

Offered: 4/26/85  
Referred: Rules

Original sponsors: Kerttula and V.Fischer

1 IN THE SENATE BY THE FINANCE COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act creating the Nelchina Public Use Area."  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
8 \* Section 1. AS 41.21 is amended by adding new sections to read:  
9 ARTICLE 7A. PUBLIC USE AREAS.  
10 Sec. 41.21.876. PURPOSE. The purpose of AS 41.21.876 - 41.21.  
11 882 is to establish the area described in AS 41.21.882 as the Nelchina  
12 Public Use Area. The Nelchina Public Use Area is established to  
13 (1) protect and maintain fish and wildlife habitat and  
14 populations, particularly caribou calving areas, trumpeter swan nest-  
15 ing areas, and other important habitats for moose, Dall sheep, and  
16 brown bear;  
17 (2) perpetuate and enhance public uses of fish and wildlife  
18 and their habitat including fishing, hunting, trapping, viewing,  
19 photography;  
20 (3) perpetuate and enhance general public recreation in a  
21 high quality environment;  
22 (4) allow other public uses of the area when compatible  
23 with the purposes specified in (1) - (3) of this section.  
24 Sec. 41.21.878. MANAGEMENT. (a) Management of the surface and  
25 subsurface estate of the Nelchina Public Use Area is the responsibil-  
26 ity of the Department of Natural Resources. After adequate public  
27 hearings the commissioner shall adopt and may revise a management plan  
28 for the Nelchina Public Use Area. With regard to the management of  
29 land within the central caribou calving area described in

1 AS 41.21.882(b), the commissioner shall obtain the concurrence of the  
2 Department of Fish and Game in the adoption and revision of the  
3 management plan. With regard to the management of land within the  
4 public use area described in AS 41.21.882(c), the commissioner shall  
5 consult with the Department of Fish and Game in the adoption and  
6 revision of the management plan.

7 (b) The Department of Fish and Game is responsible for the  
8 management of fish and game resources and public use of fish and  
9 wildlife in the Nelchina Public Use Area consistent with the purposes  
10 of AS 41.21.876.

11 (c) The Nelchina Public Use Area shall be open to mineral entry  
12 under AS 38.05.185 - 38.05.275, and the commissioner may adopt regu-  
13 lations to achieve the purposes specified in AS 41.21.876. Each valid  
14 existing right or permit shall remain valid and continue in full force  
15 and effect according to its terms. Exploration, development, and  
16 extraction of subsurface resources shall be allowed as long as they  
17 occur in a manner that is compatible with the purposes specified in  
18 AS 41.21.876(1) - (3).

19 (d) The state may not acquire by eminent domain privately owned  
20 land within or abutting state-owned land described in AS 41.21.882 but  
21 may acquire privately owned land by purchase, exchange, or otherwise  
22 for inclusion in the Nelchina Public Use Area.

23 Sec. 41.21.880. COMPATIBILITY OF USES. (a) Except as provided  
24 in this section, the commissioner may prohibit or restrict incompat-  
25 ible uses under the management plan adopted under AS 41.21.878 within  
26 the state-owned land and water described in AS 41.21.882.

27 (b) Nothing in AS 41.21.876 - 41.21.882 prohibits the Department  
28 of Fish and Game from engaging in rehabilitation, enhancement, and  
29 development of fish and wildlife habitat within an area described in

1 AS 41.21.882.

2 (c) Sport and subsistence fishing, hunting, or trapping rights  
3 permitted under law or under a regulation of the Board of Fisheries or  
4 the Board of Game within the Nelchina Public Use Area is permitted as  
5 long as it occurs in a manner compatible with purposes specified in  
6 AS 41.21.876(1) and (2).

7 (d) The commissioner shall permit access to the Nelchina Public  
8 Use Area by motorized or nonmotorized means of transportation on  
9 traditional routes to private land, interests in private land, and for  
10 lawful sport and subsistence hunting, fishing, trapping and recre-  
11 ational purposes as long as it occurs in a manner that is not incom-  
12 patible with purposes specified in AS 41.21.876(1) - (4).

13 (e) The Department of Public Safety and the Department of Fish  
14 and Game shall have access for fish and game management, research, and  
15 enforcement purposes.

16 Sec. 41.21.882. NELCHINA PUBLIC USE AREA. (a) The vacant and  
17 unappropriated state-owned land and water and the state land and water  
18 acquired in the future that lie within the boundaries described in  
19 this section are designated as the Nelchina Public Use Area, are  
20 reserved from all uses incompatible with their primary function as  
21 public use land, and are assigned to the Department of Natural Resour-  
22 ces for control and management.

