

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

3/13/84

Date: 5-4-84

The Committee on FINANCE has had SB 51

"An Act establishing the Shuyok Island State Park; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^{HS} CS for SB 51 (Fin) same title
 new title
- and recommends DON PASS
- AND attaches a "Letter of Intent" New Fiscal Note CS-84
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

WILLO H. FRITZ

[Signature]

CHAIRMAN

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 5/3/84

REQUEST
Bill/Resolution No.: 3851 HCSS (Fin) FISCAL DETAIL
Title: Shuyak Island State Park Agency Affected: DNR
Program Category Affected: NRMEC

Sponsor: Mulcahy BRU, Program or Subprogram(s) Affected:
Requestor: _____ Parks and Recreation
Date of Request: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		15.0	16.0	17.0	18.0	19.0
200 TRAVEL		2.0	2.5	3.0	3.5	4.0
300 CONTRACTUAL		6.0	6.7	7.5	8.3	9.3
400 SUPPLIES		36.5	40.0	44.0	48.5	53.0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLA'MS						
800 MISCELLANEOUS						
TOTAL OPERATING		59.5	65.2	71.5	78.3	85.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		59.5	65.2	71.5	78.3	85.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1/3	1/3	1/3	1/3	1/3
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

GENERAL FUND

ANALYSIS: Attach a separate page for analysis

Prepared By: Neil Johannsen Phone: 276-2653
Division: Parks and Recreation Date: 5/3/84

Approved by Commissioner: James D. Spindel Date: 5/3/84
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

FISCAL BACKUP FOR DNR FISCAL NOTE ON
HCS SB 51 (Fin) -- SHUYAK ISLAND STATE PARK

FUNDING REQUEST:

	FY 85	FY 86	FY 87	FY 88	FY 89
<u>line 100:</u>					
Park Ranger I (4½ mos)	15.0	16.0	17.0	18.0	19.0

The operating funds that have been requested will fund a part-time Park Ranger whose major function will be to coordinate the youth employment crews working in the Park on construction of two cabins per year for the foreseeable future. His/her other responsibilities will include general recreation management, master planning for the park, coordinating a public cabin reservation system, and providing liaison with local public, Native corporation, and Borough representatives.

<u>line 200:</u>					
Travel for Ranger	2.0	2.5	3.0	3.5	4.0

Travel funds will be provided for the Ranger (youth crews will be funded by YCC program).

<u>line 300:</u>					
Delivery of materials	5.0	5.5	6.0	6.5	7.0
Printing, mail, communications	1.0	1.2	1.5	1.8	2.3

<u>line 400:</u>					
Cabin construction materials (2/yr)	34.5	37.5	41.0	45.0	49.0
Office and park management	2.0	2.5	3.0	3.5	4.0
TOTAL OPERATING FUNDS	59.5	65.2	71.5	78.3	85.3

Original sponsors: Mulcahy and W.Fischer

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 51 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Shuyak Island State Park;
7 and providing for an effective date."

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

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

10 Sec. 41.21.170. DECLARATION OF PURPOSE. (a) The purpose of
11 AS 41.21.170 - 41.21.178 is to establish, subject to valid existing
12 rights, the state-owned or acquired uplands and freshwater bodies
13 described in AS 41.21.172 as the Shuyak Island State Park. The pri-
14 mary purposes of establishing the Shuyak Island State Park are to
15 protect the area's recreational and scenic resources, to protect the
16 area's fish and wildlife habitat, and to preserve and enhance the
17 continued use of the area for sport and subsistence hunting and fish-
18 ing, trapping, and recreational activities.

19 (b) Under the provisions of AS 38.05.300, state land, water, or
20 land and water containing more than 640 acres may be closed to multi-
21 ple purpose use only by act of the legislature. Because the area
22 described in AS 41.21.172 exceeds 640 acres, AS 41.21.170 - 41.21.178
23 are intended to close the described land and water to multiple purpose
24 use in conformity with AS 38.05.300 and to dedicate them as a special
25 purpose site in accordance with art. VIII, sec. 7, Constitution of the
26 State of Alaska.

27 Sec. 41.21.172. DESIGNATED STATE LAND AND WATER. The uplands
28 and freshwater bodies owned or acquired by the state within the
29 following described parcel are designated as the Shuyak Island State

1 Park: all uplands, including Dark Island and other islands, islets,
2 pinnacles, and rocks within the Shuyak Island complex lying easterly
3 of Shelikof Strait, south of Stevenson Entrance, north of Shuyak
4 Strait, and lying westerly and northerly of the following described
5 boundary line (all sections of unsurveyed land are protracted):
6 Beginning at the section corner common to sections 13 and 24 of T19S,
7 R21W, S.M. and sections 18 and 19 of T19S, R20W, S.M., then northerly
8 and easterly approximately 2.8 miles along a line dividing the east
9 and west sides of Neketa Bay (the island in the SW1/4 of section 17,
10 T19S, R20W, S.M. is on the east side of Neketa Bay for the purpose of
11 this description) to the center of the isthmus dividing Neketa Bay and
12 Big Bay located in the SW1/4 of section 9, T19S, R20W, S.M., then
13 northeasterly approximately 25 feet to the mean high tide line of Big
14 Bay; then meandering easterly and northerly in a counter-clockwise
15 direction along the mean high tide line of Shuyak Island to a point
16 common to the W 1/16th line in the north half of the north half of
17 Section 10, T19S, R20W, S.M.; then north along the W 1/16th line
18 approximately 150 feet to the section line common to Sections 3 and
19 10, T19S, R20W, S.M.; then east 0.5 miles between Sections 3 and 10 to
20 the E 1/16th corner of Sections 3 and 10, T19S, R20W, S.M.; then north
21 0.5 miles along the E 1/16th line of Section 3 to the C-E 1/16th
22 corner of Section 3, T19S, R20W, S.M.; then west 0.25 miles along the
23 E-W 1/4 line of Section 3 to the C 1/4 corner of Section 3, T19S,
24 R20W, S.M.; then north 0.25 miles along the NS 1/4 line of Section 3
25 to the C-N 1/16th corner of Section 3, T19S, R20W, S.M.; then north-
26 northeasterly approximately 1.65 miles to the C-E-W-SW 1/125th corner
27 of Section 26, T18S, R20W, S.M.; then east 0.80 miles along the S
28 1/16th line of Section 26 to the S 1/16th corner of Sections 25 and
29 26, T18S, R20W, S.M.; then south 0.25 miles between Sections 25 and 26

1 to the corner common to Sections 25, 26, 35, and 36, T18S, R20W, S.M.;
2 then east between Sections 25 and 36, T18S, R20W, S.M. and Sections 30
3 and 31, T18S, R19W, S.M. approximately 1.75 miles to the intersection
4 with the mean high tide line on the west shore of the unnamed bay that
5 connects to Shangin Bay; then meandering southerly and easterly along
6 the mean high tide line of that unnamed bay to Shangin Bay and then
7 continuing southerly, easterly, and northerly along the mean high tide
8 line of Shangin Bay to a point common to the N 1/16th line of Section
9 32, T18S, R19W, S.M.; then east along the N 1/16th line of Sections 32
10 and 33 approximately 0.3 miles to the NW 1/16th corner of Section 33,
11 T18S, R19W, S.M.; then northeasterly approximately 1.5 miles to the
12 section corner common to Sections 22, 27, 28, and 21, T18S, R19W,
13 S.M.; then north along the west boundary of Sections 22 and 15, T18S,
14 R19W, S.M., to the point of mean high tide in Shangin Bay.

