

**SENATE BILL NO. 198**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR TORGERSON

Introduced: 1/8/96

Referred: RES, FIN

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act establishing the Homer Airport Critical Habitat Area."**

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

3 \* **Section 1.** AS 16.20 is amended by adding a new section to read:

4           Sec. 16.20.630.   **HOMER AIRPORT CRITICAL HABITAT AREA**  
5       ESTABLISHED. (a) The following described area is established as the Homer  
6       Airport Critical Habitat Area:

7                           (1) Tract A:

8                                       Township 6 South, Range 13 West, Seward Meridian

9   Section 21: S1/2NE1/4 that portion upland of the  
10   ordinary high water line of Beluga Lake, comprising 9.3 acres,  
11   more or less;

12                           (2) Tract B:

13                                       Township 6 South, Range 13 West, Seward Meridian

14   Section 21: NE1/4 that portion upland of the ordinary  
15   high water line of Beluga Lake that is encompassed by a

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boundary beginning at the section corner common to Sections 15, 16, 21, and 22, Township 6 South, Range 13 West, Seward Meridian; thence proceeding South 00 degrees 01 minute 00 seconds East along the section line common to Sections 21 and 22, Township 6 South, Range 13 West, Seward Meridian, to the point of intersection with a line located 1,520 feet, more or less, South of and parallel to the northern section line of Section 21, Township 6 South, Range 13 West, Seward Meridian; thence along the line located 1,520 feet, more or less, South of and parallel to the northern section line of Section 21, Township 6 South, Range 13 West, Seward Meridian, to the point of intersection with the ordinary high water line of Beluga Lake; thence in a northwesterly direction along the meanders of the ordinary high water line of Beluga Lake to the point of intersection with the West boundary line of NE1/4, Section 21, Township 6 South, Range 13 West, Seward Meridian, being common to the center quarter line of Section 21, Township 6 South, Range 13 West, Seward Meridian; thence North 00 degrees 01 minute 00 seconds West along the West boundary line of NE1/4, Section 21, Township 6 South, Range 13 West, Seward Meridian, to the point of intersection with the section line common to Sections 16 and 21, Township 6 South, Range 13 West, Seward Meridian; thence East along the section line common to Sections 16 and 21, Township 6 South, Range 13 West, Seward Meridian, to the point of beginning; comprising 70.4 acres, more or less;

- (3) Tract C:  
Township 6 South, Range 13 West, Seward Meridian  
Section 15: S1/2SW1/4, comprising 80 acres, more or less;
- (4) Tract D:

1 Township 6 South, Range 13 West, Seward Meridian

2 Section 22: NW1/4 that portion northwesterly of a line  
3 parallel to, north of, and 750 feet from the monumented runway  
4 centerline of the Homer Airport, comprising 60 acres, more or  
5 less;

6 (5) Tract E, comprising 74 acres, more or less:

7 Township 6 South, Range 13 West, Seward Meridian

8 Section 15: those portions of SW1/4SE1/4 and  
9 E1/2SE1/4 northwesterly of a line parallel to, north of, and 750  
10 feet from the monumented runway centerline of the Homer  
11 Airport;

12 Section 22: NW1/4NE1/4 that portion northwesterly of  
13 a line parallel to, north of, and 750 feet from the monumented  
14 runway centerline of the Homer Airport;

15 (6) Tract F:

16 Township 6 South, Range 13 West, Seward Meridian

17 Section 22: NE1/4NE1/4 that portion of Government  
18 Lots 5 and 6 southeasterly of a line parallel to, south of, and  
19 850 feet from the monumented runway centerline of the Homer  
20 Airport, comprising 4 acres, more or less;

21 (7) Tract G, comprising 2.7 acres, more or less:

22 Township 6 South, Range 13 West, Seward Meridian

23 Section 22: NE1/4NE1/4 that portion of Government  
24 Lot 9 southeasterly of a line parallel to, south of, and 850 feet  
25 from the monumented runway centerline of the Homer Airport;

26 Section 22: NW1/4NE1/4 that portion southeasterly of  
27 a line parallel to, south of, and 850 feet from the monumented  
28 runway centerline of the Homer Airport.

