

Introduced: 2/17/86  
Referred: Resources and  
Finance

1 IN THE HOUSE

BY LARSON

2

HOUSE BILL NO. 635

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND 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. PURPOSE. The purpose of this Act is to:

10 (1) designate as a state recreation area the land and water  
11 described in AS 41.21.491(a);

12 (2) emphasize and manage recreational uses and associated devel-  
13 opment activities in the unit; and

14 (3) maintain and enhance the fishery and wildlife habitat in the  
15 unit.

16 \* Sec. 2. AS 41.21 is amended by adding new sections to read:

17 Sec. 41.21.491. WILLOW CREEK STATE RECREATION AREA. (a) The  
18 surface estate in the land and water owned by the state as of the  
19 effective date of this Act and all land and water acquired by the  
20 state in the future, including shore and submerged land, lying within  
21 the parcels described in this subsection is designated as the Willow  
22 Creek State Recreation Area:

23 Township 19 North, Range 4 West, Seward Meridian

24 Section 5: Lot 3, Lot 4, S1/2NE1/4NE1/4, SE1/4NW1/4NE1/4,  
25 SW1/4NE1/4, N1/2NW1/4SE1/4, S1/2NW1/4

26 Section 6: Lot 3, Lot 4, Lot 5, SE1/4NW1/4

27 Township 19 North, Range 5 West, Seward Meridian

28 Section 1: SE1/4, W1/2, Tract A, Tract B, Tract C

29 Section 2

1                   Section 3: N1/2  
2           Township 20 North, Range 4 West, Seward Meridian  
3                   Section 31: Lot 4 and that portion of the S1/2S1/2 lying  
4                   West of the George Parks Highway  
5           Township 20 North, Range 5 West, Seward Meridian  
6                   Section 34  
7                   Section 35  
8                   Section 36: S1/2

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

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

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

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

27           (b) Nothing in AS 41.21.491 - 41.21.497 affects the responsibil-  
28 ities of

29           (1) the Department of Fish and Game, the Board of

1 Fisheries, or the Board of Game under AS 41.99.010 and AS 16;

2 (2) the Department of Environmental Conservation under  
3 AS 46.03; or

4 (3) state agencies and municipalities under AS 44.19.-  
5 145(a)(11) and AS 46.40.100.

6 Sec. 41.21.493. COMPREHENSIVE MANAGEMENT PLAN. The commissioner  
7 shall develop and adopt a comprehensive management plan for the Willow  
8 Creek State Recreation Area with the concurrence of the Matanuska-  
9 Susitna Borough.

10 Sec. 41.21.494. REGULATIONS. The commissioner shall adopt  
11 regulations under the Administrative Procedure Act (AS 44.62) that are  
12 necessary to achieve the purposes of AS 41.21.491 - 41.21.497 and to  
13 implement the plan adopted under AS 41.21.493. The regulations shall

14 (1) designate incompatible uses and prohibit or restrict  
15 them;

16 (2) allow road, railroad, and utility crossing of Willow  
17 Creek so as to minimize disturbance to the river's habitat and scenic  
18 and recreation values;

19 (3) allow fishery rehabilitation or enhancement practices  
20 under terms that are compatible with AS 41.21.491 - 41.21.497;

21 (4) allow the legal taking of fur-bearing animals; and

22 (5) allow for hunting, except where it must be prohibited  
23 for reasons of public safety.

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 41.21.494 or a regulation that is applica-  
14 ble to the Willow Creek State Recreation Area established under  
15 AS 41.21.491.

16 \* Sec. 3. The commissioner of natural resources shall adopt the compre-  
17 hensive management plan under AS 41.21.493, enacted by sec. 2 of this Act,  
18 within two years after the effective date of this Act.

19 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
20 10.070(c).

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