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Referred: Community and Regional
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5-1364L

1 IN THE SENATE BY JONES, KELLY, HALFORD,
STURGULEWSKI, ABOOD AND ELIASON

2 SENATE BILL NO. 468

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 Ernie Haugen Public Use
7 Area; 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 Sec. 41.23.150. PURPOSE. The purpose of AS 41.23.150 - 41.23.-
11 180 is to establish the area described in AS 41.23.180 as the Ernie
12 Haugen Public Use Area. The Ernie Haugen Public Use Area is estab-
13 lished to

14 (1) protect and maintain fish and wildlife habitat so that
15 traditional public uses may continue;

16 (2) perpetuate and enhance public enjoyment of fishing,
17 hunting, trapping, viewing, and photography;

18 (3) perpetuate and enhance general public recreation in a
19 quality environment; and

20 (4) allow additional public uses of the area, including
21 personal use wood cutting, when determined compatible with the pur-
22 poses specified in (1) - (3) of this section.

23 Sec. 41.23.160. MANAGEMENT. (a) Management of the surface and
24 subsurface estate of the Ernie Haugen Public Use Area is the respon-
25 sibility of the Department of Natural Resources. After adequate
26 public hearings the commissioner may designate incompatible uses and
27 shall adopt and may revise a management plan for the Ernie Haugen
28 Public Use Area. With regard to the management of land within the
29 public use area described in AS 41.23.180(a), the commissioner shall

1 consult with the Department of Fish and Game in the adoption and
2 revision of the management plan.

3 (b) The state may not acquire by eminent domain privately owned
4 land within or abutting state-owned land described in AS 41.23.180 but
5 may acquire privately owned land by purchase, exchange, or otherwise
6 for inclusion in the Ernie Haugen Public Use Area.

7 (c) The commissioner may not manage the Ernie Haugen Public Use
8 Area as a unit of the state park system.

9 Sec. 41.23.170. COMPATIBILITY OF USES. (a) Except as provided
10 in this section, the commissioner may prohibit or restrict incom-
11 patible uses under the management plan adopted under AS 41.23.160
12 within the state-owned land and water described in AS 41.23.180.

13 (b) The commissioner shall allow traditional access to the Ernie
14 Haugen Public Use Area by motorized or nonmotorized means of transpor-
15 tation to private land, interests in private land, and for lawful
16 sport and subsistence hunting, fishing, trapping, and recreational
17 purposes in a manner that is compatible with purposes specified in
18 AS 41.23.150(1) - (3).

19 (c) If the commissioner determines that a use is incompatible
20 with one or more other uses in a portion of the Ernie Haugen Public
21 Use Area, the commissioner shall state in the management plan adopted
22 or revised under AS 41.23.160

23 (1) each determination of incompatibility;

24 (2) the specific area where the incompatibility is de-
25 termined to exist;

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

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

29 Sec. 41.23.180. ERNIE HAUGEN PUBLIC USE AREA. (a) The state-

1 owned land and water and land and water acquired by the state in the
2 future, including shore, tide, and submerged land, lying within the
3 parcels described in this subsection are designated as the Ernie
4 Haugen Public Use Area:

5 Township 61 South, Range 82 East, Copper River Meridian

6 Section 28: that portion in the W1/2 that is south
7 of the right-of-way of the Mitkof Highway

8 Section 29: that portion south of the right-of-way
9 of the Mitkof Highway

10 Section 30: that portion south of the right-of-way
11 of the Mitkof Highway

12 Section 31: that portion south of the right-of-way
13 of the Mitkof Highway

14 Section 32: N1/2NW1/4

15 (b) Subject to valid existing rights, the land and water de-
16 scribed in (a) of this section are designated as a special purpose
17 area under art. VIII, sec. 7, of the Alaska Constitution.

18 (c) Subject to a finding of public need by the Department of
19 Natural Resources, the development of transportation facilities in-
20 cluding roads, highways, and ferry terminals by the Department of
21 Transportation and Public Facilities and electric power transmission
22 facilities within the land and water described in (a) of this section
23 is consistent with the purposes of AS 41.23.150 - 41.23.180.

24 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).