

HOUSE BILL NO. 306

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE STOLTZE

Introduced: 5/7/05

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act making certain land available for selection by the Matanuska-Susitna**
2 **Borough."**

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 FINDINGS OF FACT. The legislature finds that making the lands specified in sec.
7 2(b) of this Act available to the Matanuska-Susitna Borough for selection and conveyance is
8 consistent with the testimony and position of the Department of Natural Resources at the time
9 the Hatcher Pass Public Use Area was created. Furthermore, the selection is consistent with
10 that area of the public use area that is contained within the development lease and authorized
11 for development purposes in the Hatcher Pass Management Plan, as amended.

12 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 AVAILABILITY OF HATCHER PASS PUBLIC USE AREA LAND FOR

1 GENERAL GRANT LAND ENTITLEMENT OF THE MATANUSKA-SUSITNA
 2 BOROUGH. (a) Notwithstanding the reservation of land, designation of the reserved land as
 3 the Hatcher Pass Public Use Area, and assignment of control and management of the land to
 4 the Department of Natural Resources made by AS 41.23.130, and notwithstanding selection
 5 procedures applicable to municipal general grant land entitlements under AS 29.65, the
 6 acreage necessary to accommodate the Hatcher Pass Ski and Village Area is available for
 7 selection by and, subject to AS 38.05.035 and 38.05.945 and a finding of compatibility with
 8 the Hatcher Pass Management Plan, as amended in November 1989, may be conveyed to the
 9 Matanuska-Susitna Borough to fulfill the borough's general grant land entitlement under
 10 AS 29.65.

11 (b) The Matanuska-Susitna Borough may select the acreage described in (a) of this
 12 section, totaling approximately 200 acres, from the following land within Township 19 North,
 13 Range 1 East, Seward Meridian, that is part of the Hatcher Pass Public Use Area:

14 Section 26: W1/2SW1/4 west of the line of ordinary high water of the Little
 15 Susitna River

16 Section 27: E1/2E1/2 Totaling 200 acres more or less.

17 (c) Notwithstanding the right-of-way issued by the Department of Natural Resources
 18 under ADL 227945, the department shall also issue a 100-foot right-of-way within Section
 19 26: W1/2SW1/4 from Fishhook Road to the west bank of the Little Susitna River along a
 20 route mutually agreed to among the Department of Natural Resources, the Department of
 21 Transportation and Public Facilities, and the Matanuska-Susitna Borough.

22 (d) Land described in (b) of this section that

23 (1) has not been selected by the Matanuska-Susitna Borough before January 1,
 24 2006, shall remain in the Hatcher Pass Public Use Area;

25 (2) is selected by the Matanuska-Susitna Borough but not conveyed by the
 26 Department of Natural Resources shall remain available for conveyance to the Matanuska-
 27 Susitna Borough until all administrative and judicial appeals regarding the failure to convey
 28 the selected land have been exhausted; and

29 (3) is not ultimately conveyed to the Matanuska-Susitna Borough following
 30 the exhaustion of the administrative and judicial appeals shall remain in the Hatcher Pass
 31 Public Use Area unless otherwise specified by law.

- 1 (e) The commissioner of natural resources shall promptly notify the revisor of statutes
- 2 of the conveyance made by the Department of Natural Resources to the Matanuska-Susitna
- 3 Borough of land described in (b) of this section.