15 Sec. 41.21.174. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)
16 The state uplands and freshwater bodies described in AS 41.21.172 are
17 assigned to the Department of Natural Resources for control, mainte-
18 nance, and development consistent with the purposes and provisions of
19 AS 41.21.170 - 41.21.178.

20 (b) The Department of Fish and Game is responsible for the
21 management of fish and game resources in the Shuyak Island State Park,
22 consistent with the sustained yield principle and the purposes and
23 provisions of this chapter. The Board of Fisheries, the Board of Game
24 and the commissioner of fish and game are responsible for adopting
25 regulations governing uses of fish and game in accordance with AS 16.
26 The fish and game habitat and breeding areas shall be managed to
27 ensure that the fish and game resources of the park continue on a
28 sustained yield basis.

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

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

3 (d) The Department of Fish and Game shall consult with the
4 Department of Natural Resources before adoption of regulations govern-
5 ing fish and game management in Shuyak Island State Park.

6 (e) The regulations established under this section shall be
7 adopted in accordance with the Administrative Procedure Act (AS 44.-
8 62).

9 (f) The commissioner of natural resources shall permit reason-
10 able camping within the Shuyak Island State Park on an extended basis
11 on request.

12 (g) Nothing in AS 41.21.170 - 41.21.178 prohibits the Department
13 of Fish and Game from engaging in stream rehabilitation enhancement
14 and development under AS 16.05.092 on land within the Shuyak Island
15 State Park.

16 (h) The Department of Public Safety and the Department of Fish
17 and Game shall have necessary access for fish and game management,
18 research, and enforcement purposes.

19 Sec. 41.21.176. COMPATIBILITY OF USES. (a) The commissioner of
20 natural resources may designate by regulation incompatible uses within
21 the park uplands and freshwater bodies.

22 (b) Use of a weapon in the Shuyak Island State Park shall be
23 allowed except in unique areas that may be closed for purposes of
24 public safety by regulation by the commissioner of natural resources.

25 (c) The regulations governing public use of the Shuyak Island
26 State Park shall provide ample access for legal sport and subsistence
27 hunting and fishing, trapping, and recreational uses. Except to
28 protect public safety the commissioner of natural resources may not
29 restrict the exercise of sport or subsistence fishing or hunting, or

1 trapping permitted under law or under a regulation of the Board of
2 Fisheries or the Board of Game within the Shuyak Island State Park.

3 Sec. 41.21.178. ADDITIONS TO PARK. Land may be added to the
4 Shuyak Island State Park only by an act of the legislature. The com-
5 missioner of natural resources may not acquire land within the bound-
6 aries of the Shuyak Island State Park by eminent domain.

7 * Sec. 2. (a) The commissioner of natural resources shall seek an
8 amendment to the Agreement of Settlement and Consent Decree of June 19,
9 1981, between the state and the Kodiak Island Borough to make the following
10 uplands that were retained by the state under that agreement of settlement
11 available to the Kodiak Island Borough under AS 29.18.201 - 29.18.213:

12 T19S, R20W, S.M.

13 Sec. 16

14 Sec. 17

15 Secs. 19 - 21

16 Sec. 29

17 Sec. 30

18 (b) The commissioner of natural resources shall seek a relinquishment
19 of borough land selections under AS 29.18.201 - 29.18.213 and an amendment
20 to the Agreement of Settlement and Consent Decree of June 19, 1981, between
21 the state and the Kodiak Island Borough to include the following described
22 land of an equal acreage to that land described in sec. 2(a) in the Shuyak
23 Island State Park:

24 T18S, R20W, S.M.

25 Sec. 26

26 Secs. 34 - 36

27 T18S, R19W, S.M.

28 Sec. 31

29 (c) Subsections (a) and (b) of this section are repealed six months

1 from the effective date of this Act if the Agreement of Settlement and
2 Consent Decree of June 19, 1981, is not amended as proposed in (a) and (b)
3 of this section.

4 (d) If the Agreement of Settlement and Consent Decree of June 19,
5 1981, is amended as proposed in (b) and (c) of this section, the uplands
6 within the following described lands are added to the Shuyak Island State
7 Park:

8 T19S, R20W, S.M.

9 Sec. 8, SE1/4, SE1/4, SE1/4

10 Sec. 9

11 * Sec. 3. Subject to the availability of funds, the Department of
12 Natural Resources shall construct public use cabins within the Shuyak
13 Island State Park.

14 * Sec. 4. The commissioner of natural resources shall identify the
15 boundaries of the Shuyak Island State Park by posting each inland boundary
16 described in AS 41.21.172 as enacted in sec. 1 of this Act or as added
17 under sec. 2 of this Act at its beginning and its end and not less often
18 than each one-eighth of a mile.

19 * Sec. 5. The commissioner of natural resources shall identify and
20 offer for sale to the public 500 acres of state-owned land within the
21 Kodiak Island Borough under AS 38 within five years of the effective date
22 of this Act. The land offered for sale under this section shall be
23 reasonably accessible to residents of the City of Kodiak, shall be land of
24 good quality, and may not include land proposed as of February 1, 1984 by
25 the Department of Natural Resources for sale by the department during
26 fiscal years 1984, 1985, or 1986. The disposals of the land shall be held
27 in the City of Kodiak. The commissioner of natural resources shall submit
28 to the legislature not later than the 10th day of the Second Regular
29 Session of the Sixteenth Alaska State Legislature a report on the

1 compliance by the Department of Natural Resources with this section.

2 * Sec. 6. AS 41.21.170 - 41.21.178 enacted by sec. 1 of this Act is
3 repealed July 1, 1990, if the commissioner of natural resources does not
4 report to the legislature under sec. 5 of this Act that the Department of
5 Natural Resources has identified and offered for sale 500 acres of state-
6 owned land within the Kodiak Island Borough under AS 38 within five years
7 after the effective date of this Act.

8 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).

SECTION ANALYSIS OF HCSSB51 (FIN)

Section 1

Section 41.21.170: Declaration of Purpose; Establishes the purpose of the Shuyak Island State Park is to protect the recreational and scenic resources, the fish and wildlife habitat, and to preserve the use of the area for sport and subsistence hunting, fishing, trapping, and other recreational activities.

Section 41.21.172: Designation of Management Responsibility;

(a) Designates DNR as the agency responsible for management of the uplands and freshwater bodies in the park and provides the legal description of the park boundaries.

(b) Designates ADF&G as the agency responsible for management of the fish and game resources in the park.

(c) Requires DNR to consult with ADF&G before adopting regulations affecting the park.

(d) Requires ADF&G to consult with DNR before adopting regulations affecting the park.

(e) Regulations under this section shall be adopted in accordance with the Administrative Procedure Act.

(f) The commissioner of DNR shall permit reasonable camping in the park on an extended basis by permittee request.

(g) Allows ADF&G to conduct stream rehabilitation and enhancement within the park.

