

Introduced: 2/16/82
Referred: Resources

1 IN THE SENATE

BY RAY

2 SENATE BILL NO. 796

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Chilkat Bald Eagle
7 Preserve; and providing for an effective date."

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

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

10 ARTICLE 16. ALASKA CHILKAT BALD EAGLE PRESERVE.

11 Section 41.20.506. DECLARATION OF PURPOSE. The purpose of AS 41.-
12 20.506 - 41.20.515 is to establish the state-owned land and water
13 described in AS 41.20.507 as the Alaska Chilkat Bald Eagle Preserve as
14 part of the state park system. The primary purpose of establishing the
15 Alaska Chilkat Bald Eagle Preserve is to protect and perpetuate the
16 Chilkat bald eagles and their essential habitats. The Alaska Chilkat
17 Bald Eagle Preserve is also established to protect the natural salmon
18 spawning and rearing areas of the Chilkat River and Chilkoot River
19 systems within the preserve. The Alaska Chilkat Bald Eagle Preserve is
20 also established to provide continued opportunities for research, study
21 and enjoyment of bald eagles and other wildlife, and to provide for
22 other public uses consistent with the primary purpose for which the
23 Alaska Chilkat Bald Eagle Preserve is established. Inasmuch as the area
24 described in AS 41.20.507 exceeds 640 acres, AS 41.20.506 - 41.20.515
25 are intended to except the area described from the provisions of AS 38.-
26 05.300.

27 Sec. 41.20.507. ESTABLISHMENT AND MANAGEMENT. (a) Subject to
28 valid existing rights, the land and water presently owned by the state
29 and all land and water acquired in the future by the state lying within

1 the boundaries depicted on a map entitled "Alaska Chilkat Bald Eagle
2 Preserve", dated February 1982 and on file in the office of the commis-
3 sioner of natural resources, are designated the Alaska Chilkat Bald Eagle
4 Preserve and assigned to the Department of Natural Resources for control,
5 development, and maintenance.

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

12 (c) Approved and pending Native allotments located partially or
13 completely within the Alaska Chilkat Bald Eagle Preserve are not affected
14 by the establishment of the Alaska Chilkat Bald Eagle Preserve and all
15 allotments shall be treated as private land under AS 41.20.506 - 41.20.-
16 515.

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

20 (e) The Department of Natural Resources shall consult with the
21 Department of Fish and Game, the United States Fish and Wildlife Ser-
22 vices, and the Alaska Chilkat Bald Eagle Preserve Advisory Council
23 established by AS 41.20.515 before adoption of regulations governing
24 public use of the Alaska Chilkat Bald Eagle Preserve. The Department of
25 Fish and Game shall cooperate with the Department of Natural Resources
26 and the Alaska Chilkat Bald Eagle Preserve Advisory Council in proposing
27 regulations governing fish and game management in the Alaska Chilkat
28 Bald Eagle Preserve for adoption by the Board of Fisheries or the Board
29 of Game. The Department of Fish and Game and the Department of Natural

1 Resources shall cooperate with the United States Fish and Wildlife
2 Service in its administration of the Bald Eagle Protection Act of 1940
3 and other appropriate laws that govern the conservation of bald eagles
4 or implement international treaty obligations of the United States.

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

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

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

25 (i) If privately owned land, valid mining rights, existing mineral
26 leases, subsurface rights on private land, or other valid occupancy is
27 surrounded by state land of the Alaska Chilkat Bald Eagle Preserve or if
28 private or state-owned land, valid mining claims, subsurface rights, or
29 other valid occupancy, not designated as a part of the Alaska Chilkat

1 Bald Eagle Preserve does not have reasonable, timely, and economically
2 feasible access and egress by means other than crossing land designated
3 as Alaska Chilkat Bald Eagle Preserve land in (a) of this section, the
4 director of the division of parks shall grant the private landowner, a
5 holder of a valid mining claim, mineral lease, subsurface rights, or a
6 state agency or federal agency rights necessary to assure reasonable and
7 economically feasible access and egress. The rights of access and
8 egress are subject to reasonable regulation and stipulations established
9 by the director of the division of parks to protect the values of the
10 Alaska Chilkat Bald Eagle Preserve and to minimize adverse impacts in
11 the preserve. The director of the division of parks shall give favorable
12 consideration to applications for utility rights-of-way that are compat-
13 ible with the primary purpose of the Alaska Chilkat Bald Eagle Preserve.

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

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

1 boards under AS 39.20.180.

2 (b) The governor may appoint individuals to the Alaska Chilkat
3 Bald Eagle Preserve Advisory Council representing the following inter-
4 ests:

5 (1) a resident of the Chilkat Valley representing a conserva-
6 tion organization;

7 (2) a resident of the Chilkat Valley representing commercial
8 or industrial interests;

9 (3) a representative of Klukwan, Inc.;

10 (4) a representative of the Department of Natural Resources,
11 division of parks;

12 (5) a representative of the Department of Natural Resources,
13 division of forestry;

14 (6) a representative of the Department of Fish and Game; and

15 (7) a representative of the United States Fish and Wildlife
16 Service.

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

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

26 * Sec. 2. This Act takes effect July 1, 1982.
27
28
29