

SENATE CS FOR CS FOR HOUSE BILL NO. 306 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 5/18/91
Referred: Finance

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Navarre, Jacko, Mackie, Davidson, Boyer, Brown, Ellis, Finkelstein, Gruenberg, Koponen, Kubina, Moyer, Ulmer, B.Davis, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a McNeil River State Game Refuge and altering the McNeil River
2 State Game Sanctuary; and providing for an effective date."

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

4 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that each of the following is an
5 important use of the McNeil River State Game Refuge established by AS 16.20.41, added by sec. 2 of
6 this Act, and that the management plan for the refuge must address all of these uses:

- 7 (1) the viewing of bears and other uses of fish and wildlife;
8 (2) fishing and fish enhancement;
9 (3) mineral resource development; and
10 (4) traditional, cultural, and historical uses.

11 * Sec. 2. AS 16.20 is amended by adding a new section to read:

12 Sec. 16.20.041. MCNEIL RIVER STATE GAME REFUGE. (a) The following state-
13 owned land and water, including the tidelands but exclusive of marine water and submerged land,
14 lying within the parcels described in this subsection is established as the McNeil River State

- 1 **Game Refuge:**
- 2 **Township 10 South, Range 29 West, Seward Meridian**
- 3 Section 19: S1/2
- 4 Section 20: SW1/4
- 5 Section 29: W1/2
- 6 Sections 30 - 31
- 7 **Township 10 South, Range 30 West, Seward Meridian**
- 8 Section 3: SW1/4
- 9 Section 4: SE1/4
- 10 Sections 10 - 11
- 11 Sections 14 - 16
- 12 Section 17: E1/2
- 13 Sections 20 - 23
- 14 Sections 25 - 29
- 15 Section 30: SE1/4
- 16 Section 31: NE1/4, S1/2
- 17 Sections 32 - 36
- 18 **Township 11 South, Range 29 West, Seward Meridian**
- 19 Sections 1 - 35
- 20 Section 36, except Nordyke Island and its tidelands
- 21 **Township 11 South, Range 30 West, Seward Meridian**
- 22 Sections 1 - 36
- 23 **Township 11 South, Range 31 West, Seward Meridian**
- 24 Sections 1 - 36
- 25 **Township 11 South, Range 32 West, Seward Meridian**
- 26 Sections 1 - 36, except land within Katmai National Park and Preserve
- 27 **Township 12 South, Range 31 West, Seward Meridian**
- 28 Sections 1 - 36
- 29 **Township 12 South, Range 32 West, Seward Meridian**
- 30 Sections 1 - 36, except land within Katmai National Park and Preserve
- 31 **Township 13 South, Range 33 West, Seward Meridian**

1 Section 1, except land within Katmai National Park and Preserve.

2 (b) The McNeil River State Game Refuge is established to

3 (1) provide permanent protection for brown bear and other fish and wildlife
4 populations and their habitats, so that these resources may be preserved for scientific, aesthetic,
5 and educational purposes;

6 (2) manage human use and activities in a way that is compatible with (1) of this
7 subsection and to maintain and enhance the unique bear viewing opportunities in the McNeil
8 River State Game Sanctuary established under AS 16.20.160;

9 (3) provide opportunities that are compatible with (1) of this subsection for
10 wildlife viewing, fisheries enhancement, fishing, hunting, and trapping, for temporary safe
11 anchorage, and for other activities.

12 (c) The Board of Game shall determine whether hunting of brown bears within the
13 McNeil River State Game Refuge should be prohibited.

14 (d) The use and enjoyment of valid rights and interests in mineral claims, including the
15 right of access, within the McNeil River State Game Refuge is protected. This subsection does
16 not affect the power of the commissioner of natural resources to open or close land within the
17 McNeil River State Game Refuge to new mineral entry under AS 38.05.185 - 38.05.275.

18 (e) The department and the Department of Natural Resources

19 (1) may not enter into sales of land within the McNeil River State Game Refuge;

20 (2) may enter into leases within the McNeil River State Game Refuge if the
21 commissioner finds that activity conducted under the lease is compatible with the purposes for
22 which the refuge is established.

23 * Sec. 3. AS 16.20.160 is repealed and reenacted to read:

24 Sec. 16.20.160. MCNEIL RIVER STATE GAME SANCTUARY. The following state-
25 owned land and water, including the tidelands but exclusive of marine water and submerged land,
26 lying within the parcels described in this subsection is established as the McNeil River State
27 Game Sanctuary:

28 Township 12 South, Range 29 West, Seward Meridian

29 Sections 1 - 36

30 Township 12 South, Range 30 West, Seward Meridian

31 Sections 1 - 36

- 1 **Township 13 South, Range 29 West, Seward Meridian**
- 2 **Sections 5 - 8**
- 3 **Sections 17 - 20**
- 4 **Sections 29 - 32**
- 5 **Township 13 South, Range 30 West, Seward Meridian**
- 6 **Sections 1 - 36**
- 7 **Township 13 South, Range 31 West, Seward Meridian**
- 8 **Sections 1 - 36**
- 9 **Township 13 South, Range 32 West, Seward Meridian**
- 10 **Sections 1 - 36**
- 11 **Township 14 South, Range 32 West, Seward Meridian**
- 12 **Sections 1 - 12**
- 13 **Sections 15 - 22**
- 14 **Sections 27 - 30.**

