

"An Act relating to the establishment of marine sanctuaries; effective date."

COMMITTEE REPORT

9

4/13/76

HOUSE

Mr. Speaker:

Date _____

The Committee on FINANCE has had SSHB 626

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ Chairman

"An Act relating to the establishment of marine sanctuaries; and providing for an effective date."

COMMITTEE REPORT

3/2/76

HOUSE

FINANCE

Mr. Speaker:

Date 4-9-76

The Committee on RESOURCES has had SSHB 626

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

(X) recommends it BE REPLACED WITH CS FOR SSHB 626 AND THAT

CS FOR SSHB 626 DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

Robert Anderson DO PASS
E. Huntington DO PASS
Alvin Osterhout DO PASS
Leo Rhodes DO PASS

Members NOT concurring in the Majority report:

[Signature] recommends: Do not pass
[Signature] recommends: Do not pass unless amended
[Signature] recommends: DO NOT PASS

_____ recommends:

Robert Anderson Chairman

Original Sponsor: Rules Committee by
request of the Governor

Offered: 4/13/76
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 626

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the reacquisition of oil and gas
7 leasehold interests in Kachemak Bay; and providing for
8 an effective date."

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

10 * Section 1. AS 38.05 is amended by adding a new section to read:

11 Sec. 38.05.184. LIMITATION ON OIL AND GAS LEASES IN CERTAIN AREAS,
12 AND REACQUISITION OF LEASES. (a) No additional oil or gas leases may
13 be issued by the Department of Natural Resources or any other state
14 agency for the exploration for or the development or production of oil
15 and gas on state-owned land and waters seaward of the mean higher high
16 water line, beginning at Anchor Point; then around the perimeter of
17 Kachemak Bay, to Point Pogibshi; then west to the three mile limit of
18 state land and waters; then north to a point three miles west of Anchor
19 Point; then east to the mean higher high water line of Anchor Point, the
20 point of beginning.

21 (b) The commissioner of natural resources may enter into negotia-
22 tions to reacquire by purchase in the name of the state, title to or
23 accountable interests in oil or gas leases within the boundaries de-
24 scribed in (a) of this section which were issued before the effective
25 date of this Act.

26 (c) In lieu of cash payment for a negotiated purchase of a
27 leasehold interest, the commissioner shall authorize a credit of the
28 purchase price plus interest at the rate prescribed by AS 09.30.070 to
29 be granted the seller to be applied against future lease bonus or rental

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1 payments, permit fees, royalties, or oil and gas taxes which may become
2 owing on new production from other leases or property on state land held
3 by the seller for oil and gas development. The commissioner may also
4 negotiate to reimburse in like manner by credit provision, the full
5 bonus paid by the lessee to the state plus an amount not to exceed 20
6 per cent of the bonus to compensate the lessee for expenses and other
7 costs incurred by the lessee.

8 * Sec. 2. Nothing in this Act is intended to diminish a valid existing
9 exploration, operating, or production right of the leasee, including reason-
10 able access to and from the lease site and the transportation of production
11 from the lease to a shore-based facility or to a refinery or other market,
12 until full reacquisition of the lease by the state through negotiations.

13 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
14 070(c).
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Introduced: 3/2/76
Referred: Resources and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 626

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the establishment of marine
7 sanctuaries; and providing for an effective date."

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

9 * Section 1. AS 38.05.295 is amended to read:

10 ARTICLE 10. PARKS, MARINE SANCTUARIES AND

11 RECREATION AREAS.

12 Sec. 38.05.295. PARKS, MARINE SANCTUARIES AND RECREATION AREAS.

13 (a) The commissioner shall establish a policy and adopt [PRESCRIBE
14 RULES AND] regulations by which parks, marine sanctuaries, and recrea-
15 tion areas, including public scenic overlooks and cultural sites,
16 shall be developed and managed in a manner that will best serve the
17 interests of the people of the state. The commissioner may classify
18 public lands, water, and land and water areas as parks, marine sanctu-
19 aries, scenic overlooks, cultural sites and recreation areas as long
20 as the general intent of this chapter is maintained.

21 (b) Annually, the commissioner shall call for nominations from
22 the public for the establishment of additions to the state system of
23 parks, marine sanctuaries and recreational facilities. Any person,
24 including state or federal agencies, or local governments may nominate
25 state land, water, or land and water areas for additions to the system.
26 The commissioner shall adopt regulations which are necessary to carry
27 out this section, including provision for public hearings.

28 * Sec. 2. AS 41.20.010 is amended to read:

29 CHAPTER 20. PARKS, MARINE SANCTUARIES, AND

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RECREATIONAL FACILITIES.

ARTICLE 1. ACQUISITION, DEVELOPMENT AND MAINTENANCE OF STATE
PARKS, MARINE SANCTUARIES, AND RECREATIONAL AREAS GENERALLY.

