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HOUSE BILL NO. 6

IN THE LEGISLATURE OF THE STATE OF ALASKA THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES RAUSCHER, Johnson, Kopp

Introduced: 1/18/17

Referred: Resources, Finance

A BILL FOR AN ACT ENTITLED

"An Act establishing the Jonesville 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. 41.23.280. Purpose of AS 41.23.280 - 41.23.289. The purpose of

5 AS 41.23.280 - 41.23.289 is to protect, maintain, enhance, and perpetuate the present

6 use of the area described in AS 41.23.286 as the Jonesville Public Use Area. The

7 Jonesville Public Use Area is established to

1) **Protect, maintain, perpetuate, and enhance**

a. **Year-round general public recreation;**

b. **Fish and wildlife habitat so that the public may continue to enjoy the fish and wildlife of the Jonesville Public Use Area.**

13 **(2)** provide opportunities for the public to enjoy the area through a full

14 spectrum of public uses, including the maintenance and enhancement of off-road

15 vehicle and nonmotorized recreational opportunities for the public; and

1 **(4)** allow

2 **(A) continued mineral exploration and development activities;**

3**(B) Motorized access private property, including property which a person has a subsurface right in the Jonesville Public Use Area; in a manner compatible with this section**

4 **(B)(C)additional public uses of the area determined by the**

5 commissioner to be compatible with this section.

6 Sec. 41.23.282. Management. (a) The commissioner is responsible for the
7 management of the surface and subsurface estate of the Jonesville Public Use Area
8 consistent with the purposes of AS 41.23.280. After adequate public hearings, the
9 commissioner may designate incompatible uses and shall adopt and may revise a
10 management plan for the Jonesville Public Use Area. The management plan must
11 include provisions for the enforcement of the plan and compliance with the
12 requirements of the plan. The commissioner shall consult with the Department of Fish
13 and Game in the adoption and revision of the management plan.

14 (b) Subject to valid existing rights, the commissioner may not dispose of the
15 surface estate in state land within the Jonesville Public Use Area.

16 (c) The commissioner of fish and game, the Board of Fisheries, and the Board
17 of Game are responsible for the management of fish and game resources and the
18 public use of fish and wildlife in the Jonesville Public Use Area consistent with the
19 purposes of AS 41.23.280.

20 (d) The Jonesville Public Use Area may not be managed as a unit of the state
21 park system.


22 (e) The commissioner shall identify wetland areas and **sensitive wildlife habitat** within the Jonesville
Public
23 Use Area and provide for the protection and use of the wetland areas and **sensitive wildlife habitat** in
the
24 management plan.

25 (f) The state may not acquire by eminent domain privately owned land within
26 the boundaries described in AS 41.23.286 but may acquire privately owned land
27 located within the boundaries described in AS 41.23.286 by purchase, exchange, or
28 otherwise for inclusion in the Jonesville Public Use Area.

29 Sec. 41.23.284. Incompatible uses. (a) Except as provided in this section, the
30 commissioner may prohibit or restrict uses determined to be incompatible with the
31 purposes of the Jonesville Public Use Area under AS 41.23.280 within the state30-
1 owned land and water described in AS 41.23.286.

2 (b) Nothing in AS 41.23.280 - 41.23.289 prohibits the Department of Fish and
3 Game from engaging in rehabilitation, enhancement, and development of fish and
4 wildlife habitat within an area described in AS 41.23.286 that is consistent with the
5 purposes stated in AS 41.21.280.

6 (c) The commissioner may not restrict
7 (1) lawful fishing, hunting, or trapping rights allowed under a
8 regulation of the Board of Fisheries or the Board of Game within the Jonesville Public
9 Use Area; or
10 (2) the use of weapons, including firearms, in the Jonesville Public Use
11 Area, except in locations where the commissioner determines that the use of weapons
12 constitutes a threat to public safety; or
(3) lawful mineral exploration and development activities within the Jonesville Public Use Area

13 (d) The commissioner shall
14 (1) allow the Jonesville Public Use Area to be used for activities that
15 (A) are compatible with the reasons for establishing the public
16 use area in AS 41.23.280; and
17 (B) include all-terrain vehicles on trails designated  and constructed for their use, aircraft, watercraft,
18 snowmachining, horseback riding, hiking, bicycling, dog sledding, cross19
country skiing, skijoring, camping, hunting, fishing, trapping, wildlife viewing,
20 photography, berry picking, and, where permitted, rifle and pistol ranges, parking of
21 vehicles, and mineral exploration and permitted mining; and
22 (2) recognize the existing all-terrain motor vehicle trails and the access
23 those trails provide within the Jonesville Public Use Area, make accommodations that
24 will provide the shortest possible route to avoid critical habitat, conduct trail
25 rehabilitation to correct existing damage and to minimize future damage,
and provide for
27 responsible use of the public use area.

