



LAWS OF ALASKA

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Source

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Chapter No.

48

AN ACT

Creating the Nelchina Public Use Area.

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

THE ACT FOLLOWS ON PAGE 1, LINE 8

Approved by the Governor: May 30, 1985
Actual Effective Date: August 28, 1985

AN ACT

Creating the Nelchina Public Use Area.

* Section 1. AS 41 is amended by adding a new chapter to read:

CHAPTER 23. MULTIPLE USE MANAGEMENT OF PUBLIC RESOURCES.

ARTICLE 1. PUBLIC USE AREAS.

Sec. 41.23.010. PURPOSE. The purpose of AS 41.23.010 - 41.23.040 is to establish the area described in AS 41.23.040 as the Nelchina Public Use Area. The Nelchina Public Use Area is established to

(1) protect and maintain fish and wildlife habitat, particularly caribou calving areas, trumpeter swan nesting areas, and other important habitats for moose, Dall sheep, and brown bear so that traditional public uses of fish and wildlife populations may continue;

(2) perpetuate and enhance public enjoyment of fish and wildlife and their habitat including fishing, hunting, trapping, viewing, photography;

(3) perpetuate and enhance general public recreation in a quality environment;

(4) perpetuate and enhance additional public uses described in the Susitna Area Plan;

(5) allow additional public uses of the area in a manner compatible with the purposes specified in (1) - (4) of this section.

Sec. 41.23.020. MANAGEMENT. (a) Management of the surface and subsurface estate of the Nelchina Public Use Area is the responsibility of the Department of Natural Resources. After adequate public

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1 hearings the commissioner may designate incompatible uses and shall
2 adopt and may revise a management plan for the Nelchina Public Use
3 Area. With regard to the management of land within the central caribou
4 calving area described in AS 41.23.040(b), the commissioner shall
5 obtain the concurrence of the Department of Fish and Game in the
6 adoption and revision of the management plan. With regard to the
7 management of land within the public use area described in AS 41.23.-
8 040(c), the commissioner shall consult with the Department of Fish and
9 Game in the adoption and revision of the management plan.

10 (b) The Department of Fish and Game is responsible for the
11 management of fish and game resources and public use of fish and
12 wildlife in the Nelchina Public Use Area consistent with the purposes
13 of AS 41.23.010.

14 (c) The Nelchina Public Use Area shall be open to mineral entry
15 under AS 38.05.185 - 38.05.275, and the commissioner may adopt regu-
16 lations to achieve the purposes specified in AS 41.23.010. Each valid
17 existing right or permit shall remain valid and continue in full force
18 and effect according to its terms. Exploration, development, and
19 extraction of subsurface resources shall be allowed in a manner that
20 is compatible with the purposes specified in AS 41.23.010(1) - (4).

21 (d) The state may not acquire by eminent domain privately owned
22 land within or abutting state-owned land described in AS 41.23.040 but
23 may acquire privately owned land by purchase, exchange, or otherwise
24 for inclusion in the Nelchina Public Use Area.

25 (e) The commissioner may not manage the Nelchina Public Use Area
26 as a unit of the state park system.

27 Sec. 41.23.030. COMPATIBILITY OF USES. (a) Except as provided
28 in this section, the commissioner may prohibit or restrict incompat-
29 ible uses under the management plan adopted under AS 41.23.020 within

1 the state-owned land and water described in AS 41.23.040.

2 (b) Nothing in AS 41.23.010 - 41.23.040 prohibits the Department
3 of Fish and Game from engaging in rehabilitation, enhancement, and
4 development of fish and wildlife habitat within an area described in
5 AS 41.23.040.

6 (c) The commissioner may not restrict lawful sport and subsis-
7 tence fishing, hunting, or trapping rights allowed under a regulation
8 of the Board of Fisheries or the Board of Game within the Nelchina
9 Public Use Area.

0 (d) The commissioner shall allow traditional access to the
1 Nelchina Public Use Area by motorized or nonmotorized means of trans-
2 portation to private land, interests in private land, and for lawful
3 sport and subsistence hunting, fishing, trapping, and recreational
4 purposes in a manner that is compatible with purposes specified in
5 AS 41.23.010(1) - (4).

