

Offered: 5/12/83  
Referred: Finance

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1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 HOUSE CS FOR 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 and lawful exist-  
21 ing uses of these resources;  
22 (3) promote and support recreation and tourism in the  
23 state.  
24 (b) The land and water described in AS 41.20.534 is dedicated as  
25 special purpose sites under art. VIII, sec. 7 of the state constitu-  
26 tion.  
27 Sec. 41.20.532. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)  
28 The state land and water described in AS 41.20.534 is assigned to the  
29 Department of Natural Resources for control, maintenance, and

1 development consistent with the purposes and provisions of AS 41.20.-  
2 530 - 41.20.536.

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

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

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

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

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

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

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

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

20           (h) Nothing in AS 41.20.530 - 41.20.536 precludes the use of or  
21 access to privately owned land or mineral claims and leases. The  
22 commissioner of natural resources shall permit adequate and feasible  
23 access across state land within a marine park unit of the Alaska state  
24 park system to and from private land within or outside a unit. In the  
25 granting of such access the commissioner of natural resources may  
26 adopt reasonable regulations to protect the natural and other values  
27 of the marine park unit lands and water.

28           Sec. 41.20.534. DESIGNATED LAND AND WATER. The state-owned land  
29 and water and that land and water acquired by the state in the future

1 lying within the following described parcels is designated as marine  
2 park units of the Alaska state park system:

3 (1) Bettles Bay

4 Township 10 North, Range 6 East, Seward Meridian

5 Section 12: S1/2SW1/4, SW1/4SE1/4

6 Section 13: NW1/4, W1/2NE1/4, N1/2SW1/4, NW1/4SE1/4

7 Section 14: N1/2SE1/4, S1/2NE1/4, NE1/4NE1/4

8 (2) Oliver Inlet

9 Township 43 South, Range 68 East, Copper River Meridian

10 Section 28: SW1/4

11 Section 32: E1/2E1/2

12 Section 33: NW1/4, W1/2SW1/4

13 (3) Sawmill Bay

14 Township 9 South, Range 9 West, Copper River Meridian

15 Section 22: E1/2SE1/4, SW1/4SE1/4

16 Section 23: SW1/4, S1/2NW1/4, NE1/4NW1/4, W1/2NE1/4

17 Section 26: W1/2

18 Section 27: E1/2, S1/2SW1/4

19 Section 28: E1/2SE1/4

20 Section 33: NE1/4NE1/4

21 Section 34: N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4

22 Section 35: W1/2

23 Township 10 South, Range 9 West, Copper River Meridian

24 Section 3: N1/2NE1/4

25 (4) Shoup Bay

26 Township 8 South, Range 7 West, Copper River Meridian

27 Section 30: W1/2W1/2

28 Section 31: W1/2W1/2

29 Township 8 South, Range 8 West, Copper River Meridian

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

1                   Section 23: W1/2SW1/4, SW1/4NW1/4  
2                   Section 26: W1/2W1/2  
3                   Section 27: All  
4                   Section 28: S1/2, NE1/4, E1/2NW1/4  
5                   Section 29: SE1/4SE1/4  
6                   Section 34: N1/2N1/2  
7                   Section 35: NW1/4NW1/4  
8                   (7) Chilkat Islands  
9                   Township 32 South, Range 60 East, Copper River Meridian  
10                   Section 22: SE1/4  
11                   Section 23: All  
12                   Section 26: All  
13                   Section 27: All  
14                   Section 34: All  
15                   Section 35: All  
16                   Township 33 South, Range 61 East, Copper River Meridian  
17                   Section 4: All  
18                   Section 5: All  
19                   Section 8: All  
20                   Section 9: All  
21                   Section 16: All  
22                   (8) Ziegler Cove  
23                   Township 9 North, Range 6 East, Seward Meridian  
24                   Section 25: SW1/4, W1/2SE1/4  
25                   Section 26: E1/2  
26                   Section 36: N1/2N1/2  
27                   (9) Horseshoe Bay  
28                   Township 1 South, Range 9 East, Seward Meridian  
29                   Section 32: SE1/4

1 Township 2 South, Range 9 East, Seward Meridian  
2 Section 4: S1/2SW1/4 excluding amended Iron Mountain  
3 Lode No. 2 and Iron Mountain Lode  
4 Section 5: All  
5 Section 8: N1/2 excluding Iron Mountain Lode No. 11  
6 and Iron Mountain Lode No. 10  
7 Section 9: NW1/4NW1/4 excluding amended Iron Mountain  
8 Lode No. 2 and Iron Mountain Lode  
9 (10) Sullivan Island  
10 Township 34 South, Range 60 East, Copper River Meridian  
11 Section 12: SE1/4  
12 Township 34 South, Range 61 East, Copper River Meridian  
13 Section 7: All  
14 Section 18: All  
15 Section 19: All  
16 Section 30: All  
17 (11) Shelter Island  
18 Township 39 South, Range 64 East, Copper River Meridian  
19 Section 29: All  
20 Section 31: All  
21 Section 32: All  
22 Section 33: All  
23 (12) Saint James Bay  
24 Township 37, Range 62 East, Copper River Meridian  
25 Section 27: All  
26 Section 28: All  
27 Section 29: All  
28 Section 30: SE1/4, SE1/4SW1/4  
29 Section 31: E1/2NW1/4, NE1/4SW1/4, E1/2

1                   Section 32: All  
2                   Section 33: All  
3                   Section 34: All  
4                   Section 35: W1/2

5                   Township 38 South, Range 62 East, Copper River Meridian

6                   Section 2: W1/2  
7                   Section 3: All  
8                   Section 4: All  
9                   Section 5: All  
10                  Section 6: NE1/4, E1/2SE1/4  
11                  Section 8: N1/2, NE1/4SW1/4, SE1/4  
12                  Section 9: All  
13                  Section 10: All  
14                  Section 11: W1/2  
15                  Section 14: NW1/4  
16                  Section 15: N1/2  
17                  Section 16: N1/2  
18                  Section 17: N1/2NE1/4, SE1/4NE1/4

19                  Sec. 41.20.536. COMPATIBILITY OF USES. (a) The commissioner  
20 of natural resources may prohibit or restrict by regulation except as  
21 provided in AS 41.20.532(d) incompatible uses within the state-owned  
22 land and water described in AS 41.20.534.

23                  (b) Discharge of a firearm is permitted in state-owned land and  
24 water described in AS 41.20.534 unless the land or waters are closed  
25 by regulation of the commissioner of natural resources for public  
26 safety purposes.

27                  (c) Nothing in AS 41.20.530 - 41.20.536 prohibits the Department  
28 of Fish and Game from engaging in rehabilitation, enhancement, and  
29 development under AS 16.05.092 within an area described in

1 AS 41.20.534.

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

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

8 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
9 10.070(c).