

CS FOR HOUSE BILL NO. 307(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/3/06

Referred: Finance

Sponsor(s): REPRESENTATIVE STOLTZE

A BILL

FOR AN ACT ENTITLED

1 **"An Act creating the Knik River 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 article 1 to read:

4 **Sec. 41.23.180. Purpose of AS 41.23.180 - 41.23.230.** The purpose of
5 AS 41.23.180 - 41.23.230 is to establish the area described in AS 41.23.230 as the
6 Knik River Public Use Area. The Knik River Public Use Area is established to

7 (1) perpetuate and enhance

8 (A) general public recreation;

9 (B) public enjoyment of fish and wildlife;

10 (2) protect and maintain migratory waterfowl nesting areas; habitats
11 for moose, Dall sheep, and brown bear; and other fish and wildlife habitat so that
12 traditional public use of fish and wildlife populations may continue;

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

1 (4) allow

2 (A) continued motorized access for miners and owners of
3 private property in the Knik River 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. 41.23.190. Management.** (a) The commissioner is responsible for the
7 management of the land and mineral estate within the Knik River Public Use Area
8 consistent with the purposes of AS 41.23.180. After adequate public hearings, the
9 commissioner may designate incompatible uses and shall adopt and may revise a
10 management plan for the Knik River 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.

13 (b) The commissioner of fish and game, the Board of Fisheries, and the Board
14 of Game are responsible for the management of fish and game resources and public
15 use of fish and wildlife in the Knik River Public Use Area consistent with the purposes
16 of AS 41.23.180.

17 (c) The Knik River Public Use Area may not be managed as a unit of the state
18 park system.

19 (d) The commissioner shall identify wetland areas within the Knik River
20 Public Use Area and provide for the protection and use of the wetland areas in the
21 management plan.

22 **Sec. 41.23.200. Incompatible uses.** (a) Except as provided in this section, the
23 commissioner may prohibit or restrict uses determined to be incompatible with the
24 purposes of the Knik River Public Use Area under AS 41.23.180 within the state-
25 owned land and water described in AS 41.23.230.

26 (b) Nothing in AS 41.23.180 - 41.23.230 prohibits the Department of Fish and
27 Game from engaging in rehabilitation, enhancement, and development of fish and
28 wildlife habitat within an area described in AS 41.23.230 that is consistent with the
29 purposes stated in AS 41.23.180.

30 (c) The commissioner may not restrict

31 (1) lawful fishing, hunting, or trapping rights allowed under a

1 regulation of the Board of Fisheries or the Board of Game in the Knik River Public
2 Use Area; or

3 (2) the use of weapons, including firearms, in the Knik River Public
4 Use Area except in locations where the commissioner determines that the use of
5 weapons constitutes a threat to public safety;

6 (d) The commissioner shall

7 (1) allow the Knik River Public Use Area to be used for activities that
8 are compatible with the reasons for establishing the public use area in AS 41.23.180
9 and include all-terrain vehicles, aircraft, watercraft, airboats, snowmobiling, horseback
10 riding, hiking, bicycling, dog sledding, cross-country skiing, skijoring, camping,
11 hunting, fishing, wildlife viewing, photography, and, where permitted, mineral
12 exploration and mining; and

13 (2) recognize the existing off-road motor vehicle trails and the access
14 those trails provide to areas in the Knik River Public Use Area, make accommodations
15 that will provide the shortest possible route to avoid critical habitat, conduct trail
16 rehabilitation in a way that minimizes damage, maintain and enhance off-road motor
17 vehicle options and opportunities in the Knik River Public Use Area, and provide for
18 increased use of the public use area.

19 (e) The commissioner of public safety and the commissioner of fish and game
20 shall have necessary access for fish and game management, research, and enforcement
21 purposes.

22 **Sec. 41.23.210. Enforcement authority.** (a) In the Knik River Public Use
23 Area described in AS 41.23.230, the following persons are peace officers of the state
24 for the purpose of enforcing the provisions of AS 41.23.180 - 41.23.230 and
25 regulations adopted under AS 41.23.180 - 41.23.230:

26 (1) an employee of the department or other person authorized by the
27 commissioner;

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

29 (b) A person designated in (a) of this section may, when enforcing the
30 provisions of AS 41.23.180 - 41.23.230 or a regulation adopted under AS 41.23.180 -
31 41.23.230,

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

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

4 (3) arrest a person who violates a provision of AS 41.23.180 -
5 41.23.230 or a regulation adopted under AS 41.23.180 - 41.23.230.

