

1 IN THE SENATE

BY SZYMANSKI AND KERTTULA

2

SENATE BILL NO. 165

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 Chelatna 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 Chelatna
11 Public Use Area. The Chelatna Public Use Area is established to

12 (1) protect and maintain fish and wildlife habitat, partic-
13 ularly moose calving and wintering-over areas, trumpeter swan nesting
14 areas, and other habitats important to furbearers, black and brown
15 bear, and resident and anadromous fish so that traditional public uses
16 of fish and wildlife populations may continue;

17 (2) perpetuate and enhance public enjoyment of fish and
18 wildlife and their habitat including fishing, hunting, trapping,
19 viewing, and photography;

20 (3) perpetuate and enhance general public recreation in a
21 quality environment;

22 (4) perpetuate and enhance additional public uses described
23 in the Susitna Area Plan;

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

26 Sec. 41.23.150. MANAGEMENT. (a) Management of the surface and
27 subsurface estate of the Chelatna Public Use Area is the responsibil-
28 ity of the commissioner. After adequate public hearings the commis-
29 sioner shall adopt and may revise a management plan for the Chelatna

1 Public Use Area with the participation and consultation of the commis-
2 sioner of fish and game.

3 (b) The Department of Fish and Game is responsible for the
4 management of fish and game resources and public use of fish and
5 wildlife in the Chelatna Public Use Area consistent with the purposes
6 of AS 41.23.140.

7 (c) The Chelatna Public Use Area shall be open to mineral entry
8 under AS 38.05.185 - 38.05.275 except as provided in the management
9 plan adopted under (a) of this section, and the commissioner may adopt
10 regulations to achieve the purposes specified in AS 41.23.140. Each
11 valid existing right or permit shall remain valid and continue in full
12 force and effect according to its terms. Exploration, development,
13 and extraction of subsurface resources shall be allowed in a manner
14 that is compatible with the purposes specified in AS 41.23.140(1) -
15 (4).

16 (d) The commissioner may not acquire by eminent domain privately
17 owned land within or abutting state-owned land described in AS 41.23.-
18 170 but may acquire privately owned land described in AS 41.23.170 by
19 purchase, exchange, or otherwise for inclusion in the Chelatna Public
20 Use Area.

21 (e) The commissioner may not manage the Chelatna Public Use Area
22 as a unit of the state park system.

23 Sec. 41.23.160. COMPATIBILITY OF USES. (a) Except as provided
24 in this section, the commissioner may prohibit or restrict incompati-
25 ble uses under the management plan adopted under AS 41.23.150 within
26 the state-owned land and water described in AS 41.23.170.

27 (b) Nothing in AS 41.23.140 - 41.23.170 prohibits the Department
28 of Fish and Game from engaging in rehabilitation, enhancement, and
29 development of fish and wildlife habitat within an area described in

1 AS 41.23.170.

2 (c) Except as provided in this section, the commissioner may not
3 restrict lawful sport and subsistence fishing, hunting, or trapping
4 rights allowed under a regulation of the Board of Fisheries or the
5 Board of Game within the Chelatna Public Use Area.

6 (d) The commissioner shall allow traditional access to the
7 Chelatna Public Use Area by motorized or nonmotorized means of trans-
8 portation to private land, interests in private land, and for lawful
9 sport and subsistence hunting, fishing, trapping, and recreational
10 purposes in a manner that is compatible with purposes specified in
11 AS 41.23.140(1) - (4). The commissioner and the commissioner of fish
12 and game shall jointly develop guidelines for traditional access and
13 include the guidelines in the management plan adopted under AS 41.23.-
14 150.

15 (e) Subject to valid existing rights, the commissioner may not
16 dispose of the surface estate in state land within the Chelatna Public
17 Use Area.

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

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

25 (1) each determination of incompatibility;

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

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

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

2 Sec. 41.23.170. CHELATNA PUBLIC USE AREA. The vacant and unap-

3 propriated state-owned land and water and the state land and water

4 acquired in the future that lie within the boundaries described in

5 this section are designated as the Chelatna Public Use Area, are

6 reserved for all uses compatible with their primary function as public

7 use land, and are assigned to the commissioner for control and manage-

8 ment:

