

Offered: 4/28/90  
Referred: Rules

6-1203J

Original sponsor(s): REP. M.DAVIS, Koponen

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 303 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND 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 protect, maintain, enhance, and  
12 perpetuate the present use of the area described in AS 41.23.170 as  
13 the Goldstream Public Use Area. The Goldstream Public Use Area is  
14 established to

15 (1) protect, maintain, perpetuate, and enhance year-round  
16 general public recreation;

17 (2) protect, maintain, perpetuate, and enhance public  
18 enjoyment and use of fish and wildlife;

19 (3) allow additional public uses of the area in a manner  
20 compatible with the purposes specified in (1) - (2) of this section.

21 Sec. 41.23.150. MANAGEMENT. (a) The commissioner is responsi-  
22 ble for the management of the surface and subsurface estate of the  
23 Goldstream Public Use Area. After adequate public hearings, the  
24 commissioner shall adopt and may revise a management plan for the  
25 Goldstream Public Use Area. The commissioner shall provide a copy of  
26 the management plan and each revision to the chairs of the resource  
27 committees of the legislature within 30 days of its adoption or re-  
28 vision. The commissioner shall consult with the Department of Fish  
29 and Game in the adoption and revision of the management plan.

1 (b) Subject to valid existing rights, the commissioner may not  
2 dispose of the surface estate in state land within the Goldstream  
3 Public Use Area.

4 (c) Consistent with the purposes of AS 41.23.140(1) - (3), the  
5 commissioner shall allow uses within the Goldstream Public Use Area,  
6 including but not limited to horseback riding, hiking, mining, all  
7 terrain vehicle driving, bicycling, dog sledding, cross-country ski-  
8 ing, skijoring, snowmachining, camping, and other traditional public  
9 uses of fish and wildlife populations such as fishing, hunting,  
10 trapping, viewing, and photographing of moose, trumpeter swan and  
11 other waterfowl, otter, beaver, mink, muskrat, and fox.

12 (d) The Goldstream Public Use Area is open to mineral entry  
13 under AS 38.05.185 - 38.05.275, and the commissioner may adopt regula-  
14 tions to achieve the purposes specified in AS 41.23.140(1) - (2).  
15 Each valid existing right or permit remains valid and continues in  
16 full force and effect according to its terms. The commissioner shall  
17 permit the exploration, development, and extraction of subsurface  
18 resources in a manner that is compatible with the purposes specified  
19 in AS 41.23.140(1) - (2).

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

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

27 Sec. 41.23.160. INCOMPATIBLE USES. (a) Except as provided in  
28 this section, the commissioner may prohibit or restrict uses deter-  
29 mined to be incompatible with the purposes of the Goldstream Public

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3 Public Use Area.

4 (c) Consistent with the purposes of AS 41.23.140(1) - (3), the  
5 commissioner shall allow uses within the Goldstream Public Use Area,  
6 including but not limited to horseback riding, hiking, mining, all  
7 terrain vehicle driving, bicycling, dog sledding, cross-country ski-  
8 ing, skijoring, snowmachining, camping, and other traditional public  
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16 full force and effect according to its terms. The commissioner shall  
17 permit the exploration, development, and extraction of subsurface  
18 resources in a manner that is compatible with the purposes specified  
19 in AS 41.23.140(1) - (2).

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

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

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1 Use Area under AS 41.23.140(1) - (2) within the state-owned land and  
2 water described in AS 41.23.170.

3 (b) Consistent with AS 41.23.140 - 41.23.170, the Department of  
4 Fish and Game may engage in rehabilitation, enhancement, and develop-  
5 ment of fish and wildlife habitat within the area described in AS 41.-  
6 23.170.

7 (c) The commissioner may not restrict fishing, hunting, or  
8 trapping rights allowed under a regulation of the Board of Fisheries  
9 or the Board of Game within the Goldstream Public Use Area.

10 (d) The commissioner shall allow access to the Goldstream Public  
11 Use Area by motorized or nonmotorized means of transportation to  
12 private land, interests in private land, and for hunting, fishing,  
13 trapping, mining, and recreational purposes in a manner that is com-  
14 patible with purposes specified in AS 41.23.140(1) - (2). Existing  
15 trails remain open to public use.

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

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

23 (1) each determination of incompatibility;

24 (2) the specific area where the incompatibility is deter-  
25 mined 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. 41.23.170. GOLDSTREAM PUBLIC USE AREA. Subject to valid

1 existing rights, the vacant and unappropriated state-owned land and  
2 water and the state land and water acquired in the future that lie  
3 within the boundaries described in this section are designated as the  
4 Goldstream Public Use Area, are reserved for all uses compatible with  
5 their primary function as public use land, and are assigned to the  
6 commissioner for control and management:

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

1                                   Section 26: W1/2W1/2NW1/4NW1/4  
2                                   Section 27: N1/2NE1/4NE1/4, SE1/4NE1/4NE1/4,  
3                                   E1/2SW1/4NE1/4NE1/4.  
4       \* Sec. 2. AS 41.23.140 - 41.23.170, as enacted in sec. 1 of this Act,  
5 are repealed July 1, 2010.