

Introduced: 4/19/89
Referred: Resources and
Finance

6-1203A

1 IN THE HOUSE

BY M.DAVIS

2

HOUSE BILL NO. 303

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 Goldstream 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 article 1 to
9 read:

10 Sec. 41.23.140. PURPOSE OF AS 41.23.140 - 41.23.170. The pur-
11 pose of AS 41.23.140 - 41.23.170 is to establish the area described in
12 AS 41.23.170 as the Goldstream Public Use Area. The Goldstream Public
13 Use Area is established to

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

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

22 (3) protect, maintain, perpetuate, and enhance general
23 public recreation in a quality environment;

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

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

29 Sec. 41.23.150. MANAGEMENT. (a) The commissioner is

1 responsible for the management of the surface and subsurface estate of
2 the Goldstream Public Use Area. After adequate public hearings, the
3 commissioner may designate incompatible uses and shall adopt and may
4 revise a management plan for the Goldstream Public Use Area. The
5 commissioner shall consult with the Department of Fish and Game in the
6 adoption and 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 Goldstream Public Use Area consistent with the purpose
10 of AS 41.23.140.

11 (c) The Goldstream Public Use Area is open to mineral entry
12 under AS 38.05.185 - 38.05.275, and the commissioner may adopt regula-
13 tions to achieve the purposes specified in AS 41.23.140(1) - (4).
14 Each valid existing right or permit remains valid and continues in
15 full force and effect according to its terms. The commissioner shall
16 permit the exploration, development, and extraction of subsurface
17 resources in a manner that is compatible with the purposes specified
18 in AS 41.23.140(1) - (4).

19 (d) The state may not acquire by eminent domain privately-owned
20 land within the boundaries described in AS 41.23.170 but may acquire
21 privately-owned land located within the boundaries described in
22 AS 41.23.170 by purchase, exchange, or otherwise for inclusion in the
23 Goldstream Public Use Area.

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

26 Sec. 41.23.160. INCOMPATIBLE USES. (a) Except as provided in
27 this section, the commissioner may prohibit or restrict uses deter-
28 mined to be incompatible with the purposes of the Goldstream Public
29 Use Area under AS 41.23.140(1) - (4) within the state-owned land and

1 water described in AS 41.23.170.

2 (b) Nothing in AS 41.23.140 - 41.23.170 prohibits the Department
3 of Fish and Game from engaging in rehabilitation, enhancement, and
4 development of fish and wildlife habitat within the area described in
5 AS 41.23.170.

6 (c) 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 Goldstream
9 Public Use Area.

10 (d) The commissioner shall allow traditional access to the
11 Goldstream Public Use Area by motorized or nonmotorized means of
12 transportation to private land, interests in private land, and for
13 lawful sport and subsistence hunting, fishing, trapping, mining, and
14 recreational purposes in a manner that is compatible with purposes
15 specified in AS 41.23.140(1) - (4). Existing trails remain open to
16 public use.

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

20 (f) If the commissioner determines that a use is incompatible
21 with one or more other uses in a portion of the Goldstream Public Use
22 Area, the commissioner shall state in the management plan adopted or
23 revised under AS 41.23.150

24 (1) each determination of incompatibility;

25 (2) the specific area where the incompatibility is deter-
26 mined to exist;

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

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

1 Sec. 41.23.170. GOLDSTREAM PUBLIC USE AREA. The vacant and
2 unappropriated state-owned land and water and the state land and water
3 acquired in the future that lie within the boundaries described in
4 this section are designated as the Goldstream Public Use Area, are
5 reserved for all uses compatible with their primary function as public
6 use land, and are assigned to the commissioner for control and manage-
7 ment:

- 8 (1) Township 1 North, Range 1 West, Fairbanks Meridian
9 Section 2: Lots 7 - 8 west of the centerline of
10 Goldstream Road
11 Lots 9 - 10
12 Section 3: Lots 5 - 13
13 Section 4: Lots 9 - 11
14 Section 7: Lot 4, S1/2NE1/4, NE1/4SE1/4, S1/2SE1/4
15 Section 8: E1/2, NE1/4NW1/4, S1/2NW1/4, SW1/4
16 Section 9: Lots 1 - 2, E1/2NE1/4, SW1/4NE1/4,
17 W1/2NW1/4, SE1/4NW1/4, SW1/4, W1/2NE1/4SE1/4,
18 NW1/4SE1/4
19 Section 10: NW1/4NW1/4
20 Section 17: NW1/4NW1/4
21 Section 18: N1/2NE1/4, SW1/4NE1/4, NE1/4SE1/4NE1/4,
22 W1/2SE1/4NE1/4, N1/2SE1/4SE1/4NE1/4, SE1/4NW1/4,
23 NE1/4SW1/4, NW1/4SE1/4
24 (2) Township 1 North, Range 2 West, Fairbanks Meridian
25 Section 13: SE1/4, E1/2E1/2E1/2SW1/4
26 Section 23: NE1/4SW1/4, W1/2SE1/4, W1/2SE1/4SE1/4,
27 SE1/4SE1/4SE1/4, W1/2NE1/4SE1/4SE1/4
28 Section 24: E1/2
29 Section 26: W1/2W1/2NW1/4

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Section 27: N1/2NE1/4NE1/4, SE1/4NE1/4NE1/4,
E1/2SW1/4NE1/4NE1/4.