

Introduced: 1/13/86
Referred: Resources and Finance

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 334

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to Hatcher Pass Public Use Area."

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

8 * Section 1. As 41.23 is amended by adding new sections to read:

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ARTICLE. 2. HATCHER PASS PUBLIC USE AREA.

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Sec. 41.23.100. PURPOSE. (a) The purpose of AS 41.23.100 -

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41.23.130 is to establish the area described in AS 41.23.130 as the

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Hatcher Pass Public Use Area.

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(b) The Hatcher Pass Public Use Area is established to

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(1) protect and enhance the fishery, waterfowl, and wild-

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life resources and habitat and provide for public use of the fishery

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and wildlife resources, including fishing, grazing, hunting, and

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trapping;

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(2) provide for winter recreation, hiking, mountaineering,

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horseback riding, kayaking, hang-gliding, picnicking, viewing, and

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other public recreation area activities;

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(3) protect the water quality and scenic resources within

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the Hatcher Pass Public Use Area.

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Sec. 41.23.110. MANAGEMENT. (a) The commissioner of natural

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resources is responsible for the management of the surface and subsur-

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face estate within the Hatcher Pass Public Use Area consistent with

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the purposes of AS 41.23.100.

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(b) The commissioner of fish and game, the Board of Fisheries,

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and the Board of Game are responsible for the management of fish and

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game resources and public use of fish and wildlife in the Hatcher Pass

1 Public Use Area consistent with the purposes of AS 41.23.100.

2 (c) After adequate public hearings and with the concurrence of
3 the commissioner of fish and game, the commissioner shall adopt and
4 may revise a management plan for the Hatcher Pass Public Use Area in
5 consultation with local governments and other affected state agencies.
6 The management plan adopted under this section must be consistent with
7 the purposes stated in AS 41.23.100.

8 (d) The provisions of AS 41.23.100 - 41.23.130 do not restrict a
9 responsibility within the Hatcher Pass Public Use Area of the commis-
10 sioner of fish and game, the Board of Fisheries, the Board of Game,
11 the commissioner of environmental conservation, or the commissioner of
12 public safety.

13 (e) Except for the area within the Little Susitna River bed and
14 within the area one-half mile on each side of the bed of the Little
15 Susitna River, the Hatcher Pass Public Use Area is open to mineral
16 entry under AS 38.05.185 - 38.05.275 under the management plan adopted
17 under (c) of this section and consistently with AS 41.23.100.

18 (f) Each valid existing mining claim remains valid and shall
19 continue in full force and effect according to its terms.

20 (g) The state may not acquire by eminent domain privately owned
21 land within or abutting state-owned land described in AS 41.23.130 but
22 may acquire privately owned land by purchase, exchange, or otherwise
23 for inclusion in the Hatcher Pass Public Use Area from willing land-
24 owners.

25 (h) The land within the Hatcher Pass Public Use Area is closed
26 to land disposals and settlement under AS 38 and, except for valid
27 existing rights on the effective date of this Act, the commissioner of
28 natural resources may not dispose of state land within the Hatcher
29 Pass Public Use Area.

1 (i) The commissioner may not manage the Hatcher Pass Public Use
2 Area as a unit of the state park system.

3 Sec. 41.23.120. COMPATIBILITY OF USES. (a) Except as provided
4 in this section, the commissioner may prohibit or restrict incompati-
5 ble uses under the management plan adopted under AS 41.23.110 within
6 the state-owned land and water described in AS 41.23.130.

7 (b) Nothing in AS 41.23.100 - 41.23.130 prohibits the Department
8 of Fish and Game from engaging in rehabilitation, enhancement, and
9 development of fish and wildlife habitat within an area described in
10 AS 41.23.130.

11 (c) The commissioner may not restrict lawful sport and subsis-
12 tence fishing, hunting, or trapping rights allowed under a regulation
13 of the Board of Fisheries or the Board of Game within the Hatcher Pass
14 Public Use Area.

15 (d) The commissioner of public safety and the commissioner of
16 fish and game shall have necessary access for fish and game manage-
17 ment, research, and enforcement purposes.

18 (e) If the commissioner determines that a use is incompatible
19 with one or more other uses in a portion of the Hatcher Pass Public
20 Use Area, the commissioner shall state in the management plan adopted
21 or revised under AS 41.23.110

22 (1) each determination of incompatibility;

23 (2) the specific area where the incompatibility is deter-
24 mined to exist;

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

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

28 Sec. 41.23.130. HATCHER PASS PUBLIC USE AREA. (a) The vacant
29 and unappropriated state-owned land and water and the state land and

1 water acquired in the future that lie within the boundaries described
2 in this section are designated as the Hatcher Pass Public Use Area,
3 are reserved for all uses compatible with their primary function as
4 public use land, and are assigned to the Department of Natural Re-
5 sources for control and management:

6 Township 18 North, Range 1 West, Seward Meridian

7 Sections 5 - 6

8 Township 19 North, Range 1 East, Seward Meridian

9 Sections 1 - 24

10 Sections 27 - 31

11 Township 19 North, Range 2 East, Seward Meridian

12 Sections 3 - 8

13 Section 9: N1/2

14 Sections 17 - 20

15 Township 19 North, Range 1 West, Seward Meridian

16 Township 19 North, Range 2 West, Seward Meridian

17 Section 1

18 Sections 12 - 13

19 Sections 24 - 25

20 Section 36

21 Township 20 North, Range 1 East, Seward Meridian

22 Section 1: S1/2, NE1/4

23 Section 2: S1/2, NW1/4

24 Sections 3 - 36

25 Township 20 North, Range 2 East, Seward Meridian

26 Sections 2 - 11

27 Sections 14 - 23

28 Sections 26 - 35

29 Township 20 North, Range 1 West, Seward Meridian

1 Township 20 North, Range 2 West, Seward Meridian
 2 Township 20 North, Range 3 West, Seward Meridian
 3 Sections 1 - 2
 4 Sections 11 - 14
 5 Sections 23 - 25
 6 Township 21 North, Range 1 West, Seward Meridian
 7 Section 2: S1/2
 8 Sections 3 - 11
 9 Section 13: S1/2
 10 Sections 14 - 36
 11 Township 21 North, Range 2 West, Seward Meridian
 12 Township 21 North, Range 3 West, Seward Meridian
 13 Section 1
 14 Sections 11 - 14
 15 Sections 23 - 26
 16 Sections 35 - 36
 17 Township 21 North, Range 1 East, Seward Meridian
 18 Section 17: SW1/4
 19 Section 18: S1/2
 20 Sections 19 - 21
 21 Section 22: SW1/4
 22 Section 27: S1/2, NW1/4
 23 Sections 28 - 34
 24 Township 21 North, Range 2 East, Seward Meridian
 25 Section 26: SW1/4
 26 Section 27: S1/2
 27 Section 33: E1/2
 28 Section 34
 29 Section 35: W1/2

- 1 Township 22 North, Range 1 West, Seward Meridian
- 2 Section 31: S1/2
- 3 Section 32: S1/2
- 4 Section 33: S1/2
- 5 Section 34: SW1/4
- 6 Township 22 North, Range 2 West, Seward Meridian
- 7 Sections 19 - 21
- 8 Section 22: S1/2, NW1/4
- 9 Section 25: S1/2
- 10 Sections 26 - 36