

CS FOR SENATE BILL NO. 35(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 1/24/97

Referred: Resources, Finance

Sponsor(s): SENATORS GREEN, Pearce, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the means of transportation used to provide access for the
2 taking of game; relating to management of state land, water, and land and water
3 as part of a state park, recreational or special management area, or preserve;
4 relating to reports to the legislature concerning prohibitions or restrictions of
5 traditional means of access for traditional recreational uses within a park,
6 recreational or special management area, or preserve; relating to Chilkat State
7 Park."

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

9 * **Section 1.** AS 16.05.255(a) is amended to read:

10 (a) The Board of Game may adopt regulations it considers advisable in
11 accordance with AS 44.62 (Administrative Procedure Act) for

12 (1) setting apart game reserve areas, refuges, and sanctuaries in the
13 water or on the land of the state over which it has jurisdiction, subject to the approval

1 of the legislature;

2 (2) establishing open and closed seasons and areas for the taking of
3 game;

4 (3) establishing the means and methods employed in the pursuit,
5 capture, taking, and transport of game, including regulations, consistent with resource
6 conservation and development goals, establishing means and methods that may be
7 employed by persons with physical disabilities; **however, the board may not prohibit**
8 **or restrict access into an area by a means of transportation that has historically**
9 **been used in that area unless the board finds, based on clear and convincing**
10 **evidence, that the means of transportation has resulted in significant biological**
11 **harm to the game population for which the means of transportation is being used;**

12 (4) setting quotas, bag limits, harvest levels, and sex, age, and size
13 limitations on the taking of game;

14 (5) classifying game as game birds, song birds, big game animals, fur
15 bearing animals, predators, or other categories;

16 (6) methods, means, and harvest levels necessary to control predation
17 and competition among game in the state;

18 (7) watershed and habitat improvement, and management, conservation,
19 protection, use, disposal, propagation, and stocking of game;

20 (8) prohibiting the live capture, possession, transport, or release of
21 native or exotic game or their eggs;

22 (9) establishing the times and dates during which the issuance of game
23 licenses, permits, and registrations and the transfer of permits and registrations between
24 registration areas and game management units or subunits is allowed;

25 (10) regulating sport hunting and subsistence hunting as needed for the
26 conservation, development, and utilization of game;

27 (11) taking game to ensure public safety.

28 * **Sec. 2.** AS 41.21.020(a) is amended to read:

29 (a) The department shall

30 (1) develop a continuing plan for the conservation and maximum use
31 in the public interest of the scenic, historic, archaeological, scientific, biological, and

1 recreational resources of the state;

2 (2) plan for and develop a system of state parks and recreational
3 facilities, to be established as the legislature authorizes and directs;

4 (3) acquire by gift, purchase, or transfer from state or federal agencies,
5 or from individuals, corporations, partnerships, or associations, land necessary, suitable,
6 and proper for roadside, picnic, recreational, or park purposes;

7 (4) develop, manage, and maintain state parks and recreational areas;

8 (5) provide for the acquisition, care, management, supervision,
9 improvement, development, extension, and maintenance of public recreational land, and
10 make necessary arrangements, contracts, or commitments for the improvement and
11 development of land acquired under AS 41.21.010 - 41.21.040; contracting for
12 improvement and development under this paragraph is governed by AS 36.30 (State
13 Procurement Code);

14 (6) adopt, in accordance with this section and AS 44.62 (Administrative
15 Procedure Act), regulations governing the use and designating incompatible uses within
16 the boundaries of state park and recreational areas to protect the property and to
17 preserve the peace;

18 (7) cooperate with the United States and its agencies and local
19 subdivisions of the state to secure the effective supervision, improvement,
20 development, extension, and maintenance of state parks, state monuments, state
21 historical areas, and state recreational areas [,] and secure agreements or contracts for
22 the purpose of AS 41.21.010 - 41.21.040;

23 (8) encourage the organization of state public park and recreational
24 activities in the local political subdivisions of the state;

25 (9) provide for consulting service designed to develop local park and
26 recreation facilities and programs;

27 (10) provide clearinghouse services for other state agencies concerned
28 with park and recreation matters;

29 (11) perform other duties as are prescribed by executive order or by
30 law;

31 (12) maintain memorials to Alaska veterans located in state parks;

1 [AND]

2 (13) adopt, in accordance with AS 44.62 (Administrative Procedure
3 Act), regulations governing the use of the Chena River State Recreation Area and
4 designating incompatible uses within the boundaries of the Chena River State
5 Recreation Area in accordance with AS 41.21.490; **and**

6 **(14) annually, by the first day of each regular session of the**
7 **legislature, submit a report to the legislature on each designation of an**
8 **incompatible use under this chapter, or other action, that prohibits or restricts a**
9 **traditional means of access across a park, area, or preserve established under this**
10 **chapter for a traditional recreational activity on or within the park, area, or**
11 **preserve; for each prohibition or restriction, the report must state reasons for the**
12 **designation of incompatibility or prohibition or restriction of a traditional means**
13 **of access, the specific area of the prohibition or restriction, and the time period**
14 **during which the incompatibility or prohibition or restriction is expected to exist;**
15 **in this paragraph,**

