

1 IN THE SENATE

BY KERTTULA AND SZYMANSKI

2

SENATE BILL NO. 407

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act establishing the Chulatna 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 3. CHULATNA PUBLIC USE AREA.

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Sec. 41.23.200. PURPOSE. The purpose of AS 41.23.200 - 41.23.-

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230 is to establish the area described in AS 41.23.230 as the Chulatna

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Public Use Area. The Chulatna Public Use Area is established to

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(1) protect and maintain fish and wildlife habitat, partic-

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ularly caribou calving areas, trumpeter swan nesting areas, and other

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important habitats for moose, Dall sheep, and brown bear so that

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traditional public uses of fish and wildlife populations may continue;

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(2) perpetuate and enhance public enjoyment of fish and

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wildlife and their habitat including fishing, hunting, trapping,

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viewing, photography;

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(3) perpetuate and enhance general public recreation in a

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quality environment;

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(4) perpetuate and enhance additional public uses described

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in the Susitna Area Plan;

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(5) allow additional public uses of the area in a manner

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compatible with the purposes specified in (1) - (4) of this section.

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Sec. 41.23.210. MANAGEMENT. (a) Management of the surface and

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subsurface estate of the Chulatna Public Use Area is the responsibil-

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ity of the Department of Natural Resources. After adequate public

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hearings the commissioner may designate incompatible uses and shall

1 adopt and may revise a management plan for the Chulatna Public Use
2 Area. With regard to the management of land within the central
3 caribou calving area described in AS 41.23.230(b), the commissioner
4 shall obtain the concurrence of the Department of Fish and Game in the
5 adoption and revision of the management plan. With regard to the
6 management of land within the public use area described in AS 41.23.-
7 230(c), the commissioner shall consult with the Department of Fish and
8 Game in the adoption and revision of the management plan.

9 (b) The Department of Fish and Game is responsible for the
10 management of fish and game resources and public use of fish and
11 wildlife in the Chulatna Public Use Area consistent with the purposes
12 of AS 41.23.200.

13 (c) The Chulatna Public Use Area shall be open to mineral entry
14 under AS 38.05.185 - 38.05.275, and the commissioner may adopt regula-
15 tions to achieve the purposes specified in AS 41.23.200. Each valid
16 existing right or permit shall remain valid and continue in full force
17 and effect according to its terms. Exploration, development, and
18 extraction of subsurface resources shall be allowed in a manner that
19 is compatible with the purposes specified in AS 41.23.200(1) - (4).

20 (d) The state may not acquire by eminent domain privately owned
21 land within or abutting state-owned land described in AS 41.23.230 but
22 may acquire privately owned land by purchase, exchange, or otherwise
23 for inclusion in the Chulatna Public Use Area.

24 (e) The commissioner may not manage the Chulatna Public Use Area
25 as a unit of the state park system.

26 Sec. 41.23.220. COMPATIBILITY OF USES. (a) Except as provided
27 in this section, the commissioner may prohibit or restrict incompati-
28 ble uses under the management plan adopted under AS 41.23.210 within
29 the state-owned land and water described in AS 41.23.230.

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(b) Nothing in AS 41.23.200 - 41.23.230 prohibits the Department of Fish and Game from engaging in rehabilitation, enhancement, and development of fish and wildlife habitat within an area described in AS 41.23.230.

(c) Except as provided in this section, the commissioner may not restrict lawful sport and subsistence fishing, hunting, or trapping rights allowed under a regulation of the Board of Fisheries or the Board of Game within the Chulatna Public Use Area. The commissioner may not permit wolf hunting or trapping within the Chulatna Public Use Area and the Board of Game may not adopt or enforce a regulation that permits wolf hunting or trapping on state land within the Chulatna Public Use Area.

(d) The commissioner shall allow traditional access to the Chulatna Public Use Area by motorized or nonmotorized means of transportation to private land, interests in private land, and for lawful sport and subsistence hunting, fishing, trapping, and recreational purposes in a manner that is compatible with purposes specified in AS 41.23.200(1) - (4). The commissioner may not transfer land within the Chulatna Public Use Area into private property under AS 38.

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

(f) If the commissioner determines that a use is incompatible with one or more other uses in a portion of the Chulatna Public Use Area, the commissioner shall state in the management plan adopted or revised under AS 41.23.210

- (1) each determination of incompatibility;
- (2) the specific area where the incompatibility is

1 determined to exist;

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

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

5 Sec. 41.23.230. CHULATNA PUBLIC USE AREA. The vacant and unap-
6 propriated state-owned land and water and the state land and water
7 acquired in the future that lie within the boundaries described in
8 this section are designated as the Chulatna Public Use Area, are
9 reserved for all uses compatible with their primary function as public
10 use land, and are assigned to the Department of Natural Resources for
11 control and management:

