






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: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	LRM	For Assemblymember Sykes
	Community Development Director		
	Borough Attorney		
	Borough Clerk		1/30/17 

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

1 **"An Act establishing the Jonesville Public Use Area."**

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

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

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

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

10 (2) protect and maintain migratory waterfowl nesting areas and
11 habitats for moose, Dall sheep, brown bear, and other fish and wildlife so that the
12 public may continue to enjoy the fish and wildlife of the Jonesville Public Use Area;

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

1 (4) allow

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

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

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

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

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

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

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

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

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

1 owned land and water described in AS 41.23.286.

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

6 (c) The commissioner may not restrict

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

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

13 (d) The commissioner shall

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

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

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

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

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

31 (f) If the commissioner determines that a use is incompatible with one or more

1 other uses in a portion of the Jonesville Public Use Area, the commissioner shall state
2 in the management plan adopted or revised under AS 41.23.282

- 3 (1) each determination of incompatibility;
- 4 (2) the specific area where the incompatibility is determined to exist;
- 5 (3) the time within which the incompatibility is determined to exist;

6 and

- 7 (4) the reasons for the determination of incompatibility.

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

- 14 (1) Township 19 North, Range 2 East, Seward Meridian

15 Section 1: That portion easterly of Moose Creek

16 Section 12: That portion of N1/2, N1/2SW1/4, and N1/2SE1/4
17 easterly of Moose Creek

18 Section 13: NE1/4, SE1/4NW1/4, and S1/2

19 Section 24: All;

- 20 (2) Township 19 North, Range 3 East, Seward Meridian

21 Section 2: All

22 Section 3: All

23 Section 4: All

24 Section 5: All

25 Section 6: All

26 Section 7: All

27 Section 8: All

28 Section 10: All

29 Section 11: All

30 Section 14: NE1/4

31 Section 15: N1/2NE1/4 and the North 960 feet of the East 1,815

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- 1 feet of the NW1/4 for each Record of Survey filed as 86-85RS P.R.D.
- 2 Section 16: All
- 3 Section 17: All
- 4 Section 18: All
- 5 Section 19: NE1/4, E1/2NW1/4, NE1/4SW1/4, NW1/4SE1/4,
- 6 and Government Lots 1, 2, and 4
- 7 Section 20: N1/2NE1/4, N1/2NW1/4, and SW1/4NW1/4
- 8 Section 21: All;
- 9 (3) Township 20 North, Range 2 East, Seward Meridian
- 10 Section 36: That portion easterly of Moose Creek;
- 11 (4) Township 20 North, Range 3 East, Seward Meridian
- 12 Section 31: All
- 13 Section 32: All
- 14 Section 33: All
- 15 Section 34: All
- 16 Section 35: All.

17 **Sec. 41.23.288. Enforcement authority.** (a) In the Jonesville Public Use Area
 18 described in AS 41.23.286, the following persons are peace officers of the state for the
 19 purpose of enforcing the provisions of AS 41.23.280 - 41.23.289 and regulations
 20 adopted under AS 41.23.280 - 41.23.289;

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

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

24 (b) A person designated in (a) of this section may, when enforcing the
 25 provisions of AS 41.23.280 - 41.23.289 or a regulation adopted under AS 41.23.280 -
 26 41.23.289,

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

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

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

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1 (c) A citation issued under (b) of this section must comply with the provisions
2 of AS 12.25.175 - 12.25.230.

3 **Sec. 41.23.289. Penalty.** (a) Except for conduct that is a violation of
4 AS 11.46.420, a person who violates a provision of AS 41.23.280 - 41.23.289 or a
5 regulation adopted under AS 41.23.280 - 41.23.289 is guilty of a violation as defined
6 in AS 11.81.900.

7 (b) Except for conduct that is a violation of AS 11.46.420, the supreme court
8 shall establish by order or rule a schedule of bail amounts for violations under (a) of
9 this section that allows the disposition of a citation without a court appearance.

Sponsored by: Assemblymember Sykes

Adopted: 02/07/17

**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