6 (e) The Department of Public Safety and the Department of Fish
7 and Game shall have necessary access for fish and game management,
8 research, and enforcement purposes.

9 (f) If the commissioner determines that a use is incompatible
0 with one or more other uses in a portion of the Nelchina Public Use
1 Area, the commissioner shall state in the management plan adopted or
2 revised under AS 41.23.020

3 (1) each determination of incompatibility;

4 (2) the specific area where the incompatibility is de-
5 termined to exist;

6 (3) the time within which the incompatibility is determined
7 to exist; and

8 (4) the reasons for each determination of incompatibility.

9 Sec. 41.23.040. NELCHINA PUBLIC USE AREA. (a) The vacant and

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1 unappropriated state-owned land and water and the state land and water
2 acquired in the future that lie within the boundaries described in
3 this section are designated as the Nelchina Public Use Area, are
4 reserved for all uses compatible with their primary function as public
5 use land, and are assigned to the Department of Natural Resources for
6 control and management.

7 (b) The land described in this subsection is the central caribou
8 calving area:

9 (1) Township 5 North, Range 10 West, Copper River Meridian,
10 Section 5
11 Section 8
12 Section 17;

13 (2) Township 6 North, Range 10 West, Copper River Meridian,
14 Sections 4 - 5
15 Sections 8 - 9
16 Sections 16 - 17
17 Sections 20 - 21
18 Sections 28 - 29
19 Sections 32 - 33;

20 (3) Township 7 North, Range 10 West, Copper River Meridian,
21 Sections 4 - 5
22 Sections 8 - 9
23 Sections 16 - 17
24 Sections 20 - 21
25 Sections 28 - 29
26 Sections 32 - 33;

27 (4) Township 8 North, Range 10 West, Copper River Meridian,
28 Sections 4 - 5
29 Sections 8 - 9

1 Sections 16 - 17

2 Sections 20 - 21

3 Sections 28 - 29

4 Sections 32 - 33;

5 (5) Township 9 North, Range 10 West, Copper River Meridian,

6 Sections 20 - 22

7 Sections 27 - 29

8 Sections 32 - 34;

9 (6) Township 10 North, Range 10 West, Copper River Merid-
0 ian, those portions of Sections 2 - 4 and 11 lying south of the Tyone
1 River and

2 Sections 9 - 10

3 Sections 14 - 16;

4 (7) Township 23 North, Range 8 East, Seward Meridian,

5 Sections 1 - 6

6 Sections 8 - 12;

7 (8) Township 23 North, Range 9 East, Seward Meridian,

8 Sections 1 - 14;

9 (9) Township 23 North, Range 10 East, Seward Meridian,

0 Sections 3 - 9

1 Sections 17 - 20;

2 (10) Township 23 North, Range 11 East, Seward Meridian,

3 Sections 1 - 4;

4 (11) Township 23 North, Range 12 East, Seward Meridian,

5 Section 6;

6 (12) Township 24 North, Range 7 East, Seward Meridian,

7 Section 1

8 Sections 12 - 13

9 Sections 24 - 25;

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- 1 (13) Township 24 North, Range 8 East, Seward Meridian;
2 (14) Township 24 North, Range 9 East, Seward Meridian;
3 (15) Township 24 North, Range 10 East, Seward Meridian;
4 (16) Township 24 North, Range 11 East, Seward Meridian;
5 (17) Township 24 North, Range 12 East, Seward Meridian,
6 Sections 1 - 23
7 Sections 26 - 31;
8 (18) Township 25 North, Range 7 East, Seward Meridian,
9 Sections 1 - 2
10 Sections 11 - 13
11 Sections 24 - 25
12 Section 36;
13 (19) Township 25 North, Range 8 East, Seward Meridian;
14 (20) Township 25 North, Range 9 East, Seward Meridian;
15 (21) Township 25 North, Range 10 East, Seward Meridian;
16 (22) Township 25 North, Range 11 East, Seward Meridian;
17 (23) Township 25 North, Range 12 East, Seward Meridian;
18 (24) Township 26 North, Range 7 East, Seward Meridian,
19 Sections 1 - 17
20 Sections 20 - 28
21 Sections 35 - 36;
22 (25) Township 26 North, Range 8 East, Seward Meridian;
23 (26) Township 26 North, Range 9 East, Seward Meridian;
24 (27) Township 26 North, Range 10 East, Seward Meridian;
25 (28) Township 26 North, Range 11 East, Seward Meridian;
26 (29) Township 26 North, Range 12 East, Seward Meridian;
27 (30) Township 27 North, Range 6 East, Seward Meridian,
28 Sections 1 - 3
29 Sections 11 - 13;

