

CS FOR HOUSE BILL NO. 447(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/14/94
Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

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. 41.21.185. PURPOSE OF AS 41.21.185 - 41.21.189. (a) The purpose
5 of AS 41.21.185 - 41.21.189 is to establish, subject to valid existing rights including
6 those rights created by the Afognak Island Road Use Agreement executed on July 24,
7 1991, and as amended from time to time, the state-owned or acquired land and water
8 described in AS 41.21.186 as the Afognak Island State Park. The primary purposes
9 of establishing the Afognak Island State Park are to protect the area's recreational and
10 scenic resources; to protect the area's fish and wildlife habitat; to preserve and enhance
11 the continued use of the area for sport and subsistence hunting and fishing, personal
12 use fishing, trapping, recreational activities, and commercial fishing; and to restore and
13 enhance resources and services injured by the Exxon Valdez oil spill.

14 (b) Under the provisions of AS 38.05.300, state land, water, or land and water

1 containing more than 640 acres may be closed to multiple purpose use only by act of
2 the legislature. Because the area described in AS 41.21.186 exceeds 640 acres,
3 AS 41.21.185 - 41.21.189 are intended to close the described land and water to
4 multiple purpose use in conformity with AS 38.05.300 and to dedicate them as a
5 special purpose site in accordance with art. VIII, sec. 7, Constitution of the State of
6 Alaska.

7 (c) The legislature recognizes the rights of the owners of the private land that
8 adjoins the Afognak Island State Park established in AS 41.21.185 - 41.21.189. The
9 status of the land as a park will not impair the uses to which private land that adjoins
10 the park may be put in the future.

11 Sec. 41.21.186. AFOGNAK ISLAND STATE PARK ESTABLISHED. The
12 upland, shoreland, tideland, land underlying tidally influenced inland water, and water
13 overlying this land, including both the surface and subsurface estate, owned or
14 acquired by the state within the following described parcels are established as the
15 Afognak Island State Park:

16 (1) Township 21 South, Range 16 West, Seward Meridian according
17 to the United States of America, Department of the Interior, Bureau of Land
18 Management plat accepted December 6, 1989, and filed December 22, 1989

19 Section 19: Lots 1 - 3

20 Sections 30 - 31: (fractional) all;

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

24 Section 6: (fractional) all

25 Section 7: Lots 1 - 2

26 Sections 18 - 19: (fractional) all

27 Section 31: (fractional) all;

28 (3) Township 20 South, Range 17 West, Seward Meridian according
29 to the United States of America, Department of the Interior, Bureau of Land
30 Management plat accepted December 6, 1989, and filed December 22, 1989

31 Section 32: (fractional) all;

1 ~~Section 1 to 10~~ **(4) Township 21 South, Range 17 West, Seward Meridian according**
2 ~~to the United States of America, Department of the Interior, Bureau of Land~~
3 ~~Management plat accepted December 6, 1989, and filed December 22, 1989~~

4 ~~Sections 6 - 8: (fractional) all~~

5 ~~Section 13: (fractional) all~~

6 ~~Section 17: (fractional) all~~

7 ~~Section 18: all~~

8 ~~Sections 19 - 20: (fractional) all~~

9 ~~Sections 23 - 24: (fractional) all~~

10 ~~Section 25: all~~

11 ~~Section 26: (fractional) all~~

12 ~~Sections 29 - 31: (fractional) all~~

13 ~~Sections 33 - 35: (fractional) all~~

14 ~~Section 36: all;~~

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

18 ~~Section 1: all~~

19 ~~Sections 2 - 5: (fractional) all~~

20 ~~Sections 8 - 9: (fractional) all~~

21 ~~Section 11: all~~

22 ~~Section 12: (fractional) all~~

23 ~~Sections 13 - 14: all~~

24 ~~Section 17: (fractional) all~~

25 ~~Sections 19 - 20: (fractional) all~~

26 ~~Section 23: all~~

27 ~~Sections 24 - 25: (fractional) all~~

28 ~~Sections 26 - 29: all~~

29 ~~Sections 30 - 31: (fractional) all~~

30 ~~Sections 32 - 35: all~~

31 ~~Section 36: (fractional) all;~~

1 **(6) All of Township 23 South, Range 17 West, Seward Meridian**
2 **according to the United States of America, Department of the Interior, Bureau of Land**
3 **Management plat accepted December 6, 1989, and filed December 22, 1989; and the**
4 **supplemental plat for Section 3 accepted April 11, 1990, and filed April 19, 1990, and**
5 **the supplemental plat for Section 19 accepted November 9, 1990, and filed**
6 **November 23, 1990;**

7 **(7) Township 21 South, Range 18 West, Seward Meridian according**
8 **to the United States of America, Department of the Interior, Bureau of Land**
9 **Management plat accepted December 6, 1989, and filed December 22, 1989**

- 10 **Section 1: Lots 1 - 3**
- 11 **Sections 11 - 12: (fractional) all**
- 12 **Section 13: all**
- 13 **Section 14: (fractional) all**
- 14 **Section 15: Lots 1 and 2**
- 15 **Section 16: Lots 1 and 2**

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

- 29 **Section 17: Lot 2: all**
- 30 **Sections 20 - 22: (fractional) all**
- 31 **Sections 23 - 29: all**

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Sections 31 - 36: all;

(8) 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;

(9) 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 - 25: (fractional) all;

(10) Township 21 South, Range 19 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

Sections 35 - 36: all

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

(11) All of Alaska Tideland Survey No. 1474.

Sec. 41.21.187. DESIGNATION OF MANAGEMENT RESPONSIBILITY.

(a) The state land and water described in AS 41.21.186 is assigned to the department as a unit of the state park system for control, maintenance, and development consistent with the purposes and provisions of AS 41.21.185 - 41.21.189.

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

(c) The Department of Natural Resources shall consult with the Department

1 of Fish and Game before adoption of regulations governing public use of the Afognak
2 Island State Park.

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

6 (e) Regulations under this section shall be adopted under AS 44.62
7 (Administrative Procedure Act).

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

11 Sec. 41.21.188. INCOMPATIBLE USES. (a) The commissioner may
12 designate by regulation incompatible uses within the land and water of the Afognak
13 Island State Park.

14 (b) Lawful use of a weapon in the Afognak Island State Park shall be allowed
15 except in areas that may be closed for purposes of public safety by regulation by the
16 commissioner.

17 (c) The regulations governing public use of the Afognak Island State Park
18 must provide reasonable access for lawful sport and subsistence hunting and fishing,
19 personal use fishing, trapping, recreational uses, and commercial fishing. Except to
20 protect public safety, the commissioner may not restrict the exercise of sport or
21 subsistence hunting or fishing, personal use fishing, trapping, or commercial fishing
22 permitted under law or under a regulation of the Board of Fisheries or the Board of
23 Game within the Afognak Island State Park.

24 Sec. 41.21.189. ADDITIONS TO PARK. Land and water outside of the
25 boundaries established under AS 41.21.186 may be added to the Afognak Island State
26 Park only by an act of the legislature. The commissioner may acquire land and water
27 within the boundaries of the Afognak Island State Park except by eminent domain.