Sec. 41.20.010. DECLARATION OF PURPOSE. (a) It is the purpose of secs. 10--47 [10--40] of this chapter to foster the growth and development of a system of parks and recreational facilities and opportunities in the state, for the general health, welfare, education, and enjoyment of its citizens and for the attraction of visitors to the state.

(b) It is also the purpose of this chapter to foster the growth and development of marine sanctuaries, water, or land and water areas to be set aside as part of the state parks and recreation system, under the general management responsibility of the Department of Natural Resources, with responsibility for the fish and wildlife resources vested in the Alaska Department of Fish and Game. It is the intent to protect certain areas in the coastal zone for their exceptionally high natural, recreational, habitat, or scientific values, for the benefit of the people of the state.

* Sec. 3. AS 41.20.020 is amended to read:

Sec. 41.20.020. DUTIES OF DEPARTMENT OF NATURAL RESOURCES. The Department of Natural Resources shall

(1) develop a continuing plan for the conservation and maximum use in the public interest of the scenic, historic, archaeological, scientific, biological, and recreational resources of the state;

(2) plan for and develop a system of state parks, marine sanctuaries, and recreational facilities, to be established as the legislature authorizes and directs;

(3) acquire by gift, purchase, or transfer from state or federal agencies, or from individuals, corporations, partnerships or

1 associations, land, water, or land and water areas necessary, suitable
2 and proper for roadside, picnic, recreational, marine sanctuary, or
3 park purposes;

4 (4) control, develop and maintain state parks, marine
5 sanctuaries, and recreational areas;

6 (5) provide for the acquisition, care, control, supervision,
7 improvement, development, extension and maintenance [OF PUBLIC RECREA-
8 TIONAL LANDS], and make necessary arrangements, contracts or commit-
9 ments for the improvement and development of lands, water, or land and
10 water areas acquired under secs. 10--47 [10--40] of this chapter;

11 (6) adopt [ESTABLISH], in accordance with the Administrative
12 Procedure Act, [RULES AND] regulations governing nominations for
13 additions to the system of state parks, marine sanctuaries, and recrea-
14 tional facilities and governing the use and designating incompatible
15 uses within the boundaries of state park, marine sanctuary, and recrea-
16 tional areas to protect the property and to preserve the peace;

17 (7) cooperate with the United States and its agencies and
18 local subdivisions of the state to secure the effective supervision,
19 improvement, development, extension, and maintenance of state parks,
20 state monuments, state historical areas, state marine sanctuaries,
21 and state recreational areas, and secure agreements or contracts for
22 the purpose of secs. 10--47 [10--40] of this chapter;

23 (8) encourage the organization of state public park, marine
24 sanctuary, and recreational activities in the local political sub-
25 divisions of the state;

26 (9) provide for consulting service designed to develop
27 local park, marine sanctuary, and recreation facilities and programs;

28 (10) provide clearing-house services for other state agencies
29 concerned with park, marine sanctuary, and recreation matters; and

1 (11) perform other duties as are prescribed by executive
2 order or by law.

3 * Sec. 4. AS 41.20.040 is amended to read:

4 Sec. 41.20.040. DIVISION WITHIN DEPARTMENT OF NATURAL RESOURCES.
5 The commissioner of natural resources may establish within the Depart-
6 ment of Natural Resources a separate division to perform the functions
7 relative to parks, marine sanctuaries, and recreational facilities
8 specified in secs. 10--47 [10--40] of this chapter and related or
9 additional functions as are otherwise assigned to the department by
10 law.

11 * Sec. 5. AS 41.20.045 is amended to read:

12 Sec. 41.20.045. ENFORCEMENT AUTHORITY. (a) For offenses com-
13 mitted within parks, marine sanctuaries, and recreational facilities
14 subject to the department's supervision, the following persons are
15 peace officers of the state and they shall enforce the provisions of
16 this chapter and the regulations adopted [PROMULGATED] under this
17 chapter:

18 (1) an employee of the department authorized by the com-
19 missioner;

20 (2) a police officer in the state;

21 (3) any other person authorized by the commissioner.

22 (b) Each person designated in (a) of this section may, when
23 enforcing the provisions of this chapter or a regulation adopted
24 [MADE] under this chapter,

25 (1) execute a warrant or other process issued by an officer
26 or court of competent jurisdiction;

27 (2) administer or take an oath, affirmation or affidavit;

28 and

29 (3) arrest a person who violates a provision of this chapter

1 or a regulation adopted [MADE] under this chapter.

