

COMMITTEE REPORT

SENATE

FURTHER:

4/21/86

Date 5/1/86

Mr. President

The Committee on FINANCE considered SSSB 334 relating to Hatcher Pass Public Use Area.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SS SB 334 (200)
- new title
- same title and recommends "DO PASS"
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE  
- DNR (AB)
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Kottala  
Rich Hillard  
McGlashin  
Paul Fink  
Jergensen

MEMBERS HAVING  
OTHER RECOMMENDATIONS

~~\_\_\_\_\_~~  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Co- [Signature]  
 Chairman  
No Rec.  
 Chairman recommendation

RD 5/1/86

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

## REQUEST

Bill/Resolution No. SB 334 Real  
Title: Establishing Hatcher Pass  
Public Use Area

Sponsor: Senator Kerttula  
Requestor: Senate Resources  
Date of Request: 4-10-86

## FISCAL DETAIL

Agency Affected: Natural Resources  
BRU: Land & Water Management

Components : \_\_\_\_\_

## EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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## FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

## POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Mike Vediner *MV* Phone: 465-2400  
Division: Land & Water Management Date: 4-10-86

Approved by Commissioner: Wm D. Swindell, Deputy Date: 4/11/86  
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Offered: 4/21/86  
Referred: Finance

Original sponsor: Kerttula

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 334 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to Hatcher Pass 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 ARTICLE. 2. HATCHER PASS PUBLIC USE AREA.

10 Sec. 41.23.100. PURPOSE. (a) The purpose of AS 41.23.100 -  
11 41.23.130 is to establish the area described in AS 41.23.130 as the  
12 Hatcher Pass Public Use Area.

13 (b) The Hatcher Pass Public Use Area is established to

14 (1) provide for public recreation activities;

15 (2) protect and enhance the fishery, waterfowl, and wild-  
16 life resources and habitat and provide for public use of the fishery  
17 and wildlife resources, including fishing, grazing, hunting, and  
18 trapping;

19 (3) protect the water quality and scenic resources within  
20 the Hatcher Pass Public Use Area.

21 Sec. 41.23.110. MANAGEMENT. (a) The commissioner of natural  
22 resources is responsible for the management of the surface and subsur-  
23 face estate within the Hatcher Pass Public Use Area consistent with  
24 the purposes of AS 41.23.100.

25 (b) The commissioner of fish and game, the Board of Fisheries,  
26 and the Board of Game are responsible for the management of fish and  
27 game resources and public use of fish and wildlife in the Hatcher Pass  
28 Public Use Area consistent with the purposes of AS 41.23.100.

29 (c) After adequate public hearings and in consultation with the

1 commissioner of fish and game, the commissioner shall adopt and may  
2 revise a management plan for the Hatcher Pass Public Use Area in  
3 consultation with local governments and other affected state agencies.  
4 The management plan adopted under this section must be consistent with  
5 the purposes stated in AS 41.23.100. A management plan adopted or  
6 revised by the commissioner under this section shall be submitted to  
7 the legislature within the first 10 days of the first regular session  
8 of the legislature to convene after its adoption or revision by the  
9 commissioner.

10 (d) The provisions of AS 41.23.100 - 41.23.130 do not restrict a  
11 responsibility within the Hatcher Pass Public Use Area of the commis-  
12 sioner of fish and game, the Board of Fisheries, the Board of Game,  
13 the commissioner of environmental conservation, or the commissioner of  
14 public safety.

15 (e) The Hatcher Pass Public Use Area is closed to mineral entry  
16 under AS 38.05.185 - 38.05.275 from the effective date of this Act.

17 (f) Each valid existing mining claim on the effective date of  
18 this Act remains valid and shall continue in full force and effect  
19 according to its terms.

20 (g) Except for road construction, the state may not acquire by  
21 eminent domain privately owned land within or abutting state-owned  
22 land described in AS 41.23.130 but may acquire privately owned land by  
23 purchase, exchange, or otherwise for inclusion in the Hatcher Pass  
24 Public Use Area from willing landowners.

25 (h) Except for valid existing rights on the effective date of  
26 this Act, the commissioner of natural resources may not sell state  
27 land within the Hatcher Pass Public Use Area.

28 Sec. 41.23.120. COMPATIBILITY OF USES. (a) Except as provided  
29 in this section, the commissioner may prohibit or restrict

1 incompatible uses under the management plan adopted under AS 41.23.110  
2 within the state-owned land and water described in AS 41.23.130.

3 (b) Nothing in AS 41.23.100 - 41.23.130 prohibits the Department  
4 of Fish and Game from engaging in rehabilitation, enhancement, and  
5 development of fish and wildlife habitat within an area described in  
6 AS 41.23.130 that is consistent with the purposes stated in AS 41.23.-  
7 100.

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

12 (d) The commissioner shall designate routes for motorized and  
13 nonmotorized access within or across the Hatcher Pass Public Use Area.

14 (e) The commissioner of public safety and the commissioner of  
15 fish and game shall have necessary access for fish and game manage-  
16 ment, research, and enforcement purposes.

17 (f) If the commissioner determines that a use is incompatible  
18 with one or more other uses in a portion of the Hatcher Pass Public  
19 Use Area, the commissioner shall state in the management plan adopted  
20 or revised under AS 41.23.110

21 (1) each determination of incompatibility;

22 (2) the specific area where the incompatibility is deter-  
23 mined to exist;

24 (3) the time within which the incompatibility is determined  
25 to exist; and

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

27 Sec. 41.23.130. HATCHER PASS PUBLIC USE AREA. The vacant and  
28 unappropriated state-owned land and water and the state land and water  
29 acquired in the future that lie within the boundaries described in

1 this section are designated as the Hatcher Pass Public Use Area, are  
2 reserved for all uses compatible with their primary function as public  
3 use land, and are assigned to the Department of Natural Resources for  
4 control and management:

