

Original sponsors: Kerttula and Szymanski

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 407 (C&RA)

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 Chelatna Public Use Area;

7

and providing for an effective date."

8

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

9

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

10

ARTICLE 3. CHELATNA PUBLIC USE AREA.

11

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

12

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

13

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

14

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

15

ularly moose calving and wintering-over areas, trumpeter swan nesting

16

areas, and other habitats important to furbearers, black and brown

17

bear, and resident and anadromous fish so that traditional public uses

18

of fish and wildlife populations may continue;

19

(2) perpetuate and enhance public enjoyment of fish and

20

wildlife and their habitat including fishing, hunting, trapping,

21

viewing, and photography;

22

(3) perpetuate and enhance general public recreation in a

23

quality environment;

24

(4) perpetuate and enhance additional public uses described

25

in the Susitna Area Plan;

26

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

27

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

28

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

29

subsurface estate of the Chelatna Public Use Area is the

1 responsibility of the Department of Natural Resources. After adequate
2 public hearings the commissioner shall adopt and may revise a manage-
3 ment plan for the Chelatna Public Use Area with the participation and
4 concurrence of the commissioner of fish and game.

5 (b) The Department of Fish and Game is responsible for the
6 management of fish and game resources and public use of fish and
7 wildlife in the Chelatna Public Use Area consistent with the purposes
8 of AS 41.23.200.

9 (c) The Chelatna Public Use Area shall be open to mineral entry
10 under AS 38.05.185 - 38.05.275 except as provided in the management
11 plan adopted under (a) of this section, and the commissioner may adopt
12 regulations to achieve the purposes specified in AS 41.23.200. Each
13 valid existing right or permit shall remain valid and continue in full
14 force and effect according to its terms. Exploration, development,
15 and extraction of subsurface resources shall be allowed in a manner
16 that is compatible with the purposes specified in AS 41.23.200(1) -
17 (4).

18 (d) The commissioner may not acquire by eminent domain privately
19 owned land within or abutting state-owned land described in AS 41.23.-
20 230 but may acquire privately owned land described in AS 41.23.230 by
21 purchase, exchange, or otherwise for inclusion in the Chelatna Public
22 Use Area.

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

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

29 (b) Nothing in AS 41.23.200 - 41.23.230 prohibits the Department

1 of Fish and Game from engaging in rehabilitation, enhancement, and
2 development of fish and wildlife habitat within an area described in
3 AS 41.23.230.

4 (c) Except as provided in this section, the commissioner may not
5 restrict lawful sport and subsistence fishing, hunting, or trapping
6 rights allowed under a regulation of the Board of Fisheries or the
7 Board of Game within the Chelatna Public Use Area.

8 (d) The commissioner shall allow traditional access to the
9 Chelatna Public Use Area by motorized or nonmotorized means of trans-
10 portation to private land, interests in private land, and for lawful
11 sport and subsistence hunting, fishing, trapping, and recreational
12 purposes in a manner that is compatible with purposes specified in
13 AS 41.23.200(1) - (4). The commissioner and the commissioner of fish
14 and game shall jointly develop guidelines for traditional access and
15 include the guidelines in the management plan adopted under AS 41.23.-
16 210.

17 (e) The commissioner may not transfer land within the Chelatna
18 Public Use Area into private property under AS 38.

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

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

26 (1) each determination of incompatibility;

27 (2) the specific area where the incompatibility is deter-
28 mined to exist;

29 (3) the time within which the incompatibility is determined

1 to exist; and

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

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

- 10 (1) Township 24 North, Range 9 West, Seward Meridian
- 11 Section 2
- 12 Section 3: E1/2, excluding USS 3891
- 13 (2) Township 25 North, Range 8 West, Seward Meridian
- 14 Sections 6 - 7
- 15 Sections 18 - 19
- 16 (3) Township 25 North, Range 9 West, Seward Meridian
- 17 Sections 1 - 18
- 18 Section 19: W1/2NE1/4, NE1/4SE1/4
- 19 Sections 20 - 28
- 20 Section 29: NE1/4
- 21 Sections 33 - 36
- 22 (4) Township 25 North, Range 10 West, Seward Meridian
- 23 Sections 1 - 2
- 24 Section 3: N1/2, N1/2S1/2
- 25 Section 4: NE1/4
- 26 Section 12: E1/2, N1/2NW1/4
- 27 Section 18: W1/2
- 28 Section 19
- 29 Section 20: SW1/4

