

Original sponsors: Fischer and Sturgulewski

Offered: 5/3/82  
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 794 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the management of state land for  
7 marine parks and game sanctuaries; and providing for an  
8 effective date."

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

10 \* Section 1. AS 41.20 is amended by adding new sections to read:

11 ARTICLE 16. ALASKA MARINE PARK SYSTEM.

12 Sec. 41.20.506. DECLARATION OF PURPOSE. The purpose of  
13 AS 41.20.506 - 41.20.520 is to establish, subject to valid existing  
14 rights, the state-owned or acquired land and water described in AS 41.-  
15 20.520 as units of the Alaska marine park system. The primary purposes  
16 in establishing the land and water areas described in AS 41.20.520 as  
17 units of the Alaska marine park system are to

- 18 (1) maintain natural, cultural, and scenic values;  
19 (2) maintain fish and wildlife resources;  
20 (3) develop recreational uses and recreational facilities;  
21 (4) promote and support tourism in the state.

22 Sec. 41.20.515. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)  
23 The state land and water described in AS 41.20.520 is assigned to the  
24 Department of Natural Resources for control, maintenance, and develop-  
25 ment consistent with the purposes and provisions of AS 41.20.506 -  
26 41.20.520.

27 (b) The Department of Fish and Game is responsible for the manage-  
28 ment of fish and game resources in units of the Alaska marine park  
29 system consistent with the purposes of AS 41.20.506 - 41.20.520. The

1 Department of Fish and Game shall consult with the Department of Natural  
2 Resources before adoption of regulations governing fish and game manage-  
3 ment in a unit of the Alaska marine park system.

4 (c) The Department of Natural Resources shall develop a management  
5 plan for each unit of the Alaska marine park system to determine the  
6 specific purposes and uses for the unit. During the preparation of a  
7 management plan for a unit of the Alaska marine park system, the commis-  
8 sioner of natural resources shall give written notice to and consult  
9 with the Department of Fish and Game, with proximately located munici-  
10 palities, with proximately located private landowners, with the United  
11 States Forest Service, and with organizations concerned with conserva-  
12 tion, recreation, and tourism, and other interested parties. The com-  
13 missioner of natural resources shall hold a public hearing on the  
14 management plan in a community proximately located to the unit of the  
15 Alaska marine park system.

16 (d) The commissioner of natural resources may not restrict the  
17 exercise of fishing or hunting rights permitted under law or under a  
18 regulation of the Board of Fisheries or of the Board of Game within a  
19 unit of the Alaska marine park system.

20 (e) The commissioner of natural resources may allow the develop-  
21 ment of aquaculture facilities within a unit of the Alaska marine park  
22 system.

23 (f) The commissioner of natural resources may enter into a co-  
24 operative agreement for the management of a unit of the Alaska marine  
25 park system with a federal agency, with a municipality of the state, or  
26 with a proximately located private landowner for a purpose stated under  
27 AS 41.20.020(7).

28 (g) In the management of a unit of the Alaska marine park system  
29 the commissioner of natural resources shall consult and cooperate with a

1 Native corporation that owns an historical or cultural site granted  
2 under sec. 14(h)(1) of the Alaska Native Claims Settlement Act (43  
3 U.S.C. sec. 1613(h)(1)) and that is proximately located to a unit of the  
4 Alaska marine park system. In the management of a unit of the Alaska  
5 marine park system the commissioner of natural resources shall address  
6 the potential conflicts with the cultural and historical values of land  
7 granted to a Native corporation under sec. 14(h)(1) of the Alaska Native  
8 Claims Settlement Act and shall provide for appropriate protection to  
9 these values.

10 (h) Nothing in AS 41.20.506 - 41.20.520 precludes use of or access  
11 to adjacent privately owned land.

12 Sec. 41.20.520. DESIGNATED LAND AND WATER. The state-owned land  
13 and water and that land and water acquired by the state in the future  
14 lying within the following described parcels are designated as units of  
15 the Alaska marine park system:

