

HB

447

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/19/94

FURTHER:

DATE TURNED INTO OFFICE: 5-8-94

Finance Committee considered CS FOR HOUSE BILL NO. 447(FIN)

"An Act establishing the Afognak Island State Park."

and recommends:

- replace with 5 CS 05 HB 447 (FINANCE)
- or adopt previous CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

- adopts Senate Finance Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DPS	1/6/94	0	
DOLAW	1/7/94	0	
HRC/DNR	4/13/94	0	

Appropriation No Fiscal Note

DO PASS:

Steve Thayer

OTHER RECOMMENDATIONS:

Bob Thayer - Do Not Pass

1. True Pearce - No Rec
Co-Chair: Signature/Recommendation

2. Tim Kelly - No Rec
Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 1
Bill Version: HB 447
(H) Publish Date: 2/4/94

Revision Date: _____ Dept. Affected: Public Safety
Title: "An Act establishing the Afognak
Island State Park" BRU: Fish & Wildlife Protection
Sponsor: Rules Component: Enforcement & ISU
Requestor: Governor COMPONENT SERIAL NO. 490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

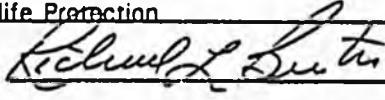
Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Division of Fish & Wildlife Protection is anticipated.

Prepared By: Capt. Ted Ruddell Phone: 269-5589
Division: Fish & Wildlife Protection Date: 01/06/94
Approved by Commissioner:  Date: 01/06/94
Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

No. 2
 Bill Version HB 447
 (H) Publish Date: 2/4/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: January 7, 1994
 Title: "An Act establishing the Afognak Island State Park."
 Sponsor: Rules Committee/Request of the Governor
 Requestor: Governor's Office/OMB

Department Affected: Department of Law
 BRU: Legal Services
 Component: Operations
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: January 7, 1994
 Approved by Commissioner: Bruce M. Botelho, Acting Attorney General
 Agency: Department of Law Date: January 7, 1994

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COMMITTEE COPY

FISCAL NOTE

REQUEST:

Revision Date:

Dept: Natural Resources

Title: Establish Afognak Island

State Park

BRU: Parks & Recreation Mgt.

Sponsor: Governor

Components: Park Management

Requestor: House Finance Committee

No: 452

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST \$

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS. (Attach a separate page if necessary)

Rep. Ron Larson ^{RL} Co-Chair 465-3878
 Prepared By: Rep. Eileen MacLean, Co-Chair ^{EPM} Phone: 465-4833
 Division: House Finance Committee Date: 4/13/94
 Approved By: _____
 Agency: _____

COMMITTEE COPY

FISCAL NOTE

No. 2
 Bill Version HB 447
 (H) Publish Date: 2/4/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: January 7, 1994
 Title: "An Act establishing the Afognak Island State Park."
 Sponsor: Rules Committee/Request of the Governor
 Requestor: Governor's Office/OMB

Department Affected: Department of Law
 BRU: Legal Services
 Component: Operations
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: January 7, 1994
 Approved by Commissioner: Bruce M. Botelho, Acting Attorney General
 Agency: Department of Law Date: January 7, 1994

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COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill would establish the Afognak Island State Park by incorporating the approximately 41,549 acres at Seal Bay and Tonki Cape for inclusion in the state park system. Monies for the purchase of these lands were provided by the Exxon Valdez Trustee Council and the subsequent expenditure to execute the purchase was approved by the Legislative Budget and Audit Committee on November 23, 1993. Any subsequent activities would require little, if any, involvement by the Department of Law and there should not be a fiscal impact for the department.

FISCAL NOTE

REQUEST:

Revision Date: Dept: Natural Resources

Title: Establish Afognak Island
State Park

BRU: Parks & Recreation Mgt.

Sponsor: Governor

Components: Park Management

Requestor: House Finance Committee

No: 452

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST \$

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Rep. Ron Larson, Co-Chair *RL* 465-3878
 Prepared By: Rep. Eileen MacLean, Co-Chair *EPM* Phone: 465-4833
 Division: House Finance Committee Date: 4/13/94
 Approved By: _____
 Agency: _____

COMMITTEE COPY

Letter of Intent

CSHB 447 (FIN)

Sen Reagin signed
ADOPTED

It is the intent of the legislature that Afognak Island State Park be managed from the Division of Parks and Outdoor Recreation office located in Kodiak.

It is the intent of the legislature that sources of funding other than state general funds be sought for the management of Afognak Island State Park. It is also the intent of the legislature that at least five public use cabins be built within Afognak Island State Park. A primary source of funds to be sought for these purposes is moneys managed by the Exxon Valdez Trustees Council.