5 Township 19 North, Range 1 East, Seward Meridian

6 Section 1: NW1/4NW1/4, NW1/4NE1/4NW1/4, W1/2SW1/4  
7 NW1/4, NE1/4SW1/4NW1/4

8 Section 2: NE1/4, SE1/4NW1/4, SE1/4NE1/4NW1/4.

9 SE1/4SW1/4NW1/4, SW1/4, NW1/4SE1/4, SW1/4SE1/4,  
10 NW1/4SE1/4SE1/4, W1/2NE1/4SE1/4, NE1/4NE1/4SE1/4

11 Section 10: E1/2E1/2

12 Section 11: W1/2, NW1/4NE1/4

13 Section 14: W1/2

14 Section 15: E1/2E1/2

15 Section 22: E1/2E1/2

16 Section 23: W1/2

17 Section 26: W1/2SW1/4, SW1/4NW1/4

18 Section 27: E1/2E1/2

19 Township 20 North, Range 1 East, Seward Meridian

20 Section 25: S1/2S1/2SE1/4

21 Section 35: SE1/4, SE1/4SE1/4NE1/4

22 Section 36: NE1/4, SW1/4, E1/2NW1/4, SW1/4NW1/4,

23 SE1/4NW1/4NW1/4, NW1/4SE1/4, NW1/4NE1/4SE1/4,

24 NW1/4SW1/4SE1/4

25 Township 20 North, Range 2 East, Seward Meridian

26 Section 9: E1/2SE1/4, E1/2SW1/4SE1/4, SE1/4SE1/4NE1/4

27 Section 10: W1/2SW1/4, E1/2NW1/4, SW1/4NW1/4,

28 E1/2NW1/4NW1/4, W1/2NE1/4SW1/4, NW1/4NE1/4, NW1/4

29 SW1/4NE1/4

1 Section 15: W1/2W1/2NW1/4  
2 Section 16: SE1/4, E1/2NE1/4, E1/2W1/2NE1/4  
3 Section 21: E1/2SW1/4, E1/2SW1/4SW1/4, SW1/4SW1/4  
4 SW1/4, SE1/4NW1/4SW1/4, NW1/4SE1/4, W1/2SW1/4SE1/4,  
5 NE1/4SW1/4SE1/4, W1/2NE1/4, W1/2NE1/4NE1/4, NW1/4  
6 SE1/4NE1/4, SE1/4NW1/4, E1/2NE1/4NW1/4, SW1/4NE1/4  
7 NW1/4  
8 Section 28: NW1/4, W1/2NW1/4NE1/4, NW1/4SW1/4,  
9 NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4  
10 Section 29: E1/2SE1/4, SE1/4NE1/4, SW1/4SE1/4, S1/2  
11 NW1/4SE1/4, NE1/4NW1/4SE1/4, S1/2SW1/4, S1/2NE1/4  
12 SW1/4  
13 Section 30: S1/2S1/2S1/2, S1/2SE1/4  
14 Section 31: NW1/4, N1/2NE1/4, N1/2S1/2NE1/4  
15 Section 32: N1/2NW1/4, N1/2SW1/4NW1/4, NW1/4NW1/4NE1/4

## SECTIONAL ANALYSIS FOR CSSSSB 334 (Resources)

An Act relating to Hatcher Pass Public Use Area.

### Section 41.23.100 PURPOSE

The purpose of the Hatcher Pass Public Use Area is:

- 1) provide public recreation activities;
- 2) to protect and enhance the fishery, waterfowl and wildlife resources that exist in the area;
- 3) to protect the water quality and scenic resources in the area.

### Section 41.23.110 MANAGEMENT

The Department of Natural Resources would be responsible for managing the surface and subsurface land within the Hatcher Pass Public Use Area. Fish and Game, the Board of Fisheries and the Board of Game would manage the fish and game resources within the Public Use Area.

The Department of Natural Resources, after public hearings and consultation with other state agencies, shall adopt and management plan for the Hatcher Pass Public Use Area. However, it may not conflict with any of the responsibilities of other state agencies such as DEC or Public Safety.

The Hatcher Pass Public Use Area would be closed to mineral entry. However, all existing claims would remain valid.

With the exception of road construction, the state may not acquire additional land within or next to the Hatcher Pass Public Use Area by eminent domain. Additional land may only be purchased when the owner is will to sell.

### Section 41.23.120 COMPATIBILITY OF USES

The Department of Natural Resources has the authority to prohibit or restrict incompatible uses of the Hatcher Pass Public Use Area but they may not restrict lawful fishing, hunting or trapping allowed by the Board of Fisheries or Game. They shall also designate areas for motorized and non-motorized access within or across the Public Use Area.

The Department of Fish and Game and Public Safety shall have the necessary access to the area to carry out their duties.

Once DNR determines that a use is incompatible, it shall list each incompatible use, where in the area it is incompatible and at what time the use is incompatible.

### Section 41.23.130 HATCHER PASS PUBLIC USE AREA

This section lists the specific boundaries of the Hatcher Pass Public Use Area and it total around 5130 acres.

113 324

## MEMORAN

TO: Ned Farquhar  
Commissioners Office

DELIVER TO: <u>Ned FARQUHAR</u>	LOCATION <u>JUNEAU</u>
FROM: <u>LANCE Key</u>	LOCATION <u>SCR 0 R/L</u>
TELEPHONE/TELECOPIER # <u>586-2754</u>	TOTAL NUMBER OF PAGES <u>11</u>
TRANSMITTING ON/SPEED _____	DATE <u>5-1-86</u> TIME <u>7:50AM</u>
PHONE FOR PROBLEMS NAME/NUMBER <u>762-2270</u>	
COMMENTS _____	

FILE NO:

TELEPHONE NO:

FROM: Lance E. Key *DEK*  
Southcentral Region  
DLWM

SUBJECT: Hatcher Pass Trespass Action

Here is a quick synopsis of the what has happened in Hatcher Pass.

