

Original sponsor(s): Resources Committee

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 346 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act establishing the Yakataga State Game Refuge;
7 relating to the management of state land within the
8 Yakataga area; and providing for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 16.20 is amended by adding a new section to read:
11 Sec. 16.20.033. YAKATAGA STATE GAME REFUGE. (a) The following
12 state-owned land and water and all land acquired in the future by the
13 state lying within the parcels described in this subsection are estab-
14 lished as the Yakataga State Game Refuge:
15 (1) Township 20 South, Range 13 East, Copper River Meridian
16 Section 11: SE1/4
17 Section 12: S1/2
18 Section 13
19 Section 14: E1/2
20 Sections 22 - 27
21 Sections 34 - 36
22 (2) Township 20 South, Range 14 East, Copper River Meridian
23 Sections 7 - 12: S1/2
24 Sections 13 - 36
25 (3) Township 20 South, Range 15 East, Copper River Meridian
26 Sections 7 - 12: S1/2
27 Sections 13 - 36
28 (4) Township 20 South, Range 16 East, Copper River Meridian
29 Sections 7 - 9: S1/2

- 1 Sections 16 - 36
- 2 (5) Township 21 South, Range 11 East, Copper River Meridian
- 3 Excluding that portion of Tract A-148 lying north and
- 4 west of Seal River:
- 5 Sections 1 - 2
- 6 Sections 3 - 4: North and east of the Seal River
- 7 and its associated lake system
- 8 Section 10: East of Seal River and one mile north
- 9 of mean high tide line on the Gulf of Alaska
- 10 Sections 11 - 12
- 11 Sections 13 - 14: above mean high tide line on
- 12 the Gulf of Alaska
- 13 (6) Township 21 South, Range 11 1/2 East, Copper River
- 14 Meridian
- 15 Sections 6 - 7
- 16 Section 18: Above mean high tide line on the Gulf
- 17 of Alaska
- 18 (7) Township 21 South, Range 12 East, Copper River Meridian
- 19 Sections 13 - 14: S1/2
- 20 Sections 23 - 26
- 21 Sections 35 - 36: Above mean high tide line on
- 22 the Gulf of Alaska
- 23 (8) Township 21 South, Range 13 East, Copper River Meridian
- 24 Sections 1 - 21
- 25 Section 22: W1/2, E1/2 one mile north of mean
- 26 high tide line on the Gulf of Alaska
- 27 Sections 23 - 24: One mile north of mean high
- 28 tide line on the Gulf of Alaska
- 29 (9) Township 21 South, Range 14 East, Copper River Meridian

1 this section does not impair or alter valid existing rights including
2 pending Native allotment applications, access to set net sites, and
3 access to and from private land located within the Yakataga State Game
4 Refuge.

5 (e) The department shall allow commercial, sport, and subsis-
6 tence fishing and hunting within the Yakataga State Game Refuge under
7 regulations of the Board of Fisheries and the Board of Game. The
8 department shall also permit associated support activities when neces-
9 sary and consistent with AS 16.20.010 - 16.20.080 to support fishing
10 and hunting permitted under this section, including fish buying
11 operations, aircraft support including landing strips, and off-road
12 vehicle use.

13 (f) Egress and ingress to and from private property within the
14 parcels described in (a) of this section shall be allowed through
15 access corridors established by agreement between the department, the
16 Department of Natural Resources, and the owners of private land in-
17 volved. The establishment of the Yakataga State Game Refuge does not
18 impair or alter existing rights of access to set net lease sites.

19 (g) The department shall adopt and may revise a management plan
20 for the Yakataga State Game Refuge.

21 * Sec. 2. AS 16.20.033(a)(5) is amended to read:

22 (5) Township 21 South, Range 11 East, Copper River Meridian
23 [EXCLUDING THAT PORTION OF] Tract A-148 lying north
24 and west of Seal River [:]

25 Sections 1 - 2

26 Sections 3 - 4: North and east of the Seal River
27 and its associated lake system

28 Section 10: East of Seal River and one mile north
29 of mean high tide line on the Gulf of Alaska

1 Sections 11 - 12
2 Sections 13 - 14: Above mean high tide line on
3 the Gulf of Alaska

4 * Sec. 3. AS 16.20.033(a) is amended by adding new paragraphs to read:

5 (12) Township 21 South, Range 9 East, Copper River Meridian
6 Tract A-148

7 (13) Township 21 South, Range 10 East, Copper River Meridian
8 Tract A-148.

9 * Sec. 4. AREA PLAN AND REPORT TO THE LEGISLATURE. (a) The commis-
10 sioner of natural resources shall undertake and complete an area plan for
11 the Yakataga area, the state land and water located between Icy Bay and
12 Cape Suckling, under AS 38.04.065 and the regulations of the Department of
13 Natural Resources. The area plan completed under this section does not
14 include the land of the Yakataga State Game Refuge.

15 (b) The commissioner of natural resources shall consider the full
16 range of management options for the timber rights in each tract of land of
17 the University of Alaska (ADL 223456) under litigation, including and
18 excluding timber harvest.

