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SENATE RESOURCES COMMITTEE  
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: SB 51

BILL NAME: Establishing Shuyak Island State Park.

SPONSOR(S): Mulcahy

RELATED BILLS PENDING:

DATE INTRODUCED: 1-18-83

REFERRALS: Resources  
Finance

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR  
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR  
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE  
SUBSTITUTES DRAFTED:

Jay Nelson, Environmental Lobby  
Hilton Wolfe, Div Parks or Neal Johanssen, State Director  
Bob Hinman or Bruce Baker, ADFG

Notified - Sen. Mulcahy  
Sharon Burton, DUK - 2400  
Rena LaFond, ADFG - 4100  
Joe Mapramith, Dept. Public Safety - 4336

NOTE: ORIGINAL DOCUMENT IS COLOR-CODED. IF NECESSARY  
TO PROPER INTERPRETATION, REFER TO ORIGINAL DOCUMENT  
IN THE ALASKA STATE ARCHIVES



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TO PROPER INTERPRETATION, REFER TO ORIGINAL DOCUMENT  
IN THE ALASKA STATE ARCHIVES



TO: Bettye

FROM: Sandra

RE: SB 51 An Act establishing the Shuyak Island State Park.

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This bill, which is the result of negotiations between the Kodiak Island Borough and DNR as part of the Borough's municipal entitlement settlement, is being heard at the request of Senator Mulcahy. A similar bill (SB 731) passed out of Senate Resources Committee last year, and passed the full Senate, but failed to pass the House.

The following people have stated they will testify:

- Hilton Wolfe or Neil Johanssen, Division of Parks, DNR
- Bob Hinman or Bruce Baker, Dept. of Fish and Game
- Jay Nelson, Environmental Lobby

Possible Questions:

— Are all the lands proposed for inclusion in the park State-owned lands?

— Are any private inholdings located within the proposed park area? If so, is access guaranteed?

— Will establishment of the park preclude any land uses that are currently ongoing?

— I understand that hunting and fishing will be allowed in the park. Is that correct? (yes)

— Does the proposed park include any tidal or submerged lands? (Last year the Borough opposed inclusion of tidal and submerged lands; the Division of Parks and Dept. of Fish and Game supported inclusion.)

— What will be the total acreage of the park? (12,000 acres)

— The fiscal note on the bill is zero through FY 85. I understand this is because the park will be passively managed with no facilities or staff on site. Will a management plan be developed for the park's future use? What do you foresee as funding needs on down the road?

— The Borough is to maintain the core portion of the island and be provided with an easement. Last session, when a similar bill was before this committee, there was concern over payment for survey work. How has this been resolved? (Zero fiscal note easement platted on paper only and not constructed.)

— Last session we had a companion bill that would have

page 2

established a State game refuge on the east side of the island.  
Will the game refuge be proposed gain this year? (Mulcahy  
does not plan to introduce legislation.)

# Alaska State Legislature

BETTYE FAHRENKAMP  
CHAIRMAN  
ROBERT H. ZIEGLER, SR.  
VICE-CHAIRMAN  
DICK ELIASON - PAUL FISCHER  
VIC FISCHER - BOB MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate

### Committee on Resources

TO: Senate Resources Committee  
FROM: Senate Resources Committee Staff  
RE: February 23rd Committee Hearing  
DATE: February 21, 1983

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Please find attached background information on SB 51, An Act establishing the Shuyak Island State Park, which will be heard by the Senate Resources Committee Wednesday, February 23 at 3:00 p.m. in the Senate Finance Room.

The proposed Shuyak Island State Park would encompass approximately 12,000 acres consisting of State-owned uplands and freshwater bodies shown in green on the attached map. Fiscal notes and the Shuyak Island Land Planning Report are attached.

It is hoped that final committee action could be taken on the bill at this time.

Immediately following action on SB 51 the committee will be briefed by U.S. Borax on their Quartz Hill molybdenum project.

NOV - 5 1981

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## 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:

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. 92-201, 43 U.S.C. Sec. 1601 et. seq.), as amended for any reason, the State agrees that it will convey those 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 29, 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 1981 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.

