

Offered: 3/30/83  
Referred: Rules

Original sponsors: V.Fischer, Bennett,  
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1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 128 (Resources)  
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 certain areas as marine park  
7 units of the Alaska state park system; and providing  
8 for an 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 17. ALASKA MARINE PARKS.  
12 Sec. 41.20.530. DECLARATION OF PURPOSE. (a) The purpose of  
13 AS 41.20.530 - 41.20.536 is to establish, subject to valid existing  
14 rights, the state-owned or acquired land and water described in  
15 AS 41.20.534 as marine park units of the Alaska state park system.  
16 The primary purposes in establishing the land and water areas de-  
17 scribed in AS 41.20.534 as marine park units of the Alaska state park  
18 system are to  
19 (1) maintain natural, cultural, and scenic values;  
20 (2) maintain fish and wildlife resources;  
21 (3) promote and support recreation and tourism in the  
22 state.  
23 (b) The land and water described in AS 41.20.534 is dedicated as  
24 special purpose sites under art. VIII, sec. 7 of the state constitu-  
25 tion.  
26 Sec. 41.20.532. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)  
27 The state land and water described in AS 41.20.534 is assigned to the  
28 Department of Natural Resources for control, maintenance, and develop-  
29 ment consistent with the purposes and provisions of AS 41.20.530 -

1 41.20.536.

2 (b) The Department of Fish and Game is responsible for the  
3 management of fish and game resources on the state land and water  
4 described in AS 41.20.534 consistent with the purposes of AS 41.20.-  
5 530 - 41.20.536. The Department of Fish and Game shall give written  
6 notice to and consult with the Department of Natural Resources before  
7 adoption of regulations governing fish and game management in a marine  
8 park unit of the Alaska state park system.

9 (c) The Department of Natural Resources shall develop a manage-  
10 ment plan for each marine park unit of the Alaska state park system to  
11 determine the specific purposes and uses for the unit. The commis-  
12 sioner of natural resources shall give written notice and consult with  
13 the Department of Fish and Game, proximately located municipalities of  
14 the state, proximately located private landowners, the United States  
15 Forest Service, organizations concerned with conservation, recreation,  
16 and tourism, and other interested parties during the preparation of a  
17 management plan for a marine park unit of the Alaska state park  
18 system.

19 (d) The commissioner of natural resources may not restrict the  
20 exercise of fishing, hunting, or trapping rights permitted under law  
21 or under a regulation of the Board of Fisheries or the Board of Game  
22 within a marine park unit of the Alaska state park system.

23 (e) The commissioner of natural resources shall allow the devel-  
24 opment of aquaculture facilities within a marine park unit of the  
25 Alaska state park system under terms and conditions that ensure that  
26 the development is compatible with AS 41.20.530 - 41.20.536.

27 (f) The commissioner of natural resources may enter into a co-  
28 operative agreement for

29 (1) the management of a marine park unit of the Alaska

1 state park system with a federal agency, a municipality of the state,  
2 or a proximately located private landowner for a purpose stated under  
3 AS 41.20.020(7); or

4 (2) the management of proximately located federal, municipi-  
5 pal, or private land as part of a marine park unit of the Alaska state  
6 park system.

7 (g) In the management of a marine park unit of the Alaska state  
8 park system the commissioner of natural resources shall consult and  
9 cooperate with a Native corporation that owns an historical or cul-  
10 tural site granted under sec. 14(h)(1) of the Alaska Native Claims  
11 Settlement Act (43 U.S.C. sec. 1613(h)(1)) and that is proximately  
12 located to a marine park unit of the Alaska state park system. In the  
13 management of a marine park unit of the Alaska state park system the  
14 commissioner of natural resources shall address the potential con-  
15 flicts with the cultural and historical values of land granted to a  
16 Native corporation under sec. 14(h)(1) of the Alaska Native Claims  
17 Settlement Act and shall provide for appropriate protection to these  
18 values.

19 (h) Nothing in AS 41.20.530 - 41.20.536 precludes the use of or  
20 access to privately owned land. The commissioner of natural resources  
21 shall permit adequate and feasible access across state land within a  
22 marine park unit of the Alaska state park system to and from private  
23 land within or outside a unit if the commissioner of natural resources  
24 determines that the access is reasonably necessary to the development  
25 of the private land.

