



# LAWS OF ALASKA

2015

**Source**

HCS CSSB 70(RES)

**Chapter No.**

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**AN ACT**

Relating to exceptions from designation as a special purpose site under art. VIII, sec. 7 of the Constitution of the State of Alaska for portions of Denali State Park, Captain Cook State Recreation Area, Nancy Lake State Recreation Area, and Willow Creek State Recreation Area to allow leasing a right-of-way for a natural gas pipeline.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to exceptions from designation as a special purpose site under art. VIII, sec. 7 of the  
2 Constitution of the State of Alaska for portions of Denali State Park, Captain Cook State  
3 Recreation Area, Nancy Lake State Recreation Area, and Willow Creek State Recreation Area  
4 to allow leasing a right-of-way for a natural gas pipeline.

5

6 \* **Section 1.** AS 41.21.150 is amended to read:

7           **Sec. 41.21.150. Purpose of AS 41.21.150 - 41.21.153** [AS 41.21.150 -  
8 **41.21.152**]. The purpose of **AS 41.21.150 - 41.21.153** [AS 41.21.150 - 41.21.152] is to  
9 restrict state-owned land and water described in AS 41.21.151, **except as provided in**  
10 **AS 41.21.153**, to use as a state park. Under AS 38.05.300, state land, water, or land  
11 and water containing more than 640 acres may be closed to multiple use only by act of  
12 the legislature. Because the area described in AS 41.21.151 exceeds 640 acres,  
13 **AS 41.21.150 - 41.21.153** [AS 41.21.150 - 41.21.152] are intended to provide for the  
14 closing of the **land and water** described **in AS 41.21.151, as that description is**

1            **modified by AS 41.21.153**, [LAND AND WATER] to multiple use in conformity  
2            with AS 38.05.300 and its designation as a special purpose area in accord with art.  
3            VIII, sec. 7 of the Constitution of the State of Alaska.

4            \* **Sec. 2.** AS 41.21 is amended by adding a new section to read:

5                            **Sec. 41.21.153. Certain land excepted.** (a) Notwithstanding  
6            AS 41.21.020(a)(6), 41.21.150, or 41.21.151, state-owned land in the following  
7            described parcels may be leased in accordance with AS 38.35 (Right-of-Way Leasing  
8            Act) for the purpose of construction and operation of a natural gas pipeline from the  
9            North Slope:

10                            (1) Township 29 North, Range 5 West, Seward Meridian

11    Section 4: N1/2, SW1/4

12    Section 5: E1/2

13    Section 7: E1/2, SW1/4

14    Section 8

15    Section 9: NW1/4

16    Section 18: E1/2

17    Section 19: E1/2

18    Section 29: SW1/4

19    Section 30: E1/2

20    Section 31: E1/2

21    Section 32: W1/2;

22                            (2) Township 30 North, Range 5 West, Seward Meridian

23    Section 2: NW1/4

24    Section 3

25    Section 4: SE1/4

26    Section 8: E1/2

27    Section 9

28    Section 10: W1/2

29    Section 16: W1/2

30    Section 17: E1/2

31    Section 20: E1/2

1 Section 21: W1/2  
2 Section 28  
3 Section 33;  
4 (3) Township 31 North, Range 4 West, Seward Meridian  
5 Section 1: NW1/4, N1/2NE1/4  
6 Section 2  
7 Section 3: SE1/4  
8 Section 9: SE1/4  
9 Section 10  
10 Section 11: W1/2  
11 Section 14: NW1/4  
12 Section 15: N1/2  
13 Section 16  
14 Section 17: S1/2  
15 Section 19: NE1/4, S1/2  
16 Section 20: N1/2, SW1/4  
17 Section 21: NW1/4  
18 Section 30: N1/2;  
19 (4) Township 31 North, Range 5 West, Seward Meridian  
20 Section 24: SE1/4  
21 Section 25  
22 Section 26: E1/2  
23 Section 34: SE1/4  
24 Section 35  
25 Section 36: NW1/4;  
26 (5) Township 32 North, Range 2 West, Seward Meridian  
27 Section 6: NW1/4;  
28 (6) Township 32 North, Range 3 West, Seward Meridian  
29 Section 1: N1/2, SW1/4  
30 Section 2  
31 Section 3: SE1/4