29 (b) Notwithstanding AS 16.20.500 - 16.20.530, the land in Township 6 South,  
30 Range 13 West, Section 21 described in (a) of this section is subject to the following:

31 (1) the right of unobstructed passage by aircraft over the land;

1 (2) the right of aircraft to use the airspace above the land without  
2 restrictions on noise, dust, or fumes, other than those imposed under federal and state  
3 laws governing air and water quality;

4 (3) the authority of the Department of Transportation and Public  
5 Facilities to

6 (A) prohibit the construction of obstructions and permanent  
7 structures on the land;

8 (B) clear the land and keep the land clear, including removal  
9 of trees, brush, soil, berms, hills, irregularities in the topography, stockpiles,  
10 rocks, buildings, structures, and other obstructions;

11 (C) prohibit or remove an activity, installation, or object on the  
12 land that

13 (i) creates electrical interference with radio  
14 communication or navigational instruments of aircraft or the Homer  
15 Airport;

16 (ii) may enhance bird habitat on or in the vicinity of the  
17 Homer Airport;

18 (iii) hinders the ability of pilots to distinguish between  
19 airport lights and other lights;

20 (iv) results in glare in the eyes of pilots using the Homer  
21 Airport;

22 (v) impairs visibility in the vicinity of the Homer  
23 Airport; or

24 (vi) endangers the landing, departure, or maneuvering of  
25 aircraft at the Homer Airport;

26 (D) prohibit development on the land for any purpose, other  
27 than public access across the land;

28 (E) require

29 (i) approval of the Department of Transportation and  
30 Public Facilities for the design and construction of access across the  
31 land;

1 (ii) relocation of access across the land as necessary to  
2 satisfy applicable standards of airport design, safety, and security;

3 (F) install navigational aids on the land; and

4 (G) enter upon the land for the purposes of enforcing or  
5 implementing this subsection.

6 (c) Notwithstanding AS 16.20.500 - 16.20.530, the land in Township 6 South,  
7 Range 13 West, Sections 15 and 22 described in (a) of this section is subject to the  
8 following:

9 (1) the right of unobstructed passage by aircraft over the land;

10 (2) the right of aircraft to use the airspace above the land without  
11 restrictions on noise, dust, or fumes, other than those imposed under federal and state  
12 laws governing air and water quality;

13 (3) the authority of the Department of Transportation and Public  
14 Facilities to

15 (A) prohibit the construction of obstructions and permanent  
16 structures extending above the imaginary surface of the Homer Airport as  
17 determined under regulations of the Federal Aviation Administration;

18 (B) clear the land and keep the land clear of obstructions  
19 extending above the imaginary surface of the Homer Airport as determined  
20 under regulations of the Federal Aviation Administration, including removal of  
21 trees, brush, soil, berms, hills, irregularities in the topography, stockpiles, rocks,  
22 buildings, structures, and other obstructions;

23 (C) prohibit or remove an activity, installation, or object that

24 (i) creates electrical interference with radio  
25 communication or navigational instruments of aircraft or the Homer  
26 Airport;

27 (ii) may enhance bird habitat on or in the vicinity of the  
28 Homer Airport;

29 (iii) hinders the ability of pilots to distinguish between  
30 airport lights and other lights;

31 (iv) results in glare in the eyes of pilots using the Homer

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Airport;

(v) impairs visibility in the vicinity of the Homer

Airport; or

(vi) endangers the landing, departure, or maneuvering of

aircraft at the Homer Airport;

(D) enter upon the land for the purposes of enforcing or implementing this subsection.

(d) The Department of Fish and Game shall cooperate with the Department of Transportation and Public Facilities in implementing (b) and (c) of this section.

(e) Neither the Department of Fish and Game nor another person may create, develop, or enhance bird habitat within the Homer Airport Critical Habitat Area.

(f) The state land described in (a) of this section may not be transferred to municipal or private ownership or to another state agency unless covenants or easements in the land, containing provisions substantially similar to (b) and (c) of this section, are reserved to the Department of Transportation and Public Facilities for the benefit of the Homer Airport.

(g) The Department of Fish and Game shall establish and appoint an advisory committee to work with the department and advise on the management of the Homer Airport Critical Habitat Area. The department shall consult with the advisory committee if the department develops a management plan for the critical habitat area. Among appointments to the advisory committee, the department shall include

(1) industry and commercial users and hunters, trappers, fishermen, and recreational users recommended by the City of Homer;

(2) an official representing the City of Homer; and

(3) a representative of the Department of Transportation and Public Facilities.