

Offered: 3/18/88
Referred: Finance

5-1364P

Original sponsors: Jones, Kelly,
Halford, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 468 (Resources)
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, donation, or
6 otherwise 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 described in AS 41.23.180.

13 (b) The commissioner shall allow traditional access to or
14 through the Ernie Haugen Public Use Area by motorized or nonmotorized
15 means of transportation to private land, interests in private land,
16 and for lawful sport and subsistence hunting, fishing, trapping, and
17 recreational purposes in a manner that is compatible with purposes
18 specified in 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 above the mean low water line and land above the mean low
2 water line acquired by the state in the future lying within the par-
3 cels described in this subsection are designated as the Ernie Haugen
4 Public Use Area:

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

6 Section 28: that portion in the W1/2W1/2,
7 SW1/4SE1/4NW1/4, W1/2E1/2SW1/4 that is south
8 of the right-of-way of the Mitkof Highway

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

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

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

15 Section 32: N1/2NW1/4

16 (b) Subject to valid existing rights, the land described in (a)
17 of this section is designated as a special purpose area under
18 art. VIII, sec. 7, Constitution of the State of Alaska.

19 (c) Subject to a finding of public need by the Department of
20 Natural Resources, the development of transportation facilities in-
21 cluding roads, expansion of the existing boat launching ramp and
22 related parking, highways, and ferry terminals by the Department of
23 Transportation and Public Facilities and electric power transmission
24 facilities and other public utilities within the land described in (a)
25 of this section is consistent with the purposes of AS 41.23.150 -
26 41.23.180.

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