1 Section 8: SE1/4  
2 Section 9  
3 Section 10: N1/2, SW1/4, N1/2SE1/4  
4 Section 11: NW1/4  
5 Section 16: N1/2  
6 Section 17  
7 Section 19: S1/2, NE1/4  
8 Section 20: N1/2, SW1/4, N1/2SE1/4  
9 Section 29: NW1/4  
10 Section 30  
11 Section 31: N1/2, SW1/4;  
12 (7) Township 32 North, Range 4 West, Seward Meridian  
13 Section 25: SE1/4  
14 Section 35: SE1/4  
15 Section 36;  
16 (8) Township 33 North, Range 2 West, Seward Meridian  
17 Section 16  
18 Section 17: SE1/4  
19 Section 20: NE1/4, S1/2, S1/2NW1/4  
20 Section 21: W1/2  
21 Section 29: N1/2, SW1/4  
22 Section 30: S1/2, NE1/4  
23 Section 31;  
24 (9) Township 33 North, Range 3 West, Seward Meridian  
25 Section 36: S1/2.

26 (b) A state or federal survey does not remove land from the parcels described  
27 in (a) of this section.

28 (c) The department shall manage any state-owned land described in this section  
29 and within the exterior boundaries of Denali State Park as part of Denali State Park  
30 until the land is leased under AS 38.35. State-owned land described in this section will  
31 revert to Denali State Park upon release of the land from a right-of-way through

1 termination of the lease or otherwise and upon satisfaction of the lessee's obligations  
2 to restore and revegetate the land.

3 (d) Any right-of-way lease issued under AS 38.35 across land described in this  
4 section and within the exterior boundaries of Denali State Park must

5 (1) reserve to the state the interests necessary to provide for public  
6 access by foot, snow machine, dog sled, and other traditional means of access along  
7 and across the leased corridor;

8 (2) preserve, to the maximum extent practicable, the recreational,  
9 scenic, cultural, historical, and habitat values consistent with the leasehold's location  
10 within the exterior boundaries of Denali State Park; and

11 (3) provide for termination of the lease if construction of the pipeline  
12 has not begun 10 years after the effective date of the lease.

13 (e) AS 38.35.130 does not apply to land within the exterior boundaries of  
14 Denali State Park.

15 (f) A natural gas pipeline right-of-way lease may not be issued across land  
16 described in this section unless the lease becomes effective before January 1, 2025.

17 \* **Sec. 3.** AS 41.21.410 is amended to read:

18 **Sec. 41.21.410. Purpose of AS 41.21.410 - 41.21.426** [AS 41.21.410 -  
19 **41.21.425**]. The purpose of AS 41.21.410 - 41.21.426 [AS 41.21.410 - 41.21.425] is to  
20 empower the governor to restrict state owned land and water described in  
21 AS 41.21.415, **except as provided in AS 41.21.426**, to use as a public recreation area.  
22 Under AS 38.05.300, state land, water, or land and water containing more than 640  
23 acres may be closed to multiple purpose use only by act of the legislature. Because the  
24 area described in AS 41.21.415 exceeds 640 acres, **AS 41.21.410 - 41.21.426**  
25 [AS 41.21.410 - 41.21.425] are intended to provide for the closing of the **land and**  
26 **water** described **in AS 41.21.415, as that description is modified by AS 41.21.426,**  
27 [LAND AND WATER] to multiple purpose use in conformity with AS 38.05.300 and  
28 its subsequent designation as a special purpose site in accordance with **art.**  
29 [ARTICLE] VIII, sec. 7, of the Constitution of the State of Alaska.

