

Received in the Senate: 1/15/24; Introduced: 1/16/24
Referred: Resources

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EXECUTIVE ORDER NO. 132

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance
2 with AS 24.08.210, I order the following:

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 FINDINGS. As governor, I find that it is in the best interests of efficient
6 administration to transfer the functions relating to the development and monitoring of the
7 management plan for the Alaska Chilkat Bald Eagle Preserve from the Alaska Chilkat Bald
8 Eagle Preserve Advisory Council to the Department of Natural Resources. Additionally, with
9 the transfer of these functions, I find that there is no longer a need for the Alaska Chilkat Bald
10 Eagle Preserve Advisory Council and its elimination is in the best interests of efficient
11 administration. These actions will result in more effective program oversight and increased
12 accountability for the preservation, protection, and management of the Alaska Chilkat Bald
13 Eagle Preserve.

14 * **Sec. 2.** AS 41.15.310(a) is amended to read:

15 (a) The division of forestry and fire protection shall consult with the division
16 of parks and [,] the Department of Fish and Game, including each local fish and game
17 advisory committee with jurisdiction in the area, [AND THE ALASKA CHILKAT
18 BALD EAGLE PRESERVE ADVISORY COUNCIL] to promote effective, efficient,
19 and coordinated administration of the Haines State Forest Resource Management Area
20 and the Alaska Chilkat Bald Eagle Preserve for the values for which each is
21 established.

22 * **Sec. 3.** AS 41.21.616 is amended to read:

23 **Sec. 41.21.616. Regulations.** The department shall consult with the
24 Department of Fish and Game, the United States Fish and Wildlife Service, a local
25 governing body of a municipality, and any local fish and game advisory committees [,

1 AND THE ALASKA CHILKAT BALD EAGLE PRESERVE ADVISORY
 2 COUNCIL ESTABLISHED BY AS 41.21.625] before adoption of reasonable
 3 regulations governing public use and protection of the Alaska Chilkat Bald Eagle
 4 Preserve. The Department of Fish and Game shall consult with the department [AND
 5 THE ALASKA CHILKAT BALD EAGLE PRESERVE ADVISORY COUNCIL] in
 6 proposing regulations governing fish and game management in the Alaska Chilkat
 7 Bald Eagle Preserve for adoption by the Board of Fisheries or the Board of Game. The
 8 Department of Fish and Game and the department shall cooperate with the United
 9 States Fish and Wildlife Service in its administration of federal law governing the
 10 conservation of bald eagles.

11 * **Sec. 4.** AS 41.21.618 is amended to read:

12 **Sec. 41.21.618. Traditional uses.** Continued opportunities for traditional uses
 13 of the Alaska Chilkat Bald Eagle Preserve at levels and by methods and means that are
 14 compatible with the protection of the bald eagle population are guaranteed. These
 15 historically compatible uses include but are not limited to hunting, trapping, fishing,
 16 berry picking, other subsistence and recreational uses, operation of motorized vehicles,
 17 and the harvesting of personal-use firewood. The level and method or means of
 18 traditional use may continue subject to reasonable regulation unless the director of the
 19 division of parks of the department [, AFTER CONSULTATION WITH THE
 20 ALASKA CHILKAT BALD EAGLE PRESERVE ADVISORY COUNCIL,] makes a
 21 finding that the level or method and means of use is causing significant resource
 22 damage that is inconsistent with AS 41.21.610(a) and (b). The director of the division
 23 of parks shall hold a public hearing in Haines and Klukwan before restricting a
 24 traditional use permitted under this section.

