CS FOR SENATE BILL NO. 65(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/10/17
Referred: Finance

Sponsor(s): SENATORS SHOWER, Dunleavy, Bishop, Meyer, Wilson, Hughes, Costello, MacKinnon, Giessel, von Imhof, Micciche

REPRESENTATIVE Rauscher

A BILL

FOR AN ACT ENTITLED

"An Act establishing the Jonesville Public Use Area."

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

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

Sec. 41.23.280. Purpose of AS 41.23.280 - 41.23.289. The purpose of AS 41.23.280 - 41.23.289 is to protect, maintain, enhance, and perpetuate the present use of the area described in AS 41.23.286 as the Jonesville Public Use Area. The Jonesville Public Use Area is established to

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

(2) protect and maintain fish and wildlife habitat so that the public may continue to enjoy traditional uses of the Jonesville Public Use Area;

(3) provide opportunities for the public to enjoy the area through a full spectrum of public uses, including the maintenance and enhancement of off-road vehicle and nonmotorized recreational opportunities for the public; and

(4) allow
(A) continued mineral exploration and development activities;

(B) motorized access to private property, including property in
which a person has a subsurface right, in the Jonesville Public Use Area; and

(C) additional public uses of the area determined by the
commissioner to be compatible with this section.

**Sec. 41.23.282. Management.** (a) The commissioner is responsible for the
management of the surface and subsurface estate of the Jonesville Public Use Area
consistent with the purposes of AS 41.23.280. After adequate public hearings, the
commissioner may designate incompatible uses and shall adopt and may revise a
management plan for the Jonesville Public Use Area to the extent workload permits.
The management plan must include provisions for the enforcement of the plan and
compliance with the requirements of the plan. The commissioner shall consult with the
Department of Fish and Game in the adoption and revision of the management plan.

(b) The commissioner of fish and game, the Board of Fisheries, and the Board
of Game are responsible for the management of fish and game resources and the
public use of fish and wildlife in the Jonesville Public Use Area consistent with the
purposes of AS 41.23.280.

(c) The Jonesville Public Use Area may not be managed as a unit of the state
park system.

(d) The state may not acquire by eminent domain privately owned land within
the boundaries described in AS 41.23.286 for inclusion in the Jonesville Public Use
Area. However, the state may acquire privately owned land located within the
boundaries described in AS 41.23.286 by purchase, exchange, or otherwise for
inclusion in the Jonesville Public Use Area.

**Sec. 41.23.284. Incompatible uses.** (a) Except as provided in this section, the
commissioner may prohibit or restrict uses determined to be incompatible with the
purposes of the Jonesville Public Use Area under AS 41.23.280 within the state-
owned land and water described in AS 41.23.286.

(b) Nothing in AS 41.23.280 - 41.23.289 prohibits the Department of Fish and
Game from engaging in rehabilitation, enhancement, and development of fish and
wildlife habitat within an area described in AS 41.23.286 that is consistent with the
purposes stated in AS 41.21.280.

(c) The commissioner may not restrict

(1) lawful fishing, hunting, or trapping rights allowed under a regulation of the Board of Fisheries or the Board of Game within the Jonesville Public Use Area;

(2) the use of weapons, including firearms, in the Jonesville Public Use Area, except in locations where the commissioner determines that the use of weapons constitutes a threat to public safety; or

(3) lawful mineral exploration and development activities within the Jonesville Public Use Area.

(d) The commissioner shall

(1) allow the Jonesville Public Use Area to be used for activities that

(A) are compatible with the reasons for establishing the public use area in AS 41.23.280; and

(B) include all-terrain vehicles, aircraft, watercraft, snowmachining, horseback riding, hiking, bicycling, dog sledding, cross-country skiing, skijoring, camping, hunting, fishing, trapping, wildlife viewing, photography, and, where permitted, rifle and pistol ranges, parking of vehicles, and mineral exploration and mining; and

(2) recognize the existing off-road motor vehicle trails and the access those trails provide within the Jonesville Public Use Area, make accommodations that will provide the shortest possible route to avoid critical habitat, conduct trail rehabilitation in a way that minimizes damage, maintain and enhance off-road motor vehicle options and opportunities in the Jonesville Public Use Area, and provide for responsible use of the public use area.

(e) The commissioner of public safety and the commissioner of fish and game shall have necessary access to the Jonesville Public Use Area for fish and game management, research, and enforcement purposes.

(f) If the commissioner determines that a use is incompatible with one or more other uses in a portion of the Jonesville Public Use Area, the commissioner shall state in the management plan adopted or revised under AS 41.23.282
(1) each determination of incompatibility;
(2) the specific area where the incompatibility is determined to exist;
(3) the time within which the incompatibility is determined to exist;
and
(4) the reasons for the determination of incompatibility.

Sec. 41.23.286. Jonesville Public Use Area. Subject to valid existing rights, the vacant and unappropriated state-owned land and water and the state land and water acquired in the future that lie within the following boundaries described in this section are designated as the Jonesville Public Use Area, are reserved for all uses compatible with their primary function as public use land, and are assigned to the department for control and management:

(1) Township 19 North, Range 2 East, Seward Meridian
   Section 1: That portion easterly of Moose Creek
   Section 12: That portion of N1/2, N1/2SW1/4, and N1/2SE1/4 easterly of Moose Creek
   Section 13: NE1/4, SE1/4NW1/4, and S1/2
   Section 24: All;

(2) Township 19 North, Range 3 East, Seward Meridian
   Section 2: All
   Section 3: All
   Section 4: All
   Section 5: All
   Section 6: All
   Section 7: All
   Section 8: All
   Section 9: All
   Section 10: All
   Section 11: All
   Section 14: NE1/4
   Section 15: N1/2NE1/4 and the North 960 feet of the East 1,815 feet of the NW1/4 for each Record of Survey filed as 86-85RS
Sec. 41.23.288. Enforcement authority. (a) In the Jonesville Public Use Area described in AS 41.23.286, the following persons are peace officers of the state for the purpose of enforcing the provisions of AS 41.23.280 - 41.23.289 and regulations adopted under AS 41.23.280 - 41.23.289:

(1) an employee of the department or another person authorized by the commissioner;

(2) a peace officer, as that term is defined in AS 01.10.060.

(b) A person designated in (a) of this section may, when enforcing the provisions of AS 41.23.280 - 41.23.289 or a regulation adopted under AS 41.23.280 - 41.23.289,

(1) execute a warrant or other process issued by an officer or court of competent jurisdiction;

(2) administer or take an oath, affirmation, or affidavit; and

(3) issue a citation or arrest a person who violates a provision of AS 41.23.280 - 41.23.289 or a regulation adopted under AS 41.23.280 - 41.23.289.

(c) A citation issued under (b) of this section must comply with the provisions

**Sec. 41.23.289. Penalty.** (a) A person who violates a provision of, or regulation adopted under, AS 41.23.280 - 41.23.289 is guilty of a violation as defined in AS 11.81.900.

(b) The supreme court shall establish by order or rule a schedule of bail amounts for violations under (a) of this section that allow the disposition of a citation without a court appearance.

* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: SCHEDULE OF BAIL AMOUNTS. Notwithstanding AS 41.23.289(b), enacted by sec. 1 of this Act, the supreme court is not obligated to establish a schedule of bail amounts for violations of AS 41.23.289(a), enacted by sec. 1 of this Act, that allow the disposition of a citation without a court appearance until 90 days after the date

(1) regulations adopted by the Department of Natural Resources to implement this Act take effect; and

(2) Department of Natural Resources submits to the supreme court a draft schedule of bail amounts for violations.