28 (e) The commissioner of public safety and the commissioner of fish and game
29 shall have necessary access to the Jonesville Public Use Area for fish and game

30 management, research, and enforcement purposes.

31 (f) If the commissioner determines that a use is incompatible with one or more

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New Text Underlined [DELETED TEXT BRACKETED]

other uses in a portion of the Jonesville 1 Public Use Area, the commissioner shall state

2 in the management plan adopted or revised under AS 41.23.282

3 (1) each determination of incompatibility;

4 (2) the specific area where the incompatibility is determined to exist;

5 (3) the time within which the incompatibility is determined to exist;

6 and

7 (4) the reasons for the determination of incompatibility.

8 Sec. 41.23.286. Jonesville Public Use Area. Subject to valid existing rights,

9 the vacant and unappropriated state-owned land and water and the state land and water

10 acquired in the future that lie within the following boundaries described in this section

11 are designated as the Jonesville Public Use Area, are reserved for all uses compatible

12 with their primary function as public use land, and are assigned to the department for

13 control and management:

14 (1) Township 19 North, Range 2 East, Seward Meridian

15 Section 1: That portion easterly of Moose Creek

16 Section 12: That portion of N1/2, N1/2SW1/4, and N1/2SE1/4

17 easterly of Moose Creek

18 Section 13: NE1/4, SE1/4NW1/4, and S1/2

19 Section 24: All;

20 (2) Township 19 North, Range 3 East, Seward Meridian

21 Section 2: All

22 Section 3: All

23 Section 4: All

24 Section 5: All

25 Section 6: All

26 Section 7: All

27 Section 8: All

Section 9, All

28 Section 10: All

29 Section 11: All

30 Section 14: NE1/4

31 Section 15: N1/2NE1/4 and the North 960 feet of the East 1,815

1 feet of the NW1/4 for each Record of Survey filed as 86-85RS P.R.D.

2 Section 16: All

3 Section 17: All

4 Section 18: All

5 Section 19: NE1/4, E1/2NW1/4, NE1/4SW1/4, NW1/4SE1/4,

6 and Government Lots 1, 2, and 4

7 Section 20: N1/2NE1/4, N1/2NW1/4, and SW1/4NW1/4

9 (3) Township 20 North, Range 2 East, Seward Meridian

10 Section 36: That portion easterly of Moose Creek;

11 (4) Township 20 North, Range 3 East, Seward Meridian

12 Section 31: All

13 Section 32: All

14 Section 33: All

15 Section 34: All

16 Section 35: All.

17 Sec. 41.23.288. Enforcement authority. (a) In the Jonesville Public Use Area

18 described in AS 41.23.286, the following persons are peace officers of the state for the

19 purpose of enforcing the provisions of AS 41.23.280 - 41.23.289 and regulations

20 adopted under AS 41.23.280 - 41.23.289:

21 (1) an employee of the department or another person authorized by the

22 commissioner;

23 (2) a peace officer, as that term is defined in AS 01.10.060.

24 (b) A person designated in (a) of this section may, when enforcing the

25 provisions of AS 41.23.280 - 41.23.289 or a regulation adopted under AS 41.23.280 -

26 41.23.289,

27 (1) execute a warrant or other process issued by an officer or court of

28 competent jurisdiction;

29 (2) administer or take an oath, affirmation, or affidavit; and

30 (3) issue a citation or arrest a person who violates a provision of

31 AS 41.23.280 - 41.23.289 or a regulation adopted under AS 41.23.280 - 41.23.289.

(c) A citation issued under (b) of this section must comply with the provisions

2 of AS 12.25.175 - 12.25.230.

"Sec. 41.23.289. Penalty. (a) A person who violates a provision of, or

4 regulation adopted under, AS 41.23.280 - 41.23.289 is guilty of a violation as defined

5 in AS 11.81.900.

6 (b) The supreme court shall establish by order or rule a schedule of bail

7 amounts for violations under (a) of this section that allow the disposition of a citation

8 without a court appearance.

9 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to

10 read:

11 TRANSITION: SCHEDULE OF BAIL AMOUNTS. Notwithstanding

12 AS 41.23.289(b), enacted by sec. 1 of this Act, the supreme court shall have 90 days from the

13 date that the Department of Natural Resources adopts regulations to implement this Act to

14 establish a schedule of bail amounts for violations of AS 41.23.289(a) that allow the

15 disposition of a citation without a court appearance."

No Implementation
of Act.