

32-LS0327\D
Bullard
2/4/22

CS FOR HOUSE BILL NO. 52(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES VANCE, Gillham, Carpenter, Cronk

A BILL

FOR AN ACT ENTITLED

"An Act adding state land to Kachemak Bay State Park; relating to Tutka Bay Lagoon and the Tutka Bay Lagoon Hatchery; and providing for an effective date."

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

* **Section 1.** AS 41.21.131(a) is amended to read:

(a) The presently state-owned land and water, and all that acquired in the future by the state, lying within the parcels described in this section are designated as the Kachemak Bay State Park. In order to protect and preserve this land and water for its unique and exceptional scenic value, the park is established and shall be managed as a scenic park. The land and water lying within the following described parcels is reserved from all uses incompatible with its primary function as a scenic park and is assigned to the department for control, development, and maintenance:

(1) **Township 4 South, Range 11 West, Seward Meridian**

Section 33: W1/2SE1/4 and SW1/4SE1/4, lying southerly and easterly of East End Road;

Island

(2) Township 5 South, Range 10 West, Seward Meridian Chugachik

Sections 31 - 32;

(3) [(2)] Township 5 South, Range 11 West, Seward Meridian

Section 2: Lot 1, excluding Tract A

Section 3: Lots 1 - 8, SW1/4NE1/4, S1/2NW1/4, N1/2SW1/4

Section 4: Lots 1 - 4, S1/2N1/2, SE1/4, E1/2SW1/4

Section 8: E1/2NE1/4, SE1/4

Section 9: Lots 1, [AND] 2, **4, 6, and 7**, NW1/4NE1/4,

NE1/4NW1/4, W1/2NW1/4, N1/2NE1/4SW1/4,

SW1/4NE1/4SW1/4, **Tracts E, F, G, and H, Kachemak Bay**

View Estates Subdivision, Plat No. 79-143 [EXCLUDING

LOT 6]

Section 10: Lot 1

Section 16: Lot 1

Section 17: Lots 1, **2**, 3, 4, NW1/4SW1/4, S1/2NW1/4,

N1/2NW1/4, NW1/4NE1/4

Section 18: Lot 4, SE1/4, E1/2NE1/4

Section 19: Lots 1 - 6, NW1/4NE1/4, NE1/4NW1/4

Section 20: Lot 1

Sections 24 - 25, excluding tide and submerged land within the

Kachemak Bay Critical Habitat Area

Section 26: SE1/4, excluding tide and submerged land within

the Kachemak Bay Critical Habitat Area

Section 35, excluding tide and submerged land within the

Kachemak Bay Critical Habitat Area

Section 36;

(4) [(3)] Township 6 South, Range 11 West, Seward Meridian;

(5) [(4)] Township 7 South, Range 11 West, Seward Meridian

Sections 1 - 4

Section 5: N1/2

Sections 7 - 36;

(6) [(5)] Township 7 South, Range 12 West, Seward Meridian

Section 12, except N1/2NE1/4

Section 13

Sections 19 - 36;

(7) [(6)] Township 7 South, Range 13 West, Seward Meridian

Sections 25 - 26

Sections 35 - 36;

(8) [(7)] Township 8 South, Range 11 West, Seward Meridian

Sections 1 - 8

Section 9: N1/2

Section 10: N1/2

Section 11: N1/2

Section 12: N1/2

Sections 17 - 18;

(9) [(8)] Township 8 South, Range 12 West, Seward Meridian;

(10) [(9)] Township 8 South, Range 13 West, Seward Meridian

Sections 1 - 2

Sections 10 - 14

Section 15: E1/2

Section 23: N1/2 and SE1/4

Sections 24 - 25

Section 26: E1/2

Section 35: E1/2

Section 36;

(11) [(10)] Township 9 South, Range 8 West, Seward Meridian

Section 2: W1/2

Section 3 - 10

Sections 15 - 22

Sections 27 - 34;

(12) [(11)] Township 9 South, Range 9 West, Seward Meridian;

(13) [(12)] Township 9 South, Range 10 West, Seward Meridian

Sections 10 - 15

Sections 22 - 27

Sections 34 - 36;

(14) [(13)] Township 9 South, Range 12 West, Seward Meridian

Sections 1 - 6

Section 8: NE1/4

Sections 9 - 12

Section 13: N1/2

Section 14: N1/2;

(15) [(14)] Township 9 South, Range 13 West, Seward Meridian

Sections 1 - 2;

(16) [(15)] Township 10 South, Range 8 West, Seward Meridian

Sections 4 - 8

Sections 17 - 19;

(17) [(16)] Township 10 South, Range 9 West, Seward Meridian

Sections 1 - 4

Sections 10 - 15

Sections 22 - 24.