(h) Requires that necessary access be allowed to the Dept. of Public Safety and ADF&G for the purpose of management and enforcement of fish and wildlife in the park.

Section 41.21.176: Compatibility of Uses;

(a) States that DNR may designate incompatible uses in the park.

(b) States that shooting in the park is allowed, except in areas that may jeopardize public safety.

(c) States that regulations governing public uses in the park will provide ample access for sport and subsistence hunting, fishing, and trapping. Also, the commissioner of DNR may not restrict sport or subsistence hunting, fishing, or trapping permitted under law or under a regulation of the Board of Fisheries or Game in the park.

Section 41.21.178: Additions to Park;

Land may be added to the park only by an act of the legislature. The commissioner of DNR may not acquire land within the boundaries of the park by eminent domain.

SECTION 2

(a) The commissioner of DNR shall seek an amendment to the 1981 Settlement between the state and Kodiak Island Borough to make available to the borough for Municipal Land Selection.

(b) The commissioner of DNR shall seek a relinquishment of borough lands selected under AS29.18.201 - AS29.18.213 and an amendment to the 1981 Settlement between the state and Kodiak Island Borough to include certain lands of equal acreage to lands described in Sec. 2 (a) in the Shuyak Island State Park.

(c) Subsections (a) and (b) of this section are repealed six months from the date of this act if the 1981 Settlement is not amended as proposed in subsections (a) and (b).

(d) If the 1981 Settlement is amended as proposed in subsections (b) and (c) then additional lands legally described are added to the park.

SECTION 3

Subject to the availability of funds, DNR shall construct public use cabins within the park. (Fiscal note shows 2 cabins to be constructed per year).

SECTION 4

The commissioner of DNR shall identify the inland boundary of the park as described in AS41.21.172 as enacted in Sec. 1 of this Act or as added under Sec. 2 at its beginning and its end and not less often than each one-eighth of a mile.

SECTION 5

Within 5 years after the effective date of this Act, the commissioner of DNR shall identify and offer for sale 500 acres of state owned land within the Kodiak Island Borough. The land shall be of good quality, reasonably accessible to residents of the City of Kodiak, and may not include land proposed as of 2/1/84 by DNR for sale by the department in FY84, '85, or '86. The land disposals shall be held in the City of Kodiak. The commissioner shall submit a report on compliance with this section to the legislature of the second regular session of the 16th Alaska State Legislature.

SECTION 6

If the commissioner of DNR does not report to the legislature that the 500 acres have been identified and offered for sale within the 5 years of the effective date of this Act, then Section 1 of this Act will be repealed July 1, 1990.

SECTION 7

Provides for an immediate effective date.

BILL SHEPHERD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

225A CORDOVA STREET
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-2653



March 16, 1984

Re:

The Honorable Albert P. Adams
Alaska State House of Representatives
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Representative Adams:

This letter is to request a House Finance Committee hearing on CSSB 51 (Mulchahy and V. Fischer, original sponsors), a measure which would create the Shuyak Island State Park. After a year of negotiations, Representative Zharoff and I have composed amending language to SB 51 which is agreeable to the Department of Natural Resources and, in my understanding, to Senator Mulchahy.

About 9,000 of the 50,000 acre Shuyak Island would become public recreational land under this compromise. Shuyak is the northernmost island of the Kodiak Archipelago and was emmersed in a Kodiak Island Borough vs. State court battle over ultimate ownership until both parties agreed to an out-of-court settlement. Senator Mulchahy's legislation -- and the compromise we've reached -- will begin the process of implementing this settlement. I urge its passage.

The measure was recently heard by House Resources which reported out a committee substitute which:

1. Removed the east shoreline of Neketa Bay from the proposed park (2,000 acres).
2. Requires the Department of Natural Resources to offer for disposal 500 acres on Kodiak Island over the next five fiscal years.

The Honorable Albert P. Adams
March 16, 1984
Page 2 -

The Administration supports the committee substitute as authored by Representative Zharoff and, again, hopes for a hearing on the bill.

I will, of course, endeavor to be at the hearing.

Thanks.

Sincerely

A handwritten signature in cursive script, appearing to read "Neil C. Johannsen", with a long horizontal line extending to the right.

Neil C. Johannsen
Director

cc: Honorable Esther C. Wunnicke
Honorable Fred Zharoff
Honorable Bob Mulchahy
Honorable Vic Fischer

NCJ:clk

Offered: 3/13/84
Referred: Finance

Original sponsors: Mulcahy and V.Fischer

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR SENATE BILL NO. 51 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act establishing the Shuyak Island State Park:
7 and providing for an effective date."

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

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

10 Sec. 41.21.170. DECLARATION OF PURPOSE. (a) The purpose of
11 AS 41.21.170 - 41.21.178 is to establish, subject to valid existing
12 rights, the state-owned or acquired uplands and freshwater bodies
13 described in AS 41.21.172 as the Shuyak Island State Park. The pri-
14 mary purposes of establishing the Shuyak Island State Park are to
15 protect the area's recreational and scenic resources, to protect the
16 area's fish and wildlife habitat, and to preserve and enhance the
17 continued use of the area for sport and subsistence hunting and fish-
18 ing, trapping, and recreational activities.

19 (b) Under the provisions of AS 38.05.300, state land, water, or
20 land and water containing more than 640 acres may be closed to multi-
21 ple purpose use only by act of the legislature. Because the area
22 described in AS 41.21.172 exceeds 640 acres, AS 41.21.170 - 41.21.178
23 are intended to close the described land and water to multiple purpose
24 use in conformity with AS 38.05.300 and to dedicate them as a special
25 purpose site in accordance with art. VIII, sec. 7, Constitution of the
26 State of Alaska.

27 Sec. 41.21.172. DESIGNATED STATE LAND AND WATER. The uplands
28 and freshwater bodies owned by the state on the effective date of this
29 Act within the following described parcel is designated as the Shuyak

1 Island State Park: all uplands, including Dark Island and other
2 islands, islets, pinnacles, and rocks within the Shuyak Island complex
3 lying easterly of Shelikof Strait, south of Stevenson Entrance, north
4 of Shuyak Strait, and lying westerly and northerly of the following
5 described boundary line (all sections of unsurveyed land are pro-
6 tracted): Beginning at the section corner common to sections 13 and
7 24 of T19S, R21W, S.M. and sections 18 and 19 of T19S, R20S, S.M.,
8 then northerly and easterly approximately 2.8 miles along a line
9 dividing the east and west sides of Neketa Bay (the island in the
10 SW1/4 of section 17, T19S, R20W, S.M. is on the east side of Neketa
11 Bay for the purpose of this description) to the center of the isthmus
12 dividing Neketa Bay and Big Bay located in the SW1/4 of section 9,
13 T19S, R20W, S.M., then northeasterly approximately 25 feet to the mean
14 high tide line of Big Bay; then meandering easterly and northerly in a
15 counter-clockwise direction along the mean high tide line of Shuyak
16 Island to a point common to the W 1/16th line in the north half of the
17 north half of Section 10, T19S, R20W, S.M.; then north along the W
18 1/16th line approximately 150 feet to the section line common to
19 Sections 3 and 10, T19S, R20W, S.M.; then east 0.5 miles between
20 Sections 3 and 10 to the E 1/16th corner of Sections 3 and 10, T19S,
21 R20W, S.M.; then north 0.5 miles along the E 1/16th line of Section 3
22 to the C-E 1/16th corner of Section 3, T19S, R20W, S.M.; then west
23 0.25 miles along the E-W 1/4 line of Section 3 to the C 1/4 corner of
24 Section 3, T19S, R20W, S.M.; then north 0.25 miles along the NS 1/4
25 line of Section 3 to the C-N 1/16th corner of Section 3, T19S, R20W,
26 S.M.; then north-northeasterly approximately 1.65 miles to the
27 C-E-W-SW 1/125th corner of Section 26, T18S, R20W, S.M.; then east
28 0.80 miles along the S 1/16th line of Section 26 to the S 1/16th
29 corner of Sections 25 and 26, T18S, R20W, S.M.; then south 0.25 miles

