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Referred: Resources and Finance

1 IN THE HOUSE

BY DUNCAN

2 HOUSE BILL NO. 881

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the management of state-owned  
7 land in the Haines area; establishing the Haines State  
8 Forest Resource Management Area and the Alaska Chilkat  
9 Bald Eagle Preserve; and providing for an effective  
10 date."

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

12 \* Section 1. AS 41.15 is amended by adding new sections to read:

13 ARTICLE 3A. HAINES STATE FOREST RESOURCE MANAGEMENT AREA.

14 Sec. 41.15.500. HAINES STATE FOREST RESOURCE MANAGEMENT AREA. (a)

15 The purpose of AS 41.15.500 - 41.15.530 is to establish designated  
16 state-owned or acquired land and water areas as the Haines State Forest  
17 Resource Management Area. The primary purposes of the establishment of  
18 the Haines State Forest Resource Management Area are the use, perpetua-  
19 tion, conservation, and production of the land and water, including but  
20 not limited to the use of renewable and nonrenewable resources through  
21 multiple-use management and the continuation of other beneficial uses  
22 including traditional uses and other recreational activities.

23 (b) The responsibility for the management of the Haines State  
24 Forest Resource Management Area established under AS 41.15.500 - 41.15.-  
25 530 is assigned to the Department of Natural Resources.

26 (c) Inasmuch as the area described in AS 41.15.510(a) exceeds 640  
27 acres, AS 41.15.500 - 41.15.530 are intended to except the area described  
28 from the provisions of AS 38.05.300.

29 Sec. 41.15.510. BOUNDARIES OF HAINES STATE FOREST RESOURCE MANAGE-

1       MENT AREA. (a) Subject to valid existing rights, land and water located  
2 above the mean high tide line presently owned by the state and all land  
3 and water located above the mean high tide line acquired by the state in  
4 the future lying within the boundaries depicted on a map entitled "Haines  
5 State Forest Resource Management Area", dated February 1982 and on file  
6 in the office of the commissioner of natural resources, are designated  
7 as the Haines State Forest Resource Management Area.

8       (b) Private land, existing utility corridors, and land selection  
9 made by the Haines Borough under state law on the effective date of this  
10 Act within boundaries of the Haines State Forest Management Area desig-  
11 nated in (a) of this section are excluded from the Haines State Forest  
12 Resource Management Area. The state may not acquire private land within  
13 the Haines State Forest Resource Management Area by eminent domain.

14       (c) Approved and pending Native allotments located within or  
15 partially within the Haines State Forest Resource Management Area des-  
16 ignated in (a) of this section are not affected by the establishment of  
17 the Haines State Forest Resource Management Area and those allotments  
18 shall be excluded and treated as private land under AS 41.15.500 -  
19 41.15.530.

20       (d) The division of forestry, Department of Natural Resources,  
21 shall consult with the division of parks, Department of Natural  
22 Resources, the Department of Fish and Game, and the Alaska Chilkat Bald  
23 Eagle Preserve Local Advisory Council to promote effective, efficient,  
24 and coordinated administration of the Haines State Forest Resource  
25 Management Area and the Alaska Chilkat Bald Eagle Preserve for the  
26 purposes for which each is established.

27       (e) To the extent practicable, resource studies undertaken by the  
28 Department of Natural Resources shall be designed to benefit the manage-  
29 ment and administration of both the Haines State Forest Resource Manage-

1 ment Area and the Alaska Chilkat Bald Eagle Preserve.

2 (f) The establishment of the Haines State Forest Resource Manage-  
3 ment Area has no effect on the terms and conditions of existing permits  
4 or contracts involving use of the land, water, or other resources of the  
5 Haines State Forest Resource Management Area.

6 Sec. 41.15.520. MANAGEMENT. (a) Land within the Haines State  
7 Forest Resource Management Area shall be managed under the principles of  
8 multiple use and sustained yield defined in AS 38.04.910 and under  
9 AS 41.15.500 - 41.15.530.

