

Introduced: 3/23/89
Referred: Resources and
Finance

6-0972A

1 IN THE HOUSE

BY BOYER AND KOPONEN

2

HOUSE BILL NO. 239

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act establishing the Goodpaster 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 Sec. 41.23.140. PURPOSE. The purpose of AS 41.23.140 - 41.23.-
10 170 is to establish the area described in AS 41.23.170 as the Good-
11 paster Public Use Area. The Goodpaster Public Use Area is established
12 to

13 (1) protect and maintain fish and wildlife habitat, partic-
14 ularly moose calving and wintering habitat, trumpeter swan and other
15 waterfowl nesting habitat, and otter, beaver, mink, muskrat, fox, and
16 other furbearer habitat so that traditional public uses of fish and
17 wildlife populations may continue;

18 (2) protect and maintain public enjoyment of fish and
19 wildlife and their habitat including fishing, hunting, trapping,
20 viewing, and photography;

21 (3) protect and maintain general public recreation in a
22 quality environment;

23 (4) protect and maintain winter recreation including dog-
24 sledding, cross-country skiing, skijoring, snowmachining, and camping;

25 (5) allow additional public uses of the area in a manner
26 compatible with the purposes specified in (1) - (4) of this section.

27 Sec. 41.23.150. MANAGEMENT. (a) Management of the surface and
28 subsurface estate of the Goodpaster Public Use Area is the respon-
29 sibility of the commissioner. After adequate public hearings the

1 commissioner may designate incompatible uses under AS 41.23.160 and
2 shall adopt and may revise a management plan for the Goodpaster Public
3 Use Area. With regard to the management of land within the Goodpaster
4 Public Use Area described in AS 41.23.170, the commissioner shall
5 consult with the Department of Fish and Game in the adoption and
6 revision of the management plan.

7 (b) The Department of Fish and Game is responsible for the
8 management of fish and game resources and public use of fish and
9 wildlife in the Goodpaster Public Use Area consistent with the pur-
10 poses of AS 41.23.140. Nothing in AS 41.23.140 - 41.23.170 prohibits
11 the Department of Fish and Game from engaging in protection and main-
12 tenance of the fish and wildlife habitat within an area described in
13 AS 41.23.170. The Department of Public Safety and the Department of
14 Fish and Game shall have necessary access for fish and game manage-
15 ment, research, and enforcement purposes.

16 (c) The state may not acquire by eminent domain privately-owned
17 land within or abutting state-owned land described in AS 41.23.170 but
18 may acquire privately-owned land by purchase, exchange, or otherwise
19 for inclusion in the Goodpaster Public Use Area.

20 (d) Subject to valid existing rights, the commissioner may not
21 dispose of the surface estate in state land within the Goodpaster
22 Public Use Area.

23 (e) The state or a municipality may not construct a road, trail,
24 or highway within the Goodpaster Public Use Area.

25 (f) The commissioner may not dispose of timber commercially
26 under AS 38.05.110 - 38.05.120, AS 41.15, or AS 41.17 within the
27 Goodpaster Public Use Area. The commissioner may permit the harvest-
28 ing of timber for personal use.

29 (g) The commissioner may not manage the Goodpaster Public Use

1 Area as a unit of the state park system.

2 Sec. 41.23.160. INCOMPATIBLE USES. (a) Except as provided in
3 this section, the commissioner may prohibit or restrict incompatible
4 uses under the management plan adopted under AS 41.23.150 within the
5 state-owned land and water described in AS 41.23.170.

6 (b) The commissioner may not restrict lawful sport and subsis-
7 tence fishing, hunting, or trapping rights allowed under a regulation
8 of the Board of Fisheries or the Board of Game within the Goodpaster
9 Public Use Area.

10 (c) The Goodpaster Public Use Area shall be open to mineral
11 entry under AS 38.05.185 - 38.05.275, and the commissioner may adopt
12 regulations to achieve the purposes specified in AS 41.23.140. A
13 valid existing right or permit remains valid and continues 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 41.23.140(1) -
17 (4).

18 (d) The commissioner shall allow traditional access to the
19 Goodpaster Public Use Area by motorized or nonmotorized means of
20 transportation to private land, interests in private land, and for
21 lawful sport and subsistence hunting, fishing, trapping, and recre-
22 ational purposes in a manner that is compatible with purposes spec-
23 ified in AS 41.23.140(1) - (4).

