

HOUSE BILL NO. 447

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/4/94

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Afognak Island State Park."**

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

3 *** Section 1. AS 41.21 is amended by adding new sections to read:**

4 Sec. 41.21.184. PURPOSE OF AS 41.21.184 - 41.21.188. (a) The purpose
5 of AS 41.21.184 - 41.21.188 is to establish, subject to valid existing rights, the state-
6 owned or acquired land and water described in AS 41.21.185 as the Afognak Island
7 State Park. The primary purposes of establishing the Afognak Island State Park are
8 to protect the area's recreational and scenic resources; to protect the area's fish and
9 wildlife habitat; to preserve and enhance the continued use of the area for sport and
10 subsistence hunting and fishing, personal use fishing, trapping, recreational activities,
11 and commercial fishing; and to restore and enhance resources and services injured by
12 the EXXON VALDEZ oil spill.

13 (b) Under the provisions of AS 38.05.300, state land, water, or land and water
14 containing more than 640 acres may be closed to multiple purpose use only by act of

1 the legislature. Because the area described in AS 41.21.185 exceeds 640 acres,
2 AS 41.21.184 - 41.21.188 are intended to close the described land and water to
3 multiple purpose use in conformity with AS 38.05.300 and to dedicate them as a
4 special purpose site in accordance with art. VIII, sec. 7, Constitution of the State of
5 Alaska.

6 Sec. 41.21.185. AFOGNAK ISLAND STATE PARK ESTABLISHED. The
7 upland, shoreland, tideland, land underlying tidally influenced inland water, and water
8 overlying these lands owned or acquired by the state within the following described
9 parcels are established as the Afognak Island State Park:

10 Township 21 South, Range 16 West, Seward Meridian according to the
11 United States of America, Department of the Interior, Bureau of Land Management
12 plat accepted December 6, 1989, and filed December 22, 1989

13 Section 19: Lots 1, 2, and 3

14 Sections 30 and 31: (fractional) all

15 Township 22 South, Range 16 West, Seward Meridian according to the
16 United States of America, Department of the Interior, Bureau of Land Management
17 plat accepted December 6, 1989, and filed December 22, 1989

18 Section 6: (fractional) all

19 Section 7: Lots 1 and 2

20 Sections 18, 19, and 31: (fractional) all

21 Township 20 South, Range 17 West, Seward Meridian according to the
22 United States of America, Department of the Interior, Bureau of Land Management
23 plat accepted December 6, 1989, and filed December 22, 1989

24 Section 32: (fractional) all

25 Township 21 South, Range 17 West, Seward Meridian according to the
26 United States of America, Department of the Interior, Bureau of Land Management
27 plat accepted December 6, 1989, and filed December 22, 1989

28 Sections 6, 7, 8, 13, and 17: (fractional) all

29 Section 18: all

30 Sections 19, 20, 23, and 24: (fractional) all

31 Section 25: all

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Section 16: Lots 1 and 2

Section 17: Lot 1, excepting the property described as follows:

Commencing at the monument set for the northwest corner of Section 6, Township 21, South, Range 18 West, Seward Meridian, proceed South a distance of 10,560 feet along the westerly boundaries of Sections 6 and 7; thence proceed East along the section line common to sections 7 and 18 a distance of 4999 feet, more or less, to the protracted section corner common to sections 7, 8, 17, and 18, said corner being the True Point of Beginning; thence continuing East a distance of 1320 feet along the north boundary of Lot 1 of section 17; thence South a distance of 2640 feet; thence West a distance of 1320 feet, more or less, to the westerly boundary of Lot 1 of section 17; thence North a distance of 2640 feet, more or less, along the westerly boundary of said Lot 1 of section 17 to the True Point of Beginning; The foregoing exception having an area of 80 acres, more or less

Section 17, Lot 2: all

Sections 20, 21, and 22: (fractional) all

Sections 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36:

all

Township 22 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 36: Lot 2

Township 23 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 1: Lot 1

Section 12: Lot 1

Section 13: Lots 1, 2, and 3

Sections 24 and 25: (fractional) all

Township 21 South, Range 19 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management

1 plat accepted December 6, 1989, and filed December 22, 1989

2 Sections 35 and 36: all

3 All of plat no. 93-40 within portions of Sections 26, 27, and 34,
4 as filed in the Kodiak Recording District October 19, 1993

5 All of Alaska Tideland Survey No. 1474

6 Sec. 41.21.186. DESIGNATION OF MANAGEMENT RESPONSIBILITY.

7 (a) The state land and water described in AS 41.21.185 is assigned to the Department
8 of Natural Resources as a unit of the state park system for control, maintenance, and
9 development consistent with the purposes and provisions of AS 41.21.184 - 41.21.188.

10 (b) The Department of Fish and Game is responsible for the management of
11 fish and game resources in the Afognak Island State Park, consistent with the sustained
12 yield principle and the purposes and provisions of this chapter. The Board of
13 Fisheries, the Board of Game, and the commissioner of fish and game are responsible
14 for adopting regulations governing uses of fish and game in accordance with AS 16.
15 The fish and game habitat and breeding areas shall be managed to ensure that the fish
16 and game resources of the park and habitat are maintained or enhanced.

17 (c) The Department of Natural Resources shall consult with the Department
18 of Fish and Game before adoption of regulations governing public use of the Afognak
19 Island State Park.

20 (d) The Board of Fisheries, the Board of Game, and the commissioner of fish
21 and game shall consult with the Department of Natural Resources before adoption of
22 regulations governing fish and game use in the Afognak Island State Park.

23 (e) Regulations under this section must be adopted in accordance with
24 AS 44.62 (Administrative Procedure Act).

25 (f) The Department of Public Safety and the Department of Fish and Game
26 shall have necessary access to the Afognak Island State Park for fish and game
27 management, research, and enforcement purposes.

28 Sec. 41.21.187. INCOMPATIBLE USES. (a) The commissioner of natural
29 resources may designate by regulation incompatible uses within the land and water of
30 the Afognak Island State Park.

31 (b) Lawful use of a weapon in the Afognak Island State Park shall be allowed

1 except in areas that may be closed for purposes of public safety by regulation by the
2 commissioner of natural resources.

3 (e) The regulations governing public use of the Afognak Island State Park shall
4 provide reasonable access for lawful sport and subsistence hunting and fishing,
5 personal use fishing, trapping, recreational uses, and commercial fishing. Except to
6 protect public safety, the commissioner of natural resources may not restrict the
7 exercise of sport or subsistence hunting or fishing, personal use fishing, trapping, or
8 commercial fishing permitted under law or under a regulation of the Board of Fisheries
9 or the Board of Game within the Afognak Island State Park.

10 Sec. 41.21.188. ADDITIONS TO PARK. Land may be added to the Afognak
11 Island State Park only by an act of legislature. The commissioner of natural resources
12 may not acquire land within the boundaries of the Afognak Island State Park by
13 eminent domain.