

Introduced: 1/18/83
Referred: Resources and
Finance

1 IN THE SENATE

BY MULCAHY AND V.FISCHER

2

SENATE BILL NO. 51

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act establishing the Shuyak Island State Park;

7

and providing for an effective date."

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

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

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ARTICLE 17. SHUYAK ISLAND STATE PARK.

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Sec. 41.20.530. DECLARATION OF PURPOSE. (a) The purpose of

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AS 41.20.530 - 41.20.538 is to establish, subject to valid existing

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rights, the state-owned or acquired uplands and freshwater bodies

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described in AS 41.20.532 as the Shuyak Island State Park. The pri-

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mary purposes of establishing the Shuyak Island State Park are to

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protect the area's recreational and scenic resources, to protect the

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area's fish and wildlife habitat, and to preserve and enhance the

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continued use of the area for hunting, fishing, and trapping purposes

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and other recreational activities.

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(b) Under the provisions of AS 38.05.300, state land, water, or

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land and water containing more than 640 acres may be closed to multi-

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ple-purpose use only by Act of the legislature. Because the area

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described in AS 41.20.532 exceeds 640 acres, AS 41.20.530 - 41.20.538

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are intended to close the described land and water to multiple-purpose

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use in conformity with AS 38.05.300 and to dedicate them as a special

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purpose site in accordance with art. VIII, sec. 7, Constitution of the

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State of Alaska.

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Sec. 41.20.532. DESIGNATED STATE LAND AND WATER. (a) The

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state-owned uplands and freshwater bodies and those uplands acquired

1 by the state in the future lying within the following parcel are
2 designated as the Shuyak Island State Park: all uplands, including
3 Dark Island and other islands, islets, pinnacles, and rocks within the
4 Shuyak Island complex lying easterly of Shelikof Strait, south of
5 Stevenson Entrance, north of Shuyak Strait, and lying westerly and
6 northerly of the following described boundary line (all sections of
7 unsurveyed land are protracted): Beginning at a point on the east
8 shore of Shuyak Harbor that is common to the section line for Sec-
9 tions 20 and 29, T19S, R20W, S.M., and the mean high tide line; then
10 east along the section line between Sections 20 and 29 to the 1/4
11 corner common to Sections 20 and 29, T19S, R20W, S.M.; then northeast-
12 erly approximately 2.5 miles to the corner common to Sections 9, 10,
13 15, and 16, T19S, R20W, S.M.; then north between Sections 9 and 10,
14 T19S, R20W, S.M., approximately 0.25 miles to the point of mean high
15 tide on the south shore of Big Bay; then meandering easterly and
16 northerly in a counter-clockwise direction along the mean high tide
17 line of Shuyak Island to a point common to the W 1/16th line in the
18 north half of the north half of Section 10, T19S, R20W, S.M.; then
19 north along the W 1/16th line approximately 150 feet to the section
20 line common to Sections 3 and 10, T19S, R20W, S.M.; then east 0.5
21 miles between Sections 3 and 10 to the E 1/16th corner of Sections 3
22 and 10, T19S, R20W, S.M.; then north 0.5 miles along the E 1/16th line
23 of Section 3 to the C-E 1/16th corner of Section 3, T19S, R20W, S.M.;
24 then west 0.25 miles along the E-W 1/4 line of Section 3 to the C 1/4
25 corner of Section 3, T19S, R20W, S.M.; then north 0.25 miles along the
26 NS 1/4 line of Section 3 to the C-N 1/16th corner of Section 3, T19S,
27 R20W, S.M.; then north-northeasterly approximately 1.65 miles to the
28 C-E-W-SW 1/125th corner of Section 26, T18S, R20W, S.M.; then east
29 0.80 miles along the S 1/16th line of Section 26 to the S 1/16th