19 (c) The area plan shall be completed by July 1, 1993, and shall be
20 delivered to the chairs of the Resource Committees of the legislature. The
21 commissioner may include with the area plan recommendations for legislation
22 defining a part of the area as a state park, state forest, state game
23 refuge, state critical habitat area, or other special designation.

24 (d) Except as provided in this subsection and (e) of this section and
25 subject to valid existing rights, the commissioner of natural resources may
26 not conduct timber or timber-related construction activity, including road
27 construction, timber sales and commercial timber harvests in the Yakataga
28 area, the area between Icy Bay and Cape Suckling, until July 1, 1993. The
29 commissioner may maintain existing timber harvest facilities. This section

1 does not diminish the right of a private property owner to have access or
2 develop its land or resources or the authority of an agency to grant approval
3 for access or development.

4 (e) The commissioner may permit the harvest of timber within the
5 parcel described as Tract 152 at White River under ADL 223456.

6 * Sec. 5. TIMBER TRACTS OF THE UNIVERSITY OF ALASKA. (a) The
7 commissioner of natural resources shall engage in every reasonable effort
8 to achieve a settlement of litigation involving the City of Yakutat v. the
9 Department of Natural Resources (Civil No. 1JU-88-271) that accommodates
10 the rights of the University of Alaska to compensation for university trust
11 land conveyed to the Municipality of Anchorage. The commissioner shall,
12 for the purposes of settlement of the litigation, consider the timber in
13 the tracts transferred as ADL 223456 as the property of the university.
14 Nothing in this subsection affects the claims or rights of a party to the
15 litigation.

16 (b) The commissioner of natural resources shall engage in every
17 reasonable effort to reach agreement on the fair market value for the
18 timber rights to Tract A-148 at Cape Suckling and Tract 20 at Yakataga.
19 The commissioner shall report the fair market value agreed upon by the
20 commissioner and the University of Alaska under this subsection to the
21 chairs of the resources committees of the legislature on the date the
22 commissioner and the university reach agreement on the fair market value
23 determined under this subsection.

24 (c) Regardless of the disposition of City of Yakutat v. the Department
25 of Natural Resources (Civil No. 1JU-88-271), the legislature intends
26 that the state reacquire from the University of Alaska its interest in
27 Tract A-148 at Cape Suckling and Tract 20 at Yakataga. The legislature
28 intends to compensate the University of Alaska for Tract A-148 and Tract 20
29 based on the agreement on the fair market value reached under (b) of this

1 section. If the commissioner and the University of Alaska reach agreement
2 on the fair market value determined under (b) of this section, all money
3 received in satisfaction of the court order issued in Sullivan v. State
4 after the date of agreement shall be transferred to the University of
5 Alaska trust fund as additional earnest money for the reacquisition of the
6 timber rights of the University of Alaska on Tract A-148 at Cape Suckling
7 and Tract 20 at Yakataga.

8 (d) The commissioner of revenue shall establish a trust account in
9 the general fund of the state. The commissioner of natural resources shall
10 transfer to the commissioner of revenue for deposit into the trust account
11 any amounts paid from July 1, 1990, through the date the commissioner and
12 the university reach agreement under (b) of this section, with respect to
13 rights arising under the Icy Cape II Timber Sale Contract, ADL 203002. The
14 commissioner of revenue shall, on the date the commissioner and the univer-
15 sity reach agreement under (b) of this section, transfer funds received
16 under this subsection to the University of Alaska if an agreement on the
17 agreed fair market value is reached under (b) of this section by
18 January 21, 1991. If an agreement is not reached under (b) of this section
19 by January 21, 1991, the funds shall be transferred to the general fund of
20 the state.

21 * Sec. 6. LEGISLATIVE INTENT. It is the intent of the legislature that
22 the establishment of the Yakataga State Game Refuge only take effect if the
23 administrative decision of the commissioner of natural resources that
24 authorizes timber harvesting in the "extension area" under the Icy Cape II
25 timber sale, ADL 203002, as amended on March 7, 1990, is not challenged in
26 the Alaska Superior Court by administrative appeal within the time permit-
27 ted by law, or, if appealed, the decision is affirmed by a final judicial
28 order not subject to further appeal.

29 * Sec. 7. Sections 2 - 3 of this Act take effect on the effective date

1 of an appropriation Act appropriating to the University of Alaska those
2 amounts necessary to compensate the university for the agreed value reached
3 under sec. 5(b) of this Act for the interest of the university in Tract
4 A-148 at Cape Suckling after crediting to the university those amounts
5 received by the university under sec. 5(c) and (d) of this Act.

6 * Sec. 8. Sections 1 and 4 - 5 of this Act take effect on the date that
7 the commissioner of natural resources certifies to the lieutenant governor
8 and the revisor of statutes that the administrative decision of the commis-
9 sioner authorizing timber harvesting in the extension area under the Icy
10 Cape II timber sale, ADL 203002, as amended on March 7, 1990, has become
11 final and is not subject to further administrative or judicial review.