10 (b) The Department of Natural Resources shall prepare a management  
11 plan for the management of the Haines State Forest Management Area. The  
12 plan may be adopted or revised only after review by the Board of Forestry  
13 and after public hearings in the Haines Borough. The management plan  
14 shall be adopted and implemented within two years after the effective  
15 date of this Act. The management plan shall be based on a current  
16 operational level inventory completed by the Department of Natural  
17 Resources within the last 10 years.

18 (c) The Department of Natural Resources shall periodically review  
19 the management plan for the Haines State Forest Resource Management Area  
20 prepared under AS 41.15.520(b). The Haines-Skagway Land Use Plan adopted  
21 by the Department of Natural Resources in 1979 shall be used as the  
22 basis for preparation of the management plan for the Haines State Forest  
23 Resource Management Area. Before approval of the management plan pre-  
24 pared under (b) of this section, management of the Haines State Forest  
25 Resource Management Area shall be conducted under the land use alloca-  
26 tions and the management provisions of the Haines-Skagway Area Land Use  
27 Plan.

28 (d) A copy of the management plan for the Haines State Forest  
29 Resource Management Area and any revision to the plan prepared by the

1 Department of Natural Resources, reviewed by the Board of Forestry, and  
2 adopted by the Department of Natural Resources after public hearings  
3 required under (b) of this section shall be provided to the legislature  
4 within 30 days of its adoption or revision or within the first 10 days  
5 of the first regular session of the legislature to convene after its  
6 adoption or revision.

7 (e) The Department of Fish and Game is responsible for the manage-  
8 ment of fish and game resources in the Haines State Forest Resource  
9 Management Area consistent with the purposes of AS 41.15.500 - 41.15.-  
10 530.

11 (f) The control of highway access and roadside structures within  
12 the Haines State Forest Resource Management Area is the responsibility  
13 of the Department of Natural Resources except that the Department of  
14 Transportation and Public Facilities is responsible for the repair and  
15 maintenance of all existing public roads in the Haines State Forest  
16 Resource Management Area.

17 (g) The state land and water described in AS 41.15.510(a) are  
18 closed to sale under state land disposal laws and to selections by the  
19 Haines Borough made after the effective date of this Act.

20 (h) The Department of Natural Resources shall consult with the  
21 Department of Fish and Game during (1) preparation of a management plan  
22 under (b) of this section; (2) revision of a management plan under (c)  
23 of this section; and (3) formulation of regulations governing the public  
24 use of the Haines State Forest Resource Management Area. The Department  
25 of Fish and Game shall consult with the Department of Natural Resources  
26 before adoption of regulations governing fish and wildlife management in  
27 the Haines State Forest Resource Management Area. Regulations may not  
28 be adopted by either department without prior review at a public hear-  
29 ing.

1           Sec. 41.15.530. COOPERATIVE MANAGEMENT AGREEMENT. The Department  
2 of Natural Resources may enter into cooperative management agreements  
3 with persons who hold title to or have a valid entry on land within the  
4 boundaries of the Haines State Forest Resource Management Area or adjoining  
5 the boundaries of the Haines State Forest Resource Management Area.

6 \* Sec. 2. AS 41.20 is amended by adding new sections to read:

7           ARTICLE 16. ALASKA CHILKAT BALD EAGLE PRESERVE.

8           Section 41.20.506. DECLARATION OF PURPOSE. The purpose of AS 41.-  
9 20.506 - 41.20.515 is to establish the state-owned land and water  
10 described in AS 41.20.507 as the Alaska Chilkat Bald Eagle Preserve as  
11 part of the state park system. The primary purpose of establishing the  
12 Alaska Chilkat Bald Eagle Preserve is to protect and perpetuate the  
13 Chilkat bald eagles and their essential habitats. The Alaska Chilkat  
14 Bald Eagle Preserve is also established to protect the natural salmon  
15 spawning and rearing areas of the Chilkat River and Chilkoot River  
16 systems within the preserve. The Alaska Chilkat Bald Eagle Preserve is  
17 also established to provide continued opportunities for research, study  
18 and enjoyment of bald eagles and other wildlife, and to provide for  
19 other public uses consistent with the primary purpose for which the  
20 Alaska Chilkat Bald Eagle Preserve is established. Inasmuch as the area  
21 described in AS 41.20.507 exceeds 640 acres, AS 41.20.506 - 41.20.515  
22 are intended to except the area described from the provisions of AS 38.-  
23 05.300.