- (31) Township 27 North, Range 7 East, Seward Meridian;
- (32) Township 27 North, Range 8 East, Seward Meridian;
- (33) Township 27 North, Range 9 East, Seward Meridian;
- (34) Township 27 North, Range 10 East, Seward Meridian;
- (35) Township 27 North, Range 11 East, Seward Meridian;
- (36) Township 27 North, Range 12 East, Seward Meridian;
- (37) Township 28 North, Range 6 East, Seward Meridian,

Sections 1 - 6

Sections 8 - 17

Sections 21 - 28

Sections 33 - 36;

- (38) Township 28 North, Range 7 East, Seward Meridian;
- (39) Township 28 North, Range 8 East, Seward Meridian;
- (40) Township 28 North, Range 9 East, Seward Meridian;
- (41) Township 28 North, Range 10 East, Seward Meridian;
- (42) Township 28 North, Range 11 East, Seward Meridian;
- (43) Township 28 North, Range 12 East, Seward Meridian;
- (44) Township 29 North, Range 5 East, Seward Meridian,

Section 13

Sections 23 - 26

Section 36;

- (45) Township 29 North, Range 6 East, Seward Meridian;
- (46) Township 29 North, Range 7 East, Seward Meridian;
- (47) Township 29 North, Range 8 East, Seward Meridian;
- (48) Township 29 North, Range 9 East, Seward Meridian;
- (49) Township 29 North, Range 10 East, Seward Meridian;

(50) That portion of Township 29 North, Range 11 East, Seward Meridian, lying south of the Susitna River;

- (51) Township 29, North, Range 12 East, Seward Meridian,

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1 Sections 3 - 9

2 Sections 16 - 21

3 Sections 28 - 34;

4 (52) Township 30 North, Range 6 East, Seward Meridian,

5 Sections 13 - 14

6 Sections 20 - 29

7 Sections 32 - 36;

8 (53) Township 30 North, Range 7 East, Seward Meridian,

9 Sections 1 - 3

10 Sections 8 - 36;

11 (54) Township 30 North, Range 8 East, Seward Meridian;

12 (55) That portion of Township 30 North, Range 9 East, Seward
13 Meridian, lying southeast of the Susitna River;

14 (56) That portion of Township 30 North, Range 10 East,
15 Seward Meridian, lying south of the Susitna River;

16 (57) That portion of Township 30 North, Range 11 East,
17 Seward Meridian, lying south of the Susitna River;

18 (58) That portion of Township 30 North, Range 12 East,
19 Seward Meridian, lying south of the Susitna and Tyone Rivers;

20 (59) Township 31 North, Range 7 East, Seward Meridian,

21 Sections 13 - 14

22 Sections 22 - 27

23 Sections 34 - 36;

24 (60) That portion of Township 31 North, Range 8 East, Seward
25 Meridian, lying south of the Susitna River;

26 (61) That portion of Township 31 North, Range 9 East, Seward
27 Meridian, lying south of the Susitna River;

28 (62) Township 31 North, Range 10 East, Seward Meridian, that
29 portion of section 31 lying southeast of the Susitna River.