16 **(A) "traditional means of access" means those types of**
17 **transportation on, to, or in the state land, water, or land and water, for**
18 **which a popular pattern of use has developed; the term includes general**
19 **or commercial aviation, ballooning, motorized and nonmotorized boating,**
20 **snowmachining, operation of all-terrain vehicles, mushing, skiing,**
21 **snowshoeing, and walking;**

22 **(B) "traditional recreational activity" means those personal**
23 **or commercial types of activities that people may use for sport, exercise,**
24 **subsistence, or personal enjoyment, including hunting, fishing, trapping, or**
25 **gathering, and that have historically been conducted as part of an**
26 **individual, family, or community life pattern on or in the state land, water,**
27 **or land and water.**

28 * **Sec. 3.** AS 41.21.020 is amended by adding a new subsection to read:

29 (d) Notwithstanding (a)(3) of this section, the department may not manage as
30 part of a park, area, or preserve established under AS 41.21.110 - 41.21.630, land,
31 water, or land and water that is not within the boundaries, as designated by the

1 legislature, of the park, area, or preserve.

2 * **Sec. 4.** AS 41.21.111 is amended to read:

3 **Sec. 41.21.111. Authority to designate Chilkat State Park.** The governor
4 may designate by proclamation the state-owned land and water and all that acquired
5 in the future by the state, lying within the parcels described in this section, as the
6 Chilkat State Park. The proclamation may include the entire area or portions of the
7 area at different times, shall reserve the areas included from all uses incompatible with
8 their primary function as public recreation land and water, and shall assign them to the
9 department for control, development, and maintenance. Land covered by AS 41.21.110
10 - 41.21.113 has a total acreage of **6,056.30** [6,045.45] acres, including approximately
11 610 acres of federal land, and is described as follows:

12 (1) Township 31 South, Range 60 East, Copper River Meridian U.S.S.
13 1599: the portions of Sections 6-8 known as Battery Point Light House Reserve;

14 (2) Township 31 South, Range 59 East, Copper River Meridian Section
15 1, excluding the portions of Lots 2 and 3 within the Chilkoot Inlet Alaska Subdivision
16 Section 12: NW1/4, NE1/4, SE1/4 Township 31 South, Range 60 East, Copper River
17 Meridian Section 6: Lots 1-3 Section 7: Lots 1-7 Section 8: Lot 1 Sections 17 and 18
18 Section 19: NE1/4NW1/4, N1/2NE1/4;

19 (3) Township 31 South, Range 60 East, Copper River Meridian Section
20 30: Lots 8 and 9 Section 31 Section 32: SW1/4, W1/2NW1/4SE1/4,
21 W1/2SE1/4NW1/4SE1/4, Lots 9-16 including W1/2SW1/4SE1/4SE1/4;

22 (4) Township 32 South, Range 60 East, Copper River Meridian Section
23 5: W1/2, W1/2SE1/4 Sections 6-9, 15-17, 21 and 22, excluding Tongass National
24 Forest; **and**

25 **(5) the following particularly described parcels:**

26 **(A) approximately 6.49 acres in U.S. Survey 1243, Haines**
27 **Recording District, described as: begin on the South line of said survey**
28 **South 88 degrees 31 minutes 45 seconds East 1950.84 feet from Southwest**
29 **corner (corner 4 M.C.) of said survey, said point being the Southeast**
30 **corner of the tract in said survey excepted in the decree in Case No. 68-328**
31 **of the Superior Court at Juneau, in which the distance is recited as being**

1 29.55 chains (1950.30 feet), run thence North 01 degree 12 minutes 00
 2 seconds East, on the East line of said excepted tract, 1028.77 feet, recited
 3 as 15.59 chains (1028.94 feet) in said decree, to the Northeast corner of
 4 said excepted tract; thence North 88 degrees 31 minutes 45 seconds West
 5 24.38 feet; thence North 01 degree 27 minutes 45 seconds East 1.85 feet;
 6 thence on a 126.92 foot radius curve to the left through a central angle of
 7 72 degrees 04 minutes 30 seconds a distance of 159.57 feet, the chord of
 8 which bears North 34 degrees 34 minutes 30 seconds West 149.27 feet;
 9 thence North 70 degrees 25 minutes 15 seconds West 119.52 feet; thence
 10 on a 208.11 foot radius curve to the right through a central angle of 62
 11 degrees 04 minutes 00 seconds a distance of 225.48 feet, the chord of which
 12 bears North 39 degrees 23 minutes 15 seconds West 214.61 feet to the
 13 South line of "Mud Bay Road"; thence North 86 degrees 46 minutes 30
 14 seconds East, on said line of "Mud Bay Road," 230.54 feet; thence South
 15 70 degrees 25 minutes 15 seconds East 90.95 feet; thence on a 326.92 foot
 16 radius curve to the right through a central angle of 71 degrees 57 minutes
 17 00 seconds a distance of 410.55 feet, the chord of which bears South 34
 18 degrees 30 minutes 45 seconds 384.10 feet; thence South 01 degree 27
 19 minutes 45 seconds West 1030.62 feet to the South line of said survey;
 20 thence North 88 degrees 31 minutes 45 seconds West 175.38 feet to the
 21 point of beginning;