24           Sec. 41.20.507. ESTABLISHMENT AND MANAGEMENT. (a) Subject to  
25 valid existing rights, the land and water presently owned by the state  
26 and all land and water acquired in the future by the state lying within  
27 the boundaries depicted on a map entitled "Alaska Chilkat Bald Eagle  
28 Preserve", dated February 1982 and on file in the office of the commis-  
29 sioner of natural resources, are designated the Alaska Chilkat Bald

1 Eagle Preserve and assigned to the Department of Natural Resources for  
2 control, development, and maintenance.

3 (b) Private land, land selections made by the Haines Borough under  
4 state law on the effective date of this Act, and existing transportation  
5 and utility corridors lying within the parcels described in (a) of this  
6 section are excluded from the Alaska Chilkat Bald Eagle Preserve and the  
7 state may not acquire private land within the Alaska Chilkat Bald Eagle  
8 Preserve by eminent domain.

9 (c) Approved and pending Native allotments located partially or  
10 completely within the Alaska Chilkat Bald Eagle Preserve are not affected  
11 by the establishment of the Alaska Chilkat Bald Eagle Preserve and all  
12 allotments shall be treated as private land under AS 41.20.506 - 41.20.-  
13 515.

14 (d) The Department of Fish and Game is responsible for the manage-  
15 ment of fish and game resources in the Alaska Chilkat Bald Eagle Pre-  
16 serve, consistent with the purposes of AS 41.20.506 - 41.20.515.

17 (e) The Department of Natural Resources shall consult with the  
18 Department of Fish and Game, the United States Fish and Wildlife Ser-  
19 vices, and the Alaska Chilkat Bald Eagle Preserve Advisory Council  
20 established by AS 41.20.515 before adoption of regulations governing  
21 public use of the Alaska Chilkat Bald Eagle Preserve. The Department of  
22 Fish and Game shall cooperate with the Department of Natural Resources  
23 and the Alaska Chilkat Bald Eagle Preserve Advisory Council in proposing  
24 regulations governing fish and game management in the Alaska Chilkat  
25 Bald Eagle Preserve for adoption by the Board of Fisheries or the Board  
26 of Game. The Department of Fish and Game and the Department of Natural  
27 Resources shall cooperate with the United States Fish and Wildlife  
28 Service in its administration of the Bald Eagle Protection Act of 1940  
29 and other appropriate laws that govern the conservation of bald eagles

1 or implement international treaty obligations of the United States.

2 (f) The natural habitat of the Alaska Chilkat Bald Eagle Preserve  
3 shall be managed by the Department of Natural Resources to sustain the  
4 eagle population and other fish and wildlife resources in perpetuity.

5 (g) The state land and water described in (a) of this section are  
6 closed to mineral entry under AS 38.05.135 - 38.05.280, to commercial  
7 harvest of timber, to sale under state land disposal laws, and to borough  
8 selections made after the effective date of this Act.

9 (h) Continued opportunities for the traditional use of the Alaska  
10 Chilkat Bald Eagle Preserve at levels and by methods and means that are  
11 compatible with protection of the bald eagle population are guaranteed.  
12 The traditional uses include hunting, trapping, fishing, berry picking,  
13 subsistence and recreational uses, operation of motorized vehicles, and  
14 the gathering of wood for personal use; these traditional uses shall be  
15 permitted to continue subject to regulation unless the director of the  
16 division of parks determines, after consultation with the Alaska Chilkat  
17 Bald Eagle Preserve Advisory Council, that the level of use is causing  
18 significant resource damage that is inconsistent with the primary pur-  
19 poses of AS 41.20.506 - 41.20.515. The director of the division of  
20 parks shall hold a local public hearing before restricting a traditional  
21 use permitted under this section.

