

CS FOR SENATE BILL NO. 35(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/21/97

Referred: Rules

Sponsor(s): SENATORS GREEN, Pearce, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of state land, water, and land and water as
2 part of a state park, recreational or special management area, or preserve;
3 relating to reports to the legislature concerning prohibitions or restrictions of
4 traditional means of access for traditional recreational uses within a park,
5 recreational or special management area, or preserve; requiring legislative approval
6 before certain land managed under AS 41.21 may be closed or have access
7 restricted; relating to Chilkat State Park."

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

9 * **Section 1.** AS 41.21.020(a) is amended to read:

10 (a) The department shall

11 (1) develop a continuing plan for the conservation and maximum use
12 in the public interest of the scenic, historic, archaeological, scientific, biological, and
13 recreational resources of the state;

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

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

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

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

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

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

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

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

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

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

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

31 [AND]

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

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

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

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

27 * Sec. 2. AS 41.21.020 is amended by adding new subsections to read:

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

1 (e) Except as otherwise specifically provided in this chapter, the department
 2 may not close or restrict traditional access to land, water, or land and water, managed
 3 under this chapter unless the closure or restriction (1) is limited to a period of not
 4 more than 90 days in a calendar year, or (2) is submitted to the legislature for approval
 5 at the next regular session of the legislature. A closure or restriction under (1) of this
 6 subsection may not be repeated in the subsequent calendar year unless the closure or
 7 restriction is approved by the legislature under (2) of this subsection. If the legislature
 8 fails to approve a closure or restriction under (2) of this subsection by the last day of
 9 that regular session, the closure or restriction ends and cannot be enforced after the last
 10 day of that regular session.

11 * **Sec. 3.** AS 41.21.111 is amended to read:

12 **Sec. 41.21.111. Authority to designate Chilkat State Park.** The governor
 13 may designate by proclamation the state-owned land and water and all that acquired
 14 in the future by the state, lying within the parcels described in this section, as the
 15 Chilkat State Park. The proclamation may include the entire area or portions of the
 16 area at different times, shall reserve the areas included from all uses incompatible with
 17 their primary function as public recreation land and water, and shall assign them to the
 18 department for control, development, and maintenance. Land covered by AS 41.21.110
 19 - 41.21.113 has a total acreage of 6,056.30 [6,045.45] acres, including approximately
 20 610 acres of federal land, and is described as follows:

21 (1) Township 31 South, Range 60 East, Copper River Meridian U.S.S.
 22 1599: the portions of Sections 6-8 known as Battery Point Light House Reserve;

23 (2) Township 31 South, Range 59 East, Copper River Meridian Section
 24 1, excluding the portions of Lots 2 and 3 within the Chilkoot Inlet Alaska Subdivision
 25 Section 12: NW1/4, NE1/4, SE1/4 Township 31 South, Range 60 East, Copper River
 26 Meridian Section 6: Lots 1-3 Section 7: Lots 1-7 Section 8: Lot 1 Sections 17 and 18
 27 Section 19: NE1/4NW1/4, N1/2NE1/4;

28 (3) Township 31 South, Range 60 East, Copper River Meridian Section
 29 30: Lots 8 and 9 Section 31 Section 32: SW1/4, W1/2NW1/4SE1/4,
 30 W1/2SE1/4NW1/4SE1/4, Lots 9-16 including W1/2SW1/4SE1/4SE1/4;

31 (4) Township 32 South, Range 60 East, Copper River Meridian Section

1 5: W1/2, W1/2SE1/4 Sections 6-9, 15-17, 21 and 22, excluding Tongass National
2 Forest; and

3 (5) the following particularly described parcels:

4 (A) approximately 6.49 acres in U.S. Survey 1243, Haines
5 Recording District, described as: begin on the South line of said survey
6 South 88 degrees 31 minutes 45 seconds East 1950.84 feet from Southwest
7 corner (corner 4 M.C.) of said survey, said point being the Southeast
8 corner of the tract in said survey excepted in the decree in Case No. 68-328
9 of the Superior Court at Juneau, in which the distance is recited as being
10 29.55 chains (1950.30 feet), run thence North 01 degree 12 minutes 00
11 seconds East, on the East line of said excepted tract, 1028.77 feet, recited
12 as 15.59 chains (1028.94 feet) in said decree, to the Northeast corner of
13 said excepted tract; thence North 88 degrees 31 minutes 45 seconds West
14 24.38 feet; thence North 01 degree 27 minutes 45 seconds East 1.85 feet;
15 thence on a 126.92 foot radius curve to the left through a central angle of
16 72 degrees 04 minutes 30 seconds a distance of 159.57 feet, the chord of
17 which bears North 34 degrees 34 minutes 30 seconds West 149.27 feet;
18 thence North 70 degrees 25 minutes 15 seconds West 119.52 feet; thence
19 on a 208.11 foot radius curve to the right through a central angle of 62
20 degrees 04 minutes 00 seconds a distance of 225.48 feet, the chord of which
21 bears North 39 degrees 23 minutes 15 seconds West 214.61 feet to the
22 South line of "Mud Bay Road"; thence North 86 degrees 46 minutes 30
23 seconds East, on said line of "Mud Bay Road," 230.54 feet; thence South
24 70 degrees 25 minutes 15 seconds East 90.95 feet; thence on a 326.92 foot
25 radius curve to the right through a central angle of 71 degrees 57 minutes
26 00 seconds a distance of 410.55 feet, the chord of which bears South 34
27 degrees 30 minutes 45 seconds 384.10 feet; thence South 01 degree 27
28 minutes 45 seconds West 1030.62 feet to the South line of said survey;
29 thence North 88 degrees 31 minutes 45 seconds West 175.38 feet to the
30 point of beginning;

