

Introduced: 3/25/85
Referred: Resources and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 324

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 Jim-Swan Lakes Recreation
7 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 article 4 to
10 read:

11 Sec. 41.21.400. PURPOSE OF AS 41.21.400 -- 41 21.405. (a) The
12 purpose of AS 41.21.400 -- 41.21.405 is to:

13 (1) designate as a public recreation area the land and water
14 described in AS 41.21.401(a);

15 (2) protect and enhance the fishery, waterfowl, and other
16 wildlife resources and habitat in the area, and provide for public use
17 of the fishery and wildlife resources, including fishing, hunting,
18 trapping, and wildlife observation;

19 (3) provide for canoeing, hiking, winter recreation, and
20 other public recreation activities; and

21 (4) protect the water quality and scenic resources in the
22 area.

23 (b) Uses other than those listed in (a) of this section must be
24 allowed if they contribute to the protection or enhancement of the
25 area's habitat, or its recreation or scenic resources.

26 (c) Under AS 38.05.300, state land, water, or combinations of
27 land and water containing more than 640 acres may be closed to multi-
28 ple purpose use only by act of the legislature. Inasmuch as the area
29 described in AS 41.21.401(a) exceeds 640 acres, AS 41.21.400 --

1 41.21.405 are intended to close that area to multiple use in conformi-
2 ty with of AS 38.05.300.

3 Sec. 41.21.401. JIM-SWAN LAKES RECREATION AREA. (a) The sur-
4 face estate in the land and water owned by the state as of the effec-
5 tive date of this Act and all land and water acquired by the state
6 after that date, including shore and submerged land, lying within the
7 parcels described in this section is designated as the Jim-Swan Lakes
8 State Recreation Area:

9 Township 16 North, Range 3 East, Seward Meridian

10 Section 1: that portion north of the right bank of the Knik
11 River.

12 Section 2: that portion north of the right bank of the Knik
13 River.

14 Section 3: that portion north of the right bank of the Knik
15 River.

16 Section 12: that portion north of the right bank of the
17 Knik River.

18 Township 17 North, Range 3 East, Seward Meridian

19 Sections 15 and 16

20 Section 17: S1/2

21 Section 19: SW1/4SW1/4, E1/2SW1/4, SW1/4SE1/4

22 Sections 20-23

23 Sections 25-29

24 Section 30: E1/2, E1/2W1/2, NW1/4NW1/4

25 Section 31: NE1/4NE1/4, S1/2NE1/4, SE1/4: that portion
26 north of the right bank of the Knik River.

27 Sections 32-34: those portions north of the right bank of
28 the Knik River.

29 Sections 35 and 36.

1 (b) The Department of Natural Resources may agree to manage, as
2 part of the Jim-Swan Lakes Recreation Area, land owned by the Eklutna
3 Village Corporation within the parcels described in (a) of this sec-
4 tion. This land, located within Sections 1, 2, 3, and 12 of Township
5 16 North, Range 3 East, Seward Meridian, is subject to the provisions
6 of the North Anchorage Land Agreement.

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

10 (d) Except for oil and gas leasing under AS 38.05.180, the
11 mineral estate in the state-owned land and water described in (a) of
12 this section is closed to mineral entry and mineral leasing under
13 AS 38.05.

14 Sec. 41.21.402. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)

15 The land and water described in AS 41.21.401(a) are assigned to the
16 Department of Natural Resources for control, maintenance, and develop-
17 ment, consistent with the purposes of AS 41.21.400 -- 41.21.405.

18 (b) Nothing in AS 41.21.405 -- 41.21.405 affects the applicabil-
19 ity of

20 (1) AS 41.99.010 and AS 16, regarding the responsibilities
21 of the Department of Fish and Game or the Board of Fisheries or the
22 Board of Game;

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

25 (3) AS 44.19.145(a)(11) and AS 46.40, regarding the respon-
26 sibilities of the Alaska Office of Management and Budget and munici-
27 palities with respect to the Alaska Coastal Management Program.

28 Sec. 41.21.403. MANAGEMENT PLAN AND REGULATIONS. (a) The
29 commissioner shall develop and adopt a comprehensive management plan

1 for the land and water described in AS 41.21.401(a), in consultation
2 with local governments and affected state agencies. The management
3 plan must be consistent with the purposes stated in AS 41.21.400 --
4 41.21.405.

5 (b) The commissioner may adopt regulations under the Adminis-
6 trative Procedure Act (AS 44.62), designating, and prohibiting or
7 restricting, incompatible uses within the boundaries of the Jim-Swan
8 Lakes Recreation Area in accordance with AS 41.21.400 -- 41.21.405.
9 The regulations must be consistent with the management plan adopted
10 under (a) of this section.

11 Sec. 41.21.404. ADDITIONAL LAND. (a) The commissioner may
12 acquire, in the name of the state, title to or an interest in land, or
13 improvements on land, that is adjacent to or within the boundaries of
14 the Jim-Swan Lakes Recreation Area in order to achieve the purposes of
15 AS 41.21.400 -- 41.21.405. This acquisition may be by lease, pur-
16 chase, exchange under AS 38.50, bequest, gift, or other lawful means,
17 including land trusts or similar arrangements with municipalities, but
18 may not be by eminent domain.

19 (b) The commissioner may adjust the boundaries of the Jim-Swan
20 Lakes Recreation Area under AS 38.05.295 -- 38.05.300 by adding state-
21 owned land and water to achieve the purposes of AS 41.21.400 -- 41.-
22 21.405.

23 Sec. 41.21.405. COOPERATIVE MANAGEMENT AGREEMENTS. The commis-
24 sioner may enter into cooperative management agreements with a federal
25 agency, a municipality, another state agency, or a private landowner
26 to achieve the purposes of AS 41.21.400 -- 41.21.405.

27 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
28 10.070(c).

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