22 (B) approximately .92 acres in Tract "D," C. McRae
 23 Subdivision according to Plat 77 - 12, Haines Recording District, described
 24 as: begin at the Southwest corner of said Tract "D" which is also the
 25 Southwest corner of the North one-half of the Southwest one-quarter of the
 26 Northwest one-quarter of Section 32, Township 31 South, Range 60 East
 27 of the Copper River Meridian, which bears North 01 degree 26 minutes 00
 28 seconds West (Alaska State Plane Grid Bearings) 660.00 feet from the one-
 29 quarter corner on the West line of said section and South 01 degree 26
 30 minutes 00 seconds East 660.00 feet from the North one-sixteenth corner
 31 on the West line of said section, run thence North 01 degree 26 minutes 00

1 seconds East, on the West line of said section, 347.81 feet to the
 2 Northeasterly line of Chilkat State Park Roadway; thence South 32 degrees
 3 56 minutes 15 seconds East 70.04 feet to a point of curve; thence Southerly
 4 on a 0 degrees 58 minutes 58 seconds curve to the right (Radius = 5,829.65
 5 feet) through an arc of 03 degrees 23 minutes 12 seconds (344.58 feet), the
 6 cord of which bears South 31 degrees 14 minutes 45 seconds East 344.53
 7 feet, to the South line of said tract and the South line of the North one-half
 8 of the Southwest one-quarter of the Northwest one-quarter of said section;
 9 thence North 88 degrees 34 minutes 00 seconds West 225.56 feet to the
 10 point of beginning;

11 (C) approximately 3.44 acres in Tract "E," C. McRae
 12 Subdivision according to Plat 77 - 12, Haines Recording District, described
 13 as: begin at the Northwest corner of said tract which is also the one-sixty-
 14 fourth corner on the West line of said section which bears North 01 degree
 15 26 minutes 00 seconds East (Alaska State Plane Grid Bearings) 660.00 feet
 16 from the one-quarter corner on the West line of Section 32, Township 31
 17 South, Range 60 East of the Copper River Meridian and South 01 degree
 18 26 minutes 00 seconds West 660.00 feet from the North one-sixteenth
 19 corner of said section, run thence South 88 degrees 34 minutes 00 seconds
 20 East, on the North line of said tract which is also the South line of the
 21 North one-half of the Southwest one-quarter of the Northwest one-quarter
 22 of said section, 225.56 feet to a point on the Easterly line of Chilkat State
 23 Park Roadway; thence Southerly on a 0 degrees 58 minutes 58 seconds
 24 curve to the right (Radius = 5,829.65 feet) through an arc of 01 degree 46
 25 minutes 48 seconds (181.10 feet), the chord of which bears South 28
 26 degrees 39 minutes 39 seconds East 181.10 feet, to a point of tangency;
 27 thence South 27 degrees 46 minutes 15 seconds East 268.21 feet to a point
 28 of curve; thence on a 14 degrees 16 minutes 06 seconds curve to the right
 29 (Radius = 401.56) through an arc of 40 degrees 06 minutes 37 seconds
 30 (281.12 feet), the chord of which bears South 07 degrees 43 minutes 00
 31 seconds East 275.41 feet to the South line of said tract which is also the

1 South line of the Southwest one-quarter of the Northwest one-quarter of
2 said section; thence North 88 degrees 15 minutes 00 seconds West, on said
3 South line, to the Westerly line of Chilkat State Park Roadway; thence
4 Northerly on a 28 degrees 25 minutes 34 seconds curve to the left (Radius
5 = 201.56 feet) through an arc of 50 degrees 59 minutes 51 seconds (179.40
6 feet), the chord of which bears North 02 degrees 15 minutes 15 seconds
7 West 173.54 feet to a point of tangency; thence North 27 degrees 46
8 minutes 15 seconds West 268.21 feet to a point of curve; thence on a 01
9 degree 01 minute 04 seconds curve to the left (Radius = 5,629.65 feet)
10 through an arc of 02 degrees 50 minutes 00 seconds (278.39 feet), the
11 chord of which bears North 29 degrees 11 minutes 15 seconds West 278.37
12 feet to the West line of said section; thence North 01 degree 26 minutes 00
13 seconds East 14.72 feet to the point of beginning.