1 between Sections 25 and 26 to the corner common to Sections 25, 26,
2 35, and 36, T18S, R20W, S.M.; then east between Sections 25 and 36,
3 T18S, R20W, S.M. and Sections 30 and 31, T18S, R19W, S.M. approximate-
4 ly 1.75 miles to the intersection with the mean high tide line on the
5 west shore of the unnamed bay that connects to Shangin Bay; then
6 meandering southerly and easterly along the mean high tide line of
7 that unnamed bay to Shangin Bay and then continuing southerly, easter-
8 ly, and northerly along the mean high tide line of Shangin Bay to a
9 point common to the N 1/16th line of Section 32, T18S, R19W, S.M.;
10 then east along the N 1/16th line of Sections 32 and 33 approximately
11 0.3 miles to the NW 1/16th corner of Section 33, T18S, R19W, S.M.;
12 then northeasterly approximately 1.5 miles to the section corner
13 common to Sections 22, 27, 28, and 21, T18S, R19W, S.M.; then north
14 along the west boundary of Sections 22 and 15, T18S, R19W, S.M., to
15 the point of mean high tide in Shangin Bay.

16 Sec. 41.21.174. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)
17 The state uplands and freshwater bodies described in AS 41.21.172 are
18 assigned to the Department of Natural Resources for control, mainte-
19 nance, and development consistent with the purposes and provisions of
20 AS 41.21.170 - 41.21.178.

21 (b) The Department of Fish and Game is responsible for the
22 management of fish and game resources in the Shuyak Island State Park,
23 consistent with the sustained yield principle and the purposes and
24 provisions of this chapter. The Board of Fisheries, the Board of Game
25 and the commissioner of fish and game are responsible for adopting
26 regulations governing uses of fish and game in accordance with AS 16.
27 The fish and game habitat and breeding areas shall be managed to
28 ensure that the fish and game resources of the park continue on a
29 sustained yield basis.

1 (c) The Department of Natural Resources shall consult with the
2 Department of Fish and Game before adoption of regulations governing
3 public use of the Shuyak Island State Park.

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5 Department of Natural Resources before adoption of regulations govern-
6 ing fish and game management in Shuyak Island State Park.

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8 adopted in accordance with the Administrative Procedure Act (AS 44.-
9 62).

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11 able camping within the Shuyak Island State Park on an extended basis
12 on request.

13 (g) Nothing in AS 41.21.170 - 41.21.178 prohibits the Department
14 of Fish and Game from engaging in stream rehabilitation enhancement
15 and development under AS 16.05.092 on land within the Shuyak Island
16 State Park.

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18 and Game shall have necessary access for fish and game management,
19 research, and enforcement purposes.

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21 natural resources may designate by regulation incompatible uses within
22 the park uplands and freshwater bodies.

23 (b) Use of a weapon in the Shuyak Island State Park shall be
24 allowed except in unique areas that may be closed for purposes of
25 public safety by regulation by the commissioner of natural resources.

26 (c) The regulations governing public use of the Shuyak Island
27 State Park shall provide ample access for legal sport and subsistence
28 hunting and fishing, trapping, and recreational uses. The
29 commissioner

1 of natural resources may not restrict the exercise of sport or subsis-
2 tence fishing or hunting, or trapping permitted under law or under a
3 regulation of the Board of Fisheries or the Board of Game within the
4 Shuyak Island State Park.

5 Sec. 41.21.178. ADDITIONS TO PARK. Land may be added to the
6 Shuyak Island State Park only by an act of the legislature. The com-
7 missioner of natural resources may not acquire land within the bound-
8 aries of the Shuyak Island State Park by purchase or by eminent
9 domain.

10 * Sec. 2. The commissioner of natural resources shall identify and
11 offer for sale to the public 500 acres of state-owned land within the
12 Kodiak Island Borough under AS 38.08 within five years of the effective
13 date of this Act. The land offered for sale under this section shall be
14 reasonably accessible to residents of the City of Kodiak, shall be land of
15 good quality, and may not include land proposed as of February 1, 1984 by
16 the Department of Natural Resources for sale by the department during
17 fiscal years 1984, 1985, or 1986. The disposals of the land shall be held
18 in the City of Kodiak. The commissioner of natural resources shall submit
19 to the legislature not later than the 10th day of the Second Regular
20 Session of the Sixteenth Alaska State Legislature a report on the compli-
21 ance by the Department of Natural Resources with this section.

22 * Sec. 3. Subject to the availability of funds, the Department of
23 Natural Resources shall construct 10 public use cabins within the Shuyak
24 Island State Park.

25 * Sec. 4. Section 1 of this Act is repealed July 1, 1990, if the com-
26 missioner of natural resources does not report to the legislature under
27 sec. 2 of this Act that the Department of Natural Resources has identified
28 and offered for sale 500 acres of state-owned land within the Kodiak Island
29 Borough under AS 38.08 within five years after the effective date of this

1 Act.

2 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-

3 10.070(c).

Introduced: 1/18/83
Referred: Resources and
Finance

1 IN THE SENATE

BY MULCAHY AND V.FISCHER

2

SENATE BILL NO. 51

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act establishing the Shuyak Island State Park;

7

and providing for an effective date."

8

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

9

* Section 1. AS 41.20 is amended by adding new sections to read:

10

ARTICLE 17. SHUYAK ISLAND STATE PARK.

11

Sec. 41.20.530. DECLARATION OF PURPOSE. (a) The purpose of

12

AS 41.20.530 - 41.20.538 is to establish, subject to valid existing

13

rights, the state-owned or acquired uplands and freshwater bodies

14

described in AS 41.20.532 as the Shuyak Island State Park. The pri-

15

mary purposes of establishing the Shuyak Island State Park are to

16

protect the area's recreational and scenic resources, to protect the

17

area's fish and wildlife habitat, and to preserve and enhance the

18

continued use of the area for hunting, fishing, and trapping purposes

19

and other recreational activities.

20

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

21

land and water containing more than 640 acres may be closed to multi-

22

ple-purpose use only by Act of the legislature. Because the area

23

described in AS 41.20.532 exceeds 640 acres, AS 41.20.530 - 41.20.538

24

are intended to close the described land and water to multiple-purpose

25

use in conformity with AS 38.05.300 and to dedicate them as a special

26

purpose site in accordance with art. VIII, sec. 7, Constitution of the

27

State of Alaska.