(c) The land described within this subsection is the area of the Nelchina Public Use Area that is outside of the central caribou calving area:

- (1) Township 21 North, Range 6 East, Seward Meridian,
 - Section 1
 - Section 3, W1/2
 - Sections 4 - 9
 - Section 11, E1/2
 - Sections 12 - 13
 - Section 14, E1/2
 - Sections 16 - 20
 - Section 23, E1/2
 - Sections 24 - 27
 - Section 30;
- (2) Township 21 North, Range 7 East, Seward Meridian,
 - Sections 1 - 26
 - Sections 29 - 30
 - Section 33, S1/2
 - Section 34, S1/2
 - Sections 35 - 36;
- (3) Township 21 North, Range 8 East, Seward Meridian;
- (4) Township 21 North, Range 9 East, Seward Meridian;
- (5) Township 21 North, Range 10 East, Seward Meridian;
- (6) Township 22 North, Range 6 East, Seward Meridian,
 - Sections 1 - 22
 - Sections 24 - 25
 - Sections 27 - 34
 - Section 36;
- (7) Township 22 North, Range 7 East, Seward Meridian;

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- 1 (8) Township 22 North, Range 8 East, Seward Meridian;
2 (9) Township 22 North, Range 9 East, Seward Meridian;
3 (10) Township 22 North, Range 10 East, Seward Meridian;
4 (11) Township 22 North, Range 11 East, Seward Meridian;
5 (12) Township 22 North, Range 12 East, Seward Meridian,
6 Sections 1 - 24
7 Sections 27 - 34;
8 (13) Township 23 North, Range 6 East, Seward Meridian;
9 (14) Township 23 North, Range 7 East, Seward Meridian;
10 (15) Township 23 North, Range 8 East, Seward Meridian,
11 Section 7
12 Sections 13 - 36;
13 (16) Township 23 North, Range 9 East, Seward Meridian,
14 Sections 15 - 36;
15 (17) Township 23 North, Range 10 East, Seward Meridian,
16 Sections 1 - 2
17 Sections 10 - 16
18 Sections 21 - 36;
19 (18) Township 23 North, Range 11 East, Seward Meridian,
20 Sections 5 - 36;
21 (19) Township 23 North, Range 12 East, Seward Meridian,
22 Sections 1 - 5
23 Sections 7 - 36;
24 (20) Township 24 North, Range 6 East, Seward Meridian;
25 (21) Township 24 North, Range 7 East, Seward Meridian,
26 Sections 2 - 11
27 Sections 14 - 23
28 Sections 26 - 36;
29 (22) Township 24 North, Range 12 East, Seward Meridian,

Sections 24 - 25

Sections 32 - 36;

- (23) Township 25 North, Range 4 East, Seward Meridian;
- (24) Township 25 North, Range 5 East, Seward Meridian;
- (25) Township 25 North, Range 6 East, Seward Meridian;
- (26) Township 25 North, Range 7 East, Seward Meridian,

Sections 3 - 10

Sections 14 - 23

Sections 26 - 35;

- (27) Township 26 North, Range 3 East, Seward Meridian;
- (28) Township 26 North, Range 4 East, Seward Meridian;
- (29) Township 26 North, Range 5 East, Seward Meridian;
- (30) Township 26 North, Range 6 East, Seward Meridian;
- (31) Township 26 North, Range 7 East, Seward Meridian,

Sections 18 - 19

Sections 29 - 34;

- (32) Township 27 North, Range 3 East, Seward Meridian;
- (33) Township 27 North, Range 4 East, Seward Meridian;
- (34) Township 27 North, Range 5 East, Seward Meridian;
- (35) Township 27 North, Range 6 East, Seward Meridian,

Sections 4 - 10

Sections 14 - 36;

- (36) Township 28 North, Range 3 East, Seward Meridian;
- (37) Township 28 North, Range 4 East, Seward Meridian;
- (38) Township 28 North, Range 5 East, Seward Meridian;
- (39) Township 28 North, Range 6 East, Seward Meridian,

Section 7

Sections 18 - 20

Sections 29 - 32;

