

Introduced: 1/18/85  
Referred: Resources and  
Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 86

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Willow Creek State Recre-  
7 ation Area; 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. 41.21.491. PURPOSE OF AS 41.21.491 -- 41.21.497. The  
11 purpose of AS 41.21.491 -- 41.21.497 is to:

12 (1) designate as a unit of the state park system under this  
13 chapter the land and water described in AS 41.21.492(a);

14 (2) emphasize and manage recreational uses and associated  
15 development activities in the unit; and

16 (3) minimize loss to the fishery and wildlife resources and  
17 habitat in the unit.

18 Sec. 41.21.492. WILLOW CREEK STATE RECREATION AREA. (a) The  
19 surface estate in the land and water owned by the state as of the  
20 effective date of this Act and all land and water acquired by the  
21 state in the future, including shore and submerged land, lying within  
22 the parcels described in this section is designated as the Willow  
23 Creek State Recreation Area:

24 Township 19 North, Range 4 West, Seward Meridian

25 Sec. 5: S NE NE', SE NW NE, SW NE, N NW SE, S NW,

26 Lot 3, Lot 4

27 Sec. 6: Lot 3, Lot 4, Lot 5, SE NW

28 Township 19 North, Range 5 West, Seward Meridian

29 Sec. 1: SE, W, Tract A, Tract B, Tract C

1                   Sec. 2: All  
2                   Sec. 3: N  
3                   Township 20 North, Range 4 West, Seward Meridian  
4                   Sec. 31: Lot 4 and that portion of the S S' lying West of  
5                   the George Parks Highway  
6                   Township 20 North, Range 5 West, Seward Meridian  
7                   Sec. 34: All  
8                   Sec. 35: All  
9                   Sec. 36: S

10                  (b) The Department of Natural Resources may agree to manage land  
11 owned by the Matanuska-Susitna Borough that is within the parcels  
12 described in (a) of this section and that is designated by ordinance  
13 or resolution of the borough as a part of the Willow Creek State  
14 Recreation Area.

15                  (c) Subject to valid existing rights, the land and water de-  
16 scribed in (a) of this section are designated as a special purpose  
17 area under art. VIII, sec. 7, of the Alaska Constitution.

18                  (d) Except for oil and gas leasing under AS 38.05.180, the  
19 mineral estate in the state-owned land and water described in (a) of  
20 this section is closed to mineral entry under AS 38.05.181 -- 38.05.-  
21 280.

22                  Sec. 41.21.493. DESIGNATION OF MANAGEMENT RESPONSIBILITIES. (a)  
23 The land and water described in AS 41.21.492(a) and the land and water  
24 owned by the Matanuska-Susitna Borough and designated by the borough  
25 under (b) of this section are assigned to the Department of Natural  
26 Resources for control, maintenance, and development, consistent with  
27 the purposes of AS 41.21.491 -- 41.21.497.

28                  (b) Nothing in AS 41.21.491 -- 41.21.497 affects the applicabil-  
29 ity of

1 (1) AS 41.99.010 and AS 16, regarding the responsibilities  
2 of the Department of Fish and Game or the Board of Fisheries or the  
3 Board of Game;

4 (2) AS 46.03, regarding the responsibilities of the Depart-  
5 ment of Environmental Conservation; or

6 (3) AS 44.19.145(a)(11) and AS 46.40.100, regarding the  
7 responsibilities of state agencies and municipalities.

8 Sec. 41.21.494. COMPREHENSIVE MANAGEMENT PLAN; REGULATIONS. (a)  
9 Within two years after the effective date of this Act, the commission-  
10 er shall develop and adopt a comprehensive management plan for the  
11 Willow Creek State Recreation Area in consultation with the  
12 Matanuska-Susitna Borough.

13 (b) The commissioner shall adopt regulations under the Adminis-  
14 trative Procedure Act (AS 44.62) that are necessary to achieve the  
15 purposes of AS 41.21.491 -- 41.21.497 and to implement the plan adopt-  
16 ed under (a) of this section. The regulations must

17 (1) designate incompatible uses and prohibit or restrict  
18 them;

19 (2) allow road, railroad, and utility crossing of Willow  
20 Creek in such a manner as to minimize disturbance to the river's  
21 habitat and scenic and recreation values; and

22 (3) allow fishery rehabilitation or enhancement practices  
23 under terms that are compatible with AS 41.21.491 -- 41.21.497.

24 Sec. 41.21.495. ADDITIONAL LAND. (a) The commissioner may  
25 acquire, in the name of the state, title to or an interest in land or  
26 improvements on land that is adjacent to or within the boundaries of  
27 the Willow Creek State Recreation Area in order to achieve the pur-  
28 poses of AS 41.21.491 -- 41.21.497. This acquisition may be by lease,  
29 purchase, exchange under AS 38.50, bequest, gift, or other lawful

1 means, but not by eminent domain.

2 (b) The commissioner may adjust the boundaries of the Willow  
3 Creek State Recreation Area under AS 38.05.295 -- 38.05.300 by adding  
4 state-owned land and water to achieve the purposes of AS 41.21.491 --  
5 41.21.497.

6 Sec. 41.21.496. COOPERATIVE MANAGEMENT AGREEMENTS. The commis-  
7 sioner may enter into cooperative management agreements with a federal  
8 agency, a municipality, another state agency, or a private landowner  
9 to achieve the purposes of AS 41.21.491 -- 41.21.497.

10 Sec. 41.21.497. CIVIL ENFORCEMENT. In addition to any other  
11 remedy provided by law, the attorney general may seek an injunction  
12 and damages, at the request of the commissioner, for a violation of a  
13 regulation adopted under AS 41.21.491 -- 41.21.497 or a regulation  
14 that is applicable to the Willow Creek State Recreation Area estab-  
15 lished under AS 41.21.492.

16 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
17 10.070(c).

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