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 1981 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 4, 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 more specifically indicated on the attached map entitled Exhibit H, 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. 19 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 29.18.201-.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-81-1385 (Shuyak Island)
- f. All such litigation shall be dismissed upon execution and court approval of this Agreement and 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 19<sup>th</sup> 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. DeCham  
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

# KODIAK ISLAND BOROUGH

Telephones 486-5736 - 486-5737 — Box 1246

KODIAK, ALASKA 99615

October 7, 1981

The Honorable Bob Mulcahy  
The State Senate  
State of Alaska  
Box 246  
Kodiak, Alaska 99615

Dear Senator Mulcahy:

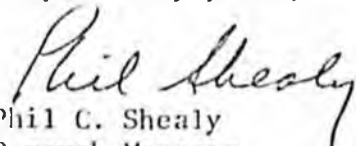
Enclosed find a certified copy of Kodiak Island Borough Resolution No. 81-71-R requesting state legislation to create the Aleksandr Baranov State Game Refuge as well as Resolution No. 81-72-R requesting state legislation to create the Shuyak Island State Park. Both resolutions were unanimously passed at the regular Borough Assembly meeting on October 1, 1981 and are accompanied by proposed language for the text of the act. We have also enclosed a copy of a letter from Dale P. Tubbs, Land Management Consultant for the Kodiak Island Borough, dated August 17, 1981 outlining the steps necessary to effect the Agreement of Settlement and Consent Decree between the Borough and the State of Alaska.

As you can see from the letter, the Kodiak Island Borough is to use its best efforts to have legislation introduced to create the state park and state game refuge on Shuyak Island for those portions not be conveyed to the Kodiak Island Borough.

We hope that you would be able to assist in the adoption of the proposed legislation and would urge you to contact either myself or the mayo and Borough Assembly for further particulars on this matter.

Thanking you in advance for your assistance in this matter, I remain,

Respectfully yours,

  
Phil C. Shealy  
Borough Manager

Enclosures

mdc

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY REQUESTING STATE LEGISLATION TO CREATE THE ALEKSANDR BARANOV STATE GAME REFUGE.

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 in 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 Aleksandr Baranov State Game Refuge is established to protect fish and wildlife habitats and population of all fish and wildlife species, particularly deer and brown bear, feeding, wintering and migration areas as well as to provide public uses of fish and wildlife in their habitat for hunting, viewing, photography and general recreation in a high quality environment, and

WHEREAS, the Kodiak Island Borough has caused to be prepared a proposed bill entitled "An Act Creating the Aleksandr Baranov State Game Refuge".

NOW, THEREFORE, BE IT RESOLVED by the Kodiak Island Borough Assembly that legislation entitled "An Act Creating the Aleksandr Baranov State Game Refuge" be introduced and assigned a number providing for the creation of said state game refuge.

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 A. D. [Signature]  
Borough Mayor

ATTEST:

By [Signature]  
Borough Clerk

I, Margaret D. Duros, do certify this to be a true and correct copy of Resolution No. 81-71-R passed and approved by the Kodiak Island Borough Assembly on October 1, 1981.

[Signature]  
Notary Public in and for the State of Alaska  
My Commission Expires: October 14, 1984

# STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS

BILL SHEFFIELD, GOVERNOR

Kodiak District  
S.R. Box 3800  
Kodiak, Alaska 99615

Ph# 486-6339

January 30, 1983

Bob Mulcahy, Senator  
State Senate Building  
Juneau, Alaska

Dear Senator Mulcahy:

As chairperson of the Kodiak State Parks Advisory Board, I would like to inform you of a resolution passed unanimously by that board concerning support for the formation of Shuyak Island State Park. A copy of the resolution is attached.

The formation of Shuyak Island State Park is number three on our legislative priorities list only behind requests to maintain and operate effectively the park lands that already exist in Kodiak. Our board sees a Shuyak State Park as an investment in the recreational future of Kodiak residents and of the State's population as a whole.

Thank you for your introduction and continued support of this legislation. If we can be of any further assistance please feel free to contact us.

Sincerely,

Bill

Bill Herman, Chairperson  
Kodiak State Parks Advisory Board

cc. Commissioner of Department of Natural Resources  
cc. Director of State Parks  
cc. Representative Fred Zharoff

FISCAL NOTE

Expenditure Type  
 Revenue Type

I. REQUEST

Bill/Resolution No. SB 51  
Title Act Establishing the Shuyak Island State Park  
Requested by Senate Resources Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
Program Category Affected Fish & Wildlife Protection  
BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection  
(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)

	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 fiscal impact.

