

CONFERENCE CS FOR SENATE BILL NO. 230
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE CONFERENCE COMMITTEE

Offered: 5/6/96

Sponsor(s): SENATORS PEARCE, Frank, Green, Halford, Leman, Miller, Phillips, Sharp, Taylor, Torgerson, Donley

REPRESENTATIVES Kohring, Toohey

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of state land, water, and land and water as
2 part of a state park, recreational or special management area, or preserve;
3 relating to reports to the legislature concerning prohibitions or restrictions of
4 traditional means of access for traditional recreational uses within a park,
5 recreational or special management area, or preserve; relating to Chilkat State
6 Park; and relating to Denali State Park."

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

8 * **Section 1.** AS 41.21.020(a) is amended to read:

9 (a) The department shall

10 (1) develop a continuing plan for the conservation and maximum use in
11 the public interest of the scenic, historic, archaeologic, scientific, biological, and
12 recreational resources of the state;

13 (2) plan for and develop a system of state parks and recreational

1 facilities, to be established as the legislature authorizes and directs;

2 (3) acquire by gift, purchase, or transfer from state or federal agencies,
3 or from individuals, corporations, partnerships, or associations, land necessary, suitable,
4 and proper for roadside, picnic, recreational, or park purposes;

5 (4) develop, manage, and maintain state parks and recreational areas;

6 (5) provide for the acquisition, care, management, supervision,
7 improvement, development, extension, and maintenance of public recreational land, and
8 make necessary arrangements, contracts, or commitments for the improvement and
9 development of land acquired under AS 41.21.010 - 41.21.040; contracting for
10 improvement and development under this paragraph is governed by AS 36.30 (State
11 Procurement Code);

12 (6) adopt, in accordance with this section and AS 44.62 (Administrative
13 Procedure Act), regulations governing the use and designating incompatible uses within
14 the boundaries of state park and recreational areas to protect the property and to preserve
15 the peace;

16 (7) cooperate with the United States and its agencies and local
17 subdivisions of the state to secure the effective supervision, improvement, development,
18 extension, and maintenance of state parks, state monuments, state historical areas, and
19 state recreational areas, and secure agreements or contracts for the purpose of
20 AS 41.21.010 - 41.21.040;

21 (8) encourage the organization of state public park and recreational
22 activities in the local political subdivisions of the state;

23 (9) provide for consulting service designed to develop local park and
24 recreation facilities and programs;

25 (10) provide clearinghouse services for other state agencies concerned
26 with park and recreation matters;

27 (11) perform other duties as are prescribed by executive order or by law;

28 (12) maintain memorials to Alaska veterans located in state parks; [AND]

29 (13) adopt, in accordance with AS 44.62 (Administrative Procedure Act),
30 regulations governing the use of the Chena River State Recreation Area and designating
31 incompatible uses within the boundaries of the Chena River State Recreation Area in
32 accordance with AS 41.21.490; and

1 (14) annually, by the first day of each regular session of the
2 legislature, submit a report to the legislature on each designation of an incompatible
3 use under this chapter, or other action, that prohibits or restricts a traditional
4 means of access across a park, area, or preserve established under this chapter for
5 a traditional recreational activity on or within the park, area, or preserve; for each
6 prohibition or restriction, the report must state reasons for the designation of
7 incompatibility or prohibition or restriction of a traditional means of access, the
8 specific area of the prohibition or restriction, and the time period during which the
9 incompatibility or prohibition or restriction is expected to exist; in this paragraph,

10 (A) "traditional means of access" means those types of
11 transportation on, to, or in the state land, water, or land and water, for
12 which a popular pattern of use has developed; the term includes general or
13 commercial aviation, ballooning, motorized and nonmotorized boating,
14 snowmachining, operation of all-terrain vehicles, mushing, skiing,
15 snowshoeing, and walking;

16 (B) "traditional recreational activity" means those personal
17 or commercial types of activities that people may utilize for sport, exercise,
18 subsistence, or personal enjoyment, including hunting, fishing, trapping, or
19 gathering, and that have historically been conducted as part of an individual,
20 family, or community life pattern on or in the state land, water, or land and
21 water.

22 * **Sec. 2.** AS 41.21.020 is amended by adding a new subsection to read:

23 (d) Notwithstanding (a)(3) of this section, the department may not manage as
24 part of a park, area, or preserve established under AS 41.21.110 - 41.21.630, land, water,
25 or land and water that is not within the boundaries, as designated by the legislature, of
26 the park, area, or preserve.

