



LAWS OF ALASKA

2007

Source
CSSB 111(RES)

Chapter No.

AN ACT

Creating the Kodiak Narrow Cape Public Use Area.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Creating the Kodiak Narrow Cape Public Use Area.

2

3 * **Section 1.** AS 41.23 is amended by adding new sections to article 1 to read:

4 **Sec. 41.23.240. Purpose of AS 41.23.240 - 41.23.270.** The purpose of
5 AS 41.23.240 - 41.23.270 is to protect, maintain, enhance, and perpetuate the present
6 use of the area described in AS 41.23.270 as the Kodiak Narrow Cape Public Use
7 Area. The Kodiak Narrow Cape Public Use Area is established to

8 (1) protect, maintain, perpetuate, and enhance year-round general
9 public recreation;

10 (2) protect, maintain, perpetuate, and enhance public enjoyment and
11 use of fish and wildlife;

12 (3) allow for continued use of the area for grazing and other purposes
13 authorized in a land use plan adopted by the commissioner or by law;

14 (4) allow additional public uses of the area in a manner compatible
15 with the purposes specified in (1), (2), and (3) of this section.

1 **Sec. 41.23.250. Management.** (a) The commissioner is responsible for the
2 management of the surface and subsurface estate of the Kodiak Narrow Cape Public
3 Use Area. After adequate public hearings, the commissioner may adopt and may
4 revise a management plan for the Kodiak Narrow Cape Public Use Area. The
5 commissioner shall provide a copy of the management plan and each revision to the
6 chairs of the resource committees of the legislature within 30 days after its adoption or
7 revision. The commissioner shall consult with the Department of Fish and Game in the
8 adoption and revision of the management plan.

9 (b) Subject to valid existing rights, including existing rights for grazing leases
10 and operations and the interagency land management agreement between the
11 department and the Alaska Aerospace Development Corporation for the Kodiak
12 Launch Complex, the commissioner may not dispose of the surface estate in state land
13 within the Kodiak Narrow Cape Public Use Area.

14 (c) Grazing and missile launch activity are allowable uses within the Kodiak
15 Narrow Cape Public Use Area. Consistent with the purposes of AS 41.23.240(1) and
16 (2), the commissioner shall allow additional uses within the Kodiak Narrow Cape
17 Public Use Area, including horseback riding, hiking, picnicking, berry picking, fossil
18 collecting, tide pooling, all terrain and road vehicle driving, bicycling, dog sledding,
19 cross-country skiing, skijoring, snow machining, camping, surfing, beachcombing,
20 and other traditional public uses of fish and wildlife populations such as fishing,
21 hunting, viewing, and photographing of gray whales and waterfowl.

22 (d) The state may not acquire by eminent domain privately owned land within
23 the boundaries described in AS 41.23.270 but may acquire privately owned land
24 located within the boundaries described in AS 41.23.270 by purchase, exchange, or
25 otherwise for inclusion in the Kodiak Narrow Cape Public Use Area.

26 (e) The commissioner may not manage the Kodiak Narrow Cape Public Use
27 Area as a unit of the state park system.

28 **Sec. 41.23.260. Incompatible uses.** (a) Except as provided in this section, the
29 commissioner may prohibit or restrict uses determined to be incompatible with the
30 purposes of the Kodiak Narrow Cape Public Use Area under AS 41.23.240(1) and (2)
31 within the state-owned land and water described in AS 41.23.270.

1 (b) Consistent with AS 41.23.240 - 41.23.270, the Department of Fish and
2 Game may engage in rehabilitation, enhancement, and development of fish and
3 wildlife habitat within the area described in AS 41.23.270.

4 (c) The commissioner may not restrict fishing, hunting, or trapping rights
5 allowed under a regulation of the Board of Fisheries or the Board of Game within the
6 Kodiak Narrow Cape Public Use Area.

7 (d) The commissioner shall allow access to the Kodiak Narrow Cape Public
8 Use Area by motorized or nonmotorized means of transportation to private land, to
9 interests in private land, and for hunting, fishing, trapping, mining, and recreational
10 purposes in a manner that is compatible with purposes specified in AS 41.23.240(1)
11 and (2). Existing trails remain open to public use.

12 (e) The Department of Public Safety and the Department of Fish and Game
13 may have necessary access for fish and game management, research, and enforcement
14 purposes.

15 (f) If the commissioner determines that a use is incompatible with one or more
16 other uses in a portion of the Kodiak Narrow Cape Public Use Area, the commissioner
17 shall state in the management plan adopted or revised under AS 41.23.250

18 (1) each determination of incompatibility;

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

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

21 and

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

23 **Sec. 41.23.270. Kodiak Narrow Cape Public Use Area.** Subject to valid
24 existing rights, the vacant and unappropriated state-owned land, tidelands, and
25 submerged lands and the state land, tidelands, and submerged lands acquired in the
26 future that lie within the boundaries described in this section are designated as the
27 Kodiak Narrow Cape Public Use Area, are reserved for all uses compatible with their
28 primary function as public use land, and are assigned to the department for control and
29 management:

30 (1) Township 30 South, Range 20 West, Seward Meridian

31 Section 25

- 1 Section 36
- 2 (2) Township 30 South, Range 18 West, Seward Meridian
- 3 Section 19
- 4 Sections 30 - 31
- 5 (3) Township 30 South, Range 19 West, Seward Meridian
- 6 Section 15
- 7 Sections 19 - 36
- 8 (4) Township 31 South, Range 19 West, Seward Meridian
- 9 Sections 1 - 11
- 10 Sections 15 - 22
- 11 Sections 27 - 34
- 12 (5) Township 31 South, Range 20 West, Seward Meridian
- 13 Section 1
- 14 Section 2: all land lying east of Pasagshak Bay Road
- 15 Section 12: E1/2
- 16 Section 13
- 17 Section 23: SE1/4
- 18 Sections 24 - 25
- 19 Section 26: Lot 1
- 20 Sections 34 - 36
- 21 (6) Township 32 South, Range 19 West, Seward Meridian
- 22 Sections 3 - 6
- 23 Sections 8 - 10
- 24 (7) Township 32 South, Range 20 West, Seward Meridian
- 25 Sections 1 - 3
- 26 Section 4: SE1/4
- 27 Sections 9 - 11