Submitted by Sen Zhanf

Amend #2
P. 4
29

8-GH2025VJ

503 CS FOR HOUSE BILL NO. 447(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/15/94
Referred: Rules

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

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Afognak Island State Park."

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

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

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

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

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

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

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

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

19 Section 19: Lots 1 - 3

20 Sections 30 - 31: (fractional) all;

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

24 Section 6: (fractional) all

25 Section 7: Lots 1 - 2

26 Sections 18 - 19: (fractional) all

27 Section 31: (fractional) all;

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

31 Section 32: (fractional) all;

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

4 Sections 6 - 8: (fractional) all

5 Section 13: (fractional) all

6 Section 17: (fractional) all

7 Section 18: all

8 Sections 19 - 20: (fractional) all

9 Sections 23 - 24: (fractional) all

10 Section 25: all

11 Section 26: (fractional) all

12 Sections 29 - 31: (fractional) all

13 Sections 33 - 35: (fractional) all

14 Section 36: all;

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

18 Section 1: all

19 Sections 2 - 5: (fractional) all

20 Sections 8 - 9: (fractional) all

21 Section 11: all

22 Section 12: (fractional) all

23 Sections 13 - 14: all

24 Section 17: (fractional) all

25 Sections 19 - 20: (fractional) all

26 Section 23: all

27 Sections 24 - 25: (fractional) all

28 Sections 26 - 29: all

29 Sections 30 - 31: (fractional) all

30 Sections 32 - 35: all

31 Section 36: (fractional) all;

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

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

10 Section 1: Lots 1 - 3

11 Sections 11 - 12: (fractional) all

12 Section 13: all

13 Section 14: (fractional) all

14 Section 15: Lots 1 and 2

15 Section 16: Lots 1 and 2

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

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

29 Section 17: Lot 2: all

30 Sections 20 - 22: (fractional) all

31 Sections 23 - 29: all

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Sections 31 - 36: all;

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

Section 36: Lot 2;

(9) Township 23 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 1: Lot 1

Section 12: Lot 1

Section 13: Lots 1, 2, and 3

Sections 24 - 25: (fractional) all;

(10) Township 21 South, Range 19 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Sections 35 - 36: all

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

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

Sec. 41.21.187. DESIGNATION OF MANAGEMENT RESPONSIBILITY.

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

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

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

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

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

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

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

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

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

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

24 (d) The commissioner may not designate as an incompatible use a use
25 permitted by the Afognak Island Road Use Agreement executed on July 24, 1991, as
26 amended.

27 Sec. 41.21.189. ADDITIONS TO PARK. Land and water outside of the
28 boundaries established under AS 41.21.186 may be added to the Afognak Island State
29 Park only by an act of the legislature. The commissioner ^{OF D.N.R.} may ^{not} acquire land and water
30 within the boundaries of the Afognak Island State Park ~~except~~ by eminent domain.

5/8/94
Jerry.
L.
said.
Commissioner
is defined
in title 41
to apply
to Commissioner.
HB0447c of D.N.R.
It is not necessary
to identify him as such
here.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

May 9, 1994

SUBJECT: Afognak Island State Park - SCS CSHB 447(FIN)
(Work Order No. 8-GH2025\K)

TO: Senator Drue Pearce
Attn: Billy Miles

FROM: Jerry Luckhaupt *GPL:lmb*
Legislative Counsel

Enclosed is the Finance Senate Committee Substitute you requested. Please be advised that the change made by the Finance Committee, on page 6, lines 29 - 30 of the version that passed the House, has substantively altered the bill by removing the explicit grant of authority to the commissioner of natural resources to acquire land and water within the boundaries of the park by means other than eminent domain. The current language on page 6, lines 29 - 30 of the Finance Senate Committee Substitute merely provides a prohibition on acquiring land within the park by eminent domain without an explicit accompanying grant of authority to acquire land within the park by other means.

GPL:lmb
94-157.lmb

Enclosure

SENATE FINANCE COMMITTEE REPORT

DATE: 4/19/94

FURTHER:

DATE TURNED INTO OFFICE: 5-8-94

Finance Committee considered CS FOR HOUSE BILI. NO. 447(FIN)

"An Act establishing the Afognak Island State Park."

and recommends:

replace with 5 CS CS HB 447 (FINANCE)
 or adopt previous _____ CS _____ (_____)
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts Senate Finance Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DPS	1/6/94	0	
DORAW	1/7/94	0	
HFC/DNR	4/13/94	0	

Appropriation No Fiscal Note

DO PASS:

Steve Pugh

OTHER RECOMMENDATIONS:

Best that do NOT pass
[Signature]