27 * **Sec. 3.** AS 41.21.111 is amended to read:

28 Sec. 41.21.111. AUTHORITY TO DESIGNATE CHILKAT STATE PARK.

29 The governor may designate by proclamation the state-owned land and water and all
30 that acquired in the future by the state, lying within the parcels described in this
31 section, as the Chilkat State Park. The proclamation may include the entire area or
32 portions of the area at different times, shall reserve the areas included from all uses

incompatible with their primary function as public recreation land and water, and shall assign them to the department for control, development, and maintenance. Land covered by AS 41.21.110 - 41.21.113 has a total acreage of **6,056.30** [6,045.45] acres, including approximately 610 acres of federal land, and is described as follows:

(1) Township 31 South, Range 60 East, Copper River Meridian U.S.S. 1599: the portions of Sections 6-8 known as Battery Point Light House Reserve;

(2) Township 31 South, Range 59 East, Copper River Meridian Section 1, excluding the portions of Lots 2 and 3 within the Chilkoot Inlet Alaska Subdivision Section 12: NW1/4, NE1/4, SE1/4 Township 31 South, Range 60 East, Copper River Meridian Section 6: Lots 1-3 Section 7: Lots 1-7 Section 8: Lot 1 Sections 17 and 18 Section 19: NE1/4NW1/4, N1/2NE1/4;

(3) Township 31 South, Range 60 East, Copper River Meridian Section 30: Lots 8 and 9 Section 31 Section 32: SW1/4, W1/2NW1/4SE1/4, W1/2SE1/4NW1/4SE1/4, Lots 9-16 including W1/2SW1/4SE1/4SE1/4;

(4) Township 32 South, Range 60 East, Copper River Meridian Section 5: W1/2, W1/2SE1/4 Sections 6-9, 15-17, 21 and 22, excluding Tongass National Forest; **and**

(5) the following particularly described parcels:

(A) approximately 6.49 acres in U.S. Survey 1243, Haines Recording District, described as: begin on the South line of said survey South 88 degrees 31 minutes 45 seconds East 1950.84 feet from Southwest corner (corner 4 M.C.) of said survey, said point being the Southeast corner of the tract in said survey excepted in the decree in Case No. 68-328 of the Superior Court at Juneau, in which the distance is recited as being 29.55 chains (1950.30 feet), run thence North 01 degree 12 minutes 00 seconds East, on the East line of said excepted tract, 1028.77 feet, recited as 15.59 chains (1028.94 feet) in said decree, to the Northeast corner of said excepted tract; thence North 88 degrees 31 minutes 45 seconds West 24.38 feet; thence North 01 degree 27 minutes 45 seconds East 1.85 feet; thence on a 126.92 foot radius curve to the left through a central angle of 72 degrees 04 minutes 30 seconds a distance of 159.57 feet, the chord of

1 which bears North 34 degrees 34 minutes 30 seconds West 149.27 feet;
2 thence North 70 degrees 25 minutes 15 seconds West 119.52 feet; thence
3 on a 208.11 foot radius curve to the right through a central angle of 62
4 degrees 04 minutes 00 seconds a distance of 225.48 feet, the chord of which
5 bears North 39 degrees 23 minutes 15 seconds West 214.61 feet to the
6 South line of "Mud Bay Road"; thence North 86 degrees 46 minutes 30
7 seconds East, on said line of "Mud Bay Road," 230.54 feet; thence South
8 70 degrees 25 minutes 15 seconds East 90.95 feet; thence on a 326.92 foot
9 radius curve to the right through a central angle of 71 degrees 57 minutes
10 00 seconds a distance of 410.55 feet, the chord of which bears South 34
11 degrees 30 minutes 45 seconds 384.10 feet; thence South 01 degree 27
12 minutes 45 seconds West 1030.62 feet to the South line of said survey;
13 thence North 88 degrees 31 minutes 45 seconds West 175.38 feet to the
14 point of beginning;

15 (B) approximately .92 acres in Tract "D," C. McRae
16 Subdivision according to Plat 77 - 12, Haines Recording District, described
17 as: begin at the Southwest corner of said Tract "D" which is also the
18 Southwest corner of the North one-half of the Southwest one-quarter of the
19 Northwest one-quarter of Section 32, Township 31 South, Range 60 East
20 of the Copper River Meridian, which bears North 01 degree 26 minutes 00
21 seconds West (Alaska State Plane Grid Bearings) 660.00 feet from the one-
22 quarter corner on the West line of said section and South 01 degree 26
23 minutes 00 seconds East 660.00 feet from the North one-sixteenth corner
24 on the West line of said section, run thence North 01 degree 26 minutes 00
25 seconds East, on the West line of said section, 347.81 feet to the
26 Northeasterly line of Chilkat State Park Roadway; thence South 32 degrees
27 56 minutes 15 seconds East 70.04 feet to a point of curve; thence Southerly
28 on a 0 degrees 58 minutes 58 seconds curve to the right (Radius = 5,829.65
29 feet) through an arc of 03 degrees 23 minutes 12 seconds (344.58 feet), the
30 cord of which bears South 31 degrees 14 minutes 45 seconds East 344.53
31 feet, to the South line of said tract and the South line of the North one-half

