

CS FOR HOUSE BILL NO. 89(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/21/97
Referred: Finance

Sponsor(s): REPRESENTATIVE AUSTERMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Shuyak Island State Park."

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

3 * Section 1. AS 41.21.170(a) is amended to read:

4 (a) The purpose of AS 41.21.170 - 41.21.178 is to establish, subject to valid
5 existing rights, the state-owned or acquired **land and water** [UPLANDS AND
6 FRESHWATER BODIES] described in AS 41.21.172 as the Shuyak Island State Park.
7 **In accordance with the covenants and deed restrictions set by the Kodiak Island**
8 **Borough that support the basic tenets of the Alaska lifestyle, the** [THE] primary
9 **purpose** [PURPOSES] of establishing the Shuyak Island State Park **is** [ARE] to
10 **preserve, protect, and enhance traditional public access to and use of the area's**
11 **natural resources for various activities including** [THE AREA'S RECREATIONAL
12 AND SCENIC RESOURCES, TO PROTECT THE AREA'S FISH AND WILDLIFE
13 HABITAT, AND TO PRESERVE AND ENHANCE THE CONTINUED USE OF
14 THE AREA FOR] sport and subsistence hunting, **sport, subsistence, and commercial**
15 [AND] fishing, **and** trapping [, AND RECREATIONAL ACTIVITIES].

1 * **Sec. 2.** AS 41.21.172 is repealed and reenacted to read:

2 **Sec. 41.21.172. Designated state land and water.** The upland, shoreland,
3 tideland, land underlying tidally influenced inland water, and water overlying this land,
4 including both the surface and subsurface estate, owned or acquired by the state within
5 the following described parcels are designated as the Shuyak Island State Park:

6 (1) Township 17 South, Range 19 West, Seward Meridian

7 Section 18

8 Section 19

9 Section 30;

10 (2) Township 17 South, Range 20 West, Seward Meridian

11 Section 24

12 Section 25;

13 (3) Township 18 South, Range 18 West, Seward Meridian

14 Section 6

15 Section 7

16 Section 20

17 Section 28

18 Section 29;

19 (4) Township 18 South, Range 19 West, Seward Meridian

20 Section 1

21 Section 2

22 Section 4

23 Section 5

24 Sections 7 - 36;

25 (5) Township 18 South, Range 20 West, Seward Meridian

26 Section 2

27 Section 3

28 Sections 9 - 11

29 Sections 13 - 17

30 Sections 19 - 36;

31 (6) Township 18 South, Range 21 West, Seward Meridian

- 1 Section 36;
- 2 (7) Township 19 South, Range 19 West, Seward Meridian
- 3 Sections 1 - 24
- 4 Sections 26 - 34;
- 5 (8) Township 19 South, Range 20 West, Seward Meridian
- 6 Sections 1 - 30
- 7 Section 32: N1/2
- 8 Sections 33 - 36;
- 9 (9) Township 19 South, Range 21 West, Seward Meridian
- 10 Section 1
- 11 Sections 12 - 14
- 12 Section 24
- 13 Section 25;
- 14 (10) Township 20 South, Range 19 West, Seward Meridian
- 15 Section 4
- 16 Section 5
- 17 Section 6: N1/2, N1/2S1/2;
- 18 (11) Township 20 South, Range 20 West, Seward Meridian
- 19 Section 1: N1/2, N1/2S1/2
- 20 Section 2: N1/2
- 21 Section 3: N1/2.

22 * **Sec. 3.** AS 41.21.174(a) is amended to read:

23 (a) The state **land and water** [UPLANDS AND FRESHWATER BODIES]
 24 described in AS 41.21.172 are assigned to the department for control, maintenance, and
 25 development consistent with the purposes and provisions of AS 41.21.170 - 41.21.178.

26 * **Sec. 4.** AS 41.21.174(g) is amended to read:

27 (g) Nothing in AS 41.21.170 - 41.21.178 prohibits the Department of Fish
 28 and Game from engaging in [STREAM] rehabilitation, enhancement, and development
 29 **of fish and game habitat** under **AS 16.05** [AS 16.05.092] on land **and water** within
 30 the Shuyak Island State Park.

31 * **Sec. 5.** AS 41.21.176 is amended to read:

1 **Sec. 41.21.176. Incompatible uses.** (a) **Except as provided in this section,**
 2 **the** [THE] commissioner may designate by regulation incompatible uses within the
 3 **land and water of the Shuyak Island State Park** [PARK UPLANDS AND
 4 FRESHWATER BODIES].

5 (b) Use of a weapon in the Shuyak Island State Park shall be allowed **at all**
 6 **times for personal protection and may be prohibited only under extraordinary**
 7 **circumstances and only at such times that public safety is threatened** [EXCEPT
 8 IN UNIQUE AREAS THAT MAY BE CLOSED FOR PURPOSES OF PUBLIC
 9 SAFETY BY REGULATION BY THE COMMISSIONER].

10 (c) **The** [THE REGULATIONS GOVERNING PUBLIC USE OF THE
 11 SHUYAK ISLAND STATE PARK SHALL PROVIDE AMPLE ACCESS FOR
 12 LEGAL SPORT AND SUBSISTENCE HUNTING AND FISHING, TRAPPING, AND
 13 RECREATIONAL USES. EXCEPT TO PROTECT PUBLIC SAFETY THE]
 14 commissioner may not restrict **lawful** [THE EXERCISE OF] sport, [OR] subsistence,
 15 **or commercial** fishing, **sport or subsistence** [OR] hunting, or trapping permitted
 16 under law or under a regulation of the Board of Fisheries or the Board of Game within
 17 the Shuyak Island State Park.

18 * **Sec. 6.** AS 41.21.176 is amended by adding new subsections to read:

19 (d) The commissioner shall allow traditional access to

20 (1) Shuyak Island State Park for recreational purposes and for lawful
 21 sport, subsistence, and commercial fishing, sport and subsistence hunting, and trapping;

22 (2) private land within the park.

23 (e) If the commissioner determines that a use is incompatible with one or more
 24 other uses in a portion of the Shuyak Island State Park, the commissioner shall state

25 (1) each determination of incompatibility;

26 (2) the specific area where the incompatibility is determined to exist;

27 (3) the time within which the incompatibility is determined to exist; and

28 (4) the reasons for each determination of incompatibility.

29 * **Sec. 7.** AS 41.21.178 is amended to read:

30 **Sec. 41.21.178. Additions to park.** Land **and water outside of the**
 31 **boundaries established in AS 41.21.172** may be added to the Shuyak Island State

1 Park only by an act of the legislature. The commissioner may [NOT] acquire land **and**
2 **water** within the boundaries of the Shuyak Island State Park **except** by eminent
3 domain.