2 * Sec. 6. AS 41.20 is amended by adding new sections to read:

3 ARTICLE 12. STATE MARINE SANCTUARIES.

4 Sec. 41.20.410. DECLARATION OF PURPOSE. The purpose of secs.
5 410--430 of this chapter is to restrict land and water areas described
6 in sec. 415 of this chapter to use as a state marine sanctuary, con-
7 sistent with AS 38.05.300, and art. VIII, sec. 7, of the Alaska
8 Constitution.

9 Sec. 41.20.415. STATE LAND AND WATER AREAS DESIGNATED AS STATE
10 MARINE SANCTUARY. Land and water areas owned by the state lying
11 within the boundaries described in this section, are designated as the
12 Kachemak Bay State Marine Sanctuary. The sanctuary is established for
13 the protection and enhancement of the extraordinary abundance and
14 diversity of marine life and variety of human uses associated with the
15 area. The land and water areas designated as the Kachemak Bay State
16 Marine Sanctuary are those state-owned lands and waters seaward of the
17 mean higher high water line, beginning at Anchor Point; then around
18 the perimeter of Kachemak Bay, to Point Pogibshi; then west to the
19 three mile limit of state land and waters; then north to a point three
20 miles west of Anchor Point; then east to the mean higher high water
21 line of Anchor Point, the point of beginning.

22 Sec. 41.20.420. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)
23 Except as provided in (d) of this section, management of the state
24 land and water areas describe. in sec. 415 of this chapter is assigned
25 to the Department of Natural Resources, and those areas shall be
26 protected from activities that would significantly damage the environ-
27 ment of the areas.

28 (b) The following particular uses of the area are legislatively
29 determined not to significantly affect the environment of the areas:

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1 (1) activities related to commercial, sport or subsistence
2 fishing, including the operation of all authorized fishing gear, and
3 the building, operation and maintenance of seafood processing plants;

4 (2) the taking of marine and beach plants for subsistence
5 and artistic purposes;

6 (3) the gathering of driftwood and coal;

7 (4) the construction, ownership and maintenance of homes
8 and vacation cabins;

9 (5) the construction and operation of docks, lodges,
10 fishing piers and other tourist facilities;

11 (6) the discharge of treated fish waste;

12 (7) the development of deep water ports within the area.

13 (c) Any regulations adopted by the commissioner of natural
14 resources regarding management of the sanctuary may only be adopted
15 after public hearings held in accordance with the Administrative
16 Procedure Act. At least one such public hearing must be held within
17 10 miles of the borders of the sanctuary.

18 (d) The Department of Fish and Game is responsible for manage-
19 ment of the fish and wildlife resources of the areas.

20 Sec. 41.20.425. OIL AND GAS DEVELOPMENT. The legislature finds
21 that the value of the renewable resources and the recreational and
22 environmental qualities of the Kachemak Bay Marine Sanctuary requires
23 complete protection from the risks and activities associated with the
24 exploration for and the development and production of oil and gas in the
25 sanctuary. No oil or gas leases may be issued by the Department
26 of Natural Resources or any other state agency for the exploration
27 for or the development or production of oil and gas within the
28 sanctuary. The commissioner of natural resources may acquire, by
29 purchase or through the exercise of the power of eminent domain,

1 in the name of the state, title to or interests in oil or gas leases
2 which were issued prior to the effective date of this Act, the pur-
3 chase of which is necessary to prohibit oil and gas exploration,
4 development or production in the sanctuary. In lieu of payment for a
5 purchased leasehold interest, the commissioner may authorize a credit
6 of the purchase price plus interest at the rate prescribed by
7 AS 09.30.070 to be granted the seller to be applied against lease
8 rental payments, permit fees, or oil and gas taxes which may be owed
9 or are owing on other leases or property on state land held by the
10 seller for oil and gas development.

11 * Sec. 7. This Act takes effect immediately in accordance with AS 01-
12 .10.070(c).
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COMMITTEE COPY

SS/HB 626

March 2, 1976

The Honorable Mike Bradner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

In accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a Sponsor Substitute for House Bill No. 626. This is in direct response to a Town Meeting held in Homer last week by members of my Administration. Residents in Homer voiced concern that the condemnation powers in the original bill were too broad and that the bill would inhibit certain uses of the area which were favored by the residents. The sponsor substitute takes care of the concerns by limiting the condemnation power and specifically providing that certain uses in Kachemak Bay, such as the development of deep water ports, fishing, tourism and other matters, will not be curtailed by the creation of the sanctuary.

I urge the legislature in the strongest terms to pass this bill and the appropriation to fund it. We have oil development all through this state, from the North Slope to Cook Inlet. We will have much more of it in the future. This is one area where other resources are simply more valuable than oil and we should be willing to act to preserve them.

Sincerely,

Jay S. Hammond
Governor

ALASKA STATE LEGISLATURE

NINTH Legislature SECOND Session

SPONGOR SUBSTITUTE FOR HOUSE BILL..... NO. 626...