RECEIVED

FEB 7 1983

LEGISLATIVE FINANCE

IV. DATE January 27, 1983 PREPARED BY Robert Stickles Phone 269-5535

Original: Legislative Finance DIVISION F&W Protection Initials \_\_\_\_\_  
cc: Budget and Management DEPARTMENT OF PUBLIC SAFETY Initials RM/21

Prime Sponsor (First Legislator Named) \_\_\_\_\_  
33-001 (Rev. 12/82) OMB Reviewed by: Eric Laschever

# STATE OF ALASKA

## DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

BILL SHEFFIELD, GOVERNOR

Robert J. Sundberg  
Commissioner

P. O. BOX 6188, ANNEX  
ANCHORAGE, ALASKA 99502

January 27, 1983

FEB 1 1983

Senator Bettye Fahrenkamp  
Chairman, Senate Resources Committee  
State Capitol  
Pouch V  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

I would like to present the following positions which the Division of Fish & Wildlife Protection, Department of Public Safety hold with regard to the subsequent Senate Bills under proposal:

S.B. 2 - Opposed

- (1) Would be nearly impossible to enforce as it would require vessels be measured while fishing, generally hard to do under most water conditions.
- (2) Would also negate 16.05.520 which establishes a vessel identification number which is required to be displayed, thus making all effected vessels unidentifiable from any distance.
  - (a) Would negate 5 AAC 06.342, 09.342, 15.342, 21.342, 39.120(3)(c),(3), 39.120(4)(c); 39.120(5), 39.270(c), 39.381(b) and 39.374.
  - (b) Would make those sections in (a) above unenforceable as these sections all require a number emanating from a vessel license.

S.B. 5 - Neutral (with amendment)

Proposed Amendment:

Require all nonresidents to be guided or  
in the company of 2nd degree kindred.

As written the bill will invite an increase in residency falsification on hunting licenses. These are not usually identified until after the season is over and consequently the people are already out of state.

Senator Bettye Fahrenkamp  
Chairman, Senate Resources Committee

January 27, 1983

Assigning nonresidents to guides will increase control of the non-residents. We would propose that permits be issued to the guides in the areas where the Board determines a population of animals warrants allowing nonresidents to hunt.

Nonresident aliens are already required to use a guide and since that requirement became effective enforcement problems with nonresident aliens has declined sharply.

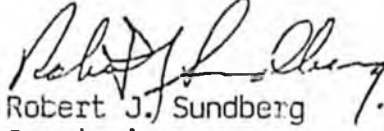
S.B. 12 - Neutral

This bill may prove to be detrimental in the future to some of the smaller fishermen.

S.B. 51 - Neutral

No Comment.

Sincerely,

  
Robert J. Sundberg  
Commissioner

ESTABLISHING SHUYAK ISLAND STATE PARK

SB 51

MULCAHY/V. FISCHER

Establishes Shuyak Island State Park (approximately 12,000 acres), to include state-owned uplands and freshwater bodies (no tidal or submerged lands).

DNR will manage uplands and freshwater bodies; Dept. of Fish and Game will manage fish and game resources. Hunting, fishing, trapping and "other recreational uses" are expressly allowed.

Precludes the State from acquiring land for inclusion in the park by eminent domain.

(A similar bill passed out of Senate Resources last year, passed the full Senate, but died in the House.)

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 BOTTOM 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 GENERAL WELFARE AND USE OF ITS LAND ENTITLEMENT.

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



Official Business

# Alaska State Legislature

## Senate

Pouch V  
State Capitol  
Juneau, Alaska 99811

### Sectional Analysis of SB 51

#### Section one:

Sec. 41.20.530 establishes that 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 hunting, fishing, trapping, and other recreational activities.

Sec. 41.20.532 (a) states that the state-owned uplands and freshwater bodies in the following areas are designated as the Shuyak Island State Park. This is the area in green on the map.

(b) states that if the Kodiak Island Borough gives any of the land in the following sections back to the state, it may be added to the park by proclamation of the Governor. This is the area in blue with black cross-hatching.

