

CS FOR SENATE BILL NO. 198(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/28/96

Referred: Rules

Sponsor(s): SENATOR TORGERSON

REPRESENTATIVE Navarre

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.** PURPOSE. The purpose of the Homer Airport Critical Habitat Area is to
4 provide an area for enhancing winter browse for the moose herd in the lower Kenai Peninsula
5 area and for guaranteed public access to and continued public fishing, hunting, and trapping
6 activities and opportunities in the area, consistent with maximum sustained yield.

7 * **Sec. 2.** AS 16.20 is amended by adding a new section to read:

8 Sec. 16.20.630. HOMER AIRPORT CRITICAL HABITAT AREA
9 ESTABLISHED. (a) The following described area is established as the Homer
10 Airport Critical Habitat Area:

11 (1) Tract A:

12 Township 6 South, Range 13 West, Seward Meridian

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(2) Tract B:
Township 6 South, Range 13 West, Seward Meridian
Section 21: that portion of the NE1/4 upland of the ordinary high water line of Beluga Lake that is encompassed by a 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 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 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

1 Section 15: S1/2SW1/4, comprising 80 acres, more or
2 less;

3 (4) Tract D:

4 Township 6 South, Range 13 West, Seward Meridian

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

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

10 Township 6 South, Range 13 West, Seward Meridian

11 Section 15: those portions of SW1/4SE1/4 and
12 E1/2SE1/4 northwesterly of a line parallel to, northwesterly of,
13 and 750 feet perpendicular from the monumented runway
14 centerline of the Homer Airport;

15 Section 22: that portion of the NW1/4NE1/4
16 northwesterly of a line parallel to, northwesterly of, and 750 feet
17 perpendicular from the monumented runway centerline of the
18 Homer Airport.

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

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

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

25 (3) the authority of the Department of Transportation and Public
26 Facilities to

27 (A) prohibit the construction of obstructions and permanent
28 structures on the land;

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

1 (C) prohibit or remove an activity, installation, or object on the
2 land that

3 (i) creates electrical interference with radio
4 communication or navigational instruments of aircraft or the Homer
5 Airport;

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

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

10 (iv) results in glare in the eyes of pilots using the Homer
11 Airport;

12 (v) impairs visibility in the vicinity of the Homer
13 Airport; or

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

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

18 (E) require

19 (i) approval of the Department of Transportation and
20 Public Facilities for the design and construction of access across the
21 land;

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

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

25 (G) enter upon the land for the purpose of enforcing or
26 implementing this subsection.

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

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

31 (2) the right of aircraft to use the airspace above the land without

1 restrictions on noise, dust, or fumes, other than those imposed under federal and state
2 laws governing air and water quality;

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

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

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

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

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

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

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

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

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

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

27 (D) enter upon the land for the purpose of enforcing or
28 implementing this subsection.

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

31 (e) Neither the Department of Fish and Game nor another person may create,

1 develop, or enhance bird habitat within the Homer Airport Critical Habitat Area.

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

7 (g) The Department of Fish and Game shall establish and appoint an advisory
8 committee to work with the department and advise on the management of the Homer
9 Airport Critical Habitat Area. If the department develops a management plan for the
10 critical habitat area, the department shall consult with the advisory committee, and the
11 plan must allow guaranteed access to and continued public fishing, hunting, and
12 trapping activities and opportunities in the area. Among appointments to the advisory
13 committee, the department shall include

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

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

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