28

Sec. 41.20.532. DESIGNATED STATE LAND AND WATER. (a) The

29

state-owned uplands and freshwater bodies and those uplands acquired

1 by the state in the future lying within the following parcel are
2 designated as the Shuyak Island State Park: all uplands, including
3 Dark Island and other islands, islets, pinnacles, and rocks within the
4 Shuyak Island complex lying easterly of Shelikof Strait, south of
5 Stevenson Entrance, north of Shuyak Strait, and lying westerly and
6 northerly of the following described boundary line (all sections of
7 unsurveyed land are protracted): Beginning at a point on the east
8 shore of Shuyak Harbor that is common to the section line for Sec-
9 tions 20 and 29, T19S, R20W, S.M., and the mean high tide line; then
10 east along the section line between Sections 20 and 29 to the 1/4
11 corner common to Sections 20 and 29, T19S, R20W, S.M.; then northeast-
12 erly approximately 2.5 miles to the corner common to Sections 9, 10,
13 15, and 16, T19S, R20W, S.M.; then north between Sections 9 and 10,
14 T19S, R20W, S.M., approximately 0.25 miles to the point of mean high
15 tide on the south shore of Big Bay; then meandering easterly and
16 northerly in a counter-clockwise direction along the mean high tide
17 line of Shuyak Island to a point common to the W 1/16th line in the
18 north half of the north half of Section 10, T19S, R20W, S.M.; then
19 north along the W 1/16th line approximately 150 feet to the section
20 line common to Sections 3 and 10, T19S, R20W, S.M.; then east 0.5
21 miles between Sections 3 and 10 to the E 1/16th corner of Sections 3
22 and 10, T19S, R20W, S.M.; then north 0.5 miles along the E 1/16th line
23 of Section 3 to the C-E 1/16th corner of Section 3, T19S, R20W, S.M.;
24 then west 0.25 miles along the E-W 1/4 line of Section 3 to the C 1/4
25 corner of Section 3, T19S, R20W, S.M.; then north 0.25 miles along the
26 NS 1/4 line of Section 3 to the C-N 1/16th corner of Section 3, T19S,
27 R20W, S.M.; then north-northeasterly approximately 1.65 miles to the
28 C-E-W-SW 1/125th corner of Section 26, T18S, R20W, S.M.; then east
29 0.80 miles along the S 1/16th line of Section 26 to the S 1/16th

1 corner of Sections 25 and 26, T18S, R20W, S.M.; then south 0.25 miles
2 between Sections 25 and 26 to the corner common to Sections 25, 26,
3 35, and 36, T18S, R20W, S.M.; then east between Sections 25 and 36,
4 T18S, R20W, S.M. and Sections 30 and 31, T18S, R19W, S.M. approximat-
5 ly 1.75 miles to the intersection with the mean high tide line on the
6 west shore of the unnamed bay that connects to Shangin Bay; then
7 meandering southerly and easterly along the mean high tide line of
8 that unnamed bay to Shangin Bay and then continuing southerly, easter-
9 ly, and northerly along the mean high tide line of Shangin Bay to a
10 point common to the N 1/16th line of Section 32, T18S, R19W, S.M.;
11 then east along the N 1/16th line of Sections 32 and 33 approximately
12 0.3 miles to the NW 1/16th corner of Section 33, T18S, R19W, S.M.;
13 then northeasterly approximately 1.5 miles to the section corner
14 common to Sections 22, 27, 28, and 21, T18S, R19W, S.M.; then north
15 along the west boundary of Sections 22 and 15, T18S, R19W, S.M., to
16 the point of mean high tide in Shangin Bay.

17 (b) If the Kodiak Island Borough relinquishes to the state its
18 selection, selection approval, or patent to any of the following de-
19 scribed land, that land may be added to the Shuyak Island State Park
20 by proclamation of the governor:

21 (1) T18S, R19W, S.M.

22 Section 29: All uplands not included in (a) of this
23 section

24 Section 31: All uplands not included in (a) of this
25 section

26 Section 32: All uplands not included in (a) of this
27 section

28 (2) T18S, R20W, S.M.

29 Section 26: All uplands not included in (a) of this

- 1 section
- 2 Section 34: All uplands not included in (a) of this
- 3 section
- 4 Section 35: All uplands not included in (a) of this
- 5 section
- 6 Section 36: All uplands
- 7 (3) T19S, R19W, S.M.
- 8 Section 5: All uplands
- 9 Section 6: All uplands
- 10 (4) T19S, R20W, S.M.
- 11 Section 1: N1/2
- 12 Section 2: N1/2
- 13 Section 3: All uplands not included in (a) of this
- 14 section
- 15 Section 10: All uplands within N1/2 and SW1/4 not in-
- 16 cluded in (a) of this section.

17 Sec. 41.20.534. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)

18 The state uplands and freshwater bodies described in AS 41.20.532 are

19 assigned to the Department of Natural Resources for control, mainte-

20 nance, and development consistent with the purposes and provisions of

21 AS 41.20.530 - 41.20.538.

22 (b) The Department of Fish and Game is responsible for the

23 management of fish and game resources in the Shuyak Island State Park,

24 consistent with the purposes and provisions of this chapter. The

25 Board of Fisheries, the Board of Game and the commissioner of fish and

26 game are responsible for adopting regulations governing uses of fish

27 and game in accordance with AS 16. The fish and game habitat and

28 breeding areas shall be managed to sustain the fish and game resources

29 of the park in perpetuity.

1 (c) The Department of Natural Resources shall consult with the
2 Department of Fish and Game before adoption of regulations governing
3 public use of the Shuyak Island State Park.

4 (d) The Department of Fish and Game shall consult with the
5 Department of Natural Resources before adoption of regulations govern-
6 ing fish and game management in Shuyak Island State Park.

7 (e) The regulations established under this section shall be
8 adopted in accordance with the Administrative Procedure Act
9 (AS 44.62).

10 Sec. 41.20.536. COMPATIBILITY OF USES. (a) The commissioner of
11 natural resources shall designate by regulation incompatible uses
12 within the park uplands and freshwater bodies.

13 (b) Discharge of a firearm in the Shuyak Island State Park is
14 expressly allowed, except in those areas closed by regulation by the
15 commissioner of natural resources for purposes of public safety.

16 (c) Nothing in AS 41.20.530 - 41.20.538 prohibits the Department
17 of Fish and Game from engaging in stream rehabilitation enhancement
18 and development under AS 16.05.092 on land within the Shuyak Island
19 State Park.

20 (d) The regulations governing public use of the Shuyak Island
21 State Park shall provide reasonable access for legal hunting, fishing,
22 and trapping and other recreational uses.

23 (e) The Department of Public Safety and the Department of Fish
24 and Game shall be allowed reasonable access for fish and game manage-
25 ment, research, and enforcement purposes.

26 Sec. 41.20.538. PURCHASE AUTHORIZED. The commissioner of
27 natural resources may acquire, by purchase in the name of the state,
28 title to or interest in real property lying within the boundaries of
29 the Shuyak Island State Park. The state may not acquire land by

1 eminent domain for inclusion in the Shuyak Island State Park.

2 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-

3 10.070(c).