1. True Peace - 10/2/94
 Co-Chair: Signature/Recommendation

2. Tom Kelly - No Rec
[Signature] NO REC
 Co-Chair: Signature/Recommendation

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

WALTER J. HICKEL, GOVERNOR

3601 C STREET, SUITE 1200
ANCHORAGE, ALASKA 99503
PHONE: (907) 762-2800

MAILING ADDRESS:
P.O. BOX 107001
ANCHORAGE, A SKA 99510-7001

March 24, 1994

The Honorable Fred Zharoff
Alaska State Senate
State Capitol
Juneau, Alaska 99801-1182


Dear Senator ~~Zharoff~~, 

Thank you for the call on March 23rd regarding the proposed Afognak Island State Park, CSSB 280. We appreciate your retaining lands in the bill which were selected in the 1970's for recreation purposes.

Per your request, this letter is to state our intent to manage the park from our offices in Kodiak, and to utilize Exxon Criminal Funds appropriated to the Division of Parks and Outdoor Recreation to construct at least 5 public use cabins. These cabins, including their locations, will be the subject of public meetings in Kodiak, if the park is established.

I appreciate your continuing support for the state park system.

Sincerely,


Neil C. Johannsen
Director

cc: Craig Tillery
Jerry Gallagher
Dave Stephens
Claire Holland

APR 25 1994

HB 447

Kachemak Bay State Park CAB

David Stutzer, Chair

P.O. Box 2296

Homer, AK 99603

Senate Finance Committee Members

Alaska State Legislature

State Capitol (MS 3100)

Juneau, AK 99801-1182

Dear Committee Members,

At our regular monthly meeting on April 14, 1994, the Kachemak Bay State Park Citizen Advisory Board voted unanimously to oppose amendments to SB 280 / HB 447 that would result in the repeal of any existing State Park units. We support the establishment of Afognak Island State Park, which will greatly benefit the public, the local economy and help restore resources and recreational opportunities lost or damaged as a result of the Exxon Valdez oil spill.

We feel that the repeal of any State Parks, State Marine Parks or State Recreation Areas or portions thereof, is wholly unacceptable. The citizens of Alaska and visitors to the state need and greatly value State Parks for their opportunities for recreation, solitude and magnificent scenery. State parks also offer substantial economic benefits in the tourism industry and provide opportunities for long term, sustainable jobs.

Please oppose any changes to SB280 / HB 447 which would degrade our state by repealing existing State Parks.

Sincerely,



David Stutzer, Chair

Copies: Rep. Gail Phillips
Rep. Mike Navarre
Rep. Gary Davis
Sen. Judith Salo
Sen. Suzanne Little
Neil Johannsen, Director DPOR

5-8-94
p. 6
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8-GH2025V
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CS FOR HOUSE BILL NO. 447(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/15/94
Referred: Rules

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

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Afognak Island State Park."

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

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

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

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

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

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

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

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

19 Section 19: Lots 1 - 3

20 Sections 30 - 31: (fractional) all;

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

24 Section 6: (fractional) all

25 Section 7: Lots 1 - 2

26 Sections 18 - 19: (fractional) all

27 Section 31: (fractional) all;

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

31 Section 32: (fractional) all;

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

4 Sections 6 - 8: (fractional) all

5 Section 13: (fractional) all

6 Section 17: (fractional) all

7 Section 18: all

8 Sections 19 - 20: (fractional) all

9 Sections 23 - 24: (fractional) all

10 Section 25: all

11 Section 26: (fractional) all

12 Sections 29 - 31: (fractional) all

13 Sections 33 - 35: (fractional) all

14 Section 36: all;

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

18 Section 1: all

19 Sections 2 - 5: (fractional) all

20 Sections 8 - 9: (fractional) all

21 Section 11: all

22 Section 12: (fractional) all

23 Sections 13 - 14: all

24 Section 17: (fractional) all

25 Sections 19 - 20: (fractional) all

26 Section 23: all

27 Sections 24 - 25: (fractional) all

28 Sections 26 - 29: all

29 Sections 30 - 31: (fractional) all

30 Sections 32 - 35: all

31 Section 36: (fractional) all;

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

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

10 Section 1: Lots 1 - 3

11 Sections 11 - 12: (fractional) all

12 Section 13: all

13 Section 14: (fractional) all

14 Section 15: Lots 1 and 2

15 Section 16: Lots 1 and 2

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

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

29 Section 17: Lot 2: all

30 Sections 20 - 22: (fractional) all

31 Sections 23 - 29: all

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Sections 31 - 36: all;

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

Section 36: Lot 2;

(9) Township 23 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 1: Lot 1

Section 12: Lot 1

Section 13: Lots 1, 2, and 3

Sections 24 - 25: (fractional) all;

(10) Township 21 South, Range 19 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Sections 35 - 36: all

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

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

Sec. 41.21.187. DESIGNATION OF MANAGEMENT RESPONSIBILITY.