15 * **Sec. 4. AS 16.20.170 is repealed and reenacted to read:**

16 **Sec. 16.20.170. PURPOSE; REGULATIONS. (a) The McNeil River State Game**
17 **Sanctuary is established to**

18 (1) provide permanent protection for brown bear and other fish and wildlife
19 populations and their habitats, so that these resources may be preserved for scientific, aesthetic,
20 and educational purposes;

21 (2) manage human use and activities in a way that is compatible with (1) of this
22 subsection and to maintain and enhance the unique bear viewing opportunities within the
23 sanctuary; and

24 (3) provide opportunities that are compatible with (1) of this subsection for
25 wildlife viewing, fisheries enhancement, and fishing, for temporary safe anchorage, and for other
26 activities.

27 (b) Hunting and trapping within the McNeil River State Game Sanctuary are prohibited.

28 (c) The department and the Department of Natural Resources

29 (1) may not enter into sales of land within the McNeil River State Game
30 Sanctuary;

31 (2) may enter into leases within the McNeil River State Game Sanctuary if the

1 commissioner finds that activity conducted under the lease is compatible with the purposes for
2 which the sanctuary is established.

3 (d) The McNeil River State Game Sanctuary is closed to mineral entry under
4 AS 38.05.185 - 38.05.275.

5 (e) The boards may adopt regulations governing access, entry, development, construction,
6 fishing, and other uses and activities affecting the natural habitat, fish and wildlife, and public
7 use of the McNeil River State Game Sanctuary.

8 * Sec. 5. AS 16.20.160 is repealed and reenacted to read:

9 Sec. 16.20.160. SANCTUARY ESTABLISHED. The following described area and
10 adjacent state waters are established as a state game sanctuary to be known as the McNeil River
11 State Game Sanctuary: Beginning at the NE corner of Section 13, T 12 S R 30 W, S.M., westerly
12 along the section lines to the NW corner of Section 18, T 12 S R 30 W, S.M., thence southerly
13 along the township boundary to the SW corner of T 12 S R 30 W, S.M., thence westerly along
14 the north boundary of T 13 S R 31 W, S.M., to the NW corner of T 13 S R 31 W, S.M., thence
15 westerly along the north boundary of T 13 S R 32 W, S.M., to the NW corner of T 13 S R 32
16 W, S.M., thence southerly along the west boundary of T 13 S R 32 W, S.M., to the SW corner
17 of T 13 S R 32 W, S.M., thence southerly along the west boundary of T 14 S R 32 W, S.M., to
18 the SW corner of Section 30, T 14 S R 32 W, S.M., thence easterly along the section lines to the
19 SE corner of Section 27, T 14 S R 32 W, S.M., thence northerly along the section lines to the
20 NE corner of Section 15, T 14 S R 32 W, S.M., thence easterly along the section lines to the east
21 boundary of T 14 S R 32 W, S.M., thence northerly along the east boundary of T 14 S R 32 W,
22 S.M., to the NE corner of T 14 S R 32 W, S.M., thence easterly along the south boundary of T
23 13 S R 31 W, S.M., to the SE corner of T 13 S R 31 W, S.M., thence northerly along the east
24 boundary of T 13 S R 31 W, S.M., to the NE corner of Section 24, T 13 S R 31 W, S.M., thence
25 easterly along the section lines to the SE corner of Section 16, T 13 S R 30 W, S.M., thence
26 northerly along the section lines to the NE corner of Section 4, T 13 S R 30 W, S.M., thence
27 easterly along the south boundary of T 12 S R 30 W, S.M., to the SE corner of T 12 S R 30 W,
28 S.M., thence easterly along the south boundary of T 12 S R 29 W, S.M., to the shoreline of
29 Horseshoe Cove located in Section 32, T 12 S R 29 W, S.M., thence northerly, westerly, and
30 northerly along the line of mean high tide to the point of beginning.

31 * Sec. 6. AS 16.20.170 is repealed and reenacted to read:

1 **Sec. 16.20.170. APPLICABILITY OF OTHER LAWS.** The provisions of AS 16.20.120
2 - 16.20.140 relating to administration, multiple use and sale and lease of the Walrus Islands State
3 Game Sanctuary apply also with respect to the McNeil River State Game Sanctuary.
4 * **Sec. 7.** AS 16.20.041 is repealed.
5 * **Sec. 8.** Sections 2 - 4 of this Act take effect on the date the Paint River fish ladder begins
6 operation. The commissioner of fish and game shall certify to the revisor of statutes the date the fish
7 ladder begins operation.
8 * **Sec. 9.** Sections 5 - 7 of this Act take effect upon entry of a final order permanently enjoining the
9 operation of the Paint River fish ladder and the expiration of any time for appeal of the order. The
10 commissioner of fish and game shall certify to the revisor of statutes the date determined under this
11 section.