

Introduced: 2/28/86
Referred: Resources
and Finance

1 IN THE SENATE

BY KERTTULA

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 334

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 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:

9 ARTICLE. 2. HATCHER PASS PUBLIC USE AREA.

10 Sec. 41.23.100. PURPOSE. (a) The purpose of AS 41.23.100 -
11 41.23.130 is to establish the area described in AS 41.23.130 as the
12 Hatcher Pass Public Use Area.

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

14 (1) protect and enhance the fishery, waterfowl, and wild-
15 life resources and habitat and provide for public use of the fishery
16 and wildlife resources, including fishing, grazing, hunting, and
17 trapping;

18 (2) provide for public recreation activities;

19 (3) protect the water quality and scenic resources within
20 the Hatcher Pass Public Use Area.

21 Sec. 41.23.110. MANAGEMENT. (a) The commissioner of natural
22 resources is responsible for the management of the surface and subsur-
23 face estate within the Hatcher Pass Public Use Area consistent with
24 the purposes of AS 41.23.100.

25 (b) The commissioner of fish and game, the Board of Fisheries,
26 and the Board of Game are responsible for the management of fish and
27 game resources and public use of fish and wildlife in the Hatcher Pass
28 Public Use Area consistent with the purposes of AS 41.23.100.

29 (c) After adequate public hearings and with the concurrence of

1 the commissioner of fish and game, the commissioner shall adopt and
2 may revise a management plan for the Hatcher Pass Public Use Area in
3 consultation with local governments and other affected state agencies.
4 The commissioner may close land to mineral entry in a management plan
5 adopted under this subsection. The effective date of the closure is
6 the effective date of the management plan. The management plan adopt-
7 ed under this section must be consistent with the purposes stated in
8 AS 41.23.100.

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

14 (e) The following areas within the Hatcher Pass Public Use area
15 are closed to mineral entry under AS 38.05.185 - 38.05.275 from the
16 effective date of this Act:

17 Township 19 North, Range 1 East, Seward Meridian

18 Section 1: NW1/4NW1/4, NW1/4NE1/4NW1/4, W1/2SW1/4
19 NW1/4, NE1/4SW1/4NW1/4

20 Section 2: NE1/4, SE1/4NW1/4, SE1/4NE1/4NW1/4,
21 SE1/4SW1/4NW1/4, SW1/4, NW1/4SE1/4, SW1/4SE1/4,
22 NW1/4SE1/4SE1/4, W1/2NE1/4SE1/4, NE1/4NE1/4SE1/4

23 Section 10: E1/2E1/2

24 Section 11: W1/2, NW1/4NE1/4

25 Section 14: W1/2

26 Section 15: E1/2E1/2

27 Section 22: E1/2E1/2

28 Section 23: W1/2

29 Section 26: W1/2SW1/4, SW1/4NW1/4

1 Section 27: E1/2E1/2
2 Township 20 North, Range 1 East, Seward Meridian
3 Section 25: S1/2S1/2SE1/4
4 Section 35: SE1/4, SE1/4SE1/4NE1/4
5 Section 36: NE1/4, SW1/4, E1/2NW1/4, SW1/4NW1/4,
6 SE1/4NW1/4NW1/4, NW1/4SE1/4, NW1/4NE1/4SE1/4,
7 NW1/4SW1/4SE1/4
8 Township 20 North, Range 2 East, Seward Meridian
9 Section 9: E1/2SE1/4, E1/2SW1/4SE1/4, SE1/4SE1/4NE1/4
10 Section 10: W1/2SW1/4, E1/2NW1/4, SW1/4NW1/4,
11 E1/2NW1/4NW1/4, W1/2NE1/4SW1/4, NW1/4NE1/4, NW1/4
12 SW1/4NE1/4
13 Section 15: W1/2W1/2NW1/4
14 Section 16: SE1/4, E1/2NE1/4, E1/2W1/2NE1/4
15 Section 21: E1/2SW1/4, E1/2SW1/4SW1/4, SW1/4SW1/4
16 SW1/4, SE1/4NW1/4SW1/4, NW1/4SE1/4, W1/2SW1/4SE1/4,
17 NE1/4SW1/4SE1/4, W1/2NE1/4, W1/2NE1/4NE1/4, NW1/4
18 SE1/4NE1/4, SE1/4NW1/4, E1/2NE1/4NW1/4, SW1/4NE1/2
19 NW1/4
20 Section 28: NW1/4, W1/2NW1/4NE1/4, NW1/4SW1/4,
21 NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4
22 Section 29: E1/2SE1/4, SE1/4NE1/4, SW1/4SE1/4, S1/2
23 NW1/4SE1/4, NE1/4NW1/4SE1/4, S1/2SW1/4, S1/2NE1/4
24 SW1/4
25 Section 30: S1/2S1/2S1/2, S1/2SE1/4
26 Section 31: NW1/4, N1/2NE1/4, N1/2S1/2NE1/4
27 Section 32: N1/2NW1/4, N1/2SW1/4NW1/4, NW1/4NW1/4NE1/4
28 (f) Each valid existing mining claim on the effective date of
29 this Act remains valid and shall continue in full force and effect

1 according to its terms.

2 (g) The state may not acquire by eminent domain privately owned
3 land within or abutting state-owned land described in AS 41.23.130 but
4 may acquire privately owned land by purchase, exchange, or otherwise
5 for inclusion in the Hatcher Pass Public Use Area from willing land-
6 owners.

7 (h) Except for valid existing rights on the effective date of
8 this Act, the commissioner of natural resources may not sell state
9 land within the Hatcher Pass Public Use Area.

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

14 (b) Nothing in AS 41.23.100 - 41.23.130 prohibits the Department
15 of Fish and Game from engaging in rehabilitation, enhancement, and
16 development of fish and wildlife habitat within an area described in
17 AS 41.23.130 that is consistent with the purposes stated in AS 41.23.-
18 100.

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

23 (d) The commissioner shall designate routes for motorized and
24 nonmotorized access within the Hatcher Pass Public Use Area.

25 (e) The commissioner of public safety and the commissioner of
26 fish and game shall have necessary access for fish and game manage-
27 ment, research, and enforcement purposes.

28 (f) If the commissioner determines that a use is incompatible
29 with one or more other uses in a portion of the Hatcher Pass Public

1 according to its terms.

2 (g) The state may not acquire by eminent domain privately owned
3 land within or abutting state-owned land described in AS 41.23.130 but
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24 nonmotorized access within the Hatcher Pass Public Use Area.

25 (e) The commissioner of public safety and the commissioner of
26 fish and game shall have necessary access for fish and game manage-
27 ment, research, and enforcement purposes.

28 (f) If the commissioner determines that a use is incompatible
29 with one or more other uses in a portion of the Hatcher Pass Public

1 Use Area, the commissioner shall state in the management plan adopted
2 or revised under AS 41.23.110

3 (1) each determination of incompatibility;

4 (2) the specific area where the incompatibility is deter-
5 mined to exist;

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

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

9 Sec. 41.23.130. HATCHER PASS PUBLIC USE AREA. (a) The vacant
10 and unappropriated state-owned land and water and the state land and
11 water acquired in the future that lie within the boundaries described
12 in this section are designated as the Hatcher Pass Public Use Area,
13 are reserved for all uses compatible with their primary function as
14 public use land, and are assigned to the Department of Natural Re-
15 sources for control and management:

16 Township 19 North, Range 1 East, Seward Meridian

17 Sections 1 - 24

18 Sections 27 - 31

19 Township 19 North, Range 2 East, Seward Meridian

20 Section 2: W1/2

21 Sections 3 - 9

22 Section 10: N1/2

23 Township 20 North, Range 1 East, Seward Meridian

24 Section 1: S1/2, NE1/4

25 Section 2: S1/2, NW1/4

26 Sections 3 - 36

27 Township 20 North, Range 2 East, Seward Meridian

28 Sections 2 - 11

29 Sections 14 - 23

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