9 (1) Township 24 North, Range 9 West, Seward Meridian

10 Section 2

11 Section 3: E1/2, excluding USS 3891

12 (2) Township 24 North, Range 10 West, Seward Meridian

13 Section 16: W1/2W1/2

14 Section 21: W1/2W1/2, SE1/4SW1/4

15 (3) Township 25 North, Range 8 West, Seward Meridian

16 Sections 6 - 7

17 Sections 18 - 19

18 (4) Township 25 North, Range 9 West, Seward Meridian

19 Sections 1 - 18

20 Section 19: E1/2NE1/4, NE1/4SE1/4

21 Sections 20 - 28

22 Section 29: NE1/4

23 Sections 33 - 36

24 (5) Township 25 North, Range 10 West, Seward Meridian

25 Sections 1 - 2

26 Section 3: N1/2, N1/2S1/2

27 Section 4: NE1/4

28 Section 12: E1/2, N1/2NW1/4

29 Section 18: W1/2

1 Section 19
 2 Section 20: SW1/4
 3 Section 28: SW1/4
 4 Sections 29 - 33
 5 (6) Township 25 North, Range 11 West, Seward Meridian
 6 Sections 2 - 36
 7 (7) Township 25 North, Range 12 West, Seward Meridian
 8 Section 1
 9 Section 2: NE1/4
 10 Section 12: E1/2
 11 Section 13: E1/2
 12 Section 24: E1/2
 13 Section 25: NE1/4
 14 (8) Township 26 North, Range 8 West, Seward Meridian
 15 Section 18: S1/2SW1/4
 16 Section 19: W1/2
 17 Sections 30 - 31
 18 (9) Township 26 North, Range 9 West, Seward Meridian
 19 Section 2: N1/2, SW1/4
 20 Sections 3 - 11
 21 Section 12: S1/2NE1/4, NW1/4NE1/4, S1/2, NW1/4
 22 Sections 13 - 36
 23 (10) Township 26 North, Range 10 West, Seward Meridian
 24 Sections 1 - 28
 25 Section 29: N1/2, N1/2S1/2, S1/2SE1/4
 26 Section 30
 27 Section 33: E1/2, NW1/4, E1/2SW1/4
 28 Sections 34 - 36
 29 (11) Township 26 North, Range 11 West, Seward Meridian

1	Sections 1 - 2
2	Sections 5 - 8
3	Section 9: W1/2
4	Sections 11 - 13
5	Section 14: E1/2
6	Sections 16 - 21
7	Section 22: SW1/4, W1/2NW1/4
8	Section 24
9	Section 25: NE1/4
10	Section 27: SE1/4, W1/2
11	Sections 28 - 34
12	Section 35: S1/2, NW1/4
13	(12) Township 26 North, Range 12 West, Seward Meridian
14	Sections 1 - 29
15	Section 30: N1/2
16	Section 32: NE1/4
17	Section 33: N1/2
18	Sections 34 - 36
19	(13) Township 26 North, Range 13 West, Seward Meridian
20	Sections 1 - 14
21	Section 15: N1/2, SE1/4
22	Section 16: N1/2, SW1/4
23	Section 17
24	Section 18: NE1/4
25	Section 22: NE1/4
26	Section 23: N1/2
27	Section 24: N1/2, SE1/4
28	(14) Township 27 North, Range 8 West, Seward Meridian
29	Sections 3 - 10

1 Section 34: E1/2
2 Sections 35 - 36
3 (18) Township 27 North, Range 12 West, Seward Meridian
4 Sections 4 - 9
5 Section 10: SW1/4
6 Section 15: SE1/4, W1/2
7 Sections 16 - 22
8 Section 23: S1/2, NW1/4
9 Section 24: S1/2
10 Sections 25 - 36
11 (19) Township 27 North, Range 13 West, Seward Meridian
12 Sections 1 - 10
13 Section 11: N1/2, SW1/4
14 Section 12: N1/2, SE1/4
15 Section 13: S1/2
16 Section 15: SE1/4, W1/2
17 Sections 16 - 36
18 (20) Township 28 North, Range 8 West, Seward Meridian
19 Section 19
20 Section 20: excluding USS 4664
21 Section 29: excluding USS 4664
22 Sections 30 - 34
23 (21) Township 28 North, Range 9 West, Seward Meridian
24 Section 25
25 Sections 35 - 36
26 (22) Township 28 North, Range 12 West, Seward Meridian
27 Sections 6 - 7
28 Sections 18 - 20
29 Sections 29 - 32

1 (23) Township 28 North, Range 13 West, Seward Meridian

2 Sections 1 - 36: excluding USS 5356

3 * Sec. 2. Notwithstanding AS 41.23.150(c), as enacted in sec. 1 of this
4 Act, until the adoption of a management plan for the Chelatna Public Use
5 Area, the mineral estate within the Chelatna Public Use Area shall be
6 managed under the provisions of the Susitna Area Plan in existence on
7 July 1, 1988.