

Original sponsor: Miller

Offered: 3/1/76
For Today's Calendar

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 521 (Rules) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Mendenhall Flats State Game Refuge;
7 and providing for an effective date."

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

9 * Section 1. AS 16.20 is amended by adding a new section to read:

10 Sec. 16.20.034. MENDENHALL FLATS STATE GAME REFUGE. (a) The
11 following state-owned land, including tide and submerged land, and
12 excluding privately owned land, is established as the Mendenhall Flats
13 State Game Refuge: Beginning at U.S.C.G.S. Triangulation Station
14 "Salmon" located on the northeastern shore of Douglas Island, lying
15 within the City and Borough of Juneau, first Judicial District, State of
16 Alaska; thence northeasterly across Gastineau Channel approximately
17 .5 miles to U.S.C.G.S. Triangulation Station "Creek", said station
18 being on the shore of Gastineau Channel, 200 feet south of Salmon Creek;
19 thence trend northerly to the intersection of Egan Drive and Salmon
20 Creek; thence trend northwesterly immediately adjacent to but not upon
21 or within the designated right-of-way of Egan Drive approximately 2.7
22 miles to the intersection with the easterly boundary of Sunny Point Park
23 Subdivision, recorded as Plat No. 333; thence southerly along said
24 boundary; thence along said right-of-way line to the intersection with
25 the 22.7 foot extreme high tide line; thence southerly and westerly on
26 said 22.7 foot extreme high tide line, abutting said Sunny Point Park
27 Subdivision, U.S. Survey 2475, Sunny Point Subdivision (Plat No. 307),
28 and Egan Drive approximately one mile to the easterly line of the
29 accreted property to the U.S. Survey No. 1568; thence southerly and

1 westerly, along the boundary of said accreted property approximately .4
2 miles to Corner No. 14 of Alaska Tidelands Survey No. 716; thence
3 southerly and westerly along the west meander line of U.S. Survey No.
4 716, approximately 2.6 miles to Corner No. 4 of said Tidelands Survey;
5 thence northerly along the west meander line of U.S. Survey No. 1742,
6 approximately 790 feet to the northwesterly corner of Juneau Airport
7 property (Corner No. AP-4 of survey dated 6-69); thence northwesterly
8 approximately 440 feet to the southerly meander line of U.S. Survey No.
9 1919; thence southerly and westerly, along the southerly meanders of
10 U.S. Surveys No. 1919 and No. 1042 (as accreted), approximately .5 miles
11 to the intersection with the south line of U.S. Survey No. 2136; thence
12 westerly, along said south line, approximately .6 miles to the inter-
13 section with the 22.7 foot extreme high tide line; thence southerly,
14 along said line approximately 1.4 miles to U.S.C.G.S. Triangulation
15 Station "Glacier" on the southerly tip of Mendenhall Peninsula; thence
16 in a southerly direction across Gastineau Channel approximately 1.3
17 miles to the mouth of Cove Creek; thence in a general easterly direction
18 along the 22.7 foot extreme high tide line of Douglas Island approxi-
19 mately 9 miles to U.S.C.G.S. Triangulation Station "Salmon", the true
20 point of beginning.

21 (b) The state may not acquire by eminent domain privately owned
22 land within or abutting state-owned land described in (a) of this sec-
23 tion for inclusion in the Mendenhall Flats State Game Refuge but may
24 acquire privately owned land by purchase, exchange or otherwise for
25 inclusion in the Mendenhall Flats State Game Refuge. Leases, permits
26 and applications for leases or permits in effect or submitted by Jan-
27 uary 1, 1976 are not affected by the provisions of this section.
28 Renewals of leases or permits after January 1, 1976 are subject to this
29 section.

1 (c) Egress and ingress across state land to and from private
2 property within or abutting the land described in (a) of this section
3 shall be allowed through access corridors established through agreement
4 between the Department of Fish and Game and the private property owners
5 affected.

6 (d) Recreational activity and the taking of game is expressly
7 permitted within the land described in (a) of this section if consistent
8 with the management plan adopted by the department and conducted under
9 regulations adopted by the board.

10 (e) Management of the surface and subsurface estate is the respon-
11 sibility of the Department of Natural Resources. Any actions by the
12 Department of Natural Resources which affect the habitat shall be in
13 conformity with a plan proposed and adopted by the Department of Fish
14 and Game, after reasonable public hearings, and following consultation
15 with the City and Borough of Juneau. The plan shall be revised annually,
16 if necessary and appropriate, under the same procedures followed for
17 initial adoption.

18 (f) No activity or use may occur under (a) of this section in a
19 manner which creates a hazard to aircraft. Gravel extraction is not
20 considered an incompatible activity on or abutting state-owned land
21 described in (a) of this section and is subject to provisions of the
22 management plan.

23 (g) The management plan adopted under (e) of this section shall
24 include provisions under which the City and Borough of Juneau may
25 acquire land, by sale, exchange, or otherwise, for purposes of expanding
26 the Juneau International airport, establishing additional transportation
27 corridors, including water corridors, and establishing publicly owned
28 and operated docking facilities, and these uses are considered prefer-
29 ential under art. VIII of the state constitution but subject to the

1 requirements for plan specification and approval under sec. 60 of this
2 chapter. A deed, contract of sale, lease, or other instrument evidenc-
3 ing disposition by the Department of Natural Resources of land under
4 this subsection shall include, among other terms, the condition that
5 the land is restricted to use for airport expansion, establishing
6 additional transportation corridors, including water corridors, and
7 establishing publicly owned and operated docking facilities.

8 (h) Nothing in this section prevents the City and Borough of
9 Juneau from exercising its land selection rights to state lands within
10 its boundaries under applicable law, providing the selection is by
11 local ordinance.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
13 070(c).