Sec. 41.20.534 (a) designates the Department of Natural Resources as the agency with responsibility for management of the uplands and freshwater bodies in the park.

(b) designates the Department of Fish & Game as the agency with the responsibility for management of the fish and game resources in the park.

(c) requires the Department of Natural Resources to consult with the Department of Fish and Game before adopting regulations affecting the park.

(d) requires the Department of Fish and Game to consult with the Department of Natural Resources before adopting regulations affecting the park.

Sec. 41.20.536 (a) states that DNR will designate incompatible uses in the park.

(b) states that shooting in the park is allowed, except in areas that are closed because of public safety.

(c) allows ADF&G to engage in stream rehabilitation and enhancement.

(d) states that regulations governing public uses in the park will provide reasonable access for hunting, fishing, and trapping.

(e) requires that reasonable access be allowed to the Department of Public Safety and the Department of Fish and Game for the purposes of management and enforcement of fish and wildlife.

Sec. 41.20.538 allows the state to purchase property in the park. The state may not acquire land by eminent domain.

Section two provides for an immediate effective date.

NOTE: The proposed park on Shuyak Island is approximately 12,000 acres.

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 Mulicanv 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.

HV  
1/24/83

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

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTIETH LEGISLATURE

FISCAL NOTE

Expenditure Type  
 Revenue Type

I. REQUEST

Bill/Resolution No. SB 51  
Title Act Establishing the Snuyak Island State Park  
Requested by Senator Kaimowitz Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
Program Category Affected Fish & Wildlife Protection  
BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection  
(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)

	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 fiscal impact.

IV. DATE January 27, 1983 PREPARED BY Robert Stickle Phone 269-5535  
DIVISION F&W Protection Initials \_\_\_\_\_  
Original: Legislative Finance DEPARTMENT OF PUBLIC SAFETY Initials RS  
cc: Budget and Management Prime Sponsor (First Legislator Named) \_\_\_\_\_  
33-001 (Rev. 11/82) CMB Reviewed by: Eric Laschever

LAND PLANNING REPORT  
PROPOSED SHUYAK ISLAND STATE PARK  
SHUYAK ISLAND  
September 23, 1981

Kodiak Island Borough  
Kodiak, Alaska  
RECEIVED

NOV - 3 1981

7 10 11 12 13 14 15 16  
P M

Existing Classification - Forestry - SC-80-037  
Recommended Classification - Public Recreation  
Acreage - Approximately 13,000 acres

Proposed Classification/Justification

The proposed classification is public recreation. This classification action will implement the Agreement of Settlement and Consent Decree between the State of Alaska and the Kodiak Island Borough.

Location

The subject parcel is located on the western portion of Shuyak Island and includes adjacent small islands and offshore rocks. Shuyak Island is the northernmost major island in the Kodiak archipelago. It is 50 miles north of Kodiak, Alaska and 85 miles southwest of Homer, Alaska.

Legal Description

(Unsurveyed land--All sections are protracted)

Beginning at the  $\frac{1}{4}$  corner common to Sections 31 and 32, T19S, R20W, S.M., which is the Point of Beginning, and which is offshore in the vicinity of the SW corner of Shuyak Island;

Thence northeasterly, approximately 1.0 mile to the C-W-W  $\frac{1}{64}$ th corner of Section 29, T19S, R20W, S.M. in Shuyak Harbor;

Thence, within Shuyak Harbor, northeasterly 0.52 miles to the W  $\frac{1}{16}$ th corner common to Sections 20 and 29, T19S, R20W, S.M.;

Thence east leaving Shuyak Harbor along the section line between Sections 20 and 29 and the  $\frac{1}{4}$  corner common to Sections 20 and 29, T19S, R20W, S.M.;

Thence northeasterly approximately 2.5 miles to the corner common to Sections 9, 10, 15 and 16, T19S, R20W, S.M.;

Thence north between Sections 9 and 10, T19S, R20W, S.M., approximately 0.25 miles to the point of mean high tide on the south shore of Big Bay;

Description of Shuyak Island

SHUYAK ISLAND  
September 23, 1981  
Page 2

(Unsurveyed land--All sections are protracted) (continued)

