1/2
SECTION 13
SECTION 14: E1/2E1/2E1/2NE1/4, E1/2E1/2E1/2N1/2SE1/4,
S1/2SE1/4
SECTION 22: E1/2
SECTION 23-24

(5) THE TIDELAND AND SUBMERGED LAND AND WATER FOR A DISTANCE OF THREE MILES SEAWARD FROM THE MEAN HIGH TIDE LINE OF THE SHORELINE FOUND ON STATE LAND THAT IS DESCRIBED IN (1), (3), AND (4) OF THIS SUBSECTION; THE BOUNDARY LINES OF THE WATER DESCRIBED IN THIS PARAGRAPH INCLUDE THE WATER OF THE STATE ON THE EASTERN SHORES OF MARMOT ISLAND BETWEEN LINES EXTENDING

(A) THREE MILES FROM THE SHORELINE ON A LINE EXTENDED NORTHWARD FROM THE BOUNDARY BETWEEN SECTION 24, TOWNSHIP 22 SOUTH, RANGE 16 WEST, SEWARD MERIDIAN AND SECTIONS 19, TOWNSHIP 22 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN; AND

(B) THREE MILES FROM THE SHORELINE ON A LINE EXTENDED SOUTHWARD ALONG THE WESTERN BOUNDARY OF SECTION 22: E1/2, TOWNSHIP 23 SOUTH, RANGE 16 WEST, SEWARD MERIDIAN.