

BY THE RESOURCES COMMITTEE

1 IN THE HOUSE

2

HOUSE BILL NO. 583

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the management of state land

7

within the Yakataga area; and providing for an effective

8

date."

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

10 * Section 1. AREA PLAN AND REPORT TO THE LEGISLATURE. (a) The commis-
11 sioner of natural resources shall undertake and complete an area plan for
12 the Yakataga area, the state land and water located between Icy Bay and
13 Cape Suckling, under AS 38.05.065 and the regulations of the Department of
14 Natural Resources.

15 (b) The commissioner of natural resources shall coordinate the prepa-
16 ration and review of the area plan with the commissioner of fish and game
17 and obtain the concurrence of the commissioner of fish and game on any fish
18 and wildlife habitat protection issues. The commissioner of natural re-
19 sources shall consider management options for the protection and enhance-
20 ment of the fish and wildlife habitat and populations, sport and subsis-
21 tence hunting and fishing, recreation, and tourism and scientific values in
22 the areas west and north of Cape Yakataga, including the Yakataga River
23 valley.

24 (c) The commissioner of natural resources shall consider the full
25 range of management options on each tract of timber land of the University
26 of Alaska (ADL 223456) under litigation, including and excluding timber
27 harvest.

28 (d) The commissioner of natural resources shall consider the exper-
29 tise of other agencies of the state and the recommendations of the

1 Citizens' Advisory Commission established under (e) of this section.

2 (e) The commissioner of natural resources shall convene a temporary
3 Citizens' Advisory Commission to assist in the preparation and review of
4 the area plan. The commissioner shall seek the suggestions and advice from
5 the members of the temporary commission at each stage of the development
6 and review of the area plan. Members of the temporary Citizens' Advisory
7 Commission are selected by the organizations represented and serve without
8 compensation and without the payment of travel or per diem by the state.
9 The commission is composed of one or more representatives from the follow-
10 ing groups:

- 11 (1) the City of Cordova;
- 12 (2) the City of Yakutat;
- 13 (3) the Chugach Alaska Corporation;
- 14 (4) the Copper River Area Fish and Game Advisory Committee;
- 15 (5) the Cordova District Fisherman's Union;
- 16 (6) the University of Alaska;
- 17 (7) the Yakutat Fish and Game Advisory Committee;
- 18 (8) the Yakutat Fishermen's Association;

19 (f) The area plan shall be completed by December 31, 1991, and shall
20 be delivered to the chairs of the Resource Committees of the legislature.
21 The commissioner may include with the area plan recommendations for legis-
22 lation defining a part of the area as a state park, state forest, state
23 wildlife refuge, state critical habitat area, or other special designation.

24 (g) Except as provided in this subsection, the commissioner of natu-
25 ral resources may not conduct timber sales or timber harvests or related
26 construction activity in the Yakataga area, the area between Icy Bay and
27 Cape Suckling, until July 1, 1992. The commissioner may permit the harvest
28 of timber necessary to satisfy a court order issued in Sullivan v. State,
29 if otherwise authorized by law. The commissioner may maintain existing

1 timber harvest facilities.

2 * Sec. 2. TIMBER TRACTS OF THE UNIVERSITY OF ALASKA. (a) The commis-
3 sioner of natural resources shall engage in every reasonable effort to
4 settle litigation involving the City of Yakutat v. the Department of Natu-
5 ral Resources (Civil No. 1JU-88-271) that accommodates the rights of the
6 University of Alaska to compensation for university trust land conveyed to
7 the Municipality of Anchorage. The commissioner shall, for the purposes of
8 settlement of the litigation, consider the timber in the tracts transferred
9 as ADL 223456 as the property of the university. Nothing in this subsec-
10 tion affects the claims or rights of a party to the litigation.

11 (b) Within 30 days from the effective date of this Act, the commis-
12 sioner of natural resources and the president of the University of Alaska
13 shall select three qualified timber appraisers to appraise the value of the
14 timber contained within the three parcels of the university described as
15 Cape Suckling (tract A148), Yakataga (tract 20), and White River (tract
16 152). The appraisers shall complete the appraisals within 90 days of the
17 effective date of this Act. The value for the parcels shall be the average
18 of the total of the three appraisals.

19 (c) The commissioner of natural resources shall consider trades of
20 state land or interests in state land managed by the Department of Natural
21 Resources or appropriated funds for state land managed by the University of
22 Alaska in settlement negotiations with the president of the University of
23 Alaska. The commissioner may accept in trade the rights to one or more
24 university timber tracts except that the commissioner may accept the tract
25 only in the following priority: (1) Cape Suckling (tract A148), (2)
26 Yakataga (tract 20), and (3) White River (tract 152). The commissioner may
27 not accept a tract in offer of settlement after logging has begun on that
28 tract.

29 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).