26 Sec. 41.20.534. DESIGNATED LAND AND WATER. The state-owned land  
27 and water and that land and water acquired by the state in the future  
28 lying within the following described parcels is designated as marine  
29 park units of the Alaska state park system:

1 (1) Bettles Bay  
2 Township 10 North, Range 6 East, Seward Meridian  
3 Section 12: S1/2SW1/4, SW1/4SE1/4  
4 Section 13: NW1/4, W1/2NE1/4, N1/2SW1/4, NW1/4SE1/4  
5 Section 14: N1/2SE1/4, S1/2NE1/4, NE1/4NE1/4  
6 (2) Decision Point  
7 Township 8 North, Range 5 East, Seward Meridian  
8 Section 1: All  
9 Section 11: NE1/4, N1/2SE1/4  
10 Section 12: N1/2, N1/2S1/2  
11 Township 8 North, Range 6 East, Seward Meridian  
12 Section 5: SW1/4  
13 Section 6: All  
14 Section 7: N1/2, N1/2S1/2  
15 Section 8: N1/2, N1/2S1/2  
16 (3) Entry Cove  
17 Township 8 North, Range 6 East, Seward Meridian  
18 Section 2: S1/2  
19 Section 3: SE1/4, S1/2SW1/4  
20 Section 10: N1/2  
21 Section 11: N1/2  
22 (4) Oliver Inlet  
23 Township 43 South, Range 68 East, Copper River Meridian  
24 Section 28: SW1/4  
25 Section 32: E1/2E1/2  
26 Section 33: NW1/4, W1/2SW1/4  
27 (5) Sawmill Bay  
28 Township 9 South, Range 9 West, Copper River Meridian  
29 Section 22: E1/2SE1/4, SW1/4SE1/4

1                   Section 23: SW1/4, S1/2NW1/4, NE1/4NW1/4, W1/2NE1/4  
 2                   Section 26: W1/2  
 3                   Section 27: E1/2, S1/2SW1/4  
 4                   Section 28: E1/2SE1/4  
 5                   Section 33: NE1/4NE1/4  
 6                   Section 34: N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4  
 7                   Section 35: W1/2  
 8                   Township 10 South, Range 9 West, Copper River Meridian  
 9                   Section 3: N1/2NE1/4  
 10                  (6) Shoup Bay  
 11                  Township 8 South, Range 7 West, Copper River Meridian  
 12                  Section 30: W1/2W1/2  
 13                  Section 31: W1/2W1/2  
 14                  Township 8 South, Range 8 West, Copper River Meridian  
 15                  Section 25: All  
 16                  Section 26: All  
 17                  Section 27: E1/2  
 18                  Section 34: E1/2  
 19                  Section 35: All  
 20                  Section 36: All  
 21                  Township 9 South, Range 8 West, Copper River Meridian  
 22                  Section 1: N1/2NW1/4  
 23                  Section 2: N1/2  
 24                  Section 3: All  
 25                  (7) South Esther Island  
 26                  Township 8 North, Range 8 East, Seward Meridian  
 27                  Section 3: W1/2, W1/2SE1/4, SW1/4NE1/4  
 28                  Section 4: E1/2E1/2, SW1/4SE1/4  
 29                  Section 5: E1/2SW1/4, SW1/4SW1/4, SE1/4NW1/4

1 Section 6: E1/2SW1/4, S1/2SE1/4, NW1/4SE1/4  
2 Section 7: N1/2NE1/4, SE1/4NE1/4  
3 Section 8: E1/2, NW1/4, N1/2SW1/4, SE1/4SW1/4  
4 Section 9: All  
5 Section 10: N1/2NW1/4, SW1/4NW1/4  
6 Section 16: N1/2  
7 Section 17: NE1/4, E1/2NW1/4  
8 Township 9 North, Range 8 East, Seward Meridian  
9 Section 33: SW1/2NW1/4, SW1/4NE1/4, E1/2SW1/4, W1/2-  
10 SE1/4  
11 (8) Surprise Cove  
12 Township 8 North, Range 6 East, Seward Meridian  
13 Section 21: SE1/4, E1/2SW1/4  
14 Section 22: SE1/4, S1/2SW1/4, SE1/4NE1/4  
15 Section 23: W1/2SW1/4, SW1/4NW1/4  
16 Section 26: W1/2W1/2  
17 Section 27: All  
18 Section 28: S1/2, NE1/4, E1/2NW1/4  
19 Section 29: SE1/4SE1/4  
20 Section 34: N1/2N1/2  
21 Section 35: NW1/4NW1/4  
22 (9) Chilkat Islands  
23 Township 32 South, Range 60 East, Copper River Meridian  
24 Section 22: SE1/4  
25 Section 23: All  
26 Section 26: All  
27 Section 27: All  
28 Section 34: All  
29 Section 35: All

