

CS FOR SENATE BILL NO. 280(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/3/94
Referred: RES, JUD, FIN

Sponsor(s): SENATE 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, the state-
6 owned or acquired land and water described in AS 41.21.186 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 41.21.186 exceeds 640 acres,
2 AS 41.21.185 - 41.21.189 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. 41.21.186. AFOGNAK ISLAND STATE PARK ESTABLISHED. The
7 upland, shoreland, tideland, land underlying tidally influenced inland water, and water
8 overlying this land, including both the surface and subsurface estate, owned or
9 acquired by the state within the following described parcels are established as the
10 Afognak Island State Park:

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

14 Section 19: Lots 1 - 3

15 Sections 30 - 31: (fractional) all;

16 (2) Township 22 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 6: (fractional) all

20 Section 7: Lots 1 - 2

21 Sections 18 - 19: (fractional) all

22 Section 31: (fractional) all;

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

26 Section 32: (fractional) all;

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

30 Sections 6 - 8: (fractional) all

31 Section 13: (fractional) all

1 Section 17: (fractional) all
2 Section 18: all
3 Sections 19 - 20: (fractional) all
4 Sections 23 - 24: (fractional) all
5 Section 25: all
6 Section 26: (fractional) all
7 Sections 29 - 30: (fractional) all
8 Section 31: (fractional) all
9 Sections 33 - 35: (fractional) all
10 Section 36: all;
11 (5) Township 22 South, Range 17 West, Seward Meridian according
12 to the United States of America, Department of the Interior, Bureau of Land
13 Management plat accepted December 6, 1989, and filed December 22, 1989
14 Section 1: all
15 Sections 2 - 5: (fractional) all
16 Sections 8 - 9: (fractional) all
17 Section 11: all
18 Section 12: (fractional) all
19 Sections 13 - 14: all
20 Sections 17: (fractional) all
21 Sections 19 - 20: (fractional) all
22 Section 23: all
23 Sections 24 - 25: (fractional) all
24 Sections 26 - 29: all
25 Sections 30 - 31: (fractional) all
26 Sections 32 - 35: all
27 Section 36: (fractional) all;
28 (6) All of Township 23 South, Range 17 West, Seward Meridian
29 according 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; and the
31 supplemental plat for Section 3 accepted April 11, 1990, and filed April 19, 1990, and

1 the supplemental plat for Section 19 accepted November 9, 1990, and filed
2 November 23, 1990;

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

6 Section 1: Lots 1 - 3

7 Sections 11 - 12: (fractional) all

8 Section 13: all

9 Section 14: (fractional) all

10 Section 15: Lots 1 and 2

11 Section 16: Lots 1 and 2

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

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

25 Section 17: Lot 2: all

26 Sections 20 - 22: (fractional) all

27 Sections 23 - 29: all

28 Sections 31 - 36: all;

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

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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

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

(d) The Board of Fisheries, the Board of Game, and the commissioner of fish and game shall consult with the Department of Natural Resources before adoption of

1 regulations governing fish and game use in the Afognak Island State Park.

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

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

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

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

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

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