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

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

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

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

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

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

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

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

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

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

24 (d) The commissioner may not designate as an incompatible use a use
25 permitted by the Afognak Island Road Use Agreement executed on July 24, 1991, as
26 amended.

27 Sec. 41.21.189. ADDITIONS TO PARK. Land and water outside of the
28 boundaries established under AS 41.21.186 may be added to the Afognak Island State
29 Park only by an act of the legislature. The commissioner may ^{DN} ~~acquire~~ acquire land and water
30 within the boundaries of the Afognak Island State Park ~~except~~ by eminent domain.

*Amended #1
FAILED*

*Amended #2
ADOPTED*

HB 447

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill creating the Afognak Island State Park.

On August 23, 1993, the Exxon Valdez Oil Spill Trustee Council (council) adopted a resolution approving, for restoration purposes, acquisition of approximately 41,549 acres of land in Alaska on the northeast corner of Afognak Island, including Seal Bay and Tonki Cape. Although the federal government initially expressed a desire to include this property within the Kodiak National Wildlife Refuge, portions of which are located nearby, the state trustees on the council persuaded the council as a whole that this property has a more logical connection with Shuyak State Park, located on an island immediately to the north of the Seal Bay property. Thus, the resolution adopted by the council provided the state the first opportunity to acquire title to this invaluable Alaska property. The resolution further provided that, to fulfill the council's restoration obligations, the property was to be included in a state park and commercial timber harvest was not to be permitted. The resolution specifically allowed limited commercial use as well as sport, personal use, and subsistence hunting and fishing, trapping, and recreational uses, insofar as they are permitted under law or regulations of the Board of Fisheries or Board of Game. Only if the state was unwilling or unable to establish a state park was the federal government to take title to this property.

Based on the council's resolution, the state entered into a purchase agreement on November 4, 1993 with the Seal Bay Timber Company, owner of the property, and The Nature Conservancy. The agreement provided for title to the property to first go to The Nature Conservancy to hold until the state has an opportunity to establish a park to accept the property.

Under AS 37.07.080(h) and AS 37.14.450, the Legislative Budget and Audit Committee approved the expenditure of EXXON VALDEZ civil trust money for the purchase at its November 5, 1993 meeting. The purchase was completed on November 23, 1993 when title to the property passed to The Nature Conservancy.

The Honorable Ramona Barnes
February 4, 1994
Page 2

In accordance with the purchase agreement, The Nature Conservancy will convey the property to the state for placement in a state park if the park is created by November 23, 1994, one year from the date of purchase. Otherwise, the property must be conveyed to the federal government for placement in a federal conservation unit. The purpose of this bill is to create that required state park.

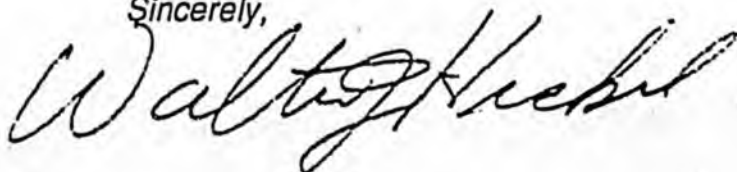
The acquisition and protection of this land in a state park has widespread and nearly unanimous public support. Expressions of support for the acquisition have come from such diverse groups as the Kodiak Island Borough mayor and assembly, City of Kodiak, Kodiak Chamber of Commerce, various commercial fishing groups, local tour operators, and environmental organizations.

Seal Bay has historically supported high value wilderness-based recreation such as hunting, boating, and fishing. The area has high scenic value and excellent wildlife viewing. It contains important habitat for several species of wildlife for which significant injury resulting from the oil spill has been documented, including marbled murrelets, harlequin ducks, black oyster catchers, and river otters. Harbor seal haulouts and intertidal and subtidal biota are all found in substantial numbers along the shoreline. Concentrations of sea otters exist in this area. Anadromous streams and bald eagle nests are found on this property. Protection of this property will aid recovery of these injured resources and services.

The proposed park would include all lands acquired from Seal Bay Timber Company as well as tidelands. Submerged lands would not be included except those lying within lagoons on the property. The Department of Fish and Game would be responsible for the management of fish and game resources in the park, consistent with the principle of sustained yield. Sport and subsistence hunting and fishing, personal use fishing, trapping, recreational activities, and commercial fishing would be permitted in the park. These are the purposes for which Alaskans have traditionally used these lands. By creating a state park for this property, we will ensure that future generations will be able to continue to use and enjoy this magnificent part of our state.

I urge your prompt consideration and passage of this bill.

Sincerely,



Walter J. Hickel
Governor