Thence meandering easterly and northerly in a counter-clockwise direction along the mean high tide line of Shuyak Island to a point common to the W 1/16th line in the north-half of the north-half of Section 10, T19S, R20W, S.M.;

Thence north along the W 1/16th line approximately 150 feet to the section line common to Sections 3 and 10, T19S, R20W, S.M.;

Thence, east 0.5 miles between Sections 3 and 10 to the E 1/16th corner of Sections 3 and 10, T19S, R20W, S.M.;

Thence north 0.5 miles along the E 1/16th line of Section 3 to the C-E 1/16th corner of Section 3, T19S, R20W, S.M.;

Thence west 0.25 miles along the E-W $\frac{1}{2}$  line of Section 3, T19S, R20W, S.M.;

Thence north 0.25 miles along the NW $\frac{1}{4}$  line of Section 3 to the C-N 1/16th corner of Section 3, T19S, R20W, S.M.;

Thence north-northeasterly approximately 1.65 miles to the C-E-W-SW 1/256th corner of Section 26, T18S, R20W, S.M.;

Thence east 0.80 miles along the S 1/16th line of Section 26 to the S 1/16th corner of Sections 25 and 26, T18S, R20W, S.M.;

Thence south 0.25 miles between Sections 25 and 26 to the corner common to Sections 25, 26, 35 and 36, T18S, R20W, S.M.;

Thence east between Sections 25 and 36, T18S, R20W, S.M., and Sections 30 and 31, T18S, R19W, S.M. approximately 1.75 miles to the intersection with the mean high tide line on the west shore of the unnamed bay that connects to Shangin Bay;

Thence meandering southerly and easterly along the mean high tide line of said unnamed bay to Shangin Bay and then continuing southerly, easterly and northerly along the mean high tide line of Shangin Bay to a point common to the N 1/16th line of Section 32, T18S, R19W, S.M.;

Thence east along the N 1/16th line of Sections 32 and 33 approximately 0.3 miles to the NW 1/16th corner of Section 33, T18S, R19W, S.M.;

SHUYAK ISLAND  
September 23, 1981  
Page 3

(Unsurveyed land--All sections are protracted) (continued)

Thence northeasterly approximately 1.5 miles to the section corner common to Sections 22, 27, 28 and 21, T18S, R19W, S.M.;

Thence north along the west boundary of Sections 22, 15, 10, 3 and 34, 5.0 + miles to the corner common to Sections 27, 34, 33 and 28, T17S, R19W, S.M.;

Thence, northwesterly, 4.2 miles + to the corner common to Sections 7 and 18, T17S, R19W, S.M., and Sections 13 and 12, T17S, R20W, S.M.;

Thence southwesterly, 9 miles + to the corner common to Sections 12, 13, 14 and 11, T18S, R21W, S.M.;

Thence southwesterly, 5.4 miles + to the corner common to Sections 3, 10, 9 and 4, T19S, R21W, S.M.;

Thence southeasterly 4.7 miles + to the  $\frac{1}{4}$  corner of Section 35, T19S, R21W, S.M.;

Thence east along the E- $\frac{1}{2}$  line of Sections 35 and 36, T19S, R21W, S.M. to the  $\frac{1}{4}$  corner common to Section 36, T19S, R20W, S.M. and Section 31, T19S, R20W, S.M.;

Thence east approximately 1.0 mile along the E- $\frac{1}{2}$  line of said Section 31 to the  $\frac{1}{4}$  corner common to Sections 31 and 32, T19S, R20W, S.M., which is the Point of Beginning of this description.

The above description encompasses State owned and subsequently acquired uplands, tidelands and submerged lands. Those lands which are uplands total approximately 13,000 acres.

#### Background

The Kodiak Island Borough pursuant to AS 29.18.201-.213 is entitled to select 56,500 acres from State general grant land within its boundaries and has filed such selections in the manner provided. However, a considerable portion of the land selections filed by the Kodiak Island Borough were administratively rejected by the State. As a result the Kodiak Island Borough filed three separate judicial appeals of the administrative decisions in the Superior Court, Third Judicial District under case numbers 3AN-80-3070 (Woody Island), 3AN-80-6710 (Land Classification), and 3AN-81-1385 (Shuyak Island). Both parties desired to settle the question of which lands will be conveyed to the Kodiak Island Borough without extended litigation and entered into an agreement of settlement and consent decree which was approved and adopted by the court.