SHUYAK ISLAND PARK AND REFUGE LEGISLATION: SB 730 AND SB 731

THE SETTLEMENT AGREEMENT TO FINALIZE THE KODIAK ISLAND BOROUGH LAND ENTITLEMENT RESULTED IN MANY ADJUSTMENTS TO THE ORIGINAL KODIAK ISLAND BOROUGH SELECTIONS. IN THE CASE OF SHUYAK ISLAND THE MOST DESIRABLE AREAS (THE WEST AND EAST COASTAL AREAS) WERE GIVEN UP AND LESS DESIRABLE LANDS WERE TAKEN IN THE CENTER OF THE ISLAND. THE STATE, THROUGH THE DEPARTMENT OF NATURAL RESOURCES, STRESSED THE WEST SIDE OF THE ISLAND WAS OF GREATER INTEREST TO THE STATE FOR STATE PARK LAND AND THE DEPARTMENT OF FISH AND GAME STRESSED THE EAST SIDE OF THE ISLAND SHOULD BE PRESERVED AS GAME HABITAT.

IN FINALIZING THE SHUYAK ISLAND SELECTIONS THE BOROUGH INCLUDED A CLAUSE IN THE SETTLEMENT AGREEMENT TO LOCK THE STATE INTO KEEPING THE RELINQUISHED BOROUGH SELECTIONS ON THE ISLAND AS PARK AND REFUGE LAND. THE CLAUSE STATES THAT IF THE STATE EVER CHANGES THE INTENDED PARK AND REFUGE USE THE BOROUGH HAS THE FIRST RIGHT TO OBTAIN THE RELINQUISHED LANDS. BOTH THE PARK AND GAME PEOPLE STATED THAT THEIR ABILITY TO HOLD TO THIS AGREEMENT WOULD BE STRENGTHENED IF LEGISLATION WAS PASSED TO DEDICATE THE LANDS. THE BOROUGH AGREED TO INTRODUCE SUCH LEGISLATION AS AT THE TIME OF NEGOTIATIONS IT WAS TOO LATE FOR THE STATE TO INTRODUCE IT.

ALSO IN THE NEGOTIATIONS OF THE OUT OF COURT SETTLEMENT, THE STATE REPRESENTATIVES DIVIDED UP THE REMAINDER OF THE ISLAND TO ABSORB ANY LANDS RELINQUISHED BY THE BOROUGH. (AS 41.20.507 (b) OF SB 731 AND AS 16.20.035 (c) OF SB 730). ALONG WITH THIS THEY INCLUDED ALL THE TIDE AND SUBMERGED LANDS OUT TO APPROXIMATELY THE THREE MILE LIMIT. AT THIS POINT THE NEGOTIATIONS WERE WEARING THIN. RATHER THAN NEGOTIATE THE ISSUE ANY FURTHER, THE BOROUGH STATED IT WOULD MAKE A REASONABLE EFFORT TO INTRODUCE THE PARK AND REFUGE LEGISLATION BUT WOULD NOT SUPPORT THE INCLUSION OF THE TIDE AND SUBMERGED LANDS.

Borough Statement

AT THIS POINT THE INTRODUCED LEGISLATION DOES NOT INCLUDE ANY TIDE AND SUBMERGED LANDS. THE KODIAK ISLAND BOROUGH ASSEMBLY VOTED TO HOLD THIS POSITION EVEN THOUGH SUBSEQUENT PROPOSALS WERE MADE TO INCLUDE THE TIDE AND SUBMERGED LANDS OUT TO THE 10 FATHOM DEPTH (60 FEET) WHICH EXTENDS UP TO ONE MILE OFFSHORE AND INCLUDES THE EXTENSIVE BAY AREAS. BOTH PARKS AND GAME WANT THE WATER INCLUDED. ONE OF THE BIGGEST CONCERNS OF THE KODIAK ISLAND BOROUGH IS THAT PRESENTLY OPEN FISHING WATERS MAY BE CLOSED OR VESSEL USE IN THESE WATERS COULD BE CLOSED BY A DIRECTORS ORDER.

IF ANY TIDE AND SUBMERGED LANDS ARE INCLUDED IN THE LEGISLATION IT WILL BE NECESSARY TO INCLUDE A COMPATABLE USE CLAUSE. WITHOUT IT THE PARKLAND REFUGE DESIGNATIONS COULD PRECLUDE THE PLACING OF WARFS, DOCKS, PILING, ETC. IN TIDE AND SUBMERGED LANDS TO UTILIZE THE ADJACENT UPLANDS. ANOTHER CLAUSE SHOULD BE ADDED TO ALLOW FISHING, (BOTH COMMERCIAL AND SPORT) WITHIN THE PARK AND REFUGE WATERS. THESE CLAUSES WERE INCLUDED IN THE FEBRUARY 6, 1982 DRAFT OF THE BILLS.

AS A BOTOM LINE ISSUE THE KODIAK ISLAND BOROUGH'S INTERESTS ARE PROTECTED BY THE AGREEMENT OF SETTLEMENT AND CONSENT DECREE APPROVED BY THE COURT. THE EFFORTS OF THE STATE AGENCIES TO EXPAND THE PROPOSED LEGISLATION TO INCLUDE TIDE AND SUBMERGED LANDS GOES BEYOND THE ORIGINAL ISSUE OF THE BOROUGH SELECTION ENTITLEMENT AND ERRODES THE KODIAK ISLAND BOROUGH'S OPPORTUNITIES TO ENHANCE ITS G'NERAL WELFARE AND USE OF ITS LAND ENTITLEMENT.

SIGNED BY DALE P. TUBBS,
LAND CONSULTANT FOR THE
KODIAK ISLAND BOROUGH

RECEIVED
NOV - 3 1981

7 8 9 10 11 12 1 2 3 4 5

AGREEMENT OF SETTLEMENT
and
CONSENT DECREE

The parties to this agreement are the State of Alaska, Department of Natural Resources, through its Division of Forest Land and Water Management ("the State") and the Kodiak Island Borough ("KIB").

Whereas, pursuant to AS 29.18.201-.213 KIB is entitled to select 56,500 acres from state general grant land within its boundaries, and has filed such selections in the manner provided by statute; and

Whereas, a considerable portion of the land selections filed by KIB were rejected by the State on the grounds that the lands selected had been previously classified by the State for a use or purpose which disqualified those lands for conveyance to KIB pursuant to AS 29.18.201 et seq., or had been designated as state interest lands pursuant to AS 38.05.047; and

Whereas, by reason of said selections by KIB and rejections by the State, the parties are currently involved in three separate judicial appeals from administrative decisions which are now pending in the Superior Court, Third Judicial District under case numbers JAN-80-3070 (Woody Island), JAN-80-6710 (Land Classification); and JAN-81-1385 (Shuyak Island); and

Whereas, both parties desire to settle finally the question of those lands which will be conveyed to KIB in satisfaction of its statutory land entitlement, and further desire to resolve this question in the near future without extended litigation, and to resolve pending litigation.