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

1 Section 9: W1/2
 2 Sections 11 - 13
 3 Section 14: E1/2
 4 Sections 16 - 21
 5 Section 22: SW1/4, W1/2NW1/4
 6 Section 24
 7 Section 25: NE1/4
 8 Section 27: SE1/4, W1/2
 9 Sections 28 - 34
 10 Section 35: S1/2, NW1/4
 11 (11) Township 26 North, Range 12 West, Seward Meridian
 12 Sections 1 - 29
 13 Section 30: N1/2
 14 Section 32: NE1/4
 15 Section 33: N1/2
 16 Sections 34 - 36
 17 (12) Township 26 North, Range 13 West, Seward Meridian
 18 Sections 1 - 14
 19 Section 15: N1/2, SE1/4
 20 Section 16: N1/2, SW1/4
 21 Section 17
 22 Section 18: NE1/4
 23 Section 22: NE1/4
 24 Section 23: N1/2
 25 Section 24: N1/2
 26 (13) Township 27 North, Range 8 West, Seward Meridian
 27 Sections 3 - 10
 28 Sections 15 - 21
 29 Sections 28 - 33

1 (14) Township 27 North, Range 9 West, Seward Meridian
2 Sections 1 - 2
3 Section 3: S1/2
4 Sections 10 - 15
5 Section 16: E1/2
6 Section 19: excluding U.S.M.S. 2299
7 Sections 20 - 29
8 Section 30: excluding U.S.M.S. 2299
9 Sections 31 - 36
10 (15) Township 27 North, Range 10 West, Seward Meridian
11 Sections 5 - 9
12 Sections 15 - 24
13 Section 25: excluding U.S.M.S. 2299
14 Sections 26 - 36
15 (16) Township 27 North, Range 11 West, Seward Meridian
16 Sections 1 - 3
17 Section 4: excluding USS 5832
18 Section 5
19 Section 6: N1/2, SE1/4
20 Section 8: N1/2, SE1/4
21 Sections 9 - 16
22 Section 19: SW1/4
23 Section 21: N1/2, SE1/4
24 Sections 22 - 27
25 Section 30: SE1/4, W1/2
26 Section 31
27 Section 32: E1/2
28 Section 34: E1/2
29 Sections 35 - 36

1 (17) Township 27 North, Range 12 West, Seward Meridian
 2 Sections 4 - 9
 3 Section 10
 4 Section 15: SE1/4, W1/2
 5 Sections 16 - 22
 6 Section 23: S1/2, NW1/4
 7 Section 24: S1/2
 8 Sections 25 - 36
 9 (18) Township 27 North, Range 13 West, Seward Meridian
 10 Sections 1 - 10
 11 Section 11: N1/2, SW1/4
 12 Section 12: N1/2, SE1/4
 13 Section 13: S1/2
 14 Section 15: SE1/4, W1/2
 15 Sections 16 - 36
 16 (19) Township 28 North, Range 8 West, Seward Meridian
 17 Section 19
 18 Section 20: excluding USS 4664
 19 Section 29: excluding USS 4664
 20 Sections 30 - 34
 21 (20) Township 28 North, Range 9 West, Seward Meridian
 22 Section 25
 23 Sections 35 - 36
 24 (21) Township 28 North, Range 12 West, Seward Meridian
 25 Sections 6 - 7
 26 Sections 18 - 20
 27 Section 28: W1/2W1/2
 28 Sections 29 - 32
 29 Section 33: W1/2W1/2

1 (22) Township 28 North, Range 13 West, Seward Meridian

2 Sections 1 - 36: excluding USS 5356

3 * Sec. 2. Notwithstanding AS 41.23.210(c), as enacted in sec. 1 of this
4 Act, until the adoption of a management plan for the Cheletna Public Use
5 Area, the mineral estate within the Cheletna Public Use Area shall be
6 managed under the provisions of the Susitne Area Plan in existence on
7 July 1, 1988.

8 * Sec. 3. This Act takes effect July 1, 1988.