Background (continued)

Section 7 of the Agreement of Settlement and consent decree provides both parties shall support legislation to create a State park denominated the "Shuyak Island State Park" on the subject parcel.

Section 8 of the Agreement of Settlement and consent decree provides that in the event the lands to be included in the proposed "Shuyak Island State Park" are not finally included by legislation 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.

Physical Description

Shuyak Island is the northernmost and smallest of the major islands in the Kodiak Island Archipelago, which is formed by the Kodiak Mountains, a structural southwest continuation of the Kenai-Chugach Mountains. The area is characterized by an irregular coastline with many fiords and islands. Short, swift, clear streams, small lakes and numerous small ponds are widely scattered over the glacially sculptured topography. Unlike the larger islands of the group the topography of Shuyak Island is of rather low relief with elevations ranging from 0 to 660 feet above sea level with predominantly gently rolling slopes.

Shuyak Island is in a maritime climatic zone, however, climatic data for the area is sporadic. The only major recording station is on Kodiak Island, with supporting data from ship movement through the areas. The maritime climatic zone is strongly influenced by the marine environment and characterized by moderately heavy precipitation, cool temperatures, high cloud and fog frequency with little or no freezing weather. Temperature patterns are characterized by relatively cool summers and warm winters, as compared to interior land temperatures at similar latitudes. The mean high temperature for January is 32 to 36° F while the mean high temperature for July is only 56 to 62° F. Above freezing temperatures, which are common during all winter months, usually keep the snow depth from becoming excessive at low elevations. However, the warm temperatures at low elevations also result in wet heavy snow with high water content.

Severe storms with high winds are common in the area. Surface winds are more hazardous to human activities in the area than temperature or precipitation. Sustained extreme wind speeds during storms may range from 50 to 75 knots, with gusts as high as 100 knots. From June through September when the air contains the most moisture and is warmer than the water, fog is common and the principal cause of reduced visibility.

The vegetation on Shuyak Island is characterized by well developed extensive stands of large size, over-mature Sitka spruce, stands of pole size Sitka spruce, sedges and other water tolerant plants in the lowland areas, and alder and grasses in the non-timbered areas.

## Resource Values

### Timber

Extensive commercial stands of mature and over-mature timber are the primary resource value of Shuyak Island. It is estimated there are 23,518 acres of timber land and 10,250 acres of non-timber land on the island.

### Wildlife/Fisheries

There is a thriving deer herd on the island. Brown bear and elk are also present but there is little information available as to numbers or concentration. There is a high density of both sea otter and harbor seals in the bays and fiords of Shuyak Island as well as sea lions along the northeasterly end of the island.

There are numerous seabird colonies along the coastline and particularly on the small islands and offshore rocks within the area.

### Agriculture

The raising of field crops is not feasible due to the poor soils and cool summer temperatures. Grazing of livestock might be possible, however, there would be bear-livestock conflicts. In addition competition between livestock and deer for available food supplies would present problems.

## Reasons for State Selections

Extensive commercial stands of mature timber and potential of subsurface mineral resources were prime considerations in State selections. In addition the numerous fiords and small islands along the coast provide excellent habitat for marine mammals and seabird colonies as well as an area of unsurpassed natural beauty with a nearly unlimited potential for outdoor recreation.

## Socio/Economic Conditions

The economic mainstay of the Kodiak Island Archipelago is fishing and seafood processing. The major species taken include king, tanner, and dungeness crab, salmon, halibut and shrimp. Employment in the area tends to be seasonal because of the heavy dependence on the fishing and seafood processing industry. Other employment available includes Federal, State and local government positions, trade and service industries, tourism, finance, insurance, real estate, construction, transportation and communications.

Socio/Economic Conditions (continued)

There are no communities on Shuyak Island. The City of Kodiak, the only major community in the archipelago, is 50 miles south of Shuyak Island and has a population of approximately 6,000.

Existing/Adjacent Land Use

Shuyak Island is uninhabited and used only to a limited extent for hunting and recreation.

Coastal Zone Consistency

Shuyak Island is within Alaska's Coastal Zone. Because no developments or new uses will result from this classification action there will be no adverse effects on the coastal resource.

