



CSHB 6(RES): "An Act establishing the Jonesville Public Use Area."

00 CS FOR HOUSE BILL NO. 6(RES)
01 "An Act establishing the Jonesville Public Use Area."
02 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
03 * **Section 1.** [AS 41.23](#) is amended by adding new sections to read:
04 **Sec. 41.23.280. Purpose of [AS 41.23.280](#) - 41.23.289.** The purpose of
05 [AS 41.23.280](#) - 41.23.289 is to protect, maintain, enhance, and perpetuate the present
06 use of the area described in [AS 41.23.286](#) as the Jonesville Public Use Area. The
07 Jonesville Public Use Area is established to
08 (1) protect, maintain, perpetuate, and enhance year-round general
09 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

PAGE 2

01 (4) allow
02 (A) continued mineral exploration and development activities;
03 (B) motorized access to private property, including property in
04 which a person has a subsurface right, in the Jonesville Public Use Area; and
05 (C) additional public uses of the area determined by the
06 commissioner to be compatible with this section.
07 **Sec. 41.23.282. Management.** (a) The commissioner is responsible for the
08 management of the surface and subsurface estate of the Jonesville Public Use Area
09 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

PAGE 3

01 purposes of the Jonesville Public Use Area under [AS 41.23.280](#) within the state-
02 owned land and water described in [AS 41.23.286](#).
03 (b) Nothing in [AS 41.23.280](#) - 41.23.289 prohibits the Department of Fish and
04 Game from engaging in rehabilitation, enhancement, and development of fish and
05 wildlife habitat within an area described in [AS 41.23.286](#) that is consistent with the
06 purposes stated in [AS 41.21.280](#).
07 (c) The commissioner may not restrict
08 (1) lawful fishing, hunting, or trapping rights allowed under a
09 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 operating all-terrain vehicles on trails or in areas
21 designated or constructed for their use, aircraft, and watercraft;
22 snowmachining, horseback riding, hiking, bicycling, dog sledding, cross-
23 country skiing, skijoring, camping, hunting, fishing, trapping, wildlife viewing,
24 photography, berry picking; and, where permitted, rifle and pistol ranges,
25 parking of vehicles, and lawful mineral exploration and mining; and
26 (2) recognize the existing off-road motor vehicle trails and the access
27 those trails provide within the Jonesville Public Use Area, make accommodations that
28 will provide the shortest possible route to avoid critical habitat, conduct trail
29 rehabilitation in a way that minimizes damage, maintain and enhance off-road motor
30 vehicle options and opportunities in the Jonesville Public Use Area, and provide for
31 responsible use of the public use area.

PAGE 4

01 (e) The commissioner of public safