

Introduced: 1/19/87  
Referred: Resources and  
Finance

1 IN THE HOUSE

BY LARSON AND MENARD

2

HOUSE BILL NO. 18

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act establishing the Willow Creek State Recreation Area; and providing for an effective date."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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\* Section 1. PURPOSE. The purpose of this Act is to:

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(1) designate as a state recreation area the land and water

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described in AS 41.21.491(a);

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(2) emphasize and manage recreational uses and associated development

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activities in the unit; and

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(3) maintain and enhance the fishery and wildlife habitat in the

15

unit.

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\* Sec. 2. AS 41.21 is amended by adding new sections to article 4 to

17

read:

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Sec. 41.21.491. WILLOW CREEK STATE RECREATION AREA. (a) The

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surface estate in the land and water owned by the state as of the

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effective date of this Act and all land and water acquired by the

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state in the future, including shore and submerged land, lying within

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the parcels described in this subsection is designated as the Willow

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Creek State Recreation Area:

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Township 19 North, Range 4 West, Seward Meridian

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Section 5: Lot 3, Lot 4, S1/2NE1/4NE1/4, SE1/4NW1/4NE1/4,

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SW1/4NE1/4, N1/2NW1/4SE1/4, S1/2NW1/4

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

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Township 19 North, Range 5 West, Seward Meridian

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

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Section 2

Section 3: N1/2

Township 20 North, Range 5 West, Seward Meridian

Section 34

Section 35

Section 36: S1/2

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

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

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

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

(b) Nothing in AS 41.21.491 - 41.21.497 affects the responsibilities of

(1) the Department of Fish and Game, the Board of Fisheries, or the Board of Game under AS 41.99.010 and AS 16;

(2) the Department of Environmental Conservation under

1 AS 46.03; or  
2 (3) state agencies and municipalities under AS 44.19.-  
3 145(a)(11) and AS 46.40.100.

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

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

12 (1) designate incompatible uses and prohibit or restrict  
13 them;

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

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

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

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

22 Sec. 41.21.495. ADDITIONAL LAND. (a) The commissioner may  
23 acquire, in the name of the state, title to or an interest in land or  
24 improvements on land that is adjacent to or within the boundaries of  
25 the Willow Creek State Recreation Area in order to achieve the pur-  
26 poses of AS 41.21.491 - 41.21.497. This acquisition may be by lease,  
27 purchase, exchange under AS 38.50, bequest, gift, or other lawful  
28 means, but not by eminent domain.

29 (b) The commissioner may adjust the boundaries of the Willow

1 Creek State Recreation Area under AS 38.05.295 - 38.05.300 by adding  
2 state-owned land and water to achieve the purposes of AS 41.21.491 -  
3 41.21.497.

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

8 Sec. 41.21.497. CIVIL ENFORCEMENT. In addition to any other  
9 remedy provided by law, the attorney general may seek an injunction  
10 and damages, at the request of the commissioner, for a violation of a  
11 regulation adopted under AS 41.21.494 or a regulation that is applica-  
12 ble to the Willow Creek State Recreation Area established under  
13 AS 41.21.491.

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

17 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).