

Offered: 4/21/86
Referred: Finance

Original sponsor: Kerttula

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 334 (Resources)
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) provide for public recreation activities;

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

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 in consultation with the

1 commissioner of fish and game, the commissioner shall adopt and may
2 revise a management plan for the Hatcher Pass Public Use Area in
3 consultation with local governments and other affected state agencies.
4 The management plan adopted under this section must be consistent with
5 the purposes stated in AS 41.23.100. A management plan adopted or
6 revised by the commissioner under this section shall be submitted to
7 the legislature within the first 10 days of the first regular session
8 of the legislature to convene after its adoption or revision by the
9 commissioner.

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

15 (e) The Hatcher Pass Public Use Area is closed to mineral entry
16 under AS 38.05.185 - 38.05.275 from the effective date of this Act.

17 (f) Each valid existing mining claim on the effective date of
18 this Act remains valid and shall continue in full force and effect
19 according to its terms.

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

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

28 Sec. 41.23.120. COMPATIBILITY OF USES. (a) Except as provided
29 in this section, the commissioner may prohibit or restrict

1 incompatible uses under the management plan adopted under AS 41.23.110
2 within the state-owned land and water described in AS 41.23.130.

3 (b) Nothing in AS 41.23.100 - 41.23.130 prohibits the Department
4 of Fish and Game from engaging in rehabilitation, enhancement, and
5 development of fish and wildlife habitat within an area described in
6 AS 41.23.130 that is consistent with the purposes stated in AS 41.23.-
7 100.

8 (c) The commissioner may not restrict lawful fishing, hunting,
9 or trapping rights allowed under a regulation of the Board of
10 Fisheries or the Board of Game within the Hatcher Pass Public Use
11 Area.

12 (d) The commissioner shall designate routes for motorized and
13 nonmotorized access within or across the Hatcher Pass Public Use Area.

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

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

21 (1) each determination of incompatibility;

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

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

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

27 Sec. 41.23.130. HATCHER PASS PUBLIC USE AREA. The vacant and
28 unappropriated state-owned land and water and the state land and water
29 acquired in the future that lie within the boundaries described in

1 this section are designated as the Hatcher Pass Public Use Area, are
2 reserved for all uses compatible with their primary function as public
3 use land, and are assigned to the Department of Natural Resources for
4 control and management:

5 Township 19 North, Range 1 East, Seward Meridian

6 Section 1: NW1/4NW1/4, NW1/4NE1/4NW1/4, W1/2SW1/4
7 NW1/4, NE1/4SW1/4NW1/4

8 Section 2: NE1/4, SE1/4NW1/4, SE1/4NE1/4NW1/4,
9 SE1/4SW1/4NW1/4, SW1/4, NW1/4SE1/4, SW1/4SE1/4,
10 NW1/4SE1/4SE1/4, W1/2NE1/4SE1/4, NE1/4NE1/4SE1/4

11 Section 10: E1/2E1/2

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

13 Section 14: W1/2

14 Section 15: E1/2E1/2

15 Section 22: E1/2E1/2

16 Section 23: W1/2

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

18 Section 27: E1/2E1/2

19 Township 20 North, Range 1 East, Seward Meridian

20 Section 25: S1/2S1/2SE1/4

21 Section 35: SE1/4, SE1/4SE1/4NE1/4

22 Section 36: NE1/4, SW1/4, E1/2NW1/4, SW1/4NW1/4,
23 SE1/4NW1/4NW1/4, NW1/4SE1/4, NW1/4NE1/4SE1/4,
24 NW1/4SW1/4SE1/4

25 Township 20 North, Range 2 East, Seward Meridian

26 Section 9: E1/2SE1/4, E1/2SW1/4SE1/4, SE1/4SE1/4NE1/4

27 Section 10: W1/2SW1/4, E1/2NW1/4, SW1/4NW1/4,
28 E1/2NW1/4NW1/4, W1/2NE1/4SW1/4, NW1/4NE1/4, NW1/4
29 SW1/4NE1/4

- 1 Section 15: W1/2W1/2NW1/4
- 2 Section 16: SE1/4, E1/2NE1/4, E1/2W1/2NE1/4
- 3 Section 21: E1/2SW1/4, E1/2SW1/4SW1/4, SW1/4SW1/4
- 4 SW1/4, SE1/4NW1/4SW1/4, NW1/4SE1/4, W1/2SW1/4SE1/4,
- 5 NE1/4SW1/4SE1/4, W1/2NE1/4, W1/2NE1/4NE1/4, NW1/4
- 6 SE1/4NE1/4, SE1/4NW1/4, E1/2NE1/4NW1/4, SW1/4NE1/4
- 7 NW1/4
- 8 Section 28: NW1/4, W1/2NW1/4NE1/4, NW1/4SW1/4,
- 9 NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4
- 10 Section 29: E1/2SE1/4, SE1/4NE1/4, SW1/4SE1/4, S1/2
- 11 NW1/4SE1/4, NE1/4NW1/4SE1/4, S1/2SW1/4, S1/2NE1/4
- 12 SW1/4
- 13 Section 30: S1/2S1/2S1/2, S1/2SE1/4
- 14 Section 31: NW1/4, N1/2NE1/4, N1/2S1/2NE1/4
- 15 Section 32: N1/2NW1/4, N1/2SW1/4NW1/4, NW1/4NW1/4NE1/4