

1 **Appendix B - Statutes and Regulations for**  
2 **Kachemak Bay State Park and**  
3 **Kachemak Bay State Wilderness Park**  
4  
5 **Park Enabling Legislation**  
6

7 **Sec. 41.21.131. Kachemak Bay State Park established.** (a) The presently state-owned land  
8 and water, and all that acquired in the future by the state, lying within the parcels described  
9 in this section are designated as the Kachemak Bay State Park. In order to protect and  
10 preserve this land and water for its unique and exceptional scenic value, the park is  
11 established and shall be managed as a scenic park. The land and water lying within the  
12 following described parcels is reserved from all uses incompatible with its primary function  
13 as a scenic park and is assigned to the department for control, development, and  
14 maintenance:

- 15 (1) Township 5 South, Range 10 West, Seward Meridian Chugachik Island  
16 Sections 31 - 32;  
17 (2) Township 5 South, Range 11 West, Seward Meridian  
18 Section 2: Lot 1, excluding Tract A  
19 Section 3: Lots 1 - 8, SW1/4NE1/4, S1/2NW1/4, N1/2SW1/4  
20 Section 4: Lots 1 - 4, S1/2N1/2, SE1/4, E1/2SW1/4  
21 Section 8: E1/2NE1/4, SE1/4  
22 Section 9: Lots 1 and 2, NW1/4NE1/4, NE1/4NW1/4, W1/2NW1/4, N1/2NE1/4SW1/4,  
23 SW1/4NE1/4SW1/4, excluding Lot 6  
24 Section 10: Lot 1  
25 Section 16: Lot 1  
26 Section 17: Lots 1, 3, 4, NW1/4SW1/4, S1/2NW1/4  
27 Section 18: Lot 4, SE1/4, E1/2NE1/4  
28 Section 19: Lots 1 - 6, NW1/4NE1/4, NE1/4NW1/4  
29 Section 20: Lot 1  
30 Sections 24 - 25, excluding tide and submerged land within the Kachemak Bay Critical  
31 Habitat Area  
32 Section 26: SE1/4, excluding tide and submerged land within the Kachemak Bay Critical  
33 Habitat Area  
34 Section 35, excluding tide and submerged land within the Kachemak Bay Critical Habitat  
35 Area  
36 Section 36;  
37 (3) Township 6 South, Range 11 West, Seward Meridian;  
38 (4) Township 7 South, Range 11 West, Seward Meridian  
39 Sections 1 - 4  
40 Section 5: N1/2  
41 Sections 7 - 36;  
42 (5) Township 7 South, Range 12 West, Seward Meridian  
43 Section 12, except N1/2NE1/4

- 1 Section 13
- 2 Sections 19 - 36;
- 3 (6) Township 7 South, Range 13 West, Seward Meridian
- 4 Sections 25 - 26
- 5 Sections 35 - 36;
- 6 (7) Township 8 South, Range 11 West, Seward Meridian
- 7 Sections 1 — 8
- 8 Section 9: N1/2
- 9 Section 10: N1/2
- 10 Section 11: N1/2
- 11 Section 12: N1/2
- 12 Sections 17 - 18;
- 13 (8) Township 8 South, Range 12 West, Seward Meridian;
- 14 (9) Township 8 South, Range 13 West, Seward Meridian
- 15 Sections 1 - 2
- 16 Sections 10 - 14
- 17 Section 15: E1/2
- 18 Section 23: N1/2 and SE1/4
- 19 Sections 24 - 25
- 20 Section 26: E1/2
- 21 Section 35: E1/2
- 22 Section 36;
- 23 (10) Township 9 South, Range 8 West, Seward Meridian
- 24 Section 2: W1/2
- 25 Section 3 - 10
- 26 Sections 15 - 22
- 27 Sections 27 — 34;
- 28 (11) Township 9 South, Range 9 West, Seward Meridian;
- 29 (12) Township 9 South, Range 10 West, Seward Meridian
- 30 Sections 10 - 15
- 31 Sections 22 - 27
- 32 Sections 34 - 36;
- 33 (13) Township 9 South, Range 12 West, Seward Meridian
- 34 Sections 1 - 6
- 35 Section 8: NE1/4
- 36 Sections 9 - 12
- 37 Section 13: N1/2
- 38 Section 14: N1/2;
- 39 (14) Township 9 South, Range 13 West, Seward Meridian
- 40 Sections 1 - 2;
- 41 (15) Township 10 South, Range 8 West, Seward Meridian
- 42 Sections 4 - 8
- 43 Sections 17 - 19;
- 44 (16) Township 10 South, Range 9 West, Seward Meridian
- 45 Sections 1 - 4
- 46 Sections 10 - 15
- 47 Sections 22 - 24.