Now, therefore, the parties agree as follows:

Court Agreement

1. a. The State agrees to convey to KIB, as soon as practicable, the lands now owned by the State or hereafter acquired pursuant to Section 6 of the Alaska Statehood Act and which are described in Exhibit A (Shuyak Island) and Exhibit B (other lands). Open to Entry parcels under lease within lands described in Exhibit B which expire shall be conveyed to KIB upon expiration. All conveyances shall be completed not later than nine (9) months after execution of this agreement, except that, with respect to lands as to which the state has not yet received tentative approval, within nine (9) months after tentative approval.

b. KIB agrees that it will invoke its land regulatory powers, including zoning powers, to disallow in the west one-half of Section 10, T. 19 S., R. 20. W., S.M. fronting on Big Bay on Shuyak Island heavy industrial uses incompatible with use and enjoyment of adjacent park or public recreation lands. The Borough agrees to guarantee reasonable public access through the above described parcel for the purpose of utilizing adjacent park or public recreation lands. The State may reserve in the patent to these lands the right to re-enter and take possession upon the determination, by a court of competent jurisdiction, that KIB has breached this paragraph.

2. KIB agrees to execute a quitclaim deed to the State for the property described in Exhibit C (Pillar Creek Watershed and Woody Island).

3. In the event that at any time in the future the state-selected or state-tentatively approved lands described in Exhibit D are finally determined not to be subject to conveyance under the Alaska Native Claims Settlement Act (P.L. 92-203, 43 U.S.C. Sec. 1601 et. seq..) as amended for any reason, the State agrees that it will convey these lands to KIB upon receipt

of written notice from KIB of its election to receive such lands.

4. In the event that all or part of the lands described in Exhibit D are conveyed to KIB, KIB agrees to reconvey to the State, (in sequence from an easterly to a westerly direction), an equal number of acres from lands on Shuyak Island previously conveyed by the State to KIB pursuant to Paragraph 1.a. of this Agreement. Such reconveyance by KIB to the State shall be made first from Area I, and then from Area II which are described below:

Area I. The area within protracted Sections 25, 30, 31, and 32, T. 19. S., R. 19 W., S.M. lying west of the agreed-upon proposed Aleksandr Baranov Game Refuge described in Paragraph 6 below.

Area II. Those lands lying within T. 18 S., R. 19 W. and T. 18 S., R. 20 W., S.M. which are east of Carry Inlet and west of Shangin Bay.

5. If lands described in Exhibit D and which are conveyed by the State to KIB pursuant to paragraph 3 of this Agreement exceed in acreage the lands designated as Area I and Area II in Paragraph 4 above, KIB agrees to reconvey to the State additional sections of land on Shuyak Island until such reconveyances within Area I and Area II are equal in total acreage to the acreage of the lands described in Exhibit D which have been conveyed to KIB. Such additional conveyances shall be designated by KIB from any lands on Shuyak Island then owned by KIB, or designated for transfer to KIB pursuant to this Agreement, provided that such lands are compact and contiguous with other lands on Shuyak Island which are then in state ownership.

6. KIB agrees to attempt to obtain introduction and passage of legislation in the Alaska State Legislature which

would create a state game refuge denominated the "Aleksandr Baranov State Game Refuge" consisting of the lands described in Exhibit E. KIB agrees to support introduction of such legislation beginning with the 1961 legislative session, and support early passage of such legislation, provided that KIB is not obligated to support inclusion of tide or submerged lands except upon mutual agreement with the state with respect to regulatory implications of such inclusion. The State agrees to support such legislation in good faith, by such oral and written testimony as may be appropriate.

7. KIB agrees to attempt to obtain introduction and passage of legislation in the Alaska State Legislature creating a state park denominated the "Shuyak Island State Park" and consisting of all lands described in Exhibit F. KIB agrees to support introduction of such legislation beginning with the 1961 legislative session, and to support early passage of such legislation, provided that KIB is not obligated to support inclusion of tide or submerged lands except upon mutual agreement with the state with respect to the regulatory implications of such inclusion. The State agrees to support such legislation in good faith, by such oral and written testimony as may be appropriate.

8. In the event that lands to be included in the proposed "Aleksandr Baranov State Game Refuge" or the proposed "Shuyak Island State Park", referred to in Paragraph 6 and 7 respectively, are not finally included by legislation in the proposed game refuge or park, such lands shall be at all times classified and managed by the State in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes. Otherwise KIB shall be entitled to select those lands not so classified and managed, and the State shall thereupon promptly transfer the selected lands to KIB. Upon transfer of such lands to KIB, KIB shall reconvey equivalent acreage to the State from Shuyak Island in the manner provided in Paragraph 5 and thereafter in the manner provided in Paragraph 5.

9. The State will designate, on lands owned by it, public easements for the benefit of KIB and the public, each of which shall be 200 feet in width, to provide public access from the line of mean high tide westerly to lands on Shuyak Island which have been conveyed to KIB pursuant to Paragraph 1 of this agreement. The easements will be in the following areas, as specifically indicated on the attached map entitled Exhibit E, and further subject to exact location in the field:

- A. Traversing Section 26, T. 18 S., R. 19 W., S.M.
- B. Traversing Sections 15 and 16,
21 and 22, of T. 15 S., R. 19 W., S.M.;
- C. Traversing Section 32, T. 19 S., R. 19 W., S.M..

In the event that lands are conveyed to the State pursuant to paragraphs 4 and 5 above, those easements designated in subparagraphs A, B, and C of this paragraph shall be reserved so as to continue through such lands.

10. The State shall reserve the easements described in Exhibit G. With respect to easements reserved pursuant to AS 38.05.127 or other applicable provision of law, on all other lands conveyed to KIB, their location shall be determined by the borough, subject to approval by the Department of Natural Resources, prior to conveyance by the borough to a private third party.

11. The State and KIB agree that this Agreement is intended by the parties to resolve all outstanding legal and factual differences between them concerning the application of the Municipal Land Selection Act (AS 29.16.201-.213), including particularly, pending Superior Court lawsuits numbered JAN-80-3070, JAN-80-6710, and JAN-81-1385. To achieve this result, the parties agree to accomplish the following actions promptly upon execution of this Agreement:

- a. KIB agrees to relinquish its nominations, selections, and selection approvals not designated for transfer to KIB in this Agreement and further:

agrees not to litigate or otherwise challenge the retention by the State of such lands.

b. KIB agrees not to litigate or otherwise challenge retention by the State of those public easements depicted in Exhibit G.

c. The State agrees to accept from KIB the relinquishment of those nominations, selections, and approved selections required by this Agreement, and to accept future selections and reconveyances by KIB pursuant to Paragraphs 4, 5, and 8.

d. All previous transfers of land from the State to KIB are hereby affirmed. Nothing herein affects KIB's right to apply for land under AS 38.05.315 or other applicable law, excluding AS 29.18.201-213.

e. The State and KIB agree that the terms of this Agreement shall constitute a consent decree and judgment to be presented to the Superior Court for entry in final settlement and dismissal of all pending litigation between the parties with respect to KIB land selections under AS 29.18.201-213, such pending litigation consisting of the following pending judicial appeals from administrative decisions:

JAN-80-3070 (Woody Island)

JAN-80-6710 (Land Classification)

JAN-81-1395 (Shuyak Island)

f. All such litigation shall be dismissed upon execution and court approval of this Agreement Consent Decree with each party to bear its own costs and attorney's fees.