1. Initial field inspection of the Lou Sackett Slippery Rock claim conducted by Bill Betlach (SCR) on 7-19-82 in conjunction with the Hatcher Pass Mngt Plan. A second report was submitted by Pat Beckley (SCR) on 11-30-82.
2. A field inspection of all the Little Susitna claims was conducted by the SCR on 2-20-85. Photos taken and field report filed.
3. All claims along the Little Su (approx. 10-12) were sent Notices of Confirmed Unauthorized Use. They were told to:
  - remove "No Trespassing" and "Private Property" signs and
  - file Annual Placer Mining Applications to justify surface use improvements and use as residences.

Notices sent on 8-28-85. Miners given until 10-31-85 to comply with removal or file APMA's.
4. Majority of claims complied with removal of signs. Four claims had improvements, equipment, residences and trash on their sites. Three filed APMA's to justify their surface use. They were:
  - Hungry Dog claim, Dan Lepke (date of filing not available)
  - Slippery Rock claim, Lou Sackett (filed 10-22-85)
  - Adeline claim, Mike McDannel (filed 9-27-85)
5. Between 12-17-85 and 12-24-85 these three APMA's were reviewed by DOM and denied (copies attached).
6. DLWM in conjunction with DOM then notified these three claim owners that their improvements, residences, garbage and equipment were in violation of the regulations governing the surface use of mining claims. They were to remove the signs and cease residence immediately and remove the equipment, improvements and garbage by 5-15-86. These notices went out between 3-7-86 and 4-4-86.

Page 2

7. Miners are still living on the claims, and some signs are still up on several of these claims. If compliance does not occur by 5-15-86, DLWM will ask the AG's office to begin civil action to ensure compliance.

End of current situation.

Lance E. Key  
762-2277

## MEMORANDUM

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING

State of Alaska

TO:

Lance Key  
DLWM

DATE:

December 17, 1985

FILE NO:

561-2020

TELEPHONE NO:

FROM:

Jerry Gallagher  
Geologist V

SUBJECT:

Lepke, APMA #852605

I have reviewed the request by Mr. Daniel Lepke (Annual Placer Mining Application #852605) to live on the Hungry Dog Camp #1 and Hungry Dog Camp #2 mining claims (ADL's 355538 and 502829), store equipment and post no trespassing signs on these claims. Comment specific to the application was made by the Alaska Department of Fish and Game, DNR-DLWM (Matsu Office) and the Alaska Center for the Environment. Mr. Lepke's requests have been judged against the standards found in 11 AAC 86.145.

According the APMA #852605, Mr. Lepke's mining operation consists of a 2" suction dredge and portable sluice box. A "truck/camper" is used for processing and black sand storage. Three people work the claims all year according to Mr. Lepke. Living quarters include a 16'x26' canvas quonset hut, an outhouse, a propane storage shed, an equipment storage shed, and a guard shack.

A review of annual labor affidavits filed by Mr. Lepke for 1983 and 1984 for the Hungry Dog Claim #1 indicate work was conducted between the first day of May and the last day of September each year. No 1985 affidavit has been received by this office to date. A field inspection of the site conducted Oct. 9, 1985 by Lance Key and review of the photo's from that inspection show little surface evidence of a mining operation (tailings, disturbed ground, etc.) and only a small suction dredge that appears inoperative.

A review of APMA 852605, affidavits of annual labor, agency and public comment and field inspection photographs support the following conclusion:

- 1) The Hungry Dog claims are located within 12 to 15 miles of either Kasilla or Palmer where adequate living facilities are available.
- 2) Access to the Hungry Dog claims is provided 12 months per year by a state maintained road.
- 3) The past, present and proposed mining activity requires only portable equipment.
- 4) The trash, miscellaneous equipment, tents, sheds, etc. are not related to any mining activity.
- 5) Equipment on site, ground disturbed, and affidavits of annual labor all indicate only a small, part time mining operation is conducted on the Hungry Dog claims.

Based upon the above information, conclusion, and 11 AAC 85.145, the Division of Mining approves the following actions:

- 1) The application by Mr. Lepke to live on the Hungry Dog claim is denied. The close proximity to town, year round access, level of mining activity, and portable mining equipment do not necessitate living on the claim. Mr. Lepke does not meet the requirements of 11 AAC 86.145(2).
- 2) All "no trespassing" signs, "keep out" signs, and other signs which restrict public access must be taken down. The signs are in violation of 11 AAC 86.145(1)A and B.
- 3) A small storage shed not to exceed 6' x 4' will be allowed on the claim to store mining equipment during the summer mining season. The shed may be locked and posted with a "keep out" sign during the period May 1 to September 30. No equipment may be stored during the periods October 1 to April 30. To minimize vandalism and prevent unauthorized use, the storage shed must be sited so it is not visible from the Hatcher Pass road, have no windows and no heat source.
- 4) All existing tents, sheds, trash, garbage, and equipment must be removed from the area immediately. The area must be left in a clean and safe condition.

JG/jd/1492v

## MEMORANDUM

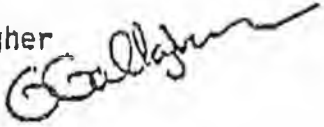
State of Alaska

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MININGTO: Lance Key  
DLWM

DATE: December 17, 1985

FILE NO:

TELEPHONE NO: 561-2020

FROM: Jerry Gallagher  
Geologist V 

SUBJECT: McDannel, APMA #31056

I have reviewed the request by Mr. Michael McDannel (Annual Placer Mining application #31056) to live on the Adaline No. 1 and 2 mining claims (ADL's 505708 - 505709). Mr. McDannel states in his application for permanent living quarters that "the claim is under 24 hour security due to vandalism". Comments specific to this application for permanent living quarters have been received by the Alaska Department of Fish and Game, Department of Natural Resources (DLWM-Mat Su office), and the Alaska Center for the Environment. Mr. McDannel's request has been judged against the standards found in 11 AAC 86.145.

According to APMA #31056, Mr. McDannel's mining operation consists of a 2" suction dredge and hand tools. Two people are used to work the claim from April through November. Although not specified on the APMA, a house, outhouse, camper and other equipment is now on the claim.