1 (b) The following public domain land shall be selected by the state, and classified as  
2 scenic park land and designated as part of Kachemak Bay State Park immediately upon  
3 receipt of management authority by the state:

- 4 (1) Township 6 South, Range 10 West, Seward Meridian: W1/2;
- 5 (2) Township 7 South, Range 10 West, Seward Meridian: W1/2;
- 6 (3) Township 8 South, Range 10 West, Seward Meridian

7 Section 6

8 Section 7: N1/2

9 (c) Land lying within the parcels described in (a) and (b) of this section upon which there  
10 are valid entries or upon which there are valid applications for lease filed under [AS 38.05](#)  
11 before May 9, 1970, is excepted from (a) and (b) of this section. However, if any land  
12 excepted under this subsection is subsequently relinquished to the state, it shall be included  
13 as part of Kachemak Bay State Park.

14  
15 **Sec. 41.21.132. Incompatible uses.**

16 The commissioner shall designate by regulation incompatible uses within the boundaries of  
17 the Kachemak Bay State Park in accordance with the requirements of [AS 41.21.130](#) -  
18 41.21.142, and those incompatible uses designated shall be prohibited or restricted, as  
19 provided by regulation.

20  
21 *Sec. 41.21.133. Discharge of firearms. [Repealed, § 2 ch 126 SLA 1984.]*

22  
23 **Sec. 41.21.134. Purchase authorized; eminent domain prohibited.**

24 The commissioner may acquire, by purchase in the name of the state, title to or interest in  
25 real property lying within the boundaries of the Kachemak Bay State Park. The state may  
26 not acquire by eminent domain privately owned land for inclusion in the Kachemak Bay  
27 State Park.

28  
29 **Sec. 41.21.140. Kachemak Bay State Wilderness Park established.**

30 (a) The presently state-owned land and water, and all that acquired in the future by the  
31 state, lying within the parcels described in this section are designated as the Kachemak Bay  
32 State Wilderness Park. In order to protect and preserve this land and water for its unique and  
33 exceptional wilderness value, the park is established and shall be managed as a wilderness  
34 park. The land and water lying within the following described parcels is reserved from all  
35 uses incompatible with its primary function as a wilderness park and is assigned to the  
36 department for control and maintenance:

- 37 (1) Township 8 South, Range 11 West, Seward Meridian
- 38 Section 9: S1/2
- 39 Section 10: S1/2
- 40 Section 11: S1/2
- 41 Section 12: S1/2
- 42 Sections 13 - 16
- 43 Sections 19 - 36;
- 44 (2) Township 9 South, Range 10 West, Seward Meridian
- 45 Sections 1 - 3;
- 46 (3) Township 9 South, Range 12 West, Seward Meridian

- 1 Section 7  
 2 Section 8: S1/2 and NW1/4  
 3 Section 13: S1/2  
 4 Section 14: S1/2  
 5 Sections 15 - 36;  
 6 (4) Township 9 South, Range 13 West, Seward Meridian  
 7 Section 11: NE1/4  
 8 Sections 12 - 13;  
 9 (5) Township 10 South, Range 9 West, Seward Meridian  
 10 Sections 5 - 7;  
 11 (6) Township 10 South, Range 10 West, Seward Meridian;  
 12 (7) Township 10 South, Range 11 West, Seward Meridian;  
 13 (8) Township 10 South, Range 12 West, Seward Meridian;  
 14 (9) Township 11 South, Range 10 West, Seward Meridian;  
 15 (10) Township 11 South, Range 11 West, Seward Meridian;  
 16 (11) Township 11 South, Range 12 West, Seward Meridian  
 17 Sections 1 - 10  
 18 Section 11: W1/2 and E1/2  
 19 Sections 12 - 17  
 20 Sections 21 - 24.

21 (b) The following public domain land shall be selected by the state, and classified as  
 22 wilderness park land and designated as part of Kachemak Bay State Park immediately upon  
 23 receipt of management authority by the state:

- 24 (1) Township 8 South, Range 10 West, Seward Meridian  
 25 Sections 4 - 5  
 26 Section 7: S1/2  
 27 Sections 8 - 9  
 28 Sections 16 - 21  
 29 Sections 28 - 33;  
 30 (2) Township 9 South, Range 10 West, Seward Meridian: W1/2;  
 31 (3) Township 9 South, Range 11 West, Seward Meridian.  
 32