16 (1) Bettles Bay Marine Park

17 Township 10 North, Range 6 East, Seward Meridian

18 Section 12: S1/2SW1/4, SW1/4SE1/4

19 Section 13: NW1/4, W1/2NE1/4, N1/2SW1/4, NW1/4SE1/4

20 Section 14: N1/2SE1/4, S1/2NE1/4, NE1/4NE1/4

21 (2) Decision Point Marine Park

22 Township 8 North, Range 5 East, Seward Meridian

23 Section 1: All

24 Section 11: NE1/4, N1/2SE1/4

25 Section 12: N1/2, N1/2S1/2

26 Township 8 North, Range 6 East, Seward Meridian

27 Section 5: SW1/4

28 Section 6: All

29 Section 7: N1/2, N1/2S1/2

1 Section 8: N1/2, N1/2S1/2

2 (3) Entry Cove Marine Park

3 Township 8 North, Range 6 East, Seward Meridian

4 Section 2: S1/2

5 Section 3: SE1/4, S1/2SW1/4

6 Section 10: N1/2

7 Section 11: N1/2

8 (4) Oliver Inlet Marine Park

9 Township 43 South, Range 68 East, Copper River Meridian

10 Section 28: SW1/4

11 Section 32: E1/2E1/2

12 Section 33: NW1/4, W1/2SW1/4

13 (5) Sawmill Bay Marine Park

14 Township 9 South, Range 9 West, Copper River Meridian

15 Section 22: E1/2SE1/4, SW1/4SE1/4

16 Section 23: SW1/4, S1/2NW1/4, NE1/4NW1/4, W1/2NE1/4

17 Section 26: W1/2

18 Section 27: E1/2, S1/2SW1/4

19 Section 28: E1/2SE1/4

20 Section 33: NE1/4NE1/4

21 Section 34: N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4

22 Section 35: W1/2

23 Township 10 South, Range 9 West, Copper River Meridian

24 Section 3: N1/2NE1/4

25 (6) Shoup Bay Marine Park

26 Township 8 South, Range 7 West, Copper River Meridian

27 Section 30: W1/2W1/2

28 Section 31: W1/2W1/2

29 Township 8 South, Range 8 West, Copper River Meridian

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Section 25: All

Section 26: All

Section 27: E1/2

Section 34: E1/2

Section 35: All

Section 36: All

Township 9 South, Range 8 West, Copper River Meridian

Section 1: N1/2NW1/4

Section 2: N1/2

Section 3: All

(7) South Esther Island Marine Park

Township 8 North, Range 8 East, Seward Meridian

Section 3: W1/2, W1/2SE1/4, SW1/4NE1/4

Section 4: E1/2E1/2, SW1/4SE1/4

Section 5: E1/2SW1/4, SW1/4SW1/4, SE1/4NW1/4

Section 6: E1/2SW1/4, S1/2SE1/4, NW1/4SE1/4

Section 7: N1/2NE1/4, SE1/4NE1/4

Section 8: E1/2, NW1/4, N1/2SW1/4, SE1/4SW1/4

Section 9: All

Section 10: N1/2NW1/4, SW1/4NW1/4

Section 16: N1/2

Section 17: NE1/4, E1/2NW1/4

Township 9 North, Range 8 East, Seward Meridian

Section 33: SW1/2NW1/4, SW1/4NE1/4, E1/2SW1/4, W1/2 SE1/4

(8) Surprise Cove Marine Park

Township 8 North, Range 6 East, Seward Meridian

Section 21: SE1/4, E1/2SW1/4

Section 22: SE1/4, S1/2SW1/4, SE1/4NE1/4

Section 23: W1/2SW1/4, SW1/4NW1/4

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Section 26: W1/2W1/2

Section 27: All

Section 28: S1/2, NE1/4, E1/2NW1/4

Section 29: SE1/4SE1/4

Section 34: N1/2N1/2

Section 35: NW1/4NW1/4

(9) Swanson Harbor Marine Park

Township 42 South, Range 63 East, Copper River Meridian

Section 15: E1/2W1/2, E1/2

Section 21: All

Section 22: All

Section 23: W1/2

Section 26: All

Section 27: All

Section 28: All

Section 35: N1/2

(10) Ziegler Cove Marine Park

Township 9 North, Range 6 East, Seward Meridian

Section 25: SW1/4, W1/2SE1/4

Section 26: E1/2

Section 36: N1/2N1/2

(11) Horseshoe Bay Marine Park

Township 1 South, Range 9 East, Seward Meridian

Section 32: SE1/4

Township 2 South, Range 9 East, Seward Meridian

Section 4: S1/2SW1/4 excluding amended Iron Mountain  
Lode No. 2 and Iron Mountain Lode

Section 5: All

Section 8: N1/2 excluding Iron Mountain Lode No. 11 and

1 Iron Mountain Lode No. 10

2 Section 9: NW1/4NW1/4 excluding amended Iron Mountain  
3 Lode No. 2 and Iron Mountain Lode

4 \* Sec. 2. (a) The commissioner of natural resources shall conduct an  
5 assessment of the state selected, tentatively approved, and patented land and  
6 water in the areas described in (d) of this section for inclusion in the  
7 Alaska marine park system. The assessment shall consider each area with  
8 reference to the purposes established in AS 41.20.506, expansion of a  
9 community in the area, and other potential uses. In assessing state land  
10 within an area described in (d) of this section, the commissioner of natural  
11 resources shall also consider private land ownership and use patterns and the  
12 development plans of private landowners in the vicinity of the area.

13 (b) In state selection of land under section 6(a) of the Alaska State-  
14 hood Act, P.L. 85-508, 72 Stat. 339, the commissioner of natural resources  
15 shall consider recreational opportunities and the demand and the desirability  
16 of selecting land for inclusion in the Alaska marine park system in selec-  
17 tions made under sec. 6(a) of the Alaska Statehood Act.

18 (c) The commissioner of natural resources shall give written notice to  
19 and consult with the Department of Fish and Game, proximately located muni-  
20 cipalities, proximately located private landowners, the United States Fish and  
21 Wildlife Service, organizations concerned with conservation, recreation, and  
22 tourism, and other interested persons before and during the assessment.

23 (d) The commissioner of natural resources shall assess the following  
24 areas under this section: (1) Chilkat Islands, (2) Sullivan Islands, (3)  
25 Saint James Bay/Boat Harbor, (4) Echo Cove, (5) Cape Bingham, (6) Shelter  
26 Island, (7) Goulding Harbor, (8) Lake Anna, (9) Pavlov Harbor, (10) Taku  
27 Harbor, (11) Windfall Harbor, (12) Kalinin Bay/Sealion Cove, (13) Pleasant  
28 Bay, (14) Kasnyku Bay, (15) Chaik Bay, (16) Sumdum, (17) Gambier Bay, (18)  
29 Pybus Bay, (19) Goddard Hot Springs, (20) Entrance Island (Hobart Bay), (21)

1 Shamrock Bay, (22) Red Bluff Bay, (23) Security Bay, (24) Read Island  
2 (Farraquut Bay), (25) Deep Cove, (26) High Island (Rocky Pass), (27) Port  
3 Armstrong, (28) Explorer Basin (Tebenkof Bay), (29) Beecher Pass, (30) LeConte  
4 Bay, (31) Salmon Bay, (32) Thoms Place, (33) McHenry Anchorage, (34) Burroughs  
5 Bay, (35) Port Stewart, (36) Shrimp Bay, (37) Traitors Cove, (38) Neets Bay,  
6 (39) Grindall Island, (40) Settler Cove, (41) Manzanita Bay, (42) South Arm  
7 Cholmondeley Sound, (43) Blank Inlet, (44) Niblack Anchorage, (45) Dall Bay,  
8 (46) Alava Bay, (47) Foggy Bay, (48) Anderson Bay, (49) Boswell Bay, (50)  
9 Canoe Passage, (51) Cascade Creek, (52) Constantine Harbor, (53) Disk Island,  
10 (54) Drier Bay, (55) Driftwood Bay, (56) Eagle Bay, (57) Falls Bay, (58)  
11 Garden Cove, (59) Goat Harbor, (60) Golden Creek, (61) Granite Cove, (62)  
12 Gravina Point, (63) Jack Bay, (64) Long Bay, (65) Main Bay, (66) Marsha Bay,  
13 (67) Outside Bay, (68) Perry Island, (69) Port Chalmers, (70) Port Fidalgo,  
14 (71) Port Nellie Juan, (72) Princeton Creek, (73) Safety Cove, (74) Salmon  
15 Creek, (75) Shoestring Cove, (76) Siwash Bay, (77) South Elrington Island,  
16 (78) Sunny Cove, (79) Thumb Cove, and (80) Kayak Island.

17 \* Sec. 3. The commissioner of natural resources shall report to the  
18 governor on the actions taken under AS 41.20.506 - 41.20.520 by December 1 of  
19 each even-numbered year. The governor shall submit the report to the legis-  
20 lature during the first 10 days of the first session of each legislature.  
21 The report to the legislature shall include the progress of the commissioner  
22 in conducting the assessment required by sec. 2 of this Act, together with  
23 the recommendations of the governor for the inclusion of additional land and  
24 water as units of the Alaska marine park system and other recommendations for  
25 legislation.

26 \* Sec. 4. AS 16.20 is amended by adding a new section to article 3 to  
27 read:

28 ARTICLE 3. [MCNEIL RIVER] STATE GAME SANCTUARIES [SANCTUARY].

29 Sec. 16.20.165. CAPE SENIAVIN STATE GAME SANCTUARY. (a) The

1 following described area and adjacent state waters are established as  
2 the Cape Seniavin State Game Sanctuary:

3 (1) Township 44 South, Range 69 West, Seward Meridian

4 Sections 2 - 5

5 Sections 8 - 10

6 (2) Township 43 South, Range 69 West, Seward Meridian

7 Sections 32 - 35.

8 (b) The purpose of the Cape Seniavin State Game Sanctuary is to  
9 provide a permanent protection for walrus and other fish and wildlife  
10 populations and their habitat in the area of the Cape Seniavin walrus  
11 hauling grounds so that the resources may be preserved for scientific,  
12 aesthetic and educational purposes.

13 \* Sec. 5. AS 16.20.170 is repealed and reenacted to read:

14 Sec. 16.20.170. MANAGEMENT OF MCNEIL RIVER AND CAPE SENIAVIN STATE  
15 GAME SANCTUARIES. (a) The provisions of AS 16.20.120 - 16.20.140  
16 relating to the administration, multiple use and sale and lease of the  
17 Walrus Islands State Game Sanctuary apply also to the McNeil River State  
18 Game Sanctuary.

19 (b) The provisions of AS 16.20.120 relating to the administration  
20 of the Walrus Islands State Game Sanctuary apply also to the Cape  
21 Seniavin State Game Sanctuary. Surface entry for oil and gas explora-  
22 tion and development and mineral leasing and the acquisition and  
23 development of mining rights within the Cape Seniavin State Game  
24 Sanctuary is prohibited.

25 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-  
26 070(c).