

SENATE BILL NO. 23**IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - FIRST SESSION****BY SENATOR KERTTULA**

Introduced: 1/21/91

Referred: Resources and Finance

A BILL**FOR AN ACT ENTITLED****1 "An Act establishing the Chelatna 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 - 41.23.189 is to establish the
5 area described in AS 41.23.189 as the Chelatna Public Use Area. The Chelatna Public Use Area
6 is established to

7 (1) protect and maintain fish and wildlife habitat, particularly moose calving and
8 wintering-over areas, trumpeter swan nesting areas, and other habitats important to furbearers,
9 black and brown bear, and resident and anadromous fish so that traditional public uses of fish
10 and wildlife populations may continue;

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

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

14 (4) perpetuate and enhance additional public uses described in the Susitna Area

1 Plan;

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

4 Sec. 41.23.183. MANAGEMENT. (a) Management of the surface and subsurface estate
5 of the Chelatna Public Use Area is the responsibility of the commissioner. After adequate public
6 hearings the commissioner shall adopt and may revise a management plan for the Chelatna Public
7 Use Area with the participation and consultation of the commissioner of fish and game.

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 Chelatna Public Use Area consistent
10 with the purposes of AS 41.23.180.

11 (c) The Chelatna Public Use Area shall be open to mineral entry under AS 38.05.185 -
12 38.05.275 except as provided in the management plan adopted under (a) of this section. The
13 commissioner may adopt regulations to achieve the purposes specified in AS 41.23.180. Each
14 valid existing right or permit shall remain valid and continue in full force and effect according
15 to its terms. Exploration, development, and extraction of subsurface resources shall be allowed
16 in a manner that is compatible with the purposes specified in AS 41.23.180(1) - (4).

17 (d) The commissioner may not acquire by eminent domain privately owned land within
18 or abutting state-owned land described in AS 41.23.189 but may acquire privately owned land
19 described in AS 41.23.189 by purchase, exchange, or otherwise for inclusion in the Chelatna
20 Public Use Area.

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

23 Sec. 41.23.186. COMPATIBILITY OF USES. (a) Except as provided in this section,
24 the commissioner may prohibit or restrict incompatible uses under the management plan adopted
25 under AS 41.23.183(a) within the state-owned land and water described in AS 41.23.189.

26 (b) Nothing in AS 41.23.180 - 41.23.189 prohibits the Department of Fish and Game
27 from engaging in rehabilitation, enhancement, and development of fish and wildlife habitat within
28 an area described in AS 41.23.189.

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

1 (d) The commissioner shall allow traditional access to the Chelatna Public Use Area by
2 motorized or nonmotorized means of transportation to private land, interests in private land, and
3 for lawful sport and subsistence hunting, fishing, trapping, and recreational purposes in a manner
4 that is compatible with purposes specified in AS 41.23.180(1) - (4). The commissioner and the
5 commissioner of fish and game shall jointly develop guidelines for traditional access and include
6 the guidelines in the management plan adopted under AS 41.23.183.

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

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

11 (g) If the commissioner determines that a use is incompatible with one or more other
12 uses in a portion of the Chelatna Public Use Area, the commissioner shall state in the
13 management plan adopted or revised under AS 41.23.183

- 14 (1) each determination of incompatibility;
- 15 (2) the specific area where the incompatibility is determined to exist;
- 16 (3) the time within which the incompatibility is determined to exist; and
- 17 (4) the reasons for each determination of incompatibility.

18 Sec. 41.23.189. CHELATNA PUBLIC USE AREA. The vacant and unappropriated
19 state-owned land and water and the state land and water acquired in the future that lie within the
20 boundaries described in this section are designated as the Chelatna Public Use Area, are reserved
21 for all uses compatible with their primary function as public use land, and are assigned to the
22 commissioner for control and management:

- 23 (1) Township 24 North, Range 9 West, Seward Meridian
24 Section 2
25 Section 3: E1/2, excluding USS 3891
- 26 (2) Township 24 North, Range 10 West, Seward Meridian
27 Section 16: W1/2W1/2
28 Section 21: W1/2W1/2, SE1/4SW1/4
- 29 (3) Township 25 North, Range 8 West, Seward Meridian
30 Sections 6 - 7
31 Sections 18 - 19

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

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

- 1 Section 16: N1/2, SW1/4
- 2 Section 17
- 3 Section 18: NE1/4
- 4 Section 22: NE1/4
- 5 Section 23: N1/2
- 6 Section 24: N1/2, SE1/4
- 7 (14) Township 27 North, Range 8 West, Seward Meridian
- 8 Sections 3 - 10
- 9 Sections 15 - 21
- 10 Sections 28 - 33
- 11 (15) Township 27 North, Range 9 West, Seward Meridian
- 12 Sections 1 - 2
- 13 Section 3: S1/2
- 14 Sections 10 - 15
- 15 Section 16: E1/2
- 16 Section 19: excluding U.S.M.S. 2299
- 17 Sections 20 - 29
- 18 Section 30: excluding U.S.M.S. 2299
- 19 Sections 31 - 36
- 20 (16) Township 27 North, Range 10 West, Seward Meridian
- 21 Sections 5 - 9
- 22 Sections 15 - 24
- 23 Section 25: excluding U.S.M.S. 2299
- 24 Sections 26 - 36
- 25 (17) Township 27 North, Range 11 West, Seward Meridian
- 26 Sections 1 - 3
- 27 Section 4: excluding USS 5832
- 28 Section 5
- 29 Section 6: N1/2, SE1/4
- 30 Section 8: N1/2, SE1/4
- 31 Sections 9 - 16

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Section 19: SW1/4

Section 21: N1/2, SE1/4

Sections 22 - 27

Section 30: SE1/4, W1/2

Section 31

Section 32: W1/2

Section 34: E1/2

Sections 35 - 36

(18) Township 27 North, Range 12 West, Seward Meridian

Sections 4 - 9

Section 10: SW1/4

Section 15: SE1/4, W1/2

Sections 16 - 22

Section 23: S1/2, NW1/4

Section 24: S1/2

Sections 25 - 36

(19) Township 27 North, Range 13 West, Seward Meridian

Sections 1 - 10

Section 11: N1/2, SW1/4

Section 12: N1/2, SE1/4

Section 13: S1/2

Section 15: SE1/4, W1/2

Sections 16 - 36

(20) Township 28 North, Range 8 West, Seward Meridian

Section 19

Section 20: excluding USS 4664

Section 29: excluding USS 4664

Sections 30 - 34

(21) Township 28 North, Range 9 West, Seward Meridian

Section 25

Sections 35 - 36

1 (22) Township 28 North, Range 12 West, Seward Meridian
2 Sections 6 - 7
3 Sections 18 - 20
4 Sections 29 - 32

5 (23) Township 28 North, Range 13 West, Seward Meridian
6 Sections 1 - 36: excluding USS 5356

7 * Sec. 2. Notwithstanding AS 41.23.183(c), as enacted in sec. 1 of this Act, until the adoption of a
8 management plan for the Chelatna Public Use Area, the mineral estate within the Chelatna Public Use
9 Area shall be managed under the provisions of the Susitna Area Plan in existence on July 1, 1988.