By .. RULES COMMITTEE BY REQUEST OF THE GOVERNOR

"An Act relating to the establishment of marine sanctuaries; and providing for an effective date."

Establishment of marine sanctuaries

Introduced in the House ... 3/2...., 19.76

HISTORY IN THE HOUSE

19 76	Read first time and referred to Committee on												
Mar 2	Resources and Finance												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
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	Reported correctly engrossed												
	Signed by Speaker												
	Sent to Senate												

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Read first time and referred to Committee on												
	Reported back with recommendation that												
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	Reported correctly engrossed												
	Signed by President												
	Returned to House												

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Received from Senate
	Reported correctly enrolled
	Sent to Governor
 By Governor
	Filed with Lt. Governor
	Chapter No.

Introduced: 1/19/76
Referred: Resources and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN HOUSE

2 HOUSE BILL NO. 626

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the establishment of marine
7 sanctuaries; and providing for an effective date."

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

9 * Section 1. AS 38.05.295 is amended to read:

10 ARTICLE 10. PARKS, MARINE SANCTUARIES AND
11 RECREATION AREAS.

12 Sec. 38.05.295. PARKS, MARINE SANCTUARIES AND RECREATION AREAS.

13 (a) The commissioner shall establish a policy and adopt [PRESCRIBE
14 RULES AND] regulations by which parks, marine sanctuaries, and recrea-
15 tion areas, including public scenic overlooks and cultural sites,
16 shall be developed and managed in a manner that will best serve the
17 interests of the people of the state. The commissioner may classify
18 public lands, water, and land and water areas as parks, marine sanctu-
19 aries, scenic overlooks, cultural sites and recreation areas as long
20 as the general intent of this chapter is maintained.

21 (b) Annually, the commissioner shall call for nominations from
22 the public for the establishment of additions to the state system of
23 parks, marine sanctuaries and recreational facilities. Any person,
24 including state or federal agencies, or local governments may nominate
25 state land, water, or land and water areas for additions to the system.
26 The commissioner shall adopt regulations which are necessary to carry
27 out this section, including provision for public hearings.

28 * Sec. 2. AS 41.20.310 is amended to read:

29 CHAPTER 20. PARKS, MARINE SANCTUARIES, AND

1 RECREATIONAL FACILITIES.

2 ARTICLE 1. ACQUISITION, DEVELOPMENT AND MAINTENANCE OF STATE
3 PARKS, MARINE SANCTUARIES, AND RECREATIONAL AREAS GENERALLY.

4 Sec. 41.20.010. DECLARATION OF PURPOSE. (a) It is the purpose
5 of secs. 10--47 [10--40] of this chapter to foster the growth and
6 development of a system of parks and recreational facilities and
7 opportunities in the state, for the general health, welfare, education,
8 and enjoyment of its citizens and for the attraction of visitors to
9 the state.

10 (b) It is also the purpose of this chapter to foster the growth
11 and development of marine sanctuaries, water, or land and water areas
12 to be set aside as part of the state parks and recreation system,
13 under the general management responsibility of the Department of
14 Natural Resources, with responsibility for the fish and wildlife
15 resources vested in the Alaska Department of Fish and Game. It is the
16 intent to protect certain areas in the coastal zone for their excep-
17 tionally high natural, recreational, habitat, or scientific values,
18 for the benefit of the people of the state.

19 * Sec. 3. AS 41.20.020 is amended to read:

20 Sec. 41.20.020. DUTIES OF DEPARTMENT OF NATURAL RESOURCES. The
21 Department of Natural Resources shall

22 (1) develop a continuing plan for the conservation and
23 maximum use in the public interest of the scenic, historic, archaeolo-
24 gic, scientific, biological, and recreational resources of the state;

25 (2) plan for and develop a system of state parks, marine
26 sanctuaries, and recreational facilities, to be established as the
27 legislature authorizes and directs;

28 (3) acquire by gift, purchase, or transfer from state or
29 federal agencies, or from individuals, corporations, partnerships or

1 associations, land, water, or land and water areas necessary, suitable
2 and proper for roadside, picnic, recreational, marine sanctuary, or
3 park purposes;

4 (4) control, develop and maintain as appropriate state
5 parks, marine sanctuaries, and recreational areas;

6 (5) provide for the acquisition, care, control, supervision,
7 improvement, development, extension and maintenance [OF PUBLIC RECREA-
8 TIONAL LANDS], and make necessary arrangements, contracts or commit-
9 ments for the improvement and development of lands, water, or land and
10 water areas acquired under secs. 10--47 [10--40] of this chapter;

