

CS FOR SENATE BILL NO. 65(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR DUNLEAVY

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

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- (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

1 purposes stated in AS 41.21.280.

2 (c) The commissioner may not restrict

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

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

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

11 (d) The commissioner shall

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

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

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

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

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

29 (f) If the commissioner determines that a use is incompatible with one or more
30 other uses in a portion of the Jonesville Public Use Area, the commissioner shall state
31 in the management plan adopted or revised under AS 41.23.282

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- (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

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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;

(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

1 of AS 12.25.175 - 12.25.230.

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

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

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

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

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

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