12. The State and KIB agree that this Agreement, together with its Exhibits A through H, embodies all of the terms and conditions of the Agreement for settlement of pending litigation and for conveyance of all lands due to KIB pursuant to AS 29.18.201-.213, and that no additional enforceable agreements or commitments exist between them with regard to this subject which are not contained in the text of this Agreement and its Exhibits. The parties reserve the right, by mutual consultation and agreement, to correct if necessary any technical errors or omissions in the specific land descriptions comprising Exhibits A through H herein, so as to more nearly conform to the mutual intentions of the parties with regard to implementation of this Agreement

DATED this 19th day of June, 1981.

DEPARTMENT OF NATURAL RESOURCES

KODIAK ISLAND BOROUGH

[Signature]
Commissioner

[Signature]
Borough Mayor

STATE OF ALASKA

Attest: [Signature]
Borough Clerk

[Signature]
Director, Division of Forest,
Land & Water Management

Attest: [Signature]
Municipal Land
Selections Officer

APPROVED AS TO FORM:

[Signature]
Thomas E. Fredham
Assistant Attorney General
State of Alaska

[Signature]
Richard W. Garnett III
Attorney, Kodiak Island
Borough

ORDER

IT IS ORDERED, that the foregoing Agreement of Settlement and Consent Decree is hereby adopted and approved and

shall be enforceable as a judgment of the court.

DATED this 12 day of August, 1981 at
Anchorage, Alaska.

S/ Daniel A. Moore Jr.
Judge of the Superior Court



JUNEAU, ALASKA

Alaska State Legislature
Senate

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senator Bob Mulcahy *Bob Mulcahy*

SUBJ: SB 730 and 731

DATE: March 3rd, 1982

During the March 1st hearing on SB 730 and 731, two questions were raised: the first question was in regards to private lands on Shuyak Island, and the second question was in regards to surveying costs being mentioned in the court settlement.

The only patented private lands on Shuyak Island lie outside of the proposed park and the proposed game refuge. These lands will not be affected by either of these bills. There are several small areas claimed under the Native Land Claims that are scattered around the island; these are at present being adjudicated.

There is nothing in the court settlement about surveying costs at all. I am informed by the Kodiak Island Borough that there is no concern about the question of survey costs at this time.

cc: Senator Gilman

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. S.B. 51
 Title An Act establishing Shuyak Island State Park
 Requested by Mulcahy Date 1/20/83

II. FISCAL DETAIL
 Agency Affected Natural Resources - Parks
 Program Category Affected Parks & Recreation
 BRU, Program, Or Subprogram(s) Affected Park Operations
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-			

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	-0-	-0-	-0-			

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The park, if established, would be placed under passive management until such time that the level of visitor use or the development of on-site facilities required visitor services or maintenance.

HW
1/24/83

IV. DATE _____ PREPARED BY _____
 AGENCY Natural Resources
 Original: Legislative Finance PHONE 465-2400
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/82)

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 51 Date on Bill: 1/18/83
 Title: An Act Establishing Shuyak Island State Park
 Sponsor: Mulcahy and V. Fischer
 Requestor: Senate Resources

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	-0-
Operative	-0-	-0-	-0-	-0-
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----

2. Source of funds to offset fiscal impact of bill:

No impact.

3. Assumptions:

The Park, if established, would be placed under passive management until such time as the level of visitor use or the development of onsite facilities required visitor services or maintenance. Neither situation is expected to occur within the next four years.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Hilton Wolfe
 Division: Parks

Phone: 465-2421
 Date: 2/21/83

Approved by Commissioner: Wm D. Small, Deputy
 Department: Natural Resources

Date: 2/21/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA
FINAL STATEMENT OF FISCAL IMPACT

Bill No: CR 58 Date on Bill: 1/18/83
 Title: An Act Establishing Shuyak Island State Park
 Sponsor: Mulcahy and V. Fischer
 Requestor: Senate Resources

Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	-0-
Operating	-0-	-0-	-0-	-0-
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----

Source of funds to offset fiscal impact of bill:

No impact.

Assumptions:

The Park, if established, would be placed under passive management until such time as the level of visitor use or the development of onsite facilities required visitor services or maintenance. Neither situation is expected to occur within the next four years.

This statement has been reviewed by the OMB in the Office of the Governor. It may be considered to represent the policy of the Sheffield Administration and the final estimate of fiscal impact.

Prepared By: Hilton Wolfe Phone: 465-2427
 Division: Parks Date: 2/21/83
 Approved by Commissioner: William D. Annel, Deputy Date: 2/21/83
 Department: Natural Resources
 Reviewed by OMB: _____ Date: _____
 Phone: _____

Distribution:

Original to Legislative Finance
 Copy to Department
 Copy to Sponsor

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 51

Title An Act establishing the Shuvak Island State Park; & providing for effective

Requested by Senators Mulcahy and Fischer Date 2/18/83 date"

II. FISCAL DETAIL

Agency Affected Department of Fish and Game

Program Category Affected Sport Fish and Game

BRU, Program, Or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

No cost in addition to normal managment program.

IV. DATE February 22, 1983

PREPARED BY

Beverly Reaume
Beverly Reaume

AGENCY

Fish and Game

PHONE

465-4120

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 51
 Title An Act establishing the Shuyak Island State Park; & providing for effect
 Requested by Senators Mulcahy and Fischer Date 7/18/83 dat

II. FISCAL DETAIL

Agency Affected Department of Fish and Game
 Program Category Affected Sport Fish and Game
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

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

No cost in addition to normal management program.

IV. DATE February 22, 1983 PREPARED BY Beverly Weaume
 AGENCY Fish and Game
 PHONE 465-4120

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

33-001 (Rev. 12/82)

KODIAK ISLAND BOROUGH
RESOLUTION NO. 81-72-R

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY REQUESTING STATE LEGISLATION TO CREATE THE SHUYAK ISLAND STATE PARK.

WHEREAS, on August 14, 1981 the Superior Court ordered the Agreement of Consent Decree to effectively dismiss the appeals the Kodiak Island Borough brought against the Alaska Department of Natural Resources in regards to its lands selections, and

WHEREAS, a condition of the Agreement of Settlement and Consent Decree is that the Kodiak Island Borough is to use its best efforts to have legislation introduced to create a State Park and State Game Refuge on Shuyak Island for those portions not to be conveyed to the Kodiak Island Borough, and

WHEREAS, the primary purpose is the creation of Shuyak Island State Park to protect and enhance the areas recreational, natural, cultural, scenic, and wildlife resources and to protect the areas natural and wild coastline, and

WHEREAS, the Kodiak Island Borough has caused to be prepared a proposed bill entitled "An Act Creating the Shuyak Island State Park".

NOW, THEREFORE, BE IT RESOLVED by the Kodiak Island Borough Assembly that legislation entitled "An Act Creating the Shuyak Island State Park" be introduced and assigned a number providing for the creation of said park.

BE IT FURTHER RESOLVED by the Kodiak Island Borough Assembly that the Borough administration be directed to send this resolution to Senator Mulcahy and Representatives Sutcliffe and Zharoff and implore their assistance in the successful adoption of this legislation.

PASSED AND APPROVED this 1st day of October, 1981 by the Borough Assembly.

KODIAK ISLAND BOROUGH

By ND - TAOH
Borough Mayor

ATTEST:

By Marilyn Miller
Borough Clerk