1 Township 33 South, Range 61 East, Copper River Meridian  
2 Section 4: All  
3 Section 5: All  
4 Section 8: All  
5 Section 9: All  
6 Section 16: All  
7 (10) Ziegler Cove  
8 Township 9 North, Range 6 East, Seward Meridian  
9 Section 25: SW1/4, W1/2SE1/4  
10 Section 26: E1/2  
11 Section 36: N1/2N1/2  
12 (11) Horseshoe Bay  
13 Township 1 South, Range 9 East, Seward Meridian  
14 Section 32: SE1/4  
15 Township 2 South, Range 9 East, Seward Meridian  
16 Section 4: S1/2SW1/4 excluding amended Iron Mountain  
17 Lode No. 2 and Iron Mountain Lode  
18 Section 5: All  
19 Section 8: N1/2 excluding Iron Mountain Lode No. 11  
20 and Iron Mountain Lode No. 10  
21 Section 9: NW1/4NW1/4 excluding amended Iron Mountain  
22 Lode No. 2 and Iron Mountain Lode  
23 (12) Sullivan Island  
24 Township 34 South, Range 60 East, Copper River Meridian  
25 Section 12: SE1/4  
26 Township 34 South, Range 61 East, Copper River Meridian  
27 Section 7: All  
28 Section 18: All  
29 Section 19: All

1                   Section 30: All  
2           (13) Shelter Island  
3           Township 39 South, Range 64 East, Copper River Meridian  
4                   Section 29: All  
5                   Section 31: All  
6                   Section 32: All  
7                   Section 33: All  
8           (14) Saint James Bay  
9           Township 37, Range 62 East, Copper River Meridian  
10                   Section 27: All  
11                   Section 28: All  
12                   Section 29: All  
13                   Section 30: SE1/4, SE1/4SW1/4  
14                   Section 31: E1/2NW1/4, NE1/4SW1/4, E1/2  
15                   Section 32: All  
16                   Section 33: All  
17                   Section 34: All  
18                   Section 35: W1/2  
19           Township 38 South, Range 62 East, Copper River Meridian  
20                   Section 2: W1/2  
21                   Section 3: All  
22                   Section 4: All  
23                   Section 5: All  
24                   Section 6: NE1/4, E1/2SE1/4  
25                   Section 8: N1/2, NE1/4SW1/4, SE1/4  
26                   Section 9: All  
27                   Section 10: All  
28                   Section 11: W1/2  
29                   Section 14: NW1/4

1                   Section 15: N1/2

2                   Section 16: N1/2

3                   Section 17: N1/2NE1/4, SE1/4NE1/4

4                   Sec. 41.20.536. COMPATIBILITY OF USES. (a) The commissioner  
5 of natural resources may prohibit or restrict by regulation incompati-  
6 ble uses within the areas described in AS 41.20.534.

7                   (b) Discharge of a firearm is permitted in an area described in  
8 AS 41.20.534 unless the area is closed by regulation of the commis-  
9 sioner of natural resources for public safety and other management  
10 purposes.

11                   (c) Nothing in AS 41.20.530 - 41.20.536 prohibits the Department  
12 of Fish and Game from engaging in rehabilitation, enhancement, and  
13 development under AS 16.05.092 within an area described in AS 41.20.-  
14 534.

15                   (d) Reasonable access shall be permitted to and across a marine  
16 park unit of the Alaska state park system for lawful hunting, fishing,  
17 trapping and recreational purposes.

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

21 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
22 10.070(c).