

CS FOR SENATE BILL NO. 65(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/10/17

Referred: Finance

Sponsor(s): SENATOR DUNLEAVY

A BILL

FOR AN ACT ENTITLED

1 **"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

8 (1) protect, maintain, perpetuate, and enhance year-round general
9 public recreation;

10 (2) protect and maintain fish and wildlife habitat so that the public may
11 continue to enjoy traditional uses of the Jonesville Public Use Area;

12 (3) provide opportunities for the public to enjoy the area through a full
13 spectrum of public uses, including the maintenance and enhancement of off-road
14 vehicle and nonmotorized recreational opportunities for the public; and

15 (4) allow

- 1 (A) continued mineral exploration and development activities;
 2 (B) motorized access to private property, including property in
 3 which a person has a subsurface right, in the Jonesville Public Use Area; and
 4 (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 to the extent workload permits.
 11 The management plan must include provisions for the enforcement of the plan and
 12 compliance with the requirements of the plan. The commissioner shall consult with the
 13 Department of Fish and Game in the adoption and revision of the management plan.

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

18 (c) The Jonesville Public Use Area may not be managed as a unit of the state
 19 park system.

20 (d) The state may not acquire by eminent domain privately owned land within
 21 the boundaries described in AS 41.23.286 for inclusion in the Jonesville Public Use
 22 Area. However, the state may acquire privately owned land located within the
 23 boundaries described in AS 41.23.286 by purchase, exchange, or otherwise for
 24 inclusion in the Jonesville Public Use Area.

25 **Sec. 41.23.284. Incompatible uses.** (a) Except as provided in this section, the
 26 commissioner may prohibit or restrict uses determined to be incompatible with the
 27 purposes of the Jonesville Public Use Area under AS 41.23.280 within the state-
 28 owned land and water described in AS 41.23.286.

29 (b) Nothing in AS 41.23.280 - 41.23.289 prohibits the Department of Fish and
 30 Game from engaging in rehabilitation, enhancement, and development of fish and
 31 wildlife habitat within an area described in AS 41.23.286 that is consistent with the

1 purposes stated in AS 41.21.280.

2 (c) The commissioner may not restrict

3 (1) lawful fishing, hunting, or trapping rights allowed under a
4 regulation of the Board of Fisheries or the Board of Game within the Jonesville Public
5 Use Area;

6 (2) the use of weapons, including firearms, in the Jonesville Public Use
7 Area, except in locations where the commissioner determines that the use of weapons
8 constitutes a threat to public safety; or

9 (3) lawful mineral exploration and development activities within the
10 Jonesville Public Use Area.

11 (d) The commissioner shall

12 (1) allow the Jonesville Public Use Area to be used for activities that

13 (A) are compatible with the reasons for establishing the public
14 use area in AS 41.23.280; and

15 (B) include all-terrain vehicles, aircraft, watercraft,
16 snowmachining, horseback riding, hiking, bicycling, dog sledding, cross-
17 country skiing, skijoring, camping, hunting, fishing, trapping, wildlife viewing,
18 photography, and, where permitted, rifle and pistol ranges, parking of vehicles,
19 and mineral exploration and mining; and

20 (2) recognize the existing off-road motor vehicle trails and the access
21 those trails provide within the Jonesville Public Use Area, make accommodations that
22 will provide the shortest possible route to avoid critical habitat, conduct trail
23 rehabilitation in a way that minimizes damage, maintain and enhance off-road motor
24 vehicle options and opportunities in the Jonesville Public Use Area, and provide for
25 responsible use of the public use area.

26 (e) The commissioner of public safety and the commissioner of fish and game
27 shall have necessary access to the Jonesville Public Use Area for fish and game
28 management, research, and enforcement purposes.

29 (f) If the commissioner determines that a use is incompatible with one or more
30 other uses in a portion of the Jonesville Public Use Area, the commissioner shall state
31 in the management plan adopted or revised under AS 41.23.282

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

6 **Sec. 41.23.286. Jonesville Public Use Area.** Subject to valid existing rights,
 7 the vacant and unappropriated state-owned land and water and the state land and water
 8 acquired in the future that lie within the following boundaries described in this section
 9 are designated as the Jonesville Public Use Area, are reserved for all uses compatible
 10 with their primary function as public use land, and are assigned to the department for
 11 control and management:

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

13 Section 1: That portion easterly of Moose Creek

14 Section 12: That portion of N1/2, N1/2SW1/4, and N1/2SE1/4
 15 easterly of Moose Creek

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

17 Section 24: All;

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

19 Section 2: All

20 Section 3: All

21 Section 4: All

22 Section 5: All

23 Section 6: All

24 Section 7: All

25 Section 8: All

26 Section 9: All

27 Section 10: All

28 Section 11: All

29 Section 14: NE1/4

30 Section 15: N1/2NE1/4 and the North 960 feet of the East 1,815
 31 feet of the NW1/4 for each Record of Survey filed as 86-85RS

1 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;

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

9 Section 36: That portion easterly of Moose Creek;

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

11 Section 31: All

12 Section 32: All

13 Section 33: All

14 Section 34: All

15 Section 35: All.

16 **Sec. 41.23.288. Enforcement authority.** (a) In the Jonesville Public Use Area
17 described in AS 41.23.286, the following persons are peace officers of the state for the
18 purpose of enforcing the provisions of AS 41.23.280 - 41.23.289 and regulations
19 adopted under AS 41.23.280 - 41.23.289:

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

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

23 (b) A person designated in (a) of this section may, when enforcing the
24 provisions of AS 41.23.280 - 41.23.289 or a regulation adopted under AS 41.23.280 -
25 41.23.289,

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

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

29 (3) issue a citation or arrest a person who violates a provision of
30 AS 41.23.280 - 41.23.289 or a regulation adopted under AS 41.23.280 - 41.23.289.

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

1 of AS 12.25.175 - 12.25.230.

2 **Sec. 41.23.289. Penalty.** (a) A person who violates a provision of, or
3 regulation adopted under, AS 41.23.280 - 41.23.289 is guilty of a violation as defined
4 in AS 11.81.900.

5 (b) The supreme court shall establish by order or rule a schedule of bail
6 amounts for violations under (a) of this section that allow the disposition of a citation
7 without a court appearance.

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

10 **TRANSITION: SCHEDULE OF BAIL AMOUNTS.** Notwithstanding
11 AS 41.23.289(b), enacted by sec. 1 of this Act, the supreme court is not obligated to establish
12 a schedule of bail amounts for violations of AS 41.23.289(a), enacted by sec. 1 of this Act,
13 that allow the disposition of a citation without a court appearance until 90 days after the date
14 that the

15 (1) regulations adopted by the Department of Natural Resources to implement
16 this Act take effect; and

17 (2) Department of Natural Resources submits to the supreme court a draft
18 schedule of bail amounts for violations.