11 (6) adopt [ESTABLISH], in accordance with the Administrative
12 Procedure Act, [RULES AND] regulations governing nominations for
13 additions to the system of state parks, marine sanctuaries, and recrea-
14 tional facilities and governing the use and designating incompatible
15 uses within the boundaries of state park, marine sanctuary, and recrea-
16 tional areas to protect the property and to preserve the peace;

17 (7) cooperate with the United States and its agencies and
18 local subdivisions of the state to secure the effective supervision,
19 improvement, development, extension, and maintenance of state parks,
20 state monuments, state historical areas, state marine sanctuaries,
21 and state recreational areas, and secure agreements or contracts for
22 the purpose of secs. 10--47 [10--40] of this chapter;

23 (8) encourage the organization of state public park, marine
24 sanctuary, and recreational activities in the local political sub-
25 divisions of the state;

26 (9) provide for consulting service designed to develop
27 local park, marine sanctuary, and recreation facilities and programs;

28 (10) provide clearing-house services for other state agencies
29 concerned with park, marine sanctuary, and recreation matters; and

1 (11) perform other duties as are prescribed by executive
2 order or by law.

3 * Sec. 4. AS 41.20.040 is amended to read:

4 Sec. 41.20.040. DIVISION WITHIN DEPARTMENT OF NATURAL RESOURCES.
5 The commissioner of natural resources may establish within the Depart-
6 ment of Natural Resources a separate division to perform the functions
7 relative to parks, marine sanctuaries, and recreational facilities
8 specified in secs. 10--47 [10--40] of this chapter and related or
9 additional functions as are otherwise assigned to the department by
10 law.

11 * Sec. 5. AS 41.20.045 is amended to read:

12 Sec. 41.20.045. ENFORCEMENT AUTHORITY. (a) For offenses com-
13 mitted within parks, marine sanctuaries, and recreational facilities
14 subject to the department's supervision, the following persons are
15 peace officers of the state and they shall enforce the provisions of
16 this chapter and the regulations adopted [PROMULGATED] under this
17 chapter:

18 (1) an employee of the department authorized by the com-
19 missioner;

20 (2) a police officer in the state;

21 (3) any other person authorized by the commissioner.

22 (b) Each person designated in (a) of this section may, when
23 enforcing the provisions of this chapter or a regulation adopted
24 [MADE] under this chapter,

25 (1) execute a warrant or other process issued by an officer
26 or court of competent jurisdiction;

27 (2) administer or take an oath, affirmation or affidavit;

28 and

29 (3) arrest a person who violates a provision of this chapter

1 or a regulation adopted [MADE] under this chapter.

2 * Sec. 6. AS 41.20 is amended by adding new sections to read:

3 ARTICLE 12. STATE MARINE SANCTUARIES.

4 Sec. 41.20.410. DECLARATION OF PURPOSE. The purpose of secs.
5 410--430 of this chapter is to restrict land and water areas described
6 in sec. 415 of this chapter to use as a state marine sanctuary, con-
7 sistent with AS 38.05.300, and art. VIII, sec. 7, of the Alaska
8 Constitution.

9 Sec. 41.20.415. STATE LAND AND WATER AREAS DESIGNATED AS STATE
10 MARINE SANCTUARY. Land and water areas owned by the state on the
11 effective date of this Act, and all those acquired in the future by
12 the state, lying within the boundaries described in this section, are
13 designated as the Kachemak Bay State Marine Sanctuary. The sanctuary
14 is established for the protection and enhancement of the broad range
15 of natural, renewable resources, extraordinary abundance and diversity
16 of marine life and variety of human uses, associated with the area.
17 Primary among the uses which require a high degree of protection are
18 fisheries, recreation and scientific research. The land and water
19 areas designated as the Kachemak Bay State Marine Sanctuary and
20 reserved from all uses incompatible with their primary function as a
21 state marine sanctuary are those seaward of the mean higher high water
22 line, beginning at Anchor Point; then around the perimeter of Kachemak
23 Bay, to Point Pogibshi; then west to the three mile limit of state
24 land and waters; then north to a point three miles west of Anchor
25 Point; then east to the mean higher high water line of Anchor Point,
26 the point of beginning; including within the boundaries, all islands,
27 sea bird colonies, marine mammal haulouts, and rookeries.

28 Sec. 41.20.420. DESIGNATION OF MANAGEMENT RESPONSIBILITY.
29 General management of the state land and water areas described in sec.

1 415 of this chapter is assigned to the Department of Natural Resources,
2 and those areas shall be protected from exploitation, development, and
3 any activity that would seriously alter or otherwise endanger the
4 ecology or the appearance of the areas, the seabed, or the subsoil of
5 the areas. The Department of Fish and Game is responsible for manage-
6 ment of the fish and wildlife resources of the areas.

