

Original sponsor: Miller

Offered: 4/8/76

Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 521

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 Wetlands State Game  
7 Refuge; 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 WETLANDS 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 Wet-  
13 lands 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 Wetlands State Game Refuge but may  
24 acquire privately owned land by purchase, exchange or otherwise for  
25 inclusion in the Mendenhall Wetlands State Game Refuge.

26 (c) Leases, permits and applications for leases or permits in  
27 effect or submitted by January 1, 1976 are not affected by the provi-  
28 sions of this section. Renewals of leases or permits after January 1,  
29 1976 are subject to this section.

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

6 (e) Except within that portion of the Mendenhall Wetlands State  
7 Game Refuge commonly known as the Twin Lakes area, the boundaries of  
8 which shall be established by the Department of Fish and Game after con-  
9 sultation within the City and Borough of Juneau, the taking of game is  
10 expressly permitted within the land described in (a) of this section if  
11 consistent with the management plan adopted by the department and con-  
12 ducted under regulations adopted by the board.

13 (f) Recreational activity is expressly permitted within the land  
14 described in (a) of this section if consistent with the management plan  
15 adopted by the department and conducted under regulations adopted by the  
16 board.

17 (g) Management of the surface and subsurface estate is the respon-  
18 sibility of the Department of Natural Resources. Any actions by the  
19 Department of Natural Resources which affect the habitat shall be in  
20 conformity with a plan proposed and adopted by the Department of Fish  
21 and Game, after reasonable public hearings, and following consultation  
22 with the City and Borough of Juneau. The plan shall be revised an-  
23 nually, if necessary and appropriate, under the same procedures followed  
24 for initial adoption.

25 (h) No activity or use may occur under (a) of this section in a  
26 manner which creates a hazard to aircraft. Gravel extraction is not  
27 considered an incompatible activity on or abutting state-owned land  
28 described in (a) of this section and is subject to provisions of the  
29 management plan. Except for those ponds, lakes or other bodies of

1 water adjacent to the airport that are required to be maintained by the  
2 City and Borough of Juneau as a seaplane basin under certification for  
3 the Juneau Municipal Airport granted by the Federal Aviation Agency,  
4 within one year of the effective date of this Act the Departments of  
5 Fish and Game and Natural Resources shall fill the ponds, lakes or other  
6 bodies of water adjacent to the existing airport runway to eliminate  
7 them as sites attractive to waterfowl.

8 (i) The management plan adopted under (g) of this section shall  
9 include provisions under which the City and Borough of Juneau may  
10 acquire land, by sale, exchange, or otherwise, for purposes of expanding  
11 the Juneau Municipal Airport, establishing additional transportation  
12 corridors, including water corridors, and establishing publicly owned  
13 and operated docking facilities, and these uses are considered prefer-  
14 ential under art. VIII of the state constitution but subject to the  
15 requirements for plan specification and approval under sec. 60 of this  
16 chapter. A deed, contract of sale, lease, or other instrument evidenc-  
17 ing disposition by the Department of Natural Resources of land under  
18 this subsection shall include, among other terms, the condition that  
19 the land is restricted to use for airport expansion, establishing addi-  
20 tional transportation corridors, including water corridors, and  
21 establishing publicly owned and operated docking facilities.

22 (j) Notwithstanding the provisions of (d) - (i) of this section,  
23 if the City and Borough of Juneau demonstrates to the Departments of  
24 Natural Resources and Fish and Game, jointly, that there is a superior  
25 public need for or use of the land than its use as a state game refuge,  
26 after public hearing and a finding by the departments supporting the  
27 determination that such a need or use exists or is required, the use  
28 shall be permitted. A final administrative order, ruling or determina-  
29 tion by the departments adverse to the petition of the City and Borough

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of Juneau is subject to judicial review under AS 44.62.560 - 44.62.570.

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

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

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