

Offered: 3/13/84  
Referred: Finance

Original sponsors: Mulcahy and V.Fischer

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 HOUSE CS FOR SENATE BILL NO. 51 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act establishing the Shuyak Island State Park;  
7 and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 41.21 is amended by adding new sections to read:  
10 Sec. 41.21.170. DECLARATION OF PURPOSE. (a) The purpose of  
11 AS 41.21.170 - 41.21.178 is to establish, subject to valid existing  
12 rights, the state-owned or acquired uplands and freshwater bodies  
13 described in AS 41.21.172 as the Shuyak Island State Park. The pri-  
14 mary purposes of establishing the Shuyak Island State Park are to  
15 protect the area's recreational and scenic resources, to protect the  
16 area's fish and wildlife habitat, and to preserve and enhance the  
17 continued use of the area for sport and subsistence hunting and fish-  
18 ing, trapping, and recreational activities.  
19 (b) Under the provisions of AS 38.05.300, state land, water, or  
20 land and water containing more than 640 acres may be closed to multi-  
21 ple purpose use only by act of the legislature. Because the area  
22 described in AS 41.21.172 exceeds 640 acres, AS 41.21.170 - 41.21.178  
23 are intended to close the described land and water to multiple purpose  
24 use in conformity with AS 38.05.300 and to dedicate them as a special  
25 purpose site in accordance with art. VIII, sec. 7, Constitution of the  
26 State of Alaska.  
27 Sec. 41.21.172. DESIGNATED STATE LAND AND WATER. The uplands  
28 and freshwater bodies owned by the state on the effective date of this  
29 Act within the following described parcel is designated as the Shuyak

1 Island State Park: all uplands, including Dark Island and other  
2 islands, islets, pinnacles, and rocks within the Shuyak Island complex  
3 lying easterly of Shelikof Strait, south of Stevenson Entrance, north  
4 of Shuyak Strait, and lying westerly and northerly of the following  
5 described boundary line (all sections of unsurveyed land are pro-  
6 tracted): Beginning at the section corner common to sections 13 and  
7 24 of T19S, R21W, S.M. and sections 18 and 19 of T19S, R20S, S.M.,  
8 then northerly and easterly approximately 2.8 miles along a line  
9 dividing the east and west sides of Neketa Bay (the island in the  
10 SW1/4 of section 17, T19S, R20W, S.M. is on the east side of Neketa  
11 Bay for the purpose of this description) to the center of the isthmus  
12 dividing Neketa Bay and Big Bay located in the SW1/4 of section 9,  
13 T19S, R20W, S.M., then northeasterly approximately 25 feet to the mean  
14 high tide line of Big Bay; then meandering easterly and northerly in a  
15 counter-clockwise direction along the mean high tide line of Shuyak  
16 Island to a point common to the W 1/16th line in the north half of the  
17 north half of Section 10, T19S, R20W, S.M.; then north along the W  
18 1/16th line approximately 150 feet to the section line common to  
19 Sections 3 and 10, T19S, R20W, S.M.; then east 0.5 miles between  
20 Sections 3 and 10 to the E 1/16th corner of Sections 3 and 10, T19S,  
21 R20W, S.M.; then north 0.5 miles along the E 1/16th line of Section 3  
22 to the C-E 1/16th corner of Section 3, T19S, R20W, S.M.; then west  
23 0.25 miles along the E-W 1/4 line of Section 3 to the C 1/4 corner of  
24 Section 3, T19S, R20W, S.M.; then north 0.25 miles along the NS 1/4  
25 line of Section 3 to the C-N 1/16th corner of Section 3, T19S, R20W,  
26 S.M.; then north-northeasterly approximately 1.65 miles to the  
27 C-E-W-SW 1/125th corner of Section 26, T18S, R20W, S.M.; then east  
28 0.80 miles along the S 1/16th line of Section 26 to the S 1/16th  
29 corner of Sections 25 and 26, T18S, R20W, S.M.; then south 0.25 miles

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

16 Sec. 41.21.174. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)  
17 The state uplands and freshwater bodies described in AS 41.21.172 are  
18 assigned to the Department of Natural Resources for control, mainte-  
19 nance, and development consistent with the purposes and provisions of  
20 AS 41.21.170 - 41.21.178.

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

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 (AS 44.-  
9 62).

10          (f) The commissioner of natural resources shall permit reason-  
11 able camping within the Shuyak Island State Park on an extended basis  
12 on request.

13          (g) Nothing in AS 41.21.170 - 41.21.178 prohibits the Department  
14 of Fish and Game from engaging in stream rehabilitation enhancement  
15 and development under AS 16.05.092 on land within the Shuyak Island  
16 State Park.

17          (h) The Department of Public Safety and the Department of Fish  
18 and Game shall have necessary access for fish and game management,  
19 research, and enforcement purposes.

20          Sec. 41.21.176. COMPATIBILITY OF USES. (a) The commissioner of  
21 natural resources may designate by regulation incompatible uses within  
22 the park uplands and freshwater bodies.

23          (b) Use of a weapon in the Shuyak Island State Park shall be  
24 allowed except in unique areas that may be closed for purposes of  
25 public safety by regulation by the commis-sioner of natural resources.

26          (c) The regulations governing public use of the Shuyak Island  
27 State Park shall provide ample access for legal sport and subsistence  
28 hunting and fishing, trapping, and recreational uses. The  
29 commissioner

1 of natural resources may not restrict the exercise of sport or subsis-  
2 tence fishing or hunting, or trapping permitted under law or under a  
3 regulation of the Board of Fisheries or the Board of Game within the  
4 Shuyak Island State Park.

5 Sec. 41.21.178. ADDITIONS TO PARK. Land may be added to the  
6 Shuyak Island State Park only by an act of the legislature. The com-  
7 missioner of natural resources may not acquire land within the bound-  
8 aries of the Shuyak Island State Park by purchase or by eminent  
9 domain.

10 \* Sec. 2. The commissioner of natural resources shall identify and  
11 offer for sale to the public 500 acres of state-owned land within the  
12 Kodiak Island Borough under AS 38.08 within five years of the effective  
13 date of this Act. The land offered for sale under this section shall be  
14 reasonably accessible to residents of the City of Kodiak, shall be land of  
15 good quality, and may not include land proposed as of February 1, 1984 by  
16 the Department of Natural Resources for sale by the department during  
17 fiscal years 1984, 1985, or 1986. The disposals of the land shall be held  
18 in the City of Kodiak. The commissioner of natural resources shall submit  
19 to the legislature not later than the 10th day of the Second Regular  
20 Session of the Sixteenth Alaska State Legislature a report on the compli-  
21 ance by the Department of Natural Resources with this section.

22 \* Sec. 3. Subject to the availability of funds, the Department of  
23 Natural Resources shall construct 10 public use cabins within the Shuyak  
24 Island State Park.

25 \* Sec. 4. Section 1 of this Act is repealed July 1, 1990, if the com-  
26 missioner of natural resources does not report to the legislature under  
27 sec. 2 of this Act that the Department of Natural Resources has identified  
28 and offered for sale 500 acres of state-owned land within the Kodiak Island  
29 Borough under AS 38.08 within five years after the effective date of this

1 Act.

2 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-

3 10.070(c).