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Chapter No.
28

AN ACT

Relating to the Shuyak Island State Park.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 11, 1997
Actual Effective Date: August 9, 1997

AN ACT

1 Relating to the Shuyak Island State Park.

2

3 * Section 1. AS 41.21.170(a) is amended to read:

4 (a) The purpose of AS 41.21.170 - 41.21.178 is to establish, subject to valid
5 existing rights, the state-owned or acquired land and water [UPLANDS AND
6 FRESHWATER BODIES] described in AS 41.21.172 as the Shuyak Island State Park.
7 In accordance with the covenants and deed restrictions set by the Kodiak Island
8 Borough that support the basic tenets of the Alaska lifestyle, the [THE] primary
9 purpose [PURPOSES] of establishing the Shuyak Island State Park is [ARE] to
10 preserve, protect, and enhance traditional public access to and use of the area's
11 natural resources for various activities including [THE AREA'S RECREATIONAL
12 AND SCENIC RESOURCES, TO PROTECT THE AREA'S FISH AND WILDLIFE
13 HABITAT, AND TO PRESERVE AND ENHANCE THE CONTINUED USE OF
14 THE AREA FOR] sport and subsistence hunting, sport, subsistence, and commercial
15 [AND] fishing, and trapping [, AND RECREATIONAL ACTIVITIES].

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1 * **Sec. 2.** AS 41.21.172 is repealed and reenacted to read:

2 **Sec. 41.21.172. Designated state land and water.** The upland, shoreland,
3 tideland, land underlying tidally influenced inland water, and water overlying this land,
4 including both the surface and subsurface estate, owned or acquired by the state within
5 the following described parcels are designated as the Shuyak Island State Park:

6 (1) Township 17 South, Range 19 West, Seward Meridian

7 Section 18

8 Section 19

9 Section 30;

10 (2) Township 17 South, Range 20 West, Seward Meridian

11 Section 24

12 Section 25;

13 (3) Township 18 South, Range 18 West, Seward Meridian

14 Section 6

15 Section 7

16 Section 20

17 Section 28

18 Section 29;

19 (4) Township 18 South, Range 19 West, Seward Meridian

20 Section 1

21 Section 2

22 Section 4

23 Section 5

24 Sections 7 - 36;

25 (5) Township 18 South, Range 20 West, Seward Meridian

26 Section 2

27 Section 3

28 Sections 9 - 11

29 Sections 13 - 17

30 Sections 19 - 36;

31 (6) Township 18 South, Range 21 West, Seward Meridian

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1 The fish and game habitat and breeding areas shall be managed to ensure that the fish
2 and game resources of the park continue on a sustained yield basis. In managing the
3 fish and game resources of the Shuyak Island State Park and adopting regulations
4 governing uses of the fish and game, the Board of Fisheries, the Board of Game,
5 or the commissioner of fish and game may not permanently close any fishing,
6 hunting, or trapping within the park unless the closure is implemented because
7 of a biological emergency. A closure implemented because of a biological
8 emergency (1) may continue in effect only as long as the biological emergency
9 continues to exist, and (2) must be reevaluated on a regular basis, not less than
10 annually, to justify that the closure continues to be necessary.

11 * Sec. 5. AS 41.21.174(g) is amended to read:

12 (g) Nothing in AS 41.21.170 - 41.21.178 prohibits the Department of Fish
13 and Game from engaging in [STREAM] rehabilitation, enhancement, and development
14 of fish and game habitat under AS 16.05 [AS 16.05.092] on land and water within
15 the Shuyak Island State Park.

16 * Sec. 6. AS 41.21.176 is amended to read:

17 Sec. 41.21.176. Incompatible uses. (a) Except as provided in this section,
18 the [THE] commissioner may designate by regulation incompatible uses within the
19 land and water of the Shuyak Island State Park [PARK UPLANDS AND
20 FRESHWATER BODIES].

21 (b) Possession and use [USE] of a weapon in the Shuyak Island State Park
22 shall be allowed at all times and use of the weapon may be restricted only under
23 extraordinary circumstances and only in such areas where public safety is
24 threatened [EXCEPT IN UNIQUE AREAS THAT MAY BE CLOSED FOR
25 PURPOSES OF PUBLIC SAFETY BY REGULATION BY THE COMMISSIONER].

26 (c) The [THE REGULATIONS GOVERNING PUBLIC USE OF THE
27 SHUYAK ISLAND STATE PARK SHALL PROVIDE AMPLE ACCESS FOR
28 LEGAL SPORT AND SUBSISTENCE HUNTING AND FISHING, TRAPPING, AND
29 RECREATIONAL USES. EXCEPT TO PROTECT PUBLIC SAFETY THE]
30 commissioner may not restrict lawful [THE EXERCISE OF] sport, [OR] subsistence,
31 or commercial fishing, sport or subsistence [OR] hunting, or trapping permitted

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

3 * Sec. 7. AS 41.21.176 is amended by adding new subsections to read:

4 (d) The commissioner shall allow traditional access to

5 (1) Shuyak Island State Park for recreational purposes and for lawful
6 sport, subsistence, and commercial fishing, sport and subsistence hunting, and trapping;

7 (2) private land within the park.

8 (e) If the commissioner determines that a use is incompatible with one or more
9 other uses in a portion of the Shuyak Island State Park, the commissioner shall state

10 (1) each determination of incompatibility;

11 (2) the specific area where the incompatibility is determined to exist;

12 (3) the time within which the incompatibility is determined to exist; and

13 (4) the reasons for each determination of incompatibility.

14 * Sec. 8. AS 41.21.178 is amended to read:

15 **Sec. 41.21.178. Additions to park.** Land and water outside of the
16 boundaries established in AS 41.21.172 may be added to the Shuyak Island State
17 Park only by an act of the legislature. The commissioner may not acquire land and
18 water within the boundaries of the Shuyak Island State Park by eminent domain.