MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM   IM No. 17-027

SUBJECT:  A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTING ALASKA STATE HOUSE BILL NO. 6, ESTABLISHING THE JONESVILLE PUBLIC USE AREA.

AGENDA OF:  February 7, 2017

Assembly Action:  

Approved under the consent agenda
2-7-17

MANAGER RECOMMENDATION:  Present to the Assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

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ATTACHMENT(S):  Fiscal Note:  YES ___ NO  X ___
Alaska State House Bill No. 6 (6 pp)
Resolution Serial No. 17-027 (4 pp)

SUMMARY STATEMENT:

This legislation is coming forward from Assemblymember Sykes to support House Bill No. 6, to establish the Jonesville Public Use Area.
HOUSE BILL NO. 6
IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RAUSCHER

Introduced: 1/18/17
Referred: Resources, Finance

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 migratory waterfowl nesting areas and
habitats for moose, Dall sheep, brown bear, and other fish and wildlife so that the
public may continue to enjoy the fish and wildlife 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
allow

(A) continued motorized access for miners and owners of private property in the Jonesville Public Use Area; and

(B) 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. 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) Subject to valid existing rights, the commissioner may not dispose of the surface estate in state land within the Jonesville Public Use Area.

(c) 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.

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

(e) The commissioner shall identify wetland areas within the Jonesville Public Use Area and provide for the protection and use of the wetland areas in the management plan.

(f) The state may not acquire by eminent domain privately owned land within the boundaries described in AS 41.23.286 but 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; or

(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.

(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 10: All
   Section 11: All
   Section 14: NE1/4
   Section 15: N1/2NE1/4 and the North 960 feet of the East 1,815

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*New Text Underlined*
feet of the NW1/4 for each Record of Survey filed as 86-85RS P.R.D.

Section 16: All

Section 17: All

Section 18: All

Section 19: NE1/4, E1/2NW1/4, NE1/4SW1/4, NW1/4SE1/4, and Government Lots 1, 2, and 4

Section 20: N1/2NE1/4, N1/2NW1/4, and SW1/4NW1/4

Section 21: All;

(3) Township 20 North, Range 2 East, Seward Meridian

Section 36: That portion easterly of Moose Creek;

(4) Township 20 North, Range 3 East, Seward Meridian

Section 31: All

Section 32: All

Section 33: All

Section 34: All

Section 35: All.

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 of AS 12.25.175 - 12.25.230.

Sec. 41.23.289. Penalty. (a) Except for conduct that is a violation of AS 11.46.420, 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 is guilty of a violation as defined in AS 11.81.900.

(b) Except for conduct that is a violation of AS 11.46.420, the supreme court shall establish by order or rule a schedule of bail amounts for violations under (a) of this section that allows the disposition of a citation without a court appearance.
MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 17-012

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTING ALASKA STATE HOUSE BILL NO. 6, ESTABLISHING THE JONESVILLE PUBLIC USE AREA.

WHEREAS, the Jonesville Mine/Slipper Lake area near Sutton, over the past few years; gradually turned into a lawless area that included one shooting death; several near misses; numerous poorly thought out unorganized shooting areas; shots fired at working construction equipment and residential houses; numerous four-wheeler accidents; massive partying with alcohol and other drugs; garbage; human waste and many other thoughtless, unsafe, and undesirable activities; and

WHEREAS, upwards of 20 truck and trailer loads of garbage and contaminants are picked up from the grounds in the area and taken to the local transfer station by community volunteers each year; and

WHEREAS, Sutton community members became concerned and attempted to improve the area, but the undesirable uses grew faster than local solutions, and

WHEREAS, the community of Sutton provided its own resources and funds to clean and monitor the Jonesville area, even though the jurisdiction over the lands lies with the state of Alaska; and
WHEREAS, signage has not been placed to designate public use activities including shooting and off-road recreational vehicles; the State has not provided signs without a management plan in place; and

WHEREAS, the Sutton Community Council established "The Jonesville/Slipper Lake Action Committee" in November 2015, that gathered widespread community input and participation, to determine a course of action to improve the situation on public lands in and around Sutton, known as Eska and Jonesville mining areas; and

WHEREAS, the Sutton community sought help from Borough Planning and Land Management officials, Alaska State Department of Natural Resources, and Alaska State Troopers; and

WHEREAS, a management plan and agreement can only be put in place after the area has been declared a Public Use Area by State legislation; and

WHEREAS, legislation would allow a management plan which would protect the homes and property of local citizens in Sutton; reduce all-terrain vehicle accidents; provide needed safe places for recreational shooting; mitigate illegal dumping; and generally provide a healthier, cleaner and safer environment for public multiple use activities; and

WHEREAS, the area being wrecked by crazy behavior is beautiful and has potential for family camping, picnicking,
controlled shooting, hiking and other outdoor activities; and

WHEREAS, the state of Alaska controls the active and abandoned mining leases and the moose range located in the Jonesville area, which has a long history of public use under the Department of Natural Resources; and

WHEREAS, the Jonesville/Slipper Lake Action Committee and other stakeholders have reviewed the history and determined a course of action needs to be taken for the benefit of the community of Sutton and the safety of the general public; and

WHEREAS, the current problems are similar to the Jim Creek area lands a few years ago prior to the establishment of the Knik River Public Use Area (KRPUA), and

WHEREAS, the steady establishment of the KRPUA of a shooting range, designated trails, and other things have dramatically reduced violence, crime, alcohol and other drugs, and changed the character of the land use to be more family friendly; and

WHEREAS, the areas adjacent to the main Sutton community are beautiful, accessible areas with great potential to have similar camping, safe shooting areas, designated trails and more family friendly activities.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly enthusiastically supports the establishment of a Public Use Area by the state of Alaska for purposes of recreation in the Jonesville/Slipper Lake area.
BE IT FURTHER RESOLVED, that the Borough will assist and coordinate efforts to develop a public use plan and supports the enabling legislation, House Bill 6, now before the 30th Alaska Legislature.

ADOPTED by the Matanuska-Susitna Borough Assembly this 7 day of February, 2017.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, McKee, Mayfield, Doty, and Kowalke