30 \* **Sec. 4.** AS 41.21 is amended by adding a new section to read:

31 **Sec. 41.21.426. Certain land excepted.** (a) Notwithstanding

1 AS 41.21.020(a)(6), 41.21.410 - 41.21.425, or a regulation issued implementing  
2 AS 41.21.420, state-owned land in the following described parcels may be leased in  
3 accordance with AS 38.35 (Right-of-Way Leasing Act) for the purpose of construction  
4 and operation of a natural gas pipeline from the North Slope:

5 Township 8 North, Range 10 West, Seward Meridian

6 Section 3: SE1/4

7 Section 9: SE1/4

8 Section 10: N1/2, SW1/4, W1/2SE1/4

9 Section 15: W1/2W1/2

10 Section 16

11 Section 17: S1/2, S1/2NE1/4.

12 (b) A state or federal survey does not remove land from the parcels described  
13 in (a) of this section.

14 (c) The department shall manage any state-owned land described in this section  
15 and within the exterior boundaries of Captain Cook State Recreation Area as part of  
16 Captain Cook State Recreation Area until the land is leased under AS 38.35. State-  
17 owned land described in this section will revert to Captain Cook State Recreation Area  
18 upon release of the land from a right-of-way through termination of the lease or  
19 otherwise and upon satisfaction of the lessee's obligations to restore and revegetate the  
20 land.

21 (d) Any right-of-way lease issued under AS 38.35 across land described in this  
22 section and within the exterior boundaries of Captain Cook State Recreation Area  
23 must

24 (1) reserve to the state the interests necessary to provide for public  
25 access by foot, snow machine, dog sled, and other traditional means of access along  
26 and across the leased corridor;

27 (2) preserve, to the maximum extent practicable, the recreational,  
28 scenic, cultural, historical, and habitat values consistent with the leasehold's location  
29 within the exterior boundaries of Captain Cook State Recreation Area; and

30 (3) provide for termination of the lease if construction of the pipeline  
31 has not begun 10 years after the effective date of the lease.

1 (e) AS 38.35.130 does not apply to land within the exterior boundaries of  
2 Captain Cook State Recreation Area.

3 (f) A natural gas pipeline right-of-way lease may not be issued across land  
4 described in this section unless the lease becomes effective before January 1, 2025.

5 \* **Sec. 5.** AS 41.21.450 is amended to read:

6 **Sec. 41.21.450. Purpose of AS 41.21.450 - 41.21.466 [AS 41.21.450 -**  
7 **41.21.465].** The purpose of **AS 41.21.450 - 41.21.466** [AS 41.21.450 - 41.21.465] is to  
8 restrict state-owned land and water within the boundaries described in AS 41.21.455,  
9 **except as provided in AS 41.21.466,** to use as a public recreation area. Under the  
10 provisions of AS 38.05.300, state land, water, or land and water containing more than  
11 640 acres may be closed to multiple purpose use only by act of the legislature.  
12 Inasmuch as the area described in AS 41.21.455 exceeds 640 acres, **AS 41.21.450 -**  
13 **41.21.466** [AS 41.21.450 - 41.21.465] are intended to except the area described **in**  
14 **AS 41.21.455, as that description is modified by AS 41.21.466,** from the provisions  
15 of AS 38.05.300.

16 \* **Sec. 6.** AS 41.21 is amended by adding a new section to read:

17 **Sec. 41.21.466. Certain land excepted.** (a) Notwithstanding  
18 AS 41.21.020(a)(6) or 41.21.450 - 41.21.465, state-owned land in the following  
19 described parcels may be leased in accordance with AS 38.35 (Right-of-Way Leasing  
20 Act) for the purpose of construction and operation of a natural gas pipeline from the  
21 North Slope:

22 (1) Township 18 North, Range 5 West, Seward Meridian

23 Section 10: E1/2

24 Section 11: NW1/4

25 Section 15: NW1/4

26 Section 16: SE1/4

27 Section 21: W1/2;

28 (2) Township 19 North, Range 5 West, Seward Meridian

29 Section 35: SW1/4.

30 (b) A state or federal survey does not remove land from the parcels described  
31 in (a) of this section.