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- 1 (40) Township 29 North, Range 3 East, Seward Meridian;
2 (41) Township 29 North, Range 4 East, Seward Meridian;
3 (42) Township 29 North, Range 5 East, Seward Meridian,
4 Sections 1 - 12
5 Sections 14 - 22
6 Sections 27 - 35;
7 (43) Township 29 North, Range 12 East, Seward Meridian,
8 Sections 1 - 2
9 Sections 10 - 15
10 Sections 22 - 27
11 Sections 35 - 36;
12 (44) Township 30 North, Range 3 East, Seward Meridian;
13 (45) Township 30 North, Range 4 East, Seward Meridian;
14 (46) Township 30 North, Range 5 East, Seward Meridian;
15 (47) Township 30 North, Range 6 East, Seward Meridian,
16 Sections 1 - 12
17 Sections 15 - 19
18 Sections 30 - 31;
19 (48) Township 30 North, Range 7 East, Seward Meridian,
20 Sections 4 - 7;
21 (49) That portion of Township 31 North, Range 3 East, Seward
22 Meridian, lying south of the Susitna River;
23 (50) That portion of Township 31 North, Range 4 East, Seward
24 Meridian, lying south of the Susitna River;
25 (51) Township 31 North, Range 5 East, Seward Meridian;
26 (52) Township 31 North, Range 6 East, Seward Meridian;
27 (53) Township 31 North, Range 7 East, Seward Meridian, those
28 portions of Sections 2 - 4 and Sections 11 - 12 lying south of the
29 Susitna River, and

Sections 5 - 10

Sections 15 - 21

Sections 28 - 33;

(54) That portion of Township 32 North, Range 4 East, Seward Meridian, lying south of the Susitna River;

(55) That portion of Township 32 North, Range 5 East, Seward Meridian, lying south of the Susitna River;

(56) That portion of Township 32 North, Range 6 East, Seward Meridian, lying south of the Susitna River;

(57) That portion of Township 32 North, Range 7 East, Seward Meridian, lying south of the Susitna River;

(58) Township 3 North, Range 9 West, Copper River Meridian,

Sections 1 - 30

Sections 33 - 34;

(59) Township 3 North, Range 10 West, Copper River Meridian;

(60) Township 3 North, Range 11 West, Copper River Meridian;

(61) Township 4 North, Range 9 West, Copper River Meridian,

all sections except for portions of sections 20 and 29 described as John Lake Subdivision (ASLS-82-190);

(62) Township 4 North, Range 10 West, Copper River Meridian;

(63) Township 4 North, Range 11 West, Copper River Meridian;

(64) Township 5 North, Range 9 West, Copper River Meridian;

(65) Township 5 North, Range 10 West, Copper River Meridian,

Sections 1 - 4

Sections 9 - 16

Sections 19 - 36;

(66) Township 6 North, Range 9 West, Copper River Meridian;

(67) Township 6 North, Range 10 West, Copper River Meridian,

Sections 1 - 3

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1 Sections 10 - 15

2 Sections 22 - 27

3 Sections 34 - 36;

4 (68) Township 7 North, Range 9 West, Copper River Meridian;

5 (69) Township 7 North, Range 10 West, Copper River Meridian,

6 Sections 1 - 3

7 Sections 10 - 15

8 Sections 22 - 27

9 Sections 34 - 36;

10 (70) Township 8 North, Range 9 West, Copper River Meridian;

11 (71) Township 8 North, Range 10 West, Copper River Meridian,

12 Sections 1 - 3

13 Sections 10 - 15

14 Sections 22 - 27

15 Sections 34 - 36;

16 (72) That portion of Township 9 North, Range 9 West, Copper
17 River Meridian, lying south west of the Tyone River;

18 (73) Township 9 North, Range 10 West, Copper River Meridian,

19 Sections 1 - 4

20 Sections 9 - 16

21 Sections 23 - 26

22 Sections 35 - 36;

23 (74) That portion of Township 10 North, Range 9 West, Copper
24 River Meridian, lying southwest of the Tyone River;

25 (75) Township 10 North, Range 10 West, Copper River Merid-
26 ian, that portion of Sections 12 and 13 south of the Tyone River, and

27 Sections 21 - 28

28 Sections 33 - 36.

29 * Sec. 2. Nothing in AS 41.23.010 - 41.23.040 as enacted in sec. 1 of

