

Offered: 5/4/84
Referred: Rules

Original sponsors: Mulcahy and V.Fischer

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 HOUSE CS FOR SENATE BILL NO. 51 (Finance)
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 or acquired by the state within the
29 following described parcel are designated as the Shuyak Island State

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

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

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

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

29 (c) The Department of Natural Resources shall consult with the

1 Department of Fish and Game before adoption of regulations governing
2 public use of the Shuyak Island State Park.

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

6 (e) The regulations established under this section shall be
7 adopted in accordance with the Administrative Procedure Act (AS 44.-
8 62).

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

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

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

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

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

25 (c) The regulations governing public use of the Shuyak Island
26 State Park shall provide ample access for legal sport and subsistence
27 hunting and fishing, trapping, and recreational uses. Except to
28 protect public safety the commissioner of natural resources may not
29 restrict the exercise of sport or subsistence fishing or hunting, or

1 trapping permitted under law or under a regulation of the Board of
2 Fisheries or the Board of Game within the Shuyak Island State Park.

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

7 * Sec. 2. (a) The commissioner of natural resources shall seek an
8 amendment to the Agreement of Settlement and Consent Decree of June 19,
9 1981, between the state and the Kodiak Island Borough to make the following
10 uplands that were retained by the state under that agreement of settlement
11 available to the Kodiak Island Borough under AS 29.18.201 - 29.18.213:

12 T19S, R20W, S.M.

13 Sec. 16

14 Sec. 17

15 Secs. 19 - 21

16 Sec. 29

17 Sec. 30

18 (b) The commissioner of natural resources shall seek a relinquishment
19 of borough land selections under AS 29.18.201 - 29.18.213 and an amendment
20 to the Agreement of Settlement and Consent Decree of June 19, 1981, between
21 the state and the Kodiak Island Borough to include the following described
22 land of an equal acreage to that land described in sec. 2(a) in the Shuyak
23 Island State Park:

24 T18S, R20W, S.M.

25 Sec. 26

26 Secs. 34 - 36

27 T18S, R19W, S.M.

28 Sec. 31

29 (c) Subsections (a) and (b) of this section are repealed six months

1 from the effective date of this Act if the Agreement of Settlement and
2 Consent Decree of June 19, 1981, is not amended as proposed in (a) and (b)
3 of this section.

4 (d) If the Agreement of Settlement and Consent Decree of June 19,
5 1981, is amended as proposed in (b) and (c) of this section, the uplands
6 within the following described lands are added to the Shuyak Island State
7 Park:

8 T19S, R20W, S.M.

9 Sec. 8, SE1/4, SE1/4, SE1/4

10 Sec. 9

11 * Sec. 3. Subject to the availability of funds, the Department of
12 Natural Resources shall construct public use cabins within the Shuyak
13 Island State Park.

14 * Sec. 4. The commissioner of natural resources shall identify the
15 boundaries of the Shuyak Island State Park by posting each inland boundary
16 described in AS 41.21.172 as enacted in sec. 1 of this Act or as added
17 under sec. 2 of this Act at its beginning and its end and not less often
18 than each one-eighth of a mile.

19 * Sec. 5. The commissioner of natural resources shall identify and
20 offer for sale to the public 500 acres of state-owned land within the
21 Kodiak Island Borough under AS 38 within five years of the effective date
22 of this Act. The land offered for sale under this section shall be
23 reasonably accessible to residents of the City of Kodiak, shall be land of
24 good quality, and may not include land proposed as of February 1, 1984 by
25 the Department of Natural Resources for sale by the department during
26 fiscal years 1984, 1985, or 1986. The disposals of the land shall be held
27 in the City of Kodiak. The commissioner of natural resources shall submit
28 to the legislature not later than the 10th day of the Second Regular
29 Session of the Sixteenth Alaska State Legislature a report on the

1 compliance by the Department of Natural Resources with this section.

2 * Sec. 6. AS 41.21.170 - 41.21.178 enacted by sec. 1 of this Act is
3 repealed July 1, 1990, if the commissioner of natural resources does not
4 report to the legislature under sec. 5 of this Act that the Department of
5 Natural Resources has identified and offered for sale 500 acres of state-
6 owned land within the Kodiak Island Borough under AS 38 within five years
7 after the effective date of this Act.

8 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).