31 (B) approximately .92 acres in Tract "D," C. McRae

1 Subdivision according to Plat 77 - 12, Haines Recording District, described
2 as: begin at the Southwest corner of said Tract "D" which is also the
3 Southwest corner of the North one-half of the Southwest one-quarter of the
4 Northwest one-quarter of Section 32, Township 31 South, Range 60 East
5 of the Copper River Meridian, which bears North 01 degree 26 minutes 00
6 seconds West (Alaska State Plane Grid Bearings) 660.00 feet from the one-
7 quarter corner on the West line of said section and South 01 degree 26
8 minutes 00 seconds East 660.00 feet from the North one-sixteenth corner
9 on the West line of said section, run thence North 01 degree 26 minutes 00
10 seconds East, on the West line of said section, 347.81 feet to the
11 Northeasterly line of Chilkat State Park Roadway; thence South 32 degrees
12 56 minutes 15 seconds East 70.04 feet to a point of curve; thence Southerly
13 on a 0 degrees 58 minutes 58 seconds curve to the right (Radius = 5,829.65
14 feet) through an arc of 03 degrees 23 minutes 12 seconds (344.58 feet), the
15 cord of which bears South 31 degrees 14 minutes 45 seconds East 344.53
16 feet, to the South line of said tract and the South line of the North one-half
17 of the Southwest one-quarter of the Northwest one-quarter of said section;
18 thence North 88 degrees 34 minutes 00 seconds West 225.56 feet to the
19 point of beginning;

20 (C) approximately 3.44 acres in Tract "E," C. McRae
21 Subdivision according to Plat 77 - 12, Haines Recording District, described
22 as: begin at the Northwest corner of said tract which is also the one-sixty-
23 fourth corner on the West line of said section which bears North 01 degree
24 26 minutes 00 seconds East (Alaska State Plane Grid Bearings) 660.00 feet
25 from the one-quarter corner on the West line of Section 32, Township 31
26 South, Range 60 East of the Copper River Meridian and South 01 degree
27 26 minutes 00 seconds West 660.00 feet from the North one-sixteenth
28 corner of said section, run thence South 88 degrees 34 minutes 00 seconds
29 East, on the North line of said tract which is also the South line of the
30 North one-half of the Southwest one-quarter of the Northwest one-quarter
31 of said section, 225.56 feet to a point on the Easterly line of Chilkat State

1 Park Roadway; thence Southerly on a 0 degrees 58 minutes 58 seconds
2 curve to the right (Radius = 5,829.65 feet) through an arc of 01 degree 46
3 minutes 48 seconds (181.10 feet), the chord of which bears South 28
4 degrees 39 minutes 39 seconds East 181.10 feet, to a point of tangency;
5 thence South 27 degrees 46 minutes 15 seconds East 268.21 feet to a point
6 of curve; thence on a 14 degrees 16 minutes 06 seconds curve to the right
7 (Radius = 401.56) through an arc of 40 degrees 06 minutes 37 seconds
8 (281.12 feet), the chord of which bears South 07 degrees 43 minutes 00
9 seconds East 275.41 feet to the South line of said tract which is also the
10 South line of the Southwest one-quarter of the Northwest one-quarter of
11 said section; thence North 88 degrees 15 minutes 00 seconds West, on said
12 South line, to the Westerly line of Chilkat State Park Roadway; thence
13 Northerly on a 28 degrees 25 minutes 34 seconds curve to the left (Radius
14 = 201.56 feet) through an arc of 50 degrees 59 minutes 51 seconds (179.40
15 feet), the chord of which bears North 02 degrees 15 minutes 15 seconds
16 West 173.54 feet to a point of tangency; thence North 27 degrees 46
17 minutes 15 seconds West 268.21 feet to a point of curve; thence on a 01
18 degree 01 minute 04 seconds curve to the left (Radius = 5,629.65 feet)
19 through an arc of 02 degrees 50 minutes 00 seconds (278.39 feet), the
20 chord of which bears North 29 degrees 11 minutes 15 seconds West 278.37
21 feet to the West line of said section; thence North 01 degree 26 minutes 00
22 seconds East 14.72 feet to the point of beginning.