Statewide Plan

The Statewide plan identifies the western portion of Shuyak Island as recreation and also the subsurface resource as minerals. This classification will support the Statewide plan.

Recommendations

The Southcentral District recommends the classification of Public Recreation for the lands within the proposed Shuyak Island State Park to implement the Agreement of Settlement and Consent Decree.

# STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS

BILL SHEFFIELD, GOVERNOR

Kodiak District  
S.R. Box 3800  
Kodiak, Alaska 99615

Ph# 486-6339

ALASKA STATE PARKS  
KODIAK CITIZENS ADVISORY BOARD  
RESOLUTION NO. 83 - 1

A RESOLUTION OF THE ALASKA STATE PARKS KODIAK CITIZENS ADVISORY BOARD  
REQUESTING STATE LEGISLATION TO CREATE THE SHUYAK ISLAND STATE PARK.

WHEREAS, in 1981 the Kodiak Island Borough Assembly adopted Resolution  
No. 81 - 72 - R requesting state legislation to create the Shuyak Island State  
Park, and

WHEREAS, the primary purpose of such state legislation would be to protect  
and enhance the area's considerable recreational, cultural, scenic and wildlife  
resources and to protect the natural and wild coastline,

BE IT FURTHER RESOLVED by the Kodiak State Parks Citizen Advisory Board  
that this resolution be sent to the Department of Natural Resources and Senator  
Mulcahy and Representative Zharoff and implore their assistance in the intro-  
duction and successful adoption of state legislation to create the Shuyak Island  
State Park.

PASSED AND APPROVED UNANIMOUSLY this 7<sup>th</sup> day of December, 1982  
by the Kodiak State Parks Citizens Advisory Board.

By

Bill Herman

Chairman

Attest:

By:

Ed J. Jorgensen  
Park Ranger

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 M. D. T. O. H.  
Borough Mayor

ATTEST:

By [Signature]  
Borough Clerk

I, Margaret D. Duros, do certify this to be a true and correct copy of Resolution No. 81-72-R passed and approved by the Kodiak Island Borough Assembly on October 1, 1981.

[Signature]  
Notary Public in and for the State of Alaska  
My Commission Expires: October 14, 1984

MAR 21 1983

KODIAK ISLAND BOROUGH  
RESOLUTION NO. 81-72-R

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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 W D JOHNSON  
Borough Mayor

ATTEST:

By Shirley Miller  
Borough Clerk

NOTE: ALL REFERENCES TO AS 41 IN THE SENATE AND HOUSE VERSIONS ARE DIFFERENT BECAUSE STATUTE REVISOR UPDATED TITLE 41 BETWEEN THE '83 AND '84 SESSIONS.

(HOUSE) HCS SB 51(FIN)

(SENATE) SB 51

Page, 1 line 10

Deleted language in Senate bill.

ARTICLE 17. SHUYAK ISLAND STATE PARK.

Page, 1 lines 17-18

continued use of the area for sport and subsistence hunting and fishing, trapping, and recreational activities.

continued use of the area for hunting, fishing and trapping purposes and other recreational activities.

Page 1, lines 27-29

The uplands and freshwater bodies owned or acquired by the state within the following described parcel are designated as the Shuyak Island State Park:

(a) The state-owned uplands and freshwater bodies and those uplands acquired by the state in the future lying within the following parcel are designated as the Shuyak Island State Park.

Page 2, line 1-page 3, line 14 (description of park)

\*See attached map. Sponser (Sen. Mulcahy) concurs with this

Page 2, line 2-page 3, line 16 (description of park)

\*See attached map.

Deleted language that was in Senate bill.

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

(1) T18S, R19W, S.M.

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

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

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

(2) T18S, R20W, S.M.

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

Section 34: All uplands not included in (a) of this section

Section 35: All uplands not included in (a) of this section

Section 36: All uplands

(3) T19S, R19W, S.M.

Section 5: All uplands

Section 6: All uplands

(4) T19S, R20W, S.M.

Section 1: N $\frac{1}{2}$

Section 2: N $\frac{1}{2}$

Section 3: All uplands not included in (a) of this section

Section 10: All uplands within N $\frac{1}{2}$  and SW $\frac{1}{4}$  not included in (a) of this section.