The Adaline claims were staked on May 3, 1984 and annual labor has not yet been entered into the mining casefile. No previous Annual Placer Mining Application has been submitted by Mr. McDannel. A field inspection of the site conducted October 9, 1985 by Lance Key and review of the photos from that inspection show the presence of a 2" suction dredge and a small settling pond.

Review of APMA #31056, agency and public comment, and field inspection photographs support the following conclusions:

- 1) The Adaline claims are located within 10 to 15 miles of either Wasilla or Palmer where adequate living facilities are available.
- 2) Access to the Adaline claims is provided 12 months per year by a state maintained road.
- 3) The past, present and proposed mining operation require only portable equipment.
- 4) The house and miscellaneous equipment, except for the suction dredge, are not related to any mining activity.
- 5) The equipment on site and ground disturbed suggest only a small, part time mining operation is conducted on the Adaline claims.

Based upon the above information, conclusions and 11 AAC 85.145, the Division of Mining approves the following actions:

- 1) The application by Mr. McDannel to live on the Adaline claims is denied. The proximity to town, year round access, level of mining activity, and portable mining equipment do not necessitate living on the claim. Mr. McDannel does not meet the requirements of 11 AAC 86.145(2).
- 2) All "No Trespassing" signs, "Keep Out" signs, and other signs which restrict public access must be removed. These signs are in violation of 11 AAC 86.145 (1)A and B.
- 3) A small storage shed, not to exceed 6'x4', will be allowed on the claim to store mining equipment during the summer mining season. The shed may be locked and posted with a "Keep Out" sign during the period May 1 to September 30. No equipment may be stored on the claim during the period October 1 to April 30. To minimize vandalism and prevent unauthorized use, the shed should have no windows and have no heat source.
- 4) The existing house, camper, outhouse and all assorted equipment, garbage and trash must be removed from the area immediately. The area must be left in a clean and safe condition.

JG/jd/1494v

## MEMORANDUM

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING

State of Alaska

TO:

Lance Key  
DLWM

DATE:

December 24, 1985

FILE NO:

561-2020

TELEPHONE NO:

FROM:

Jerry Gallagher  
Geologist V *J. Gallagher*

SUBJECT:

Sackett, APMA 852932

I have reviewed the request by Mr. Lloyd Sackett to live on the #8, #9 and #10 Below Discover mining claims, commonly known as the Slippery Rock Mine (ADL 80055 - 80057), store equipment and restrict public access. Comments specific to this application were made by the Alaska Department of Fish and Game, Department of Natural Resources (DLWM-Mat Su Office) and the Alaska Center for the Environment. Mr. Sackett's requests have been judged against the standards of 11 AAC 86.145.

According to APMA #852932 and a letter dated Oct. 9, 1985 attached to the APMA, Mr. Sackett's mining operation includes 3 suction dredges (2 1/2" to 4"), a D-6 cat, backhoe, a 10x55' trailer work shop, a 10x40' trailer for living, an 8x16 trailer for food storage, and a series of 2 vans, 2 campers and 2 pick-up trucks for equipment storage. Mr. Sackett state "I'm not living on my claims, I'm safeguarding the equipment I've taken years to accumulate".

The Slippery Rock claims were staked in 1973 and a partial list of annual labor affidavits provided the following data:

<u>Year</u>	<u>Total Days Worked</u>	<u>Period Worked</u>
1976	30	6/23 - 9/6
1977	15	8/5 - 8/25
1978	12	4/26 - 5/25
1979		--
1980	90	6/1 - 8/30
1981	30	2/9 - 5/30
1982	60	5/10 - 7/30
1983	60	5/15 - 7/15
1984	45	5/1 - 8/15
1985	180	5/1 - 10/1

Records indicate that Mr. Sackett filed placer mining applications in 1980 and 1984, in addition to the current application under consideration. There is little evidence in our records to suggest Mr. Sackett actually does very much mining. Field inspections by ADF&G (see memo dated Nov. 15, 1985), DNR-DLWM (See memo dated Nov. 14, 1985) and field inspection by Lance Key (Oct. 9, 1985) failed to note evidence of surface disturbance (tailings, disturbed ground, etc.) which substantiates significant and continued mining. In addition, the suction dredges claimed as mining equipment are very small in relation to the D-6 cat, backhoe and extensive camp facilities. Suction dredges in this size range generally do not require such heavy support equipment.

Mr. Sackett has advertised and conducted a "yard sale" on his mining claim during at least the summer of 1985. Miscellaneous trailers and equipment are for sale and DNR photographs taken October 9, 1985 clearly show prices affixed to such items.

Review of APMA 852932, agency and public comment, and field inspection photographs support the following conclusions:

- 1) The Slippery Rock claims are located within 10 to 15 miles of either Wasilla or Palmer where adequate living facilities are available.
- 2) Access to the Slippery Rock claims is provided 12 months per year by a state maintained road.
- 3) The mining plan states the use of a 4" suction dredge, but the exact use of the heavy equipment, specifically the D-6 cat and the back hoe remain unclear. The dredge is portable on a daily basis and the heavy equipment can be moved seasonally.
- 4) The numerous trailers and miscellaneous equipment are not directly related to the mining operation. The D-6 cat and backhoe may be used for mining on a limited basis but the few past APMA submittals and various field reports suggest only a very limited amount of actual mining is conducted at Slippery Rock.

Based upon the above information, conclusions and 11 AAC 85.145, the Division of Mining approves the following actions:

- 1) The application by Mr. Sackett to live on the Slippery Rock claims is denied. The proximity to town, year round access, level of mining activity, and portable mining equipment do not necessitate living on the claim. Mr. Sackett does not meet the requirements of 11 AAC 86.145(2).
- 2) All "No Trespassing" signs, "Keep Out" signs, and other signs which restrict public access must be removed. These signs are in violation of 11 AAC 86.145 (1)A and B.
- 3) A small storage shed, not to exceed 6'x4', will be allowed on the claim to store mining equipment during the summer mining season. The shed may be locked and posted with a "Keep Out" sign during the period May 1 to September 30. No equipment may be stored on the claim during the period October 1 to April 30. To minimize vandalism and prevent unauthorized use, the shed should have no windows and have no heat source.