1 corner of Sections 25 and 26, T18S, R20W, S.M.; then south 0.25 miles
2 between Sections 25 and 26 to the corner common to Sections 25, 26,
3 35, and 36, T18S, R20W, S.M.; then east between Sections 25 and 36,
4 T18S, R20W, S.M. and Sections 30 and 31, T18S, R19W, S.M. approximate-
5 ly 1.75 miles to the intersection with the mean high tide line on the
6 west shore of the unnamed bay that connects to Shangin Bay; then
7 meandering southerly and easterly along the mean high tide line of
8 that unnamed bay to Shangin Bay and then continuing southerly, easter-
9 ly, and northerly along the mean high tide line of Shangin Bay to a
10 point common to the N 1/16th line of Section 32, T18S, R19W, S.M.;
11 then east along the N 1/16th line of Sections 32 and 33 approximately
12 0.3 miles to the NW 1/16th corner of Section 33, T18S, R19W, S.M.;
13 then northeasterly approximately 1.5 miles to the section corner
14 common to Sections 22, 27, 28, and 21, T18S, R19W, S.M.; then north
15 along the west boundary of Sections 22 and 15, T18S, R19W, S.M., to
16 the point of mean high tide in Shangin Bay.

17 (b) If the Kodiak Island Borough relinquishes to the state its
18 selection, selection approval, or patent to any of the following de-
19 scribed land, that land may be added to the Shuyak Island State Park
20 by proclamation of the governor:

21 (1) T18S, R19W, S.M.

22 Section 29: All uplands not included in (a) of this
23 section

24 Section 31: All uplands not included in (a) of this
25 section

26 Section 32: All uplands not included in (a) of this
27 section

28 (2) T18S, R20W, S.M.

29 Section 26: All uplands not included in (a) of this

1 section
2 Section 34: All uplands not included in (a) of this
3 section
4 Section 35: All uplands not included in (a) of this
5 section
6 Section 36: All uplands
7 (3) T19S, R19W, S.M.
8 Section 5: All uplands
9 Section 6: All uplands
10 (4) T19S, R20W, S.M.
11 Section 1: N1/2
12 Section 2: N1/2
13 Section 3: All uplands not included in (a) of this
14 section
15 Section 10: All uplands within N1/2 and SW1/4 not in-
16 cluded in (a) of this section.

17 Sec. 41.20.534. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)
18 The state uplands and freshwater bodies described in AS 41.20.532 are
19 assigned to the Department of Natural Resources for control, mainte-
20 nance, and development consistent with the purposes and provisions of
21 AS 41.20.530 - 41.20.538.

22 (b) The Department of Fish and Game is responsible for the
23 management of fish and game resources in the Shuyak Island State Park,
24 consistent with the purposes and provisions of this chapter. The
25 Board of Fisheries, the Board of Game and the commissioner of fish and
26 game are responsible for adopting regulations governing uses of fish
27 and game in accordance with AS 16. The fish and game habitat and
28 breeding areas shall be managed to sustain the fish and game resources
29 of the park in perpetuity.

1 (c) The Department of Natural Resources shall consult with the
2 Department of Fish and Game before adoption of regulations governing
3 public use of the Shuyak Island State Park.

4 (d) The Department of Fish and Game shall consult with the
5 Department of Natural Resources before adoption of regulations govern-
6 ing fish and game management in Shuyak Island State Park.

7 (e) The regulations established under this section shall be
8 adopted in accordance with the Administrative Procedure Act
9 (AS 44.62).

10 Sec. 41.20.536. COMPATIBILITY OF USES. (a) The commissioner of
11 natural resources shall designate by regulation incompatible uses
12 within the park uplands and freshwater bodies.

13 (b) Discharge of a firearm in the Shuyak Island State Park is
14 expressly allowed, except in those areas closed by regulation by the
15 commissioner of natural resources for purposes of public safety.

16 (c) Nothing in AS 41.20.530 - 41.20.538 prohibits the Department
17 of Fish and Game from engaging in stream rehabilitation enhancement
18 and development under AS 16.05.092 on land within the Shuyak Island
19 State Park.

20 (d) The regulations governing public use of the Shuyak Island
21 State Park shall provide reasonable access for legal hunting, fishing,
22 and trapping and other recreational uses.

23 (e) The Department of Public Safety and the Department of Fish
24 and Game shall be allowed reasonable access for fish and game manage-
25 ment, research, and enforcement purposes.

26 Sec. 41.20.538. PURCHASE AUTHORIZED. The commissioner of
27 natural resources may acquire, by purchase in the name of the state,
28 title to or interest in real property lying within the boundaries of
29 the Shuyak Island State Park. The state may not acquire land by

1 **eminent domain for inclusion in the Shuyak Island State Park.**

2 *** Sec. 2. This Act takes effect immediately in accordance with AS 01.-**

3 **10.070(c).**