25 * **Sec. 5.** AS 41.21.619 is amended to read:

26 **Sec. 41.21.619. Access and rights-of-way.** If privately owned land, University
 27 of Alaska grant land, a valid mining right, an existing mineral lease, a subsurface right
 28 on private land, or other valid occupancy is surrounded by state land of the Alaska
 29 Chilkat Bald Eagle Preserve or if privately owned land, University of Alaska grant
 30 land, federal land, municipal land, or state land not described in AS 41.21.611(b), a
 31 valid mining claim, subsurface right, or other valid occupancy on land not described in

AS 41.21.611(b) does not have reasonable, timely, and economically feasible access and egress by means other than crossing land designated as Alaska Chilkat Bald Eagle Preserve land in AS 41.21.611(b), the director of the division of parks shall grant a private landowner, the University of Alaska, a holder of a valid existing right to land, or a state agency, municipality, or federal agency the rights necessary to assure reasonable, timely, and economically feasible access and egress. A permittee or licensee of an owner of land or the holder of a valid existing right to land may use access and egress granted under this subsection. The rights of access and egress granted under this subsection are subject to reasonable regulation and stipulations established by the director of the division of parks [AFTER CONSULTING WITH THE ALASKA CHILKAT BALD EAGLE PRESERVE ADVISORY COUNCIL] to protect the purposes and values of the Alaska Chilkat Bald Eagle Preserve and to minimize adverse environmental impacts in the preserve. As used in this subsection, "valid existing right" includes but is not limited to a valid mining right, an existing mineral right, and a subsurface right. The director of the division of parks shall give favorable consideration to applications for utility rights-of-way that are compatible with AS 41.21.610(a) and (b).

* **Sec. 6.** AS 41.21.620(a) is amended to read:

(a) The director of the division of parks [AND THE ALASKA CHILKAT BALD EAGLE ADVISORY COUNCIL ESTABLISHED UNDER AS 41.21.625], in written consultation with the United States Fish and Wildlife Service, the Department of Fish and Game, the Chilkat Indian Village, the Chilkoot Indian Association, and other appropriate groups, may use information gained through cooperative resource studies in the development of the management plan for the Alaska Chilkat Bald Eagle Preserve and in decisions affecting the management and administration of the preserve. The director of the division of parks [AND THE ADVISORY COUNCIL] shall investigate the need for additional research to increase the knowledge and understanding of the natural and cultural resources of the area and to enhance the effective management of the Alaska Chilkat Bald Eagle Preserve.

* **Sec. 7.** AS 41.21.620 is amended by adding a new subsection to read:

(c) The management plan shall be presented at public hearings in Haines and

1 Klukwan before approval and implementation by the department.

2 * **Sec. 8.** AS 41.21.621 is amended to read:

3 **Sec. 41.21.621. Additions or deletions to preserve.** An agency of the state
4 may not participate or cooperate with a federal or private study considering additions
5 to or deletions from the area of the Alaska Chilkat Bald Eagle Preserve without giving
6 90 days' prior notice to the director of the division of parks [ALASKA CHILKAT
7 BALD EAGLE PRESERVE ADVISORY COUNCIL]. The director of the division of
8 parks may waive the notice required by this subsection on the director's determination
9 [IN WRITING TO THE ADVISORY COUNCIL] that an emergency necessitates
10 immediate study or a shorter period of notice [TO THE ADVISORY COUNCIL].

11 * **Sec. 9.** AS 41.21.625 is repealed.

12 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 TRANSITION. (a) The terms of the members of the Alaska Chilkat Bald Eagle
15 Preserve Advisory Council established under AS 41.21.625 terminate on the effective date of
16 this Order.

17 (b) Litigation, hearings, investigations, and other proceedings pending under a law
18 repealed or amended by this Order, or in connection with a function transferred by this Order,
19 continue in effect and may be completed notwithstanding a transfer, repeal, or amendment
20 provided for in this Order.

21 (c) Contracts, rights, liabilities, and obligations created by or under a law repealed or
22 affected by this Order, and in effect on the effective date of this Order, remain in effect
23 notwithstanding this Order's taking effect.

24 (d) Certificates, orders, and regulations in effect on the effective date of this Order
25 that were issued or adopted under the authority of a law amended or repealed by this Order, or
26 in connection with a function transferred by this Order, remain in effect for the term issued
27 and shall be enforced by the agency to which the function is transferred under this Order until
28 revoked, vacated, or amended by the agency to which the function is transferred.

29 (e) Records, equipment, appropriations, and other property of an agency of the state
30 whose functions are transferred under this Order shall be transferred to implement the
31 provisions of this Order.

1 *** Sec. 11.** This Order takes effect July 1, 2024.

DATED:_____

Mike Dunleavy
Governor