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

25 (1) Township 5 North, Range 10 West, Copper River Meridian,  
26 Section 5  
27 Section 8  
28 Section 17;

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

1 Sections 4 - 5  
 2 Sections 8 - 9  
 3 Sections 16 - 17  
 4 Sections 20 - 21  
 5 Sections 28 - 29  
 6 Sections 32 - 33;  
 7 (3) Township 7 North, Range 10 West, Copper River Meridian,  
 8 Sections 4 - 5  
 9 Sections 8 - 9  
 10 Sections 16 - 17  
 11 Sections 20 - 21  
 12 Sections 28 - 29  
 13 Sections 32 - 33;  
 14 (4) Township 8 North, Range 10 West, Copper River Meridian,  
 15 Sections 4 - 5  
 16 Sections 8 - 9  
 17 Sections 16 - 17  
 18 Sections 20 - 21  
 19 Sections 28 - 29  
 20 Sections 32 - 33;  
 21 (5) Township 9 North, Range 10 West, Copper River Meridian,  
 22 Sections 20 - 22,  
 23 Sections 27 - 29  
 24 Sections 32 - 34;  
 25 (6) Township 10 North, Range 10 West, Copper River Merid-  
 26 ian, those portions of Sections 2 - 4 and 11 lying south of the Tyone  
 27 River and  
 28 Sections 9 - 10  
 29 Sections 14 - 16;

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

- 1 (20) Township 25 North, Range 9 East, Seward Meridian;  
2 (21) Township 25 North, Range 10 East, Seward Meridian;  
3 (22) Township 25 North, Range 11 East, Seward Meridian;  
4 (23) Township 25 North, Range 12 East, Seward Meridian;  
5 (24) Township 26 North, Range 7 East, Seward Meridian,  
6 Sections 1 - 17  
7 Sections 20 - 28  
8 Sections 35 - 36  
9 (25) Township 26 North, Range 8 East, Seward Meridian;  
10 (26) Township 26 North, Range 9 East, Seward Meridian;  
11 (27) Township 26 North, Range 10 East, Seward Meridian;  
12 (28) Township 26 North, Range 11 East, Seward Meridian;  
13 (29) Township 26 North, Range 12 East, Seward Meridian;  
14 (30) Township 27 North, Range 6 East, Seward Meridian,  
15 Sections 1 - 3  
16 Sections 11 - 13;  
17 (31) Township 27 North, Range 7 East, Seward Meridian,  
18 (32) Township 27 North, Range 8 East, Seward Meridian;  
19 (33) Township 27 North, Range 9 East, Seward Meridian;  
20 (34) Township 27 North, Range 10 East, Seward Meridian;  
21 (35) Township 27 North, Range 11 East, Seward Meridian;  
22 (36) Township 27 North, Range 12 East, Seward Meridian;  
23 (37) Township 28 North, Range 6 East, Seward Meridian,  
24 Sections 1 - 6  
25 Sections 8 - 17  
26 Sections 21 - 28;  
27 Sections 33 - 36;  
28 (38) Township 28 North, Range 7 East, Seward Meridian,  
29 (39) Township 28 North, Range 8 East, Seward Meridian;

- 1 (40) Township 28 North, Range 9 East, Seward Meridian;  
2 (41) Township 28 North, Range 10 East, Seward Meridian;  
3 (42) Township 28 North, Range 11 East, Seward Meridian;  
4 (43) Township 28 North, Range 12 East, Seward Meridian;  
5 (44) Township 29 North, Range 5 East, Seward Meridian,  
6 Section 13  
7 Sections 23 - 26  
8 Section 36;  
9 (45) Township 29 North, Range 6 East, Seward Meridian;  
10 (46) Township 29 North, Range 7 East, Seward Meridian,  
11 (47) Township 29 North, Range 8 East, Seward Meridian;  
12 (48) Township 29 North, Range 9 East, Seward Meridian;  
13 (49) Township 29 North, Range 10 East, Seward Meridian;  
14 (50) That portion of Township 29 North, Range 11 East,  
15 Seward Meridian, lying south of the Susitna River;  
16 (51) Township 29, North, Range 12 East, Seward Meridian,  
17 Sections 3 - 9  
18 Sections 16 - 21  
19 Sections 28 - 34;  
20 (52) Township 30 North, Range 6 East, Seward Meridian,  
21 Sections 13 - 14  
22 Sections 20 - 29  
23 Sections 32 - 36;  
24 (53) Township 30 North, Range 7 East, Seward Meridian,  
25 Sections 1 - 3  
26 Sections 8 - 36  
27 (54) Township 30 North, Range 8 East, Seward Meridian;  
28 (55) That portion of Township 30 North, Range 9 East, Seward  
29 Meridian, lying southeast of the Susitna River;