7 Sec. 41.20.425. INCOMPATIBLE USE PROHIBITED. (a) The legislature
8 finds that all activities associated with the exploration or develop-
9 ment of oil and gas are incompatible activities and are prohibited in
10 the sanctuary. All other uses are compatible unless determined to be
11 incompatible and are prohibited or restricted under (b) of this
12 section.

13 (b) The commissioner of natural resources, in consultation with,
14 and with the consent of, the commissioner of fish and game, may desig-
15 nate by regulations adopted in accordance with the Administrative
16 Procedure Act (AS 44.62), uses which could seriously alter or otherwise
17 endanger the ecology or appearance of the areas, the seabed, or the
18 subsoil of the areas, as incompatible within the boundaries of the
19 sanctuary. Those incompatible uses are prohibited or restricted, as
20 provided by regulation.

21 Sec. 41.20.430. PURCHASE AUTHORIZED. For Kachemak Bay State
22 Marine Sanctuary, the commissioner of natural resources may acquire,
23 by purchase or through exercise of the power of eminent domain, in the
24 name of the state, title to or interests in real property, including
25 leasehold interests, lying within the boundaries of the sanctuary
26 which are incompatible with the purposes for which this sanctuary was
27 created.

28 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
29 10.070(c).

Introduced: 3/2/76
Referred: Resources and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 626

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the establishment of marine
7 sanctuaries; and providing for an effective date."

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

9 * Section 1. AS 38.05.295 is amended to read:

10 ARTICLE 10. PARKS, MARINE SANCTUARIES AND
11 RECREATION AREAS.

12 Sec. 38.05.295. PARKS, MARINE SANCTUARIES AND RECREATION AREAS.

13 (a) The commissioner shall establish a policy and adopt [PRESCRIBE
14 RULES AND] regulations by which parks, marine sanctuaries, and recrea-
15 tion areas, including public scenic overlooks and cultural sites,
16 shall be developed and managed in a manner that will best serve the
17 interests of the people of the state. The commissioner may classify
18 public lands, water, and land and water areas as parks, marine sanctu-
19 aries, scenic overlooks, cultural sites and recreation areas as long
20 as the general intent of this chapter is maintained.

21 (b) Annually, the commissioner shall call for nominations from
22 the public for the establishment of additions to the state system of
23 parks, marine sanctuaries and recreational facilities. Any person,
24 including state or federal agencies, or local governments may nominate
25 state land, water, or land and water areas for additions to the system.
26 The commissioner shall adopt regulations which are necessary to carry
27 out this section, including provision for public hearings.

28 * Sec. 2. AS 41.20.010 is amended to read:

29 CHAPTER 20. PARKS, MARINE SANCTUARIES, AND

1 RECREATIONAL FACILITIES.

2 ARTICLE 1. ACQUISITION, DEVELOPMENT AND MAINTENANCE OF STATE
3 PARKS, MARINE SANCTUARIES, AND RECREATIONAL AREAS GENERALLY.

4 Sec. 41.20.010. DECLARATION OF PURPOSE. (a) It is the purpose
5 of secs. 10--47 [10--40] of this chapter to foster the growth and
6 development of a system of parks and recreational facilities and
7 opportunities in the state, for the general health, welfare, education,
8 and enjoyment of its citizens and for the attraction of visitors to
9 the state.

10 (b) It is also the purpose of this chapter to foster the growth
11 and development of marine sanctuaries, water, or land and water areas
12 to be set aside as part of the state parks and recreation system,
13 under the general management responsibility of the Department of
14 Natural Resources, with responsibility for the fish and wildlife
15 resources vested in the Alaska Department of Fish and Game. It is the
16 intent to protect certain areas in the coastal zone for their excep-
17 tionally high natural, recreational, habitat, or scientific values,
18 for the benefit of the people of the state.

19 * Sec. 3. AS 41.20.020 is amended to read:

20 Sec. 41.20.020. DUTIES OF DEPARTMENT OF NATURAL RESOURCES. The
21 Department of Na ural Resources shall

22 (1) develop a continuing plan for the conservation and
23 maximum use in the public interest of the scenic, historic, archaeolo-
24 gic, scientific, biological, and recreational resources of the state;

25 (2) plan for and develop a system of state parks, marine
26 sanctuaries, and recreational facilities, to be established as the
27 legislature authorizes and directs;

28 (3) acquire by gift, purchase, or transfer from state or
29 federal agencies, or from individuals, corporations, partnerships or

1 associations, land, water, or land and water areas necessary, suitable
2 and proper for roadside, picnic, recreational, marine sanctuary, or
3 park purposes;

4 (4) control, develop and maintain state parks, marine
5 sanctuaries, and recreational areas;