1 (c) The department shall manage any state-owned land described in this section  
2 and within the exterior boundaries of Nancy Lake State Recreation Area as part of  
3 Nancy Lake State Recreation Area until the land is leased under AS 38.35. State-  
4 owned land described in this section will revert to Nancy Lake State Recreation Area  
5 upon release of the land from a right-of-way through termination of the lease or  
6 otherwise and upon satisfaction of the lessee's obligations to restore and revegetate the  
7 land.

8 (d) Any right-of-way lease issued under AS 38.35 across land described in this  
9 section and within the exterior boundaries of Nancy Lake State Recreation Area must

10 (1) reserve to the state the interests necessary to provide for public  
11 access by foot, snow machine, dog sled, and other traditional means of access along  
12 and across the leased corridor;

13 (2) preserve, to the maximum extent practicable, the recreational,  
14 scenic, cultural, historical, and habitat values consistent with the leasehold's location  
15 within the exterior boundaries of Nancy Lake State Recreation Area; and

16 (3) provide for termination of the lease if construction of the pipeline  
17 has not begun 10 years after the effective date of the lease.

18 (e) AS 38.35.130 does not apply to land within the exterior boundaries of  
19 Nancy Lake State Recreation Area.

20 (f) A natural gas pipeline right-of-way lease may not be issued across land  
21 described in this section unless the lease becomes effective before January 1, 2025.

22 \* **Sec. 7.** AS 41.21 is amended by adding a new section to article 4 to read:

23 **Sec. 41.21.496. Certain lands excepted.** (a) Notwithstanding  
24 AS 41.21.020(a)(6) or 41.21.491 - 41.21.495, state-owned land in the following  
25 described parcels may be leased in accordance with AS 38.35 (Right-of-Way Leasing  
26 Act) for the purpose of construction and operation of a natural gas pipeline from the  
27 North Slope: the East 1/2 of Section 2, Township 19 North, Range 5 West, Seward  
28 Meridian and the East 1/2 of Section 35, Township 20 North, Range 5 West, Seward  
29 Meridian.

30 (b) A state or federal survey does not remove land from the parcels described  
31 in (a) of this section.

1 (c) The department shall manage any state-owned land described in this section  
2 and within the exterior boundaries of Willow Creek State Recreation Area as part of  
3 Willow Creek State Recreation Area until the land is leased under AS 38.35. State-  
4 owned land described in this section will revert to Willow Creek State Recreation  
5 Area upon release of the land from a right-of-way through termination of the lease or  
6 otherwise and upon satisfaction of the lessee's obligations to restore and revegetate the  
7 land.

8 (d) Any right-of-way lease issued under AS 38.35 across land described in this  
9 section and within the exterior boundaries of Willow Creek State Recreation Area  
10 must

11 (1) reserve to the state the interests necessary to provide for public  
12 access by foot, snow machine, dog sled, and other traditional means of access along  
13 and across the leased corridor;

14 (2) preserve, to the maximum extent practicable, the recreational,  
15 scenic, cultural, historical, and habitat values consistent with the leasehold's location  
16 within the exterior boundaries of Willow Creek State Recreation Area; and

17 (3) provide for termination of the lease if construction of the pipeline  
18 has not begun 10 years after the effective date of the lease.

19 (e) AS 38.35.130 does not apply to land within the exterior boundaries of  
20 Willow Creek State Recreation Area.

21 (f) A natural gas pipeline right-of-way lease may not be issued across land  
22 described in this section unless the lease becomes effective before January 1, 2025.