

SENATE BILL NO. 65

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR DUNLEAVY

Introduced: 2/22/17

Referred: Resources, Finance

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 migratory waterfowl nesting areas and
11 habitats for moose, Dall sheep, brown bear, and other fish and wildlife so that the
12 public may continue to enjoy the fish and wildlife of the Jonesville Public Use Area;

13 (3) 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 to private property, including property in
4 which a person has a subsurface right, in the Jonesville Public Use Area; and

5 (C) additional public uses of the area determined by the
6 commissioner to be compatible with this section.

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

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

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

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

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

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

30 **Sec. 41.23.284. Incompatible uses.** (a) Except as provided in this section, the
31 commissioner may prohibit or restrict uses determined to be incompatible with the

1 purposes of the Jonesville Public Use Area under AS 41.23.280 within the state-
2 owned land and water described in AS 41.23.286.

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

7 (c) The commissioner may not restrict

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

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

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

16 (d) The commissioner shall

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

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

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

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

31 (e) The commissioner of public safety and the commissioner of fish and game

1 shall have necessary access to the Jonesville Public Use Area for fish and game
2 management, research, and enforcement purposes.

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

6 (1) each determination of incompatibility;

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

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

9 and

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

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

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

18 Section 1: That portion easterly of Moose Creek

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

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

22 Section 24: All;

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

24 Section 2: All

25 Section 3: All

26 Section 4: All

27 Section 5: All

28 Section 6: All

29 Section 7: All

30 Section 8: All

31 Section 9: All

- 1 Section 10: All
 2 Section 11: All
 3 Section 14: NE1/4
 4 Section 15: N1/2NE1/4 and the North 960 feet of the East 1,815
 5 feet of the NW1/4 for each Record of Survey filed as 86-85RS
 6 P.R.D.
 7 Section 16: All
 8 Section 17: All
 9 Section 18: All
 10 Section 19: NE1/4, E1/2NW1/4, NE1/4SW1/4, NW1/4SE1/4,
 11 and Government Lots 1, 2, and 4
 12 Section 20: N1/2NE1/4, N1/2NW1/4, and SW1/4NW1/4;
 13 (3) Township 20 North, Range 2 East, Seward Meridian
 14 Section 36: That portion easterly of Moose Creek;
 15 (4) Township 20 North, Range 3 East, Seward Meridian
 16 Section 31: All
 17 Section 32: All
 18 Section 33: All
 19 Section 34: All
 20 Section 35: All.

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

25 (1) an employee of the department or another person authorized by the
 26 commissioner;

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

28 (b) A person designated in (a) of this section may, when enforcing the
 29 provisions of AS 41.23.280 - 41.23.289 or a regulation adopted under AS 41.23.280 -
 30 41.23.289,

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

1 competent jurisdiction;

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

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

5 (c) A citation issued under (b) of this section must comply with the provisions
6 of AS 12.25.175 - 12.25.230.

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

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

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

15 TRANSITION: SCHEDULE OF BAIL AMOUNTS. Notwithstanding
16 AS 41.23.289(b), enacted by sec. 1 of this Act, the supreme court shall have 90 days from the
17 date that the Department of Natural Resources adopts regulations to implement this Act to
18 establish a schedule of bail amounts for violations of AS 41.23.289(a), enacted by sec. 1 of
19 this Act, that allow the disposition of a citation without a court appearance.