

HOUSE BILL NO. 203

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

BY REPRESENTATIVE LEDOUX

Introduced: 3/14/07

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act creating the Kodiak Narrow Cape Public Use Area."**

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

3 *** Section 1.** AS 41.23 is amended by adding new sections to article 1 to read:

4 **Sec. 41.23.240. Purpose of AS 41.23.240 - 41.23.270.** The purpose of
5 AS 41.23.240 - 41.23.270 is to protect, maintain, enhance, and perpetuate the present
6 use of the area described in AS 41.23.270 as the Kodiak Narrow Cape Public Use
7 Area. The Kodiak Narrow Cape Public Use Area is established to

8 (1) protect, maintain, perpetuate, and enhance year-round general
9 public recreation;

10 (2) protect, maintain, perpetuate, and enhance public enjoyment and
11 use of fish and wildlife;

12 (3) allow additional public uses of the area in a manner compatible
13 with the purposes specified in (1) and (2) of this section.

14 **Sec. 41.23.250. Management.** (a) The commissioner is responsible for the
15 management of the surface and subsurface estate of the Kodiak Narrow Cape Public

1 Use Area. After adequate public hearings, the commissioner shall adopt and may
2 revise a management plan for the Kodiak Narrow Cape Public Use Area. The
3 commissioner shall provide a copy of the management plan and each revision to the
4 chairs of the resource committees of the legislature within 30 days after its adoption or
5 revision. The commissioner shall consult with the Department of Fish and Game in the
6 adoption and revision of the management plan.

7 (b) Subject to valid existing rights, including existing rights for grazing leases
8 and operations and the interagency land management agreement between the
9 department and the Alaska Aerospace Development Corporation for the Kodiak
10 Launch Complex, the commissioner may not dispose of the surface estate in state land
11 within the Kodiak Narrow Cape Public Use Area.

12 (c) Grazing and missile launch activity are allowable uses within the Kodiak
13 Narrow Cape Public Use Area. Consistent with the purposes of AS 41.23.240(1) and
14 (2), the commissioner shall allow additional uses within the Kodiak Narrow Cape
15 Public Use Area, including horseback riding, hiking, picnicking, berry picking, fossil
16 collecting, tide pooling, all terrain and road vehicle driving, bicycling, dog sledding,
17 cross-country skiing, skijoring, snow machining, camping, surfing, beachcombing,
18 and other traditional public uses of fish and wildlife populations such as fishing,
19 hunting, viewing, and photographing of gray whales and waterfowl.

20 (d) The state may not acquire by eminent domain privately owned land within
21 the boundaries described in AS 41.23.270 but may acquire privately owned land
22 located within the boundaries described in AS 41.23.270 by purchase, exchange, or
23 otherwise for inclusion in the Kodiak Narrow Cape Public Use Area.

24 (e) The commissioner may not manage the Kodiak Narrow Cape Public Use
25 Area as a unit of the state park system.

26 **Sec. 41.23.260. Incompatible uses.** (a) Except as provided in this section, the
27 commissioner may prohibit or restrict uses determined to be incompatible with the
28 purposes of the Kodiak Narrow Cape Public Use Area under AS 41.23.240(1) and (2)
29 within the state-owned land and water described in AS 41.23.270.

30 (b) Consistent with AS 41.23.240 - 41.23.270, the Department of Fish and
31 Game may engage in rehabilitation, enhancement, and development of fish and

1 wildlife habitat within the area described in AS 41.23.270.

2 (c) The commissioner may not restrict fishing, hunting, or trapping rights
3 allowed under a regulation of the Board of Fisheries or the Board of Game within the
4 Kodiak Narrow Cape Public Use Area.

5 (d) The commissioner shall allow access to the Kodiak Narrow Cape Public
6 Use Area by motorized or nonmotorized means of transportation to private land, to
7 interests in private land, and for hunting, fishing, trapping, mining, and recreational
8 purposes in a manner that is compatible with purposes specified in AS 41.23.240(1)
9 and (2). Existing trails remain open to public use.

10 (e) The Department of Public Safety and the Department of Fish and Game
11 may have necessary access for fish and game management, research, and enforcement
12 purposes.

13 (f) If the commissioner determines that a use is incompatible with one or more
14 other uses in a portion of the Kodiak Narrow Cape Public Use Area, the commissioner
15 shall state in the management plan adopted or revised under AS 41.23.250

16 (1) each determination of incompatibility;

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

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

19 and

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

21 **Sec. 41.23.270. Kodiak Narrow Cape Public Use Area.** Subject to valid
22 existing rights, the vacant and unappropriated state-owned land and water and the state
23 land and water acquired in the future that lie within the boundaries described in this
24 section are designated as the Kodiak Narrow Cape Public Use Area, are reserved for
25 all uses compatible with their primary function as public use land, and are assigned to
26 the department for control and management:

27 Township 30 South, Range 18 West, Seward Meridian

28 Section 19

29 Sections 30 - 31 and all tidelands and submerged lands 1,320 feet
30 seaward of mean high water

31 Township 30 South, Range 19 West, Seward Meridian

1 Section 15
2 Sections 19 - 35
3 Section 36 and all tidelands and submerged lands 1,320 feet seaward of
4 mean high water
5 Township 30 South, Range 20 West, Seward Meridian
6 Section 25
7 Section 36
8 Township 31 South, Range 19 West, Seward Meridian
9 Section 2 and all tidelands and submerged lands 1,320 feet seaward of
10 mean high water
11 Sections 3 - 9
12 Section 10 - 11 and all tidelands and submerged lands 1,320 feet
13 seaward of mean high water
14 Section 15 and all tidelands and submerged lands 1,320 feet seaward of
15 mean high water
16 Sections 16 - 21
17 Section 22 and all tidelands and submerged lands 1,320 feet seaward of
18 mean high water
19 Sections 23 - 26
20 Section 27 and all tidelands and submerged lands 1,320 feet seaward of
21 mean high water
22 Sections 28 - 32
23 Sections 33 - 34
24 Township 31 South, Range 20 West, Seward Meridian
25 Section 1
26 Section 2: all lands lying east of Pasagshak Bay Road
27 Section 12: E1/2
28 Section 13
29 Section 23: SE1/4
30 Sections 24 - 25
31 Section 26: Lot 1 and all tidelands and submerged lands 1,320 feet

1 seaward of mean high water
2 Sections 35 - 36 and all tidelands and submerged lands 1,320 feet
3 seaward of mean high water
4 Township 32 South, Range 19 West, Seward Meridian
5 Sections 3 - 6 and all tidelands and submerged lands 1,320 feet seaward
6 of mean high water
7 Sections 8 - 10 and all tidelands and submerged lands 1,320 feet
8 seaward of mean high water
9 Township 32 South, Range 20 West, Seward Meridian
10 Sections 1 - 4 and all tidelands and submerged lands 1,320 feet seaward
11 of mean high water
12 Sections 9 - 11 and all tidelands and submerged lands 1,320 feet
13 seaward of mean high water