6 **Sec. 41.23.220. Penalty.** (a) A person who violates a provision of
7 AS 41.23.180 - 41.23.230 or a regulation adopted under AS 41.23.180 - 41.23.230 is
8 guilty of a violation as defined in AS 11.81.900.

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

12 **Sec. 41.23.230. Knik River Public Use Area.** Subject to valid existing rights,
13 state-owned land and water and the state land and water acquired in the future that lie
14 within the boundaries described in this section are designated as the Knik River Public
15 Use Area, are reserved for all uses compatible with their primary function as public
16 use land, and are assigned to the department for control and management:

17 (1) Township 15 North, Range 4 East, Seward Meridian;

18 (2) Township 15 North, Range 5 East, Seward Meridian;

19 (3) Township 15 North, Range 6 East, Seward Meridian;

20 (4) Township 15 North, Range 7 East, Seward Meridian

21 Section 3: NW1/4NW1/4

22 Section 4: N1/2NE1/4, N1/2NW1/4

23 Section 5: N1/2NE1/4, NW1/4

24 Section 6: SW1/4SE1/4, N1/2SE1/4, SW1/4, N1/2

25 Section 7: SW1/4NW1/4, N1/2NW1/4;

26 (5) Township 16 North, Range 2 East, Seward Meridian

27 Section 1: Portions located below the ordinary high water of
28 Knik River

29 Section 2: Portions located below the ordinary high water of
30 Knik River

31 Section 3: Portions located below the ordinary high water of

- 1 Knik River;
- 2 (6) Township 16 North, Range 3 East, Seward Meridian
- 3 Sections 1 - 3
- 4 Section 4: Portions located below the ordinary high water of
- 5 Knik River
- 6 Section 5: Portions located below the ordinary high water of
- 7 Knik River
- 8 Section 6: Portions located below the ordinary high water of
- 9 Knik River
- 10 Section 9: Portions located below the ordinary high water of
- 11 Knik River
- 12 Section 10: Portions located below the ordinary high water of
- 13 Knik River
- 14 Sections 11 - 13
- 15 Section 14: Portions located below the ordinary high water of
- 16 Knik River
- 17 Section 23: Portions located below the ordinary high water of
- 18 Knik River
- 19 Section 24: Portions located below the ordinary high water of
- 20 Knik River;
- 21 (7) Township 16 North, Range 4 East, Seward Meridian;
- 22 (8) Township 16 North, Range 5 East, Seward Meridian;
- 23 (9) Township 16 North, Range 6 East, Seward Meridian;
- 24 (10) Township 16 North, Range 7 East, Seward Meridian
- 25 Section 6: NW1/4SE1/4, S1/2SE1/4, W1/2
- 26 Section 7
- 27 Sections 17 - 20
- 28 Section 28: NW1/4SW1/4, S1/2SW1/4
- 29 Sections 29 - 32
- 30 Section 33: S1/2NE1/4, SE1/4, W1/2
- 31 Section 34: SE1/4SW1/4, W1/2SW1/4;

- 1 (11) Township 17 North, Range 2 East, Seward Meridian
2 Section 36: Portions located below the ordinary high water of
3 Knik River;
4 (12) Township 17 North, Range 3 East, Seward Meridian
5 Sections 1 - 5
6 Sections 9 - 16
7 Section 17: S1/2
8 Sections 20 - 29
9 Section 31: NE1/4NE1/4, S1/2NE1/4, SE1/4, SW1/4 located
10 below the ordinary high water of Knik River
11 Sections 32 - 36;
12 (13) Township 17 North, Range 4 East, Seward Meridian;
13 (14) Township 17 North, Range 5 East, Seward Meridian;
14 (15) Township 17 North, Range 6 East, Seward Meridian;
15 (16) Township 18 North, Range 6 East, Seward Meridian.