Page 3, lines 22-23

consistent with the sustained yield principle and the purposes and provisions of this chapter.

Page 3, lines 26-28

The fish and game habitat and breeding areas shall be managed to ensure that the fish and game resources of the park continue on a sustained yield basis.

Page 4, lines 9-11

(f) The commissioner of natural resources shall permit reasonable camping within the Shuyak Island State Park on an extended basis on request.

Page 4, lines 12-15

(g) Nothing in AS 41.21.170-41.21.178 prohibits the Department of Fish and Game from engaging in stream rehabilitation enhancement and development under AS 16.06.092 on land within the Shuyak Island State Park.

Page 4, lines 16-18

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

Page 4, line 24

consistent with the purposes and provisions of this chapter.

Page 4, line 27

The fish and game habitat and breeding areas shall be managed to sustain the fish and game resources of the park in perpetuity.

No equivalent subsection in Senate version.

Page 5, lines 16-19

The exact same subsection appears here as subsection (c) under "COMPATIBILITY OF USES."

Page 5, lines 23-25 The exact same section appears here as subsection (e) under "COMPATIBILITY OF USES."

Page 4, lines 22-24

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

Page 5, lines 13-15

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

Page 4, line 25-page 5, line 2

(c) The regulations governing public use of the Shuyak Island State Park shall provide ample access for legal sport and subsistence hunting and fishing, trapping, and recreational uses. Except to protect public safety the commissioner of natural resources may not restrict the exercise of sport or subsistence fishing or hunting, or trapping permitted under law or under a regulation of the Board of Fisheries or the Board of Game within the Shuyak Island State Park.

Page 5, Lines 20-22

(d) The regulations governing public use of the Shuyak Island State Park shall provide reasonable access for fish and game management, research, and enforcement purposes.

Page 5, lines 3-6

ADDITIONS TO THE PARK. Land may be added to the Shuyak Island State Park only by an act of the legislature. The commissioner of natural resources may not acquire land within the boundaries of the Shuyak Island State Park by eminent domain.

Page 5, line 26-page 6, line 1

PURCHASE AUTHORIZED. The commissioner of natural resources may acquire, by purchase in the name of the state, title to or interest in real property lying within the boundaries of the Shuyak Island State Park. The state may not acquire land by eminent domain for inclusion in the Shuyak Island State Park.

THE REST OF THE HOUSE VERSION INCLUDES SECTIONS THAT WERE NOT IN THE SENATE VERSION OF SB 51. A SECTIONAL ANALYSIS OF THOSE SECTIONS FOLLOWS:

## SECTION 2

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

(b) The commissioner of DNR shall seek a relinquishment of borough lands selected under AS 29.18.201-2918.213 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 built per year).

## SECTION 4

The commissioner of DNR shall identify the inland boundary of the park as described in AS 41.21.172 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 Feb. 1, 1984 by DNR for sale by the department in FY '84, '85, or '86. The land disposals shall be held in the City of Kodiak. The commissioner of DNR 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 500 acres have been identified and offered for sale within 5 years of the effective date of this Act, then SECTION 1 of this Act will be repealed July 1, 1990.



file 1983

# COMMITTEE REPORT

## HOUSE

(11)

FURTHER:

3/13/84

Date: 5-4-84

The Committee on FINANCE has had SB 51

"An Act establishing the Shuyak 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 <sup>HS</sup>ACS for SB 51 (Fin)  same title
- new title
- and recommends DO PASS
- AND attaches a "Letter of Intent"  New Fiscal Note 5-3-84
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Albert H. Adams

VP Bettsworth

T. H. Martin

W. Furness

Ben Dussard

John Duncan

Fred F. Zharoff

James Ward

WILLO H. FRITZ

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Albert H. Adams  
CHAIRMAN

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 5/3/84

REQUEST  
Bill/Resolution No.: <sup>3851</sup> HCSS (Fin)  
Title: Shuyak Island State Park

FISCAL DETAIL  
Agency Affected: DNR  
Program Category Affected: NRMEC

Sponsor: Mulcahy  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

BRU, Program or Subprogram(s) Affected:  
Parks and Recreation

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, CLAIMS						
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. Samuel Deputy 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
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