- 4) As required for mining purposes, non-portable heavy mining equipment may be parked on the mining claim during the summer mining season from May 1 to September 30 if it is used in the mining operation. This equipment is limited to a D-6 Cat and a backhoe. During the period from October 1 to April 30, storage of this heavy equipment on the claim is not approved. Any use of this equipment must be approved prior to use through the Annual Placer Mining Application process.
- 5) The existing trailers, step vans, campers, storage sheds, smoke house, outhouse, living quarters, garbage and trash must be removed from the area. The area must be left in a clean and safe manner.

JG/jd/1499v

*Similar notice  
sent to Lepke &  
McDannel.*

March 7, 1986

CERTIFIED MAIL 1A0 343 623  
RETURN RECEIPT REQUESTED

Lloyd Sackett  
6820 A-1  
Palmer, Alaska 99645

Re: Surface Use of the "Slippery Rock" Mining Claim  
ACL 80055-57

Dear Mr. Sackett:

The Division of Land and Water Management has recently reviewed the decision of the Division of Mining concerning your Annual Placer Mining Application (APMA #852932) requesting approval of certain surface uses of your mining claims. As noted in a copy of the decision, which is attached, your requests have been judged as not in accordance with the standards of 11 AAC 86.145.

Based on this decision, the Division of Land and Water Management hereby issues this NOTICE AND ORDER OF CONFIRMED UNAUTHORIZED USE.

YOU ARE HEREBY NOTIFIED that the Division of Land and Water Management and the Division of Mining have determined the surface use of your mining claim (Slippery Rock 1-3) are in violation of Alaska Statute 38.05.255 (Surface Use of Land and Water) and 11 AAC 86.145.

YOU ARE HEREBY ORDERED to take the following corrective action.

1. Due to the proximity to town, year round access, level of mining activity and equipment utilized, no further residential use of the claim will be allowed. All residential use of your claim shall cease immediately upon receipt of this notice.
2. All "No Trespassing", "Keep Out", and other signs which restrict public access shall be removed immediately upon receipt of this notice.

Lloyd Sackett  
March 7, 1986  
Page 2

3. All miscellaneous equipment excluding a 6' x 4' or smaller storage shed shall be removed from the claims no later than May 15, 1986. The shed may be locked and posted with a "Keep Out" sign during the period May 1 to September 30 each year and may be kept on the claim year-round. No equipment shall be stored on the claim during the period October 1 to April 30 each year.
4. Non-portable heavy mining equipment may be parked on the mining claims during the summer mining season from May 1 to September 30 if required for use in the mining operation. This equipment is limited to a D-6 sized or smaller bulldozer and a backhoe. No heavy mining equipment shall be stored or parked on the claims from October 1 to April 30 each year. Use of this equipment on the claim must be approved prior to use through the Annual Placer Mining Application process.
5. All existing trailers, step vans, campers, storage sheds, smokehouses, outhouses, living quarters, garbage, trash and other personal effects must be removed from the claim no later than May 15, 1986. The area must be left in a clean and safe condition.

These corrective steps must be completed within the time-frames listed above. Failure to comply with these requirements will result in the Department of Natural Resources taking appropriate action to bring the surface activities on your claims into compliance with the law. Any costs incurred by such enforcement action will be charged against the claim owner to the extent permitted by law.

Attached find the Department of Natural Resources regulations setting out your right to request reconsideration of this decision or to appeal this decision. Please note that you have 30 days from your receipt of this decision to take such action; otherwise this decision is final and you will have no right to request reconsideration or to appeal.

Tom Hawkins  
Tom Hawkins, Director  
Division of Land and Water Management

5 March 86  
Date

Pedro Denton  
Pedro Denton, Director  
Division of Mining

3/6/86  
Date

# Alaska State Legislature

ARLISS STURGULEWSKI, Chairman  
BETTYE FAHRENKAMP, Vice Chairman  
JACK COGHILL  
DICK ELIASON  
VIC FISCHER  
RICK HALFORD  
FRED ZHAROFF



P O BOX V  
JUNEAU, ALASKA 99811  
(907) 485-4907

## Senate Committee on Resources

MEMORANDUM

April 10, 1986

TO: All Members  
Senate Resources Committee

FROM: Staff, Senate Resources Committee

RE: CSSSB 334 (Res) "An Act relating to Hatcher Pass  
Public Use Area"

SB 334 would establish the Hatcher Pass Public Use Area. The bill provides for the protection and enhancement of fish and wildlife resources, provided for public recreation, protects water quality, and protects scenic resources within the area.

The Commissioner of Natural Resource is responsible for the management of the surface and subsurface estate. A management plan shall be adopted by the Department of Natural Resources with the concurrence of the Commissioner of Fish and Game.

The Hatcher Pass Public Use Area is closed to mineral entry, but existing valid claims remain valid.

Once established, the state may acquire land within the area by purchase, exchange, or otherwise, from willing landowners for inclusion. The Commissioner of Natural Resources may not sell land within the area.

The area to be included is shown on the attached map and consists of a strip of land along the Little Susitna River.

### Enclosures:

Map of area  
Letter of Support from Mat-Su Borough  
Sample letters pro and con



# Matanuska-Susitna Borough

BOX B. PALMER, ALASKA 99645 • PHONE 745-4801

BOROUGH ASSEMBLY

APR 10 1986

April 7, 1986

Honorable Bill Sheffield, Governor  
State of Alaska  
Pouch A  
Juneau, AK 99811

RE: Hatcher Pass Recreation Area

Dear Governor Sheffield:

The Matanuska-Susitna Borough Assembly has gone on record in the past and continues to strongly support the concept of development of the Hatcher Pass Recreation Area. A copy of Resolution No. 86-10 adopted on February 4, 1986 and Resolution No. 86-21 adopted February 18, 1986 are enclosed for your information.