* **Sec. 2.** AS 41.21.131 is amended by adding a new subsection to read:

(d) The following land and water, commonly known as Tutka Bay Lagoon, and the land on which the Tutka Bay Lagoon Hatchery is located, containing approximately 123.45 acres of land, is excepted from (a) and (b) of this section, shall be managed by the department, and is not part of the Kachemak Bay State Park: commencing at control point no. 99, a 2-inch aluminum cap on 5/8-inch rebar, marked CP 99, LS 4469, 2012, at latitude 59 degrees 26 minutes 09.172 seconds North and longitude 151 degrees 24 minutes 52.651 seconds West; from which control point no. 101, a 2-inch aluminum cap on 5/8-inch rebar, marked CP 101, LS 4469, 2012, at latitude 59 degrees 26 minutes 12.651 seconds North and longitude 151 degrees 24 minutes 50.806 seconds West bears north 16 degrees 20 minutes 07 seconds East, a distance of 365.84 feet; thence south 17 degrees 36 minutes 32 seconds East, a

distance of 649.17 feet to the south corner no. 1 of the parcel, an unmonumented position at latitude 59 degrees 26 minutes 03.12 seconds North and longitude 151 degrees 24 minutes 48.60 seconds West, and the true point of beginning of the herein described parcel; thence north 47 degrees 11 minutes 33 seconds West, a distance of 1817.08 feet to corner no. 2, an unmonumented position at latitude 59 degrees 26 minutes 15.00 seconds North and longitude 151 degrees 25 minutes 14.88 seconds West; thence north 63 degrees 25 minutes 05 seconds West, a distance of 1194.84 feet to corner no. 3, an unmonumented position at latitude 59 degrees 26 minutes 20.04 seconds North and longitude 151 degrees 25 minutes 35.76 seconds West; thence north 62 degrees 18 minutes 23 seconds West, a distance of 1476.37 feet to corner no. 4, an unmonumented position at latitude 59 degrees 26 minutes 26.52 seconds North and longitude 151 degrees 26 minutes 01.32 seconds West; thence north 29 degrees 51 minutes 17 seconds East, a distance of 582.91 feet to corner no. 5, an unmonumented position at latitude 59 degrees 26 minutes 31.56 seconds North and longitude 151 degrees 25 minutes 55.92 seconds West; thence south 81 degrees 46 minutes 26 seconds East, a distance of 1500.30 feet to corner no. 6, an unmonumented position at latitude 59 degrees 26 minutes 29.76 seconds North and longitude 151 degrees 25 minutes 27.12 seconds West; thence south 67 degrees 27 minutes 47 seconds East, a distance of 3217.16 feet to corner no. 7, an unmonumented position at latitude 59 degrees 26 minutes 18.24 seconds North and longitude 151 degrees 24 minutes 29.16 seconds West; thence south 34 degrees 26 minutes 11 seconds West, a distance of 1834.95 feet to corner no. 1, the point of beginning.

* **Sec. 3.** AS 41.21.131(d) is repealed.

* **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL EFFECT; NOTIFICATION. (a) Section 3 of this Act takes effect only if, for a period of three years, the Department of Fish and Game does not operate or contract with another party to operate the Tutka Bay Lagoon Hatchery.

(b) The commissioner of natural resources shall notify the revisor of statutes in writing within 30 days after the three-year period has elapsed as provided in (a) of this section.

1 * **Sec. 5.** If sec. 3 of this Act takes effect under sec. 4 of this Act, it takes effect on the day
2 after the date on which the commissioner of natural resources makes the notification to the
3 revisor of statutes under sec. 4 of this Act.

4 * **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect immediately under
5 AS 01.10.070(c).