6 (5) provide for the acquisition, care, control, supervision,
7 improvement, development, extension and maintenance [OF PUBLIC RECREA-
8 TIONAL LANDS], and make necessary arrangements, contracts or commit-
9 ments for the improvement and development of lands, water, or land and
10 water areas acquired under secs. 10--47 [10--40] of this chapter;

11 (6) adopt [ESTABLISH], in accordance with the Administrative
12 Procedure Act, [RULES AND] regulations governing nominations for
13 additions to the system of state parks, marine sanctuaries, and recrea-
14 tional facilities and governing the use and designating incompatible
15 uses within the boundaries of state park, marine sanctuary, and recrea-
16 tional areas to protect the property and to preserve the peace;

17 (7) cooperate with the United States and its agencies and
18 local subdivisions of the state to secure the effective supervision,
19 improvement, development, extension, and maintenance of state parks,
20 state monuments, state historical areas, state marine sanctuaries,
21 and state recreational areas, and secure agreements or contracts for
22 the purpose of secs. 10--47 [10--40] of this chapter;

23 (8) encourage the organization of state public park, marine
24 sanctuary, and recreational activities in the local political sub-
25 divisions of the state;

26 (9) provide for consulting service designed to develop
27 local park, marine sanctuary, and recreation facilities and programs;

28 (10) provide clearing-house services for other state agencies
29 concerned with park, marine sanctuary, and recreation matters; and

1 (1) perform other duties as are prescribed by executive
2 order or by law.

3 * Sec. 4. AS 41.20.040 is amended to read:

4 Sec. 41.20.040. DIVISION WITHIN DEPARTMENT OF NATURAL RESOURCES
5 The commissioner of natural resources may establish within the Depart-
6 ment of Natural Resources a separate division to perform the functions
7 relative to parks, marine sanctuaries, and recreational facilities
8 specified in secs. 10--47 [10--40] of this chapter and related or
9 additional functions as are otherwise assigned to the department by
10 law.

11 * Sec. 5. AS 41.20.045 is amended to read:

12 Sec. 41.20.045. ENFORCEMENT AUTHORITY. (a) For offenses com-
13 mitted within parks, marine sanctuaries, and recreational facilities
14 subject to the department's supervision, the following persons are
15 peace officers of the state and they shall enforce the provisions of
16 this chapter and the regulations adopted [PROMULGATED] under this
17 chapter:

18 (1) an employee of the department authorized by the com-
19 missioner;

20 (2) a police officer in the state;

21 (3) any other person authorized by the commissioner.

22 (b) Each person designated in (a) of this section may, when
23 enforcing the provisions of this chapter or a regulation adopted
24 [MADE] under this chapter,

25 (1) execute a warrant or other process issued by an officer
26 or court of competent jurisdiction;

27 (2) administer or take an oath, affirmation or affidavit;

28 and

29 (3) arrest a person who violates a provision of this chapter

1 or a regulation adopted [MADE] under this chapter.

2 * Sec. 6. AS 41.20 is amended by adding new sections to read:

3 ARTICLE 12. STATE MARINE SANCTUARIES.

4 Sec. 41.20.410. DECLARATION OF PURPOSE. The purpose of secs.
5 410--430 of this chapter is to restrict land and water areas described
6 in sec. 415 of this chapter to use as a state marine sanctuary, con-
7 sistent with AS 38.05.300, and art. VIII, sec. 7, of the Alaska
8 Constitution.

9 Sec. 41.20.415. STATE LAND AND WATER AREAS DESIGNATED AS STATE
10 MARINE SANCTUARY. Land and water areas owned by the state lying
11 within the boundaries described in this section, are designated as the
12 Kachemak Bay State Marine Sanctuary. The sanctuary is established for
13 the protection and enhancement of the extraordinary abundance and
14 diversity of marine life and variety of human uses associated with the
15 area. The land and water areas designated as the Kachemak Bay State
16 Marine Sanctuary are those state-owned lands and waters seaward of the
17 mean higher high water line, beginning at Anchor Point; then around
18 the perimeter of Kachemak Bay, to Point Pogibshi; then west to the
19 three mile limit of state land and waters; then north to a point three
20 miles west of Anchor Point; then east to the mean higher high water
21 line of Anchor Point, the point of beginning.

22 Sec. 41.20.420. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)
23 Except as provided in (d) of this section, management of the state
24 land and water areas described in sec. 415 of this chapter is assigned
25 to the Department of Natural Resources, and those areas shall be
26 protected from activities that would significantly damage the environ-
27 ment of the areas.