The Matanuska-Susitna Borough Assembly feels a recreation area such as Hatcher Pass would definitely aid towards a more stable economic future for the Valley. They feel this is a viable project and have further funded \$15,000 for a feasibility study for a ski area at Hatcher Pass by adoption of Ordinance No. 86-20 (enclosed). The public participation and interest generated with this issue has been overwhelmingly in support of this development and the Borough's position remains unchanged, except perhaps for a stronger support of the concept.

If you should have any questions or need additional information, please feel free to contact my office.

Sincerely,

*Dorothy Jones as*  
Dorothy A. Jones, Mayor  
Matanuska-Susitna Borough

DJ/clg  
Enclosures

cc: Commissioner, Department of Natural Resources  
Representative Ron Larson  
Representative Katie Hurley  
Senator Jalmer Kerttula  
Senator Edna DeVries

Presented by: Mayor Jones  
Introduced: 02/18/86  
Drafted by: G.L.S.

MATANUSKA-SUSITNA BOROUGH

Resolution Serial No. 86-21

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY  
SUPPORTING THE MULTIPLE USE CONCEPT FOR THE AREA WITHIN THE  
PROPOSED HATCHER PASS MANAGEMENT PLAN.

WHEREAS, the Department of Natural Resources made a presentation on a proposed Hatcher Pass Management Plan to a joint meeting of the Matanuska-Susitna Borough Assembly and Planning Commission on February 10, 1986, and

WHEREAS, said plan was represented as an attempt to provide for the sound development of the several natural resources and potentials of the area, including, but not limited to, recreation, tourism, mining, hunting, fishing and wildlife management, and

WHEREAS, the public comments regarding use of the Hatcher Pass area indicated the area is susceptible to multiple use development including preservation of scenic quality, enhancement of recreational and historical uses, hunting, fishing, trapping, camping, skiing, hiking, grazing, and mineral development, and

WHEREAS, the Hatcher Pass Management Plan, Subunit Description of Resource Values dated December 1985 indicates many of the subunits contain moderate to high mineral potentials, and

WHEREAS, the area should be developed in such a manner as to maximize its recreational and economic benefits to the people of the state of Alaska and the Matanuska-Susitna Borough, and

WHEREAS, the multiple use approach to the management of the Hatcher Pass area should be clearly set out in the Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH:

1. That it supports the multiple use concept presented to it by the Department of Natural Resources for the management of the Hatcher Pass area.

2. That it strongly recommends the Department of Natural Resources clearly incorporate in the Hatcher Pass Management Plan the multiple use approach to the management

of the various Hatcher Pass potentials and resources such as recreation, tourism, mining, timber, agriculture, hunting, fishing and wildlife management.

PASSED AND APPROVED this 18th day of February, 1986.

*Dorothy A. Jones*  
Dorothy A. Jones, Mayor

ATTEST:

READ AND APPROVED:

*Chris Seagraves*  
Chris Seagraves  
Borough Clerk

*Gary Thurlow*  
Gary Thurlow  
Borough Manager

(SEAL)

NON-CODE

INTRODUCED BY: ASSEMBLYMAN CYPRA

MATANUSKA-SUSITNA BOROUGH

ORDINANCE SERIAL NO. 86-20

AN ORDINANCE OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH APPROPRIATING \$15,000 FROM THE LAND MANAGEMENT FUND BALANCE TO FUND 820 FOR A FEASIBILITY STUDY OF A SKIING FACILITY AT GOVERNMENT PEAK IN THE HATCHER PASS AREA.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. Appropriation Source. There is hereby appropriated \$15,000 from the Land Management Fund Balance to Fund 820 Feasibility Study.

Section 3. Effective Date. This ordinance shall take effect upon adoption by the Borough Assembly.

Introduction: March 18, 1986

First Reading: 3-18-86

Public Hearing: 4-1-86

ADOPTED by the Assembly of the Matanuska-Susitna Borough this

1st day of April, 1986.

Dorothy A. Jones  
Dorothy A. Jones, Mayor

ATTEST:

Chris Seagraves  
Chris Seagraves, Borough Clerk

(SEAL)

Presented by: Assemblyperson  
Cypra  
Introduced: 01/21/86  
Drafted by: S.C.

MATANUSKA-SUSITNA BOROUGH

RESOLUTION SERIAL NO. 86-10 (Substitute)

A RESOLUTION ENDORSING THE HATCHER PASS, WILLOW AND  
TALKEETNA MOUNTAIN AREAS AS POTENTIAL WINTER OLYMPIC  
SITES.

WHEREAS, the Hatcher Pass, Willow and the Talkeetna Mountain areas are recognized for their high recreational value, and

WHEREAS, Hatcher Pass, the Willow and Talkeetna Mountain areas are located in the vicinity of the Municipality of Anchorage, and

WHEREAS, the Municipality of Anchorage has sought and received nominations as the Winter Olympic site in 1992, and

WHEREAS, the U.S. Cross Country Ski Team has recognized Hatcher Pass as having high potential and uses this area for training, and

WHEREAS, the Hatcher Pass, Willow area and Talkeetna Mountains receive considerable use by the Anchorage skiing community, and

WHEREAS, there is high unemployment in the Matanuska-Susitna Borough, and

WHEREAS, the current snowfall in the state of Alaska indicates the Hatcher Pass, Willow and Talkeetna Mountains can be relied upon as good sites for Winter Olympic sports,

NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY OF THE  
MATANUSKA-SUSITNA BOROUGH:

That the Assembly of the Matanuska-Susitna Borough  
endorses the Hatcher Pass, Willow and Talkeetna Mountain  
areas as potential Olympic sites for cross country skiing  
and any other appropriate activities.

PASSED AND APPROVED this 4th day of February,  
1986.

Dorothy A. Jones  
Dorothy A. Jones, Mayor

ATTEST:

REVIEWED AND APPROVED:

Chris Seagraves  
Chris Seagraves  
Clerk

Gary Thurlow  
Gary Thurlow  
Borough Manager

SEAL

A nonprofit association  
dedicated to education and awareness  
about rivers and river running  
throughout the United States.  
Contributions are tax-deductible.



