

HOUSE BILL NO. 431

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MASEK

Introduced: 2/18/98

Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Tokositna Public Use Area."

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

3 * **Section 1.** AS 41.21.151 is amended by adding a new subsection to read:

4 (b) In managing the land and water described in (a) of this section that also
5 lies within the boundaries of the Tokositna Public Use Area established under
6 AS 41.23.180, the commissioner may not restrict or prohibit traditional uses of the area
7 that have occurred within those boundaries before the effective date of this Act.

8 * **Sec. 2.** AS 41.23 is amended by adding a new section to article 1 to read:

9 **Sec. 41.23.180. Tokositna Public Use Area.** (a) The state-owned land,
10 water, and land and water in the area described in (i) of this section are designated as
11 the Tokositna Public Use Area. The Tokositna Public Use Area is established to
12 protect, maintain, and perpetuate traditional public uses of the area. The commissioner
13 is responsible for the management of the surface and subsurface estate of the Tokositna
14 Public Use Area. After adequate public hearings, the commissioner shall adopt and
15 may revise a management plan for the Tokositna Public Use Area. The commissioner

1 shall provide a copy of the management plan and each revision to the chairs of the
2 resource committees of the legislature within 30 days of the adoption or revision.
3 With regard to the management of land in the public use area, the commissioner shall
4 obtain the concurrence of the Department of Fish and Game in the adoption and
5 revision of the management plan.

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

8 (c) The commissioner shall allow traditional uses of the Tokositna Public Use
9 Area that have occurred there before the effective date of this Act. Those uses may
10 include horseback riding, hiking, mining, all-terrain vehicle driving, bicycling, dog
11 sledding, cross-country skiing, skijoring, snow machining, camping, and other
12 traditional public uses of fish and wildlife populations such as fishing, hunting,
13 trapping, viewing, and photography. Except as otherwise provided in this section, the
14 commissioner may prohibit or restrict uses determined to be incompatible with the
15 primary purpose of the area within the state-owned land, water, and land and water
16 described in (i) of this section. If the commissioner determines that a use is
17 incompatible with one or more other uses in a portion of the Tokositna Public Use
18 Area, the commissioner shall state in the management plan adopted or revised under
19 (a) of this section

20 (1) each determination of incompatibility;

21 (2) the specific area where the incompatibility is determined to exist;

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

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

24 (d) The Tokositna Public Use Area is open to mineral entry under
25 AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the
26 purpose of the area. Each valid existing right or permit remains valid and continues
27 in full force and effect according to its terms. The commissioner shall permit the
28 exploration, development, and extraction of subsurface resources in a manner that is
29 compatible with the purpose of the area.

30 (e) The Tokositna Public Use Area is open to oil and gas leasing under AS 38.

31 (f) Except for that portion of the Tokositna Public Use Area that lies within

1 the boundaries of the Denali State Park, the commissioner may not manage the
2 Tokositna Public Use Area as a unit of the state park system.

3 (g) The commissioner may not restrict fishing, hunting, or trapping rights
4 allowed under a regulation of the Board of Fisheries or the Board of Game within the
5 Tokositna Public Use Area.

6 (h) The commissioner shall allow access to the Tokositna Public Use Area by
7 motorized or nonmotorized means of transportation to private land, to interests in
8 private land, and for hunting, fishing, trapping, mining, and recreational purposes in
9 a manner that is compatible with the purpose of the area. Existing trails remain open
10 to public use.

11 (i) Subject to valid existing rights, the vacant and unappropriated state-owned
12 land, water, and land and water and the state land, water, and land and water acquired
13 in the future that lie within the boundaries described in this subsection are designated
14 as the Tokositna Public Use Area, are reserved for all uses compatible with their
15 primary function as public use land, and are assigned to the department for control and
16 management:

- 17 (1) Township 25 North, Ranges 5 - 9 West, Seward Meridian;
- 18 (2) Township 26 North, Ranges 5 - 9 West, Seward Meridian;
- 19 (3) Township 27 North, Ranges 5 - 12 West, Seward Meridian;
- 20 (4) Township 28 North, Ranges 5 - 12 West, Seward Meridian;
- 21 (5) Township 29 North, Ranges 5 - 12 West, Seward Meridian;
- 22 (6) Township 30 North, Ranges 5 - 12 West, Seward Meridian.