

Offered: 5/10/85  
Referred: Finance

Original sponsors: Kerttula and V.Fischer

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35 (Resources)

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 is amended by adding a new chapter to read:

9 CHAPTER 23. MULTIPLE USE MANAGEMENT OF PUBLIC RESOURCES.

10 ARTICLE 1. PUBLIC USE AREAS.

11 Sec. 41.23.010. PURPOSE. The purpose of AS 41.23.010 - 41.23.-  
12 040 is to establish the area described in AS 41.23.040 as the Nelchina  
13 Public Use Area. The Nelchina Public Use Area is established to

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

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

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

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

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

27 Sec. 41.23.020. MANAGEMENT. (a) Management of the surface and  
28 subsurface estate of the Nelchina Public Use Area is the responsibil-  
29 ity of the Department of Natural Resources. After adequate public

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.

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

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

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

23 (1) each determination of incompatibility;

24 (2) the specific area where the incompatibility is de-  
25 termined to exist;

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

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

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

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

- 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;

- 1 (31) Township 27 North, Range 7 East, Seward Meridian,  
2 (32) Township 27 North, Range 8 East, Seward Meridian;  
3 (33) Township 27 North, Range 9 East, Seward Meridian;  
4 (34) Township 27 North, Range 10 East, Seward Meridian;  
5 (35) Township 27 North, Range 11 East, Seward Meridian;  
6 (36) Township 27 North, Range 12 East, Seward Meridian;  
7 (37) Township 28 North, Range 6 East, Seward Meridian,  
8 Sections 1 - 6  
9 Sections 8 - 17  
10 Sections 21 - 28;  
11 Sections 33 - 36;  
12 (38) Township 28 North, Range 7 East, Seward Meridian,  
13 (39) Township 28 North, Range 8 East, Seward Meridian;  
14 (40) Township 28 North, Range 9 East, Seward Meridian;  
15 (41) Township 28 North, Range 10 East, Seward Meridian;  
16 (42) Township 28 North, Range 11 East, Seward Meridian;  
17 (43) Township 28 North, Range 12 East, Seward Meridian;  
18 (44) Township 29 North, Range 5 East, Seward Meridian,  
19 Section 13  
20 Sections 23 - 26  
21 Section 36;  
22 (45) Township 29 North, Range 6 East, Seward Meridian;  
23 (46) Township 29 North, Range 7 East, Seward Meridian,  
24 (47) Township 29 North, Range 8 East, Seward Meridian;  
25 (48) Township 29 North, Range 9 East, Seward Meridian;  
26 (49) Township 29 North, Range 10 East, Seward Meridian;  
27 (50) That portion of Township 29 North, Range 11 East,  
28 Seward Meridian, lying south of the Susitna River;  
29 (51) Township 29, North, Range 12 East, Seward Meridian,

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.



1 (c) The land described within this subsection is the area of the  
2 Nelchina Public Use Area that is outside of the central caribou calv-  
3 ing area:

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

15 (2) Township 21 North, Range 7 East, Seward Meridian,  
16 Sections 1 - 26  
17 Sections 29 - 30  
18 Section 33, S1/2  
19 Section 34, S1/2  
20 Sections 35 - 36;

21 (3) Township 21 North, Range 8 East, Seward Meridian;  
22 (4) Township 21 North, Range 9 East, Seward Meridian;  
23 (5) Township 21 North, Range 10 East, Seward Meridian;  
24 (6) Township 22 North, Range 6 East, Seward Meridian,  
25 Sections 1 - 22  
26 Sections 24 - 25  
27 Sections 27 - 34  
28 Section 36;

29 (7) Township 22 North, Range 7 East, Seward Meridian;

- 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,

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

- 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

1 Sections 5 - 10  
2 Sections 15 - 21  
3 Sections 28 - 33;  
4 (54) That portion of Township 32 North, Range 4 East, Seward  
5 Meridian, lying south of the Susitna River;  
6 (55) That portion of Township 32 North, Range 5 East, Seward  
7 Meridian, lying south of the Susitna River;  
8 (56) That portion of Township 32 North, Range 6 East, Seward  
9 Meridian, lying south of the Susitna River;  
10 (57) That portion of Township 32 North, Range 7 East, Seward  
11 Meridian, lying south of the Susitna River;  
12 (58) Township 3 North, Range 9 West, Copper River Meridian,  
13 Sections 1 - 30  
14 Sections 33 - 34;  
15 (59) Township 3 North, Range 10 West, Copper River Meridian;  
16 (60) Township 3 North, Range 11 West, Copper River Meridian;  
17 (61) Township 4 North, Range 9 West, Copper River Meridian,  
18 all sections except for portions of sections 20 and 29 described as  
19 John Lake Subdivision (ASLS-82-190);  
20 (62) Township 4 North, Range 10 West, Copper River Meridian;  
21 (63) Township 4 North, Range 11 West, Copper River Meridian;  
22 (64) Township 5 North, Range 9 West, Copper River Meridian;  
23 (65) Township 5 North, Range 10 West, Copper River Meridian,  
24 Sections 1 - 4  
25 Sections 9 - 16  
26 Sections 19 - 36;  
27 (66) Township 6 North, Range 9 West, Copper River Meridian;  
28 (67) Township 6 North, Range 10 West, Copper River Meridian,  
29 Sections 1 - 3

- 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

1 this Act may be construed to restrict the development and establishment of  
2 the Susitna Hydroelectric Project.