



## Sectional Analysis

### CSSB 70

**“An act relating to exceptions from designation as a special purpose site under art. VIII, sec. 7 of the Constitution of the State of Alaska for portions of Denali State Park, Captain Cook State Recreation Area, Nancy Lake State Recreation Area, and Willow Creek State Recreation Area to allow leasing a right-of-way for a natural gas pipeline.”**

#### Section 1. Denali State Park purpose

Section 1 makes conforming changes to the purpose section of the statutes creating Denali State Park.

#### Section 2. Denali State Park right of way authorization

Part (a) of this Section authorizes issuance of a right-of-way lease under AS 38.35, the Pipeline Right of Way Leasing Act, for a gas pipeline in an identified corridor through Denali State Park. The corridor identified in the bill contains the areas being studied by both the AK LNG project and the Alaska Stand Alone Pipeline Project for the pipeline route through Denali State Park.

Part (b) of this Section contains language to clarify that the legal descriptions in part (a) are intended to all land within the MRTS descriptions, including land that has been surveyed. This paragraph has been included to avoid any ambiguity created by drafting conventions that may treat surveyed land as excluded from a legal description based on protracted section lines.

Part (c) of this Section requires that the land be managed as parkland until a right of way lease is issued and for the return of land to the park as it is released from a right of way lease either through contraction of the right of way or termination of the lease.

Part (d) of this Section contains supplemental requirements and guidance for any right-of-way lease passing through the park to minimize the impact of a pipeline on the park, and contains a requirement that the lease terminate unless construction has begun within ten years of the effective date of the lease.

Part (e) of this Section clarifies that in allowing limited right of way leasing within the exterior boundaries of the park, the commissioner's power under AS 38.35 to delegate condemnation authority to a lessee does not extend to condemnation of private land within the park.

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Part (f) of this section requires a lease to be issued, if at all, before January 1, 2025 to ensure that the identified corridor does not sit in limbo if no pipeline project goes forward.

### **Section 3. Captain Cook State Recreation Area purpose**

Section 1 makes conforming changes to the purpose section of the statutes creating Captain Cook State Recreation Area.

### **Section 4. Captain Cook State Recreation Area right of way authorization**

Part (a) of this Section authorizes issuance of a right-of-way lease under AS 38.35, the Pipeline Right of Way Leasing Act, for a gas pipeline in an identified corridor through Captain Cook State Recreation Area. The corridor identified in the bill contains the areas being studied by the AK LNG project for the pipeline route through Captain Cook State Recreation Area.

Part (b) of this Section contains language to clarify that the legal descriptions in part (a) are intended to all land within the MRTS descriptions, including land that has been surveyed. This paragraph has been included to avoid any ambiguity created by drafting conventions that may treat surveyed land as excluded from a legal description based on protracted section lines.

Part (c) of this Section requires that the land be managed as parkland until a right of way lease is issued and for the return of land to the park as it is released from a right of way lease either through contraction of the right of way or termination of the lease.

Part (d) of this Section contains supplemental requirements and guidance for any right-of-way lease passing through the park to minimize the impact of a pipeline on the park, and contains a requirement that the lease terminate unless construction has begun within ten years of the effective date of the lease.

Part (e) of this Section clarifies that in allowing limited right of way leasing within the exterior boundaries of the park, the commissioner's power under AS 38.35 to delegate condemnation authority to a lessee does not extend to condemnation of private land within the park.

Part (f) of this section requires a lease to be issued, if at all, before January 1, 2025 to ensure that the identified corridor does not sit in limbo if no pipeline project goes forward.

### **Section 5. Nancy Lake State Recreation Area purpose**

Section 1 makes conforming changes to the purpose section of the statutes creating Nancy Lake State Recreation Area.

### **Section 6. Nancy Lake State Recreation Area right of way authorization**

Part (a) of this Section authorizes issuance of a right-of-way lease under AS 38.35, the Pipeline Right of Way Leasing Act, for a gas pipeline in an identified corridor through Nancy Lake State Recreation Area. The corridor identified in the bill contains the areas being studied by the Alaska Stand Alone Pipeline project for the pipeline route through Nancy Lake State Recreation Area.

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Part (b) of this Section contains language to clarify that the legal descriptions in part (a) are intended to all land within the MRTS descriptions, including land that has been surveyed. This paragraph has been included to avoid any ambiguity created by drafting conventions that may treat surveyed land as excluded from a legal description based on protracted section lines.

Part (c) of this Section requires that the land be managed as parkland until a right of way lease is issued and for the return of land to the park as it is released from a right of way lease either through contraction of the right of way or termination of the lease.

Part (d) of this Section contains supplemental requirements and guidance for any right-of-way lease passing through the park to minimize the impact of a pipeline on the park, and contains a requirement that the lease terminate unless construction has begun within ten years of the effective date of the lease.

Part (e) of this Section clarifies that in allowing limited right of way leasing within the exterior boundaries of the park, the commissioner's power under AS 38.35 to delegate condemnation authority to a lessee does not extend to condemnation of private land within the park.

Part (f) of this section requires a lease to be issued, if at all, before January 1, 2025 to ensure that the identified corridor does not sit in limbo if no pipeline project goes forward.

## **Section 7. Willow Creek State Recreation Area right of way authorization**

Part (a) of this Section authorizes issuance of a right-of-way lease under AS 38.35, the Pipeline Right of Way Leasing Act, for a gas pipeline in an identified corridor through Willow Creek State Recreation Area. The corridor identified in the bill contains the areas being studied by the Alaska Stand Alone Pipeline project for the pipeline route through Willow Creek State Recreation Area.

Part (b) of this Section contains language to clarify that the legal descriptions in part (a) are intended to all land within the MRTS descriptions, including land that has been surveyed. This paragraph has been included to avoid any ambiguity created by drafting conventions that may treat surveyed land as excluded from a legal description based on protracted section lines.

Part (c) of this Section requires that the land be managed as parkland until a right of way lease is issued and for the return of land to the park as it is released from a right of way lease either through contraction of the right of way or termination of the lease.

Part (d) of this Section contains supplemental requirements and guidance for any right-of-way lease passing through the park to minimize the impact of a pipeline on the park, and contains a requirement that the lease terminate unless construction has begun within ten years of the effective date of the lease.

Part (e) of this Section clarifies that in allowing limited right of way leasing within the exterior boundaries of the park, the commissioner's power under AS 38.35 to delegate condemnation authority to a lessee does not extend to condemnation of private land within the park.

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Part (f) of this section requires a lease to be issued, if at all, before January 1, 2025 to ensure that the identified corridor does not sit in limbo if no pipeline project goes forward.