33 **Sec. 41.21.141. Certain land excepted.**

34 Land lying within the parcels described in [AS 41.21.140](#) upon which there are valid entries  
 35 or upon which there are valid applications for leases filed under [AS 38.05](#) before March 9,  
 36 1972 or that is withdrawn for or selected by Native village or regional corporations under 43  
 37 U.S.C. 1610, 1611 and 1613 (P.L. 92-203, §§ 11, 12 and 14 of the Alaska Native Claims  
 38 Settlement Act), is excepted from [AS 41.21.140](#). However, if any land excepted under this  
 39 subsection is subsequently relinquished to the state, it shall be included as part of Kachemak  
 40 Bay State Wilderness Park.  
 41

42 **Sec. 41.21.142. Stream rehabilitation permitted.**

43 Nothing in [AS 41.21.140](#) - 41.21.142 prohibits the Department of Fish and Game from  
 44 engaging in stream rehabilitation enhancement and development under [AS 16.05.092](#) on land  
 45 lying within the parcels described in [AS 41.21.140](#).  
 46

47 **Sec. 41.21.990. Definitions.**

48 In this chapter,

1 (1) “scenic park” means relatively spacious areas of outstanding natural significance, where  
2 major values are in their natural geological, faunal, or floral characteristics, the purpose of which is  
3 directed primarily toward the preservation of its outstanding natural features and where development  
4 is minimal and only for the purpose of making the areas available for public enjoyment in a manner  
5 consistent with the preservation of the natural values such as camping, picnicking, sightseeing, nature  
6 study, hiking, riding, and related activities which involve no major modification of the land, forests,  
7 or waters, and without extensive introduction of artificial features or forms of recreational  
8 development that are primarily of urban character;

9 (2) “wilderness park” means an area whose predominant character is the result of the interplay of  
10 natural processes, large enough and so situated as to be unaffected, except in minor ways, by what  
11 takes place in the nonwilderness around it, a physical condition which activates the innermost  
12 emotions of the observer and where development of man-made objects will be strictly limited and  
13 depend entirely on good taste and judgment so that the wilderness values are not lost.  
14  
15

## 16 **Regulations that Apply Specifically to the Park**

### 17 **Article 2**

#### 18 **Kachemak Bay State Park**

##### 19 [11 AAC 20.100. Use of weapons](#)

20  
21 The use and discharge of a weapon for the purpose of lawful hunting or trapping is allowed  
22 in Kachemak Bay State Park, except within one-half mile of a developed facility.  
23  
24

##### 25 [11 AAC 20.110. Aircraft](#)

26 (a) The use of aircraft is allowed in Kachemak Bay State Park on saltwater, gravel bars,  
27 Emerald Lake, China Poot Lake, Hazelle Lake, and Petrof Lake except for the purpose of  
28 practice landings. (b) A person may not land a helicopter in Kachemak Bay State Park  
29 without a permit from the director under [11 AAC 18](#).  
30

##### 31 [11 AAC 20.115. Motorized boats](#)

32 (a) The use of a boat with a motor, other than a personal watercraft, is allowed in Kachemak  
33 Bay State Park only on saltwater, China Poot Lake, Hazelle Lake, or Petrof Lake. (b) A  
34 person may not launch or operate a personal watercraft in Kachemak Bay State Park. (c) A  
35 person may not operate a motorized boat in excess of "Slow No-wake" speed, five miles per  
36 hour maximum, within two hundred feet of a state managed dock, swimming beach, or boat  
37 launch, or within an area designated and marked as a "Slow No-wake" zone.  
38

##### 39 [11 AAC 20.120. Campfires](#)

40 Open fires are allowed on non-vegetated gravel bars below timberline or on saltwater  
41 beaches.  
42

### 43 **Article 3**

#### 44 **Kachemak Bay State Wilderness Park**

45

1 [11 AAC 20.200. Use of weapons](#)

2 The use and discharge of a weapon for the purpose of lawful hunting or trapping is allowed  
3 in Kachemak Bay State Wilderness Park.

4  
5 [11 AAC 20.210. Aircraft](#)

6 The use of aircraft is allowed in Kachemak Bay State Wilderness Park on saltwater and  
7 saltwater beaches or where authorized by the director under [11 AAC 18.010](#).

8  
9 [11 AAC 20.215. Motorized boats](#)

10 (a) The use of a boat with a motor, other than a personal watercraft, is allowed in Kachemak  
11 Bay State Wilderness Park only on saltwater. (b) A person may not launch or operate a  
12 personal watercraft in Kachemak Bay State Wilderness Park.

13  
14 [11 AAC 20.220. Campfires](#)

15 Open fires are allowed on non-vegetated gravel bars below timberline or on saltwater  
16 beaches.

17