24 (e) If the commissioner determines that a use is incompatible
25 with one or more other uses in a portion of the Goodpaster Public Use
26 Area, the commissioner shall state in the management plan adopted or
27 revised under AS 41.23.150

28 (1) each determination of incompatibility;

29 (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. 41.23.170. GOODPASTER PUBLIC USE AREA. The vacant and
6 unappropriated 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 Goodpaster 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 for control and manage-
11 ment:

12 (1) Township 4 South, Range 14 East, Fairbanks Meridian
13 Sections 19 - 20: South of Fairbanks North Star
14 Borough boundary

15 Sections 21 - 29

16 Section 30: South of the Fairbanks North Star

17 Borough boundary

18 Sections 31 - 36

19 (2) Township 4 South, Ranges 15 - 18 East, Fairbanks
20 Meridian

21 Sections 19 - 36

22 (3) Township 5 South, Range 13 East, Fairbanks Meridian

23 Section 1

24 Section 24: SE1/4

25 Section 25

26 Section 36

27 (4) Township 5 South, Ranges 14 - 18 East, Fairbanks
28 Meridian

29 (5) Township 6 South, Range 13 East, Fairbanks Meridian

1 Section 1
 2 Sections 12 - 14
 3 Section 15: E1/2
 4 Section 20: E1/2
 5 Sections 21 - 28
 6 Section 29: E1/2
 7 Sections 31 - 36
 8 (6) Township 6 South, Ranges 14 - 15 East, Fairbanks
 9 Meridian
 10 (7) Township 6 South, Range 16 East, Fairbanks Meridian
 11 Sections 1 - 18
 12 (8) Township 7 South, Range 11 East, Fairbanks Meridian
 13 Section 35: E1/2
 14 Section 36: S1/2, S1/2N1/2
 15 (9) Township 7 South, Range 12 East, Fairbanks Meridian
 16 Sections 1 - 2
 17 Section 3: E1/2
 18 Section 10: E1/2
 19 Sections 11 - 15
 20 Sections 22 - 36
 21 (10) Township 7 South, Ranges 13 - 14 East, Fairbanks
 22 Meridian
 23 (11) Township 8 South, Range 9 East, Fairbanks Meridian
 24 Section 25: South and East of Shaw Creek Flats
 25 Section 36: East of the Richardson Highway
 26 (12) Township 8 South, Range 10 East, Fairbanks Meridian
 27 Section 8: South and East of Shaw Creek Flats
 28 Section 9: SW1/4
 29 Section 12: S1/2

1 Sections 13 - 14
 2 Section 15: S1/2
 3 Sections 16 - 17: Excluding Quartz Lake
 4 Sections 20 - 21: Excluding Quartz Lake
 5 Sections 22 - 24
 6 Sections 25 - 28: North of the Tanana River
 7 Section 29: Excluding Quartz Lake
 8 Section 30: Excluding Quartz Lake and Lost Lake
 9 Section 31
 10 Sections 32 - 33: North of the Tanana River
 11 (13) Township 8 South, Range 11 East, Fairbanks Meridian
 12 Sections 1 - 2
 13 Section 5: SW1/4
 14 Section 6: SE1/4
 15 Sections 7 - 8
 16 Section 9: S1/2
 17 Section 10: S1/2, NE1/4
 18 Sections 11 - 30
 19 Section 31: North of the Tanana River
 20 Sections 32 - 36
 21 (14) Township 8 South, Ranges 12 - 13 East, Fairbanks
 22 Meridian
 23 (15) Township 9 South, Range 10 East, Fairbanks Meridian
 24 Sections 4 - 6: North of the Tanana River
 25 (16) Township 9 South, Range 11 East, Fairbanks Meridian
 26 Sections 1 - 4
 27 Section 5: East of the Tanana River
 28 Sections 8 - 9: East of the Tanana River
 29 Sections 10 - 15

- 1 Section 16: East of the Tanana River
- 2 Section 21: East of the Tanana River
- 3 Sections 22 - 24
- 4 Sections 25 - 28: East and North of the Tanana River
- 5 (17) Township 9 South, Range 12 East, Fairbanks Meridian
- 6 Sections 1 - 30
- 7 Section 31: North and East of the Tanana River
- 8 Sections 32 - 36: North of the Tanana River
- 9 (18) Township 9 South, Range 13 East, Fairbanks Meridian
- 10 Sections 1 - 24
- 11 Sections 26 - 34
- 12 Section 35: W1/2
- 13 (19) Township 10 South, Range 13 East, Fairbanks Meridian
- 14 Section 2: W1/2
- 15 Sections 3 - 4
- 16 Sections 5 - 6: North of the Tanana River
- 17 Sections 9 - 10: North of the Tanana River
- 18 Section 11: W1/2 North of the Tanana River