March 11 1986  
Communicating bi-monthly with  
over 10,000 kayakers, rafters,  
and river canoeists through  
**CURRENTS** magazine

### National Organization for River Sports

Box 6847 314 North Twentieth Street Colorado Springs, Colorado 80904 (303) 473-2466

Senator Arliss Sturgulewski  
Resources Committee Chairman  
Alaska State Senate, Box V  
Juneau AK 99811

NORS BATTLES FOR BOATERS!  
CURRENTS COVERS RIVER RUNNING!

Date: March 4, 1986

Dear Senator Sturgulewski:

It has come to my attention that the upper portion of the Little Susitna River, and its surroundings known as the Hatcher Pass Area, are the subject of a bill now before you, S.B. 334, which would make this a public recreational use area.

On behalf of our members in Alaska and elsewhere, I strongly urge you to help reserve this area for public recreational use. In recent years I have been amazed at the advances in technique and equipment for running rivers, and I can assure you that this river will carry increasing recreational use in coming years. Already there are not enough rivers to go around, resulting in waits of as long as ten years to get a permit for a trip on certain major rivers in the West. For the future of your state's tourism economy and the benefit of its citizens in general, I urge you to preserve this recreational area.

Sincerely,

A handwritten signature in cursive script that reads "Eric Leaper".

Eric Leaper  
Executive Director

EL/fa

cc: Senator Jan Faiks, Finance Committee

**SB 334  
MINERAL CLOSURE**

**SB 334**

Montana Peak

Miner

Idaho Peak

Arkona Peak

Ridge

Wishbone Hill

**Total  
Acres = 5,130**

**STATE  
OWNED = 5,075**

**PRIVATE = 55**

**TOTAL  
LENGTH = 12.8 mi.**

**DISTANCE  
ALONG RIVER = 11.8 mi.**

**DIST. ALONG ROAD = 6 mi.**

T2

T20  
T19

T19

Introduced: 2/28/86  
Referred: Resources  
and Finance

1 IN THE SENATE

BY KERTTULA

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 334

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to Hatcher Pass 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 ARTICLE. 2. HATCHER PASS PUBLIC USE AREA.

10 Sec. 41.23.100. PURPOSE. (a) The purpose of AS 41.23.100 -  
11 41.23.130 is to establish the area described in AS 41.23.130 as the  
12 Hatcher Pass Public Use Area.

13 (b) The Hatcher Pass Public Use Area is established to

14 (1) protect and enhance the fishery, waterfowl, and wild-  
15 life resources and habitat and provide for public use of the fishery  
16 and wildlife resources, including fishing, grazing, hunting, and  
17 trapping;

18 (2) provide for public recreation activities;

19 (3) protect the water quality and scenic resources within  
20 the Hatcher Pass Public Use Area.

21 Sec. 41.23.110. MANAGEMENT. (a) The commissioner of natural  
22 resources is responsible for the management of the surface and subsur-  
23 face estate within the Hatcher Pass Public Use Area consistent with  
24 the purposes of AS 41.23.100.

25 (b) The commissioner of fish and game, the Board of Fisheries,  
26 and the Board of Game are responsible for the management of fish and  
27 game resources and public use of fish and wildlife in the Hatcher Pass  
28 Public Use Area consistent with the purposes of AS 41.23.100.

29 (c) After adequate public hearings and with the concurrence of

1 the commissioner of fish and game, the commissioner shall adopt and  
2 may revise a management plan for the Hatcher Pass Public Use Area in  
3 consultation with local governments and other affected state agencies.  
4 The commissioner may close land to mineral entry in a management plan  
5 adopted under this subsection. The effective date of the closure is  
6 the effective date of the management plan. The management plan adopt-  
7 ed under this section must be consistent with the purposes stated in  
8 AS 41.23.100.

9 (d) The provisions of AS 41.23.100 - 41.23.130 do not restrict a  
10 responsibility within the Hatcher Pass Public Use Area of the commis-  
11 sioner of fish and game, the Board of Fisheries, the Board of Game,  
12 the commissioner of environmental conservation, or the commissioner of  
13 public safety.

14 (e) The following areas within the Hatcher Pass Public Use area  
15 are closed to mineral entry under AS 38.05.185 - 38.05.275 from the  
16 effective date of this Act:

17 Township 19 North, Range 1 East, Seward Meridian

18 Section 1: NW1/4NW1/4, NW1/4NE1/4NW1/4, W1/2SW1/4  
19 NW1/4, NE1/4SW1/4NW1/4  
20 Section 2: NE1/4, SE1/4NW1/4, SE1/4NE1/4NW1/4,  
21 SE1/4SW1/4NW1/4, SW1/4, NW1/4SE1/4, SW1/4SE1/4,  
22 NW1/4SE1/4SE1/4, W1/2NE1/4SE1/4, NE1/4NE1/4SE1/4  
23 Section 10: E1/2E1/2  
24 Section 11: W1/2, NW1/4NE1/4  
25 Section 14: W1/2  
26 Section 15: E1/2E1/2  
27 Section 22: E1/2E1/2  
28 Section 23: W1/2  
29 Section 26: W1/2SW1/4, SW1/4NW1/4



1 according to its terms.

2 (g) The state may not acquire by eminent domain privately owned  
3 land within or abutting state-owned land described in AS 41.23.130 but  
4 may acquire privately owned land by purchase, exchange, or otherwise  
5 for inclusion in the Hatcher Pass Public Use Area from willing land-  
6 owners.

7 (h) Except for valid existing rights on the effective date of  
8 this Act, the commissioner of natural resources may not sell state  
9 land within the Hatcher Pass Public Use Area.

10 Sec. 41.23.120. COMPATIBILITY OF USES. (a) Except as provided  
11 in this section, the commissioner may prohibit or restrict incompati-  
12 ble uses under the management plan adopted under AS 41.23.110 within  
13 the state-owned land and water described in AS 41.23.130.