28 (b) The following particular uses of the area are legislatively
29 determined not to significantly affect the environment of the areas:

1 (1) activities related to commercial, sport or subsistence
2 fishing, including the operation of all authorized fishing gear, and
3 the building, operation and maintenance of seafood processing plants;

4 (2) the taking of marine and beach plants for subsistence
5 and artistic purposes;

6 (3) the gathering of driftwood and coal;

7 (4) the construction, ownership and maintenance of homes
8 and vacation cabins;

9 (5) the construction and operation of docks, lodges,
10 fishing piers and other tourist facilities;

11 (6) the discharge of treated fish waste;

12 (7) the development of deep water ports within the area.

13 (c) Any regulations adopted by the commissioner of natural
14 resources regarding management of the sanctuary may only be adopted
15 after public hearings held in accordance with the Administrative
16 Procedure Act. At least one such public hearing must be held within
17 10 miles of the borders of the sanctuary.

18 (d) The Department of Fish and Game is responsible for manage-
19 ment of the fish and wildlife resources of the areas.

20 Sec. 41.20.425. OIL AND GAS DEVELOPMENT. The legislature finds
21 that the value of the renewable resources and the recreational and
22 environmental qualities of the Kachemak Bay Marine Sanctuary requires
23 complete protection from the risks and activities associated with the
24 exploration for and the development and production of oil and gas in the
25 sanctuary. No oil or gas leases may be issued by the Department
26 of Natural Resources or any other state agency for the exploration
27 for or the development or production of oil and gas within the
28 sanctuary. The commissioner of natural resources may acquire, by
29 purchase or through the exercise of the power of eminent domain,

1 in the name of the state, title to or interests in oil or gas leases
2 which were issued prior to the effective date of this Act, the pur-
3 chase of which is necessary to prohibit oil and gas exploration,
4 development or production in the sanctuary. In lieu of payment for a
5 purchased leasehold interest, the commissioner may authorize a credit
6 of the purchase price plus interest at the rate prescribed by
7 AS 09.30.070 to be granted the seller to be applied against lease
8 rental payments, permit fees, or oil and gas taxes which may be owed
9 or are owing on other leases or property on state land held by the
10 seller for oil and gas development.

11 * Sec. 7. This Act takes effect immediately in accordance with AS 01-
12 .10.070(c).
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THE LEGISLATURE OF THE STATE OF ALASKA

FISCAL NOTE

Second Session - Ninth Legislature

111 C.

I. REQUEST

Bill No. HB 626
 Title: Marine Sanctuaries
 Requested by: _____ Date: _____
 Return Date Requested: _____
 Agency: Nat. Resources - Div. Parks Program: District Operations

II. FISCAL DETAIL

Budget Request Unit(s) Affected: District Operations

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		16.0	21.0	21.0	21.0	21.0
200 TRAVEL		2.5	1.4	1.4	1.4	1.4
300 CONTRACTUAL		4.5	4.5	4.5	4.5	4.5
400 COMMODITIES		2.0	4.0	4.0	4.0	4.0
500 EQUIPMENT		51.0	3.0	3.0	3.0	15.0
600 LAND & STRUCTURES		150.0	--	--	--	--
700 GRANTS, CLAIMS, ETC.						
TOTAL		226.0	33.9	33.9	33.9	45.9

B. FUNDING: (Thousands of dollars)

GENERAL FUND		76.0	33.9	33.9	33.9	45.9
FEDERAL FUNDS		75.0				
OTHER		75.0				

C. POSITIONS:

PERMANENT/TEMPORARY	/	1/	1/ 1	1/ 1	1/ 1	1/ 1
MAN MONTHS (P./T.)	/	12/	12/ 4	12/ 4	12/ 4	12/ 4

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Legislation creating marine sanctuaries will have fiscal impact only; inasmuch as it creates the Kachemak Sanctuary in the enabling act. Manpower will be directed toward interpretation and education from a visitor center in Homer, and operation of a boat in conjunction with the Kachemak Bay State Park. Boat operations will also be coordinated with the Department of Fish and Game. One permanent ranger-naturalist will be assisted by a seasonal ranger. Initial development will be for a simple visitor center and parking area in Homer. Additional fiscal impact cannot be assessed until legislative intent vis-a-vis other marine sanctuaries is known.

IV. ATTACHMENTS

V. DATE: 3/16/76 PREPARED BY: Russell Cabell

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

HFC.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

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400 COMMODITIES		2.0	4.0	4.0	4.0	4.0
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700 GRANTS, CLAIMS, ETC.						
TOTAL		226.0	33.9	33.9	33.9	45.9

B. FUNDING: (Thousands of dollars)

GENERAL FUND		76.0	33.9	33.9	33.9	45.9
FEDERAL FUNDS		75.0				
OTHER		75.0				

C. POSITIONS:

PERMANENT/TEMPORARY	/	1/	1/ 1	1/ 1	1/ 1	1/ 1
MAN MONTHS (P./T.)	/	12/	12/ 4	12/ 4	12/ 4	12/ 4

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