12 (1) Township 23 North, Range 10 West, Seward Meridian

13 Section 4: W1/2NW1/4

14 Section 5: NE1/4, N1/2NW1/4

15 Section 6: W1/2

16 Section 7: W1/2, SW1/4SE1/4

17 Section 18: N1/2NW1/4, S1/2SW1/4

18 Section 19: W1/2

19 (2) Township 23 North, Range 11 West, Seward Meridian

20 Sections 1 - 4

21 Sections 9 - 12

22 Section 13: N1/2N1/2, S1/2S1/2, S1/2NW1/4, N1/2SW1/4

23 Sections 14 - 16

24 Sections 22 - 24

25 Section 25: N1/2, SW1/4

26 Sections 26 - 27

27 Section 35

28 Section 36: NW1/4

29 (3) Township 24 North, Range 9 West, Seward Meridian

1 Section 2
 2 Section 3: E1/2
 3 (4) Township 24 North, Range 10 West, Seward Meridian
 4 Section 4: W1/2
 5 Sections 5 - 9
 6 Sections 17 - 20
 7 Section 21: SW1/4
 8 Section 28: W1/2
 9 Sections 29 - 32
 10 Section 33: W1/2W1/2
 11 (5) Township 24 North, Range 11 West, Seward Meridian
 12 Sections 1 - 4
 13 Sections 9 - 16
 14 Sections 21 - 28
 15 Sections 33 - 36
 16 (6) Township 25 North, Range 9 West, Seward Meridian
 17 Section 3: S1/2S1/2
 18 Sections 4 - 9
 19 Sections 16 - 21
 20 Section 22: W1/2, W1/2E1/2
 21 Sections 27 - 34
 22 Section 35: W1/2
 23 (7) Township 25 North, Range 10 West, Seward Meridian
 24 Sections 1 - 2
 25 Section 3: N1/2, N1/2S1/2
 26 Section 4: NE1/4
 27 Section 6
 28 Section 10: NE1/4, E1/2SE1/4
 29 Sections 11 - 13

1 Section 14: N1/2, SE1/4
 2 Section 18: W1/2
 3 Section 19
 4 Section 20: SW1/4
 5 Section 23: E1/2NE1/4
 6 Section 24
 7 Section 25: E1/2
 8 Section 28: SW1/4
 9 Sections 29 - 33
 10 Section 36: E1/2
 11 (8) Township 25 North, Range 11 West, Seward Meridian
 12 (9) Township 25 North, Range 12 West, Seward Meridian
 13 Section 1
 14 Section 2: NE1/4
 15 Section 12: E1/2
 16 Section 13: E1/2
 17 Section 24: E1/2
 18 Section 25: NE1/4
 19 (10) Township 26 North, Range 9 West, Seward Meridian
 20 Sections 18 - 20
 21 Sections 29 - 32
 22 (11) Township 26 North, Range 10 West, Seward Meridian
 23 Sections 3 - 28
 24 Section 29: N1/2, N1/2S1/2, S1/2SE1/4
 25 Sections 30 - 31
 26 Section 33: E1/2, NW1/4, E1/2SW1/4
 27 Sections 34 - 36
 28 (12) Township 26 North, Range 11 West, Seward Meridian
 29 (13) Township 26 North, Range 12 West, Seward Meridian

1 Sections 1 - 29
2 Section 30: N1/2
3 Section 32: NE1/4
4 Section 33: N1/2
5 Sections 34 - 36
6 (14) Township 26 North, Range 13 West, Seward Meridian
7 Sections 1 - 14
8 Section 15: N1/2, SE1/4
9 Section 16: N1/2, SW1/4
10 Section 17
11 Section 18: NE1/4
12 Section 22: NE1/4
13 Section 23: N1/2
14 Section 24: N1/2, NE1/4
15 (15) Township 27 North, Range 10 West, Seward Meridian
16 Sections 5 - 9
17 Sections 15 - 23
18 Sections 26 - 33
19 (16) Township 27 North, Range 11 West, Seward Meridian
20 Sections 1 - 3
21 Section 4: excluding USS 5832
22 Sections 5 - 31
23 Section 32: E1/2
24 Sections 33 - 36
25 (17) Township 27 North, Range 12 West, Seward Meridian
26 Sections 1 - 3: excluding USS 4692
27 Sections 4 - 10
28 Sections 11 - 14: excluding USS 5736, USS 4571,
29 USS 3928, USS 3245, and USS 5210

1 Sections 15 - 26
2 Sections 27 - 28: excluding USS 5183
3 Sections 29 - 36
4 (18) Township 27 North, Range 13 West, Seward Meridian
5 Sections 1 - 10
6 Section 11: N1/2, SW1/4
7 Section 12: N1/2, SE1/4
8 Section 13: W1/2
9 Section 15: SE1/4
10 Sections 16 - 36
11 (19) Township 28 North, Range 12 West, Seward Meridian
12 Sections 1 - 7
13 Sections 8 - 17: excluding USS 4856
14 Sections 18 - 20
15 Sections 21 - 27: excluding USS 4808 and USS 5498
16 Sections 28 - 33
17 Sections 34 - 36: excluding USS 4726
18 (20) Township 28 North, Range 13 West, Seward Meridian
19 Sections 1 - 36: excluding USS 5356