14 (b) Nothing in AS 41.23.100 - 41.23.130 prohibits the Department  
15 of Fish and Game from engaging in rehabilitation, enhancement, and  
16 development of fish and wildlife habitat within an area described in  
17 AS 41.23.130 that is consistent with the purposes stated in AS 41.23.-  
18 100.

19 (c) The commissioner may not restrict lawful sport and subsis-  
20 tence fishing, hunting, or trapping rights allowed under a regulation  
21 of the Board of Fisheries or the Board of Game within the Hatcher Pass  
22 Public Use Area.

23 (d) The commissioner shall designate routes for motorized and  
24 nonmotorized access within the Hatcher Pass Public Use Area.

25 (e) The commissioner of public safety and the commissioner of  
26 fish and game shall have necessary access for fish and game manage-  
27 ment, research, and enforcement purposes.

28 (f) If the commissioner determines that a use is incompatible  
29 with one or more other uses in a portion of the Hatcher Pass Public

1 Use Area, the commissioner shall state in the management plan adopted  
2 or revised under AS 41.23.110

- 3 (1) each determination of incompatibility;
- 4 (2) the specific area where the incompatibility is deter-  
5 mined to exist;
- 6 (3) the time within which the incompatibility is determined  
7 to exist; and
- 8 (4) the reasons for each determination of incompatibility.

9 Sec. 41.23.130. HATCHER PASS PUBLIC USE AREA. (a) The vacant  
10 and unappropriated state-owned land and water and the state land and  
11 water acquired in the future that lie within the boundaries described  
12 in this section are designated as the Hatcher Pass Public Use Area,  
13 are reserved for all uses compatible with their primary function as  
14 public use land, and are assigned to the Department of Natural Re-  
15 sources for control and management:

- 16 Township 19 North, Range 1 East, Seward Meridian
- 17 Sections 1 - 24
- 18 Sections 27 - 31
- 19 Township 19 North, Range 2 East, Seward Meridian
- 20 Section 2: W1/2
- 21 Sections 3 - 9
- 22 Section 10: N1/2
- 23 Township 20 North, Range 1 East, Seward Meridian
- 24 Section 1: S1/2, NE1/4
- 25 Section 2: S1/2, NW1/4
- 26 Sections 3 - 36
- 27 Township 20 North, Range 2 East, Seward Meridian
- 28 Sections 2 - 11
- 29 Sections 14 - 23

1                    Sections 26 - 35  
2                    Township 21 North, Range 1 East, Seward Meridian  
3                    Section 17: SW1/4  
4                    Section 18: S1/2  
5                    Sections 19 - 21  
6                    Section 22: SW1/4  
7                    Section 27: S1/2, NW1/4  
8                    Sections 28 - 34  
9                    Township 21 North, Range 2 East, Seward Meridian  
10                   Section 26: SW1/4  
11                   Section 27: S1/2  
12                   Section 33: E1/2  
13                   Section 34  
14                   Section 35: W1/2

# COMMITTEE REPORT

## SENATE

FURTHER: FINANCE

2/28/86

Date 4-18-86

Mr. President

The Committee on RESOURCES considered SSSB 334  
relating to Hatcher Pass Public Use Area.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SSSB 334 (Res)  
new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  ~~FISCAL~~ FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Rick Halford NO REC  
DeKline " "  
B. Johnson " "

Artis Sturgulewski  
Chairman  
Do Pass  
Chairman recommendation



Dept. of Transportation & Public Facilities

# Position Paper

**BILL NO:** Senate Bill No. 334  
**TITLE:** Hatcher Pass Public Use Area

*W. J. Knapp*  
**APPROVED:** R. J. Knapp  
Commissioner  
**DATE:** 2/4/86

The bill as written would not allow the Department of Transportation and Public Facilities to exercise eminent domain to acquire highway right-of-way for the purpose of upgrading or constructing public transportation within the public use area.

To alleviate this problem we suggest the following wording change to line 20, paragraph (g) page 2.

Except for the purpose of providing transportation facilities, the State may not acquire by eminent domain privately owned land....

(Page 2 of SB 334 with suggested change is attached)

1 Public Use Area consistent with the purposes of AS 41.23.100.

2 (c) After adequate public hearings and with the concurrence of  
3 the commissioner of fish and game, the commissioner shall adopt and  
4 may revise a management plan for the Hatcher Pass Public Use Area in  
5 consultation with local governments and other affected state agencies.  
6 The management plan adopted under this section must be consistent with  
7 the purposes stated in AS 41.23.100.

8 (d) The provisions of AS 41.23.100 - 41.23.130 do not restrict a  
9 responsibility within the Hatcher Pass Public Use Area of the commis-  
10 sioner of fish and game, the Board of Fisheries, the Board of Game,  
11 the commissioner of environmental conservation, or the commissioner of  
12 public safety.

13 (e) Except for the area within the Little Susitna River bed and  
14 within the area one-half mile on each side of the bed of the Little  
15 Susitna River, the Hatcher Pass Public Use Area is open to mineral  
16 entry under AS 38.05.185 - 38.05.275 under the management plan adopted  
17 under (c) of this section and consistently with AS 41.23.100.

18 (f) Each valid existing mining claim remains valid and shall  
19 continue in full force and effect according to its terms.

20 EXCEPT FOR THE PURPOSE OF PROVIDING TRANSPORTATION FACILITIES,  
(g) The state may not acquire by eminent domain privately owned  
21 land within or abutting state-owned land described in AS 41.23.130 but  
22 may acquire privately owned land by purchase, exchange, or otherwise  
23 for inclusion in the Hatcher Pass Public Use Area from willing land-  
24 owners.

25 (h) The land within the Hatcher Pass Public Use Area is closed  
26 to land disposals and settlement under AS 38 and, except for valid  
27 existing rights on the effective date of this Act, the commissioner of  
28 natural resources may not dispose of state land within the Hatcher  
29 Pass Public Use Area.