22 (i) If privately owned land, valid mining rights, existing mineral  
23 leases, subsurface rights on private land, or other valid occupancy is  
24 surrounded by state land of the Alaska Chilkat Bald Eagle Preserve or if  
25 private or state-owned land, valid mining claims, subsurface rights, or  
26 other valid occupancy, not designated as a part of the Alaska Chilkat  
27 Bald Eagle Preserve does not have reasonable, timely, and economically  
28 feasible access and egress by means other than crossing land designated  
29 as Alaska Chilkat Bald Eagle Preserve land in (a) of this section, the

1 director of the division of parks shall grant the private landowner, a  
2 holder of a valid mining claim, mineral lease, subsurface rights, or a  
3 state agency or federal agency rights necessary to assure reasonable and  
4 economically feasible access and egress. The rights of access and  
5 egress are subject to reasonable regulation and stipulations established  
6 by the director of the division of parks to protect the values of the  
7 Alaska Chilkat Bald Eagle Preserve and to minimize adverse impacts in  
8 the preserve. The director of the division of parks shall give favorable  
9 consideration to applications for utility rights-of-way that are compat-  
10 ible with the primary purpose of the Alaska Chilkat Bald Eagle Preserve.

11 (j) The director of the division of parks and the Alaska Chilkat  
12 Bald Eagle Advisory Council established under AS 41.20.515, in consulta-  
13 tion with the United States Fish and Wildlife Service, the Department of  
14 Fish and Game, and other pertinent sources, shall use information gained  
15 through the Haines-Klukwan Cooperative resource studies in the develop-  
16 ment of the management plan for the Alaska Chilkat Bald Eagle Preserve  
17 and in decisions affecting the management and administration of the  
18 preserve. The director of the division of parks and the advisory council  
19 shall investigate the need for additional research to increase knowledge  
20 and understanding of the natural resources of the area and to enhance  
21 the effective management of the Alaska Chilkat Bald Eagle Preserve.

22 Sec. 41.20.515. ALASKA CHILKAT BALD EAGLE PRESERVE ADVISORY COUN-  
23 CIL. (a) A 10-member Alaska Chilkat Bald Eagle Preserve Advisory  
24 Council is established. The members of the advisory council shall be  
25 appointed by the governor. Members of the advisory council are entitled  
26 to the per diem and travel expenses authorized for members of state  
27 boards under AS 39.20.180.

28 (b) The governor may appoint individuals to the Alaska Chilkat  
29 Bald Eagle Preserve Advisory Council representing the following inter-

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- (1) a resident of the Chilkat Valley representing a conservation organization;
- (2) a resident of the Chilkat Valley representing commercial or industrial interests;
- (3) a representative of Klukwan, Inc.;
- (4) a representative of the Department of Natural Resources, division of parks;
- (5) a representative of the Department of Natural Resources, division of forestry;
- (6) a representative of the Department of Fish and Game; and
- (7) a representative of the United States Fish and Wildlife Service.

(c) The mayor of the City of Haines, the mayor of the Haines Borough, and the chairman of the Council of the Chilkat Indian Village are ex officio members of the Alaska Chilkat Bald Eagle Preserve Advisory Council.

(d) The Alaska Chilkat Bald Eagle Preserve Advisory Council shall assist the Department of Natural Resources in the development and monitoring of a management plan for the Alaska Chilkat Bald Eagle Preserve. The management plan shall be presented at public hearings in Haines and Klukwan before approval and implementation by the department.

\* Sec. 3. This Act takes effect July 1, 1982.