1 of the Southwest one-quarter of the Northwest one-quarter of said section;
2 thence North 88 degrees 34 minutes 00 seconds West 225.56 feet to the
3 point of beginning;

4 (C) approximately 3.44 acres in Tract "E," C. McRae
5 Subdivision according to Plat 77 - 12, Haines Recording District, described
6 as: begin at the Northwest corner of said tract which is also the one-sixty-
7 fourth corner on the West line of said section which bears North 01 degree
8 26 minutes 00 seconds East (Alaska State Plane Grid Bearings) 660.00 feet
9 from the one-quarter corner on the West line of Section 32, Township 31
10 South, Range 60 East of the Copper River Meridian and South 01 degree
11 26 minutes 00 seconds West 660.00 feet from the North one-sixteenth
12 corner of said section, run thence South 88 degrees 34 minutes 00 seconds
13 East, on the North line of said tract which is also the South line of the
14 North one-half of the Southwest one-quarter of the Northwest one-quarter
15 of said section, 225.56 feet to a point on the Easterly line of Chilkat State
16 Park Roadway; thence Southerly on a 0 degrees 58 minutes 58 seconds
17 curve to the right (Radius = 5,829.65 feet) through an arc of 01 degree 46
18 minutes 48 seconds (181.10 feet), the chord of which bears South 28
19 degrees 39 minutes 39 seconds East 181.10 feet, to a point of tangency;
20 thence South 27 degrees 46 minutes 15 seconds East 268.21 feet to a point
21 of curve; thence on a 14 degrees 16 minutes 06 seconds curve to the right
22 (Radius = 401.56) through an arc of 40 degrees 06 minutes 37 seconds
23 (281.12 feet), the chord of which bears South 07 degrees 43 minutes 00
24 seconds East 275.41 feet to the South line of said tract which is also the
25 South line of the Southwest one-quarter of the Northwest one-quarter of
26 said section; thence North 88 degrees 15 minutes 00 seconds West, on said
27 South line, to the Westerly line of Chilkat State Park Roadway; thence
28 Northerly on a 28 degrees 25 minutes 34 seconds curve to the left (Radius
29 = 201.56 feet) through an arc of 50 degrees 59 minutes 51 seconds (179.40
30 feet), the chord of which bears North 02 degrees 15 minutes 15 seconds
31 West 173.54 feet to a point of tangency; thence North 27 degrees 46

minutes 15 seconds West 268.21 feet to a point of curve; thence on a 01 degree 01 minute 04 seconds curve to the left (Radius = 5,629.65 feet) through an arc of 02 degrees 50 minutes 00 seconds (278.39 feet), the chord of which bears North 29 degrees 11 minutes 15 seconds West 278.37 feet to the West line of said section; thence North 01 degree 26 minutes 00 seconds East 14.72 feet to the point of beginning.

* Sec. 4. AS 41.21 is amended by adding a new section to read:

Sec. 41.21.155. INCOMPATIBLE USES. (a) The commissioner may designate by regulation incompatible uses within the land and water areas described in AS 41.21.151.

(b) The regulations governing public use of the Denali State Park must

(1) provide ample access for legal sport and subsistence hunting and fishing, trapping, and recreational uses; except to protect public safety, the commissioner may not restrict the exercise of sport or subsistence fishing or hunting or trapping permitted under law or under a regulation of the Board of Fisheries or the Board of Game within the Denali State Park;

(2) recognize that the current practice of traditional subsistence and recreational activities includes the use of small outboard motors and snow machines;

(3) allow noncommercial access, without a permit, by fixed-wing or rotor aircraft for recreational purposes; and

(4) provide ample access for recreational mining; the commissioner may not restrict recreational mining conducted using suction dredges provided the nozzles of the dredges are four inches or less in size.

* Sec. 5. Regulations that have not taken effect before the effective date of this Act and are in the process of being adopted by the Department of Natural Resources concerning Denali State Park and uses within Denali State Park may only take effect to the extent the regulations are consistent with the provisions of this Act. Regulations adopted by the Department of Natural Resources concerning Denali State Park and uses within Denali State Park that take effect in 1996 before this Act takes effect, are annulled.