

HOUSE BILL NO. 94

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BOYER, Moyer

Introduced: 2/1/91

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act to establish the Goodpaster Public Use Area."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 41.23 is amended by adding new sections to read:

4 Sec. 41.23.180. **PURPOSE.** The purpose of AS 41.23.180 - 41.23.210 is to establish the
5 area described in AS 41.23.210 as the Goodpaster Public Use Area. The Goodpaster Public Use
6 Area is established to

7 (1) protect and maintain fish and wildlife habitat, particularly moose calving and
8 wintering habitat, waterfowl nesting habitat, and furbearer habitat so that traditional public uses
9 of fish and wildlife populations may continue;

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

12 (3) protect and maintain public recreation in a quality environment;

13 (4) protect and maintain winter recreation, including dog-sledding, cross-country
14 skiing, snowmachining, and camping;

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

3 Sec. 41.23.190. MANAGEMENT. (a) Management of the surface and subsurface estate
4 of the Goodpaster Public Use Area is the responsibility of the department. After adequate public
5 hearings, the commissioner may adopt and may revise a management plan for the Goodpaster
6 Public Use Area. The commissioner shall consult with the Department of Fish and Game in the
7 adoption and revision of the management plan.

8 (b) The Department of Fish and Game is responsible for the management of fish and
9 game resources and public use of fish and wildlife in the Goodpaster Public Use Area consistent
10 with the purposes of AS 41.23.180. Nothing in AS 41.23.180 - 41.23.210 prohibits the
11 Department of Fish and Game from engaging in protection and maintenance of the fish and
12 wildlife within an area described in AS 41.23.210. The Department of Public Safety and the
13 Department of Fish and Game shall have necessary access for fish and game management,
14 research, and enforcement purposes.

15 (c) The state may not acquire by eminent domain privately-owned land for inclusion in
16 the Goodpaster Public Use Area, but may acquire privately-owned land lying within the
17 boundaries of the Goodpaster Public Use Area by purchase, exchange, or otherwise.

18 (d) Subject to valid existing rights, the commissioner may not sell state land within the
19 Goodpaster Public Use Area.

20 (e) The commissioner may not allow construction of permanent year-round roads within
21 the land described in AS 41.23.210(1). Winter use roads may be constructed if they are
22 consistent with the purposes specified in AS 41.23.180 and they are sited, designed, and managed
23 to minimize possible use by all terrain vehicles in the summer. Specific actions that the
24 commissioner shall take to minimize use by all terrain vehicles include

25 (1) requiring that the road cross areas that are too wet to be passable in the
26 summer;

27 (2) erection of bollards or mounds or the excavation of trenches at the beginning
28 of the roads.

29 (f) Development activities within the Goodpaster Public Use Area shall be designed to
30 minimize the visual effect on the scenic values of the Goodpaster River. Timber cutting shall
31 be consistent with the following guidelines:

1 (1) timber cutting units shall be located so they minimize the effect on the
2 viewshed from the Goodpaster River;

3 (2) timber cutting units and access shall be designed to blend into the natural
4 landscape pattern; when considering the type of harvest for timber cutting units, the department
5 shall consider topography and silvicultural requirements in minimizing visual effect; when patch
6 clearcuts are utilized, size and shape shall be considered in minimizing visual effect;

7 (3) timber cutting may not be allowed within 200 feet of the Goodpaster River,
8 except for the removal of hazards;

9 (4) the department shall submit preliminary timber cutting unit designs for public
10 and interagency comment.

11 (g) Within the land described in AS 41.23.210(2),

12 (1) the state or a municipality may not construct or authorize construction of
13 roads;

14 (2) the commissioner may not hold timber sales for more than 10,000 board feet
15 per sale; the commissioner may allow the harvesting of timber for personal use;

16 (3) land use authorizations for permanent facilities, such as commercial lodges,
17 may be allowed only upstream from Central Creek;

18 (4) public use cabins may be permitted if located to avoid conflicts with existing
19 uses.

20 (h) The commissioner may not manage the Goodpaster Public Use Area as a unit of the
21 state park system.

22 Sec. 41.23.200. INCOMPATIBLE USES. (a) Except as provided in this section, the
23 commissioner may prohibit or restrict incompatible uses within the state-owned land and water
24 described in AS 41.23.210.

25 (b) The commissioner may not restrict lawful sport and subsistence fishing, hunting, or
26 trapping rights allowed under a regulation of the Board of Fisheries or the Board of Game within
27 the Goodpaster Public Use Area.

28 (c) The Goodpaster Public Use Area is open to mineral entry under AS 38.05.185 -
29 38.05.275. Exploration, development, and extraction of subsurface resources shall be allowed
30 in a manner that is compatible with the purposes specified in AS 41.23.180(1) - (4).

31 (d) Except as provided in AS 41.23.190(e) and (g)(1), the commissioner shall allow

1 traditional access to the Goodpaster Public Use Area by motorized or nonmotorized means of
2 transportation to private land, interests in private land, and for lawful sport and subsistence
3 hunting, fishing, trapping, mining, and recreational purposes in a manner that is compatible with
4 purposes specified in AS 41.23.180(1) - (4).

5 (e) If the commissioner determines that a use is incompatible with one or more other uses
6 in a portion of the Goodpaster Public Use Area, the commissioner shall state in the management
7 plan adopted or revised under AS 41.23.190

- 8 (1) each determination of incompatibility;
9 (2) the specific area where the incompatibility is determined to exist;
10 (3) the time within which the incompatibility is determined to exist; and
11 (4) the reasons for each determination of incompatibility.

12 Sec. 41.23.210. GOODPASTER PUBLIC USE AREA. The state-owned land and water
13 and the state land and water acquired in the future that lie within the boundaries described in this
14 section are designated as the Goodpaster Public Use Area, and are reserved for all uses
15 compatible with their primary function as public use land and as provided in AS 41.23.180 -
16 41.23.210, and are assigned to the department for control and management:

17 (1) watershed land: all state land, other than state forest land, within the
18 Goodpaster River watershed as reflected in the Goodpaster River Management Unit 7D of the
19 1990 Update of the Tanana Basin Area Plan approved by the commissioner on November 30,
20 1990, but not including the river corridor land in (2) of this subsection;

21 (2) river corridor land: all state land within the Goodpaster River Corridor up to
22 state forest land and Quartz Lake as reflected in the Goodpaster River Management Unit 7D of
23 the 1990 Update of the Tanana Basin Area Plan approved by the commissioner on November 30,
24 1990.