

Original sponsors: Larson and Menard

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR HOUSE BILL NO. 18 (Resources)  
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 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 promote public and private recreational uses  
13 and associated economic development 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 article 4 to  
17 read:

18 Sec. 41.21.491. 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 subsection is designated as the Willow  
23 Creek State Recreation Area:

24 Township 19 North, Range 4 West, Seward Meridian

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

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

28 Township 19 North, Range 5 West, Seward Meridian

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

1 Section 2

2 Section 3: N1/2

3 Township 20 North, Range 5 West, Seward Meridian

4 Section 34

5 Section 35

6 Section 36: S1/2

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

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

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

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

25 (b) Nothing in AS 41.21.491 - 41.21.497 affects the responsibil-  
26 ities of

27 (1) the Department of Fish and Game, the Board of Fisher-  
28 ies, or the Board of Game under AS 16 and AS 41.99.010;

29 (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. Until a boat launch  
17 is constructed in the recreation area, the commissioner may not restrict  
18 boating activities within the Willow Creek State Recreation Area except to  
19 protect public safety.

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