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

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

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

7 (59) Township 31 North, Range 7 East, Seward Meridian,  
8 Sections 13 - 14,  
9 Sections 22 - 27  
10 Sections 34 - 36;

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

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

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

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

- 20 (1) Township 21 North, Range 6 East, Seward Meridian,  
21 Section 1  
22 Section 3, W1/2  
23 Sections 4 - 9  
24 Section 11, E1/2  
25 Sections 12 - 13  
26 Section 14, E1/2  
27 Sections 16 - 20  
28 Section 23, E1/2  
29 Sections 24 - 27

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



- 1 (31) Township 26 North, Range 7 East, Seward Meridian,  
2 Sections 18 - 19  
3 Sections 29 - 34;  
4 (32) Township 27 North, Range 3 East, Seward Meridian;  
5 (33) Township 27 North, Range 4 East, Seward Meridian;  
6 (34) Township 27 North, Range 5 East, Seward Meridian;  
7 (35) Township 27 North, Range 6 East, Seward Meridian,  
8 Sections 4 - 10  
9 Sections 14 - 36;  
10 (36) Township 28 North, Range 3 East, Seward Meridian;  
11 (37) Township 28 North, Range 4 East, Seward Meridian;  
12 (38) Township 28 North, Range 5 East, Seward Meridian;  
13 (39) Township 28 North, Range 6 East, Seward Meridian,  
14 Section 7  
15 Sections 18 - 20  
16 Sections 29 - 32;  
17 (40) Township 29 North, Range 3 East, Seward Meridian;  
18 (41) Township 29 North, Range 4 East, Seward Meridian;  
19 (42) Township 29 North, Range 5 East, Seward Meridian,  
20 Sections 1 - 12  
21 Sections 14 - 22  
22 Sections 27 - 35;  
23 (43) Township 29 North, Range 12 East, Seward Meridian,  
24 Sections 1 - 2  
25 Sections 10 - 15  
26 Sections 22 - 27  
27 Sections 35 - 36;  
28 (44) Township 30 North, Range 3 East, Seward Meridian;  
29 (45) Township 30 North, Range 4 East, Seward Meridian;

- 1 (46) Township 30 North, Range 5 East, Seward Meridian;  
2 (47) Township 30 North, Range 6 East, Seward Meridian,  
3 Sections 1 - 12  
4 Sections 15 - 19  
5 Sections 30 - 31;  
6 (48) Township 30 North, Range 7 East, Seward Meridian,  
7 Sections 4 - 7;  
8 (49) That portion of Township 31 North, Range 3 East, Seward  
9 Meridian, lying south of the Susitna River;  
10 (50) That portion of Township 31 North, Range 4 East, Seward  
11 Meridian, lying south of the Susitna River;  
12 (51) Township 31 North, Range 5 East, Seward Meridian;  
13 (52) Township 31 North, Range 6 East, Seward Meridian;  
14 (53) Township 31 North, Range 7 East, Seward Meridian, those  
15 portions of Sections 2 - 4 and Sections 11 - 12 lying south of the  
16 Susitna River, and  
17 Sections 5 - 10  
18 Sections 15 - 21  
19 Sections 28 - 33;  
20 (54) That portion of Township 32 North, Range 4 East, Seward  
21 Meridian, lying south of the Susitna River;  
22 (55) That portion of Township 32 North, Range 5 East, Seward  
23 Meridian, lying south of the Susitna River;  
24 (56) That portion of Township 32 North, Range 6 East, Seward  
25 Meridian, lying south of the Susitna River;  
26 (57) That portion of Township 32 North, Range 7 East, Seward  
27 Meridian, lying south of the Susitna River;  
28 (58) Township 3 North, Range 9 West, Copper River Meridian,  
29 Sections 1 - 30



1 Sections 22 - 27

2 Sections 34 - 36;

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

5 (73) Township 9 North, Range 10 West, Copper River Meridian,  
6 Sections 1 - 4

7 Sections 9 - 16

8 Sections 23 - 26

9 Sections 35 - 36;

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

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

14 Sections 21 - 28

15 Sections 33 - 36

16 \* Sec. 2. Nothing in AS 41.21.876 - 41.21.882 as enacted in sec. 1 of  
17 this Act is inconsistent with the establishment of the Susitna Hydroelec-  
18 tric Project.

19 \* Sec. 3. The management plan required under AS 41.21.878 as enacted in  
20 Sec. 1 of this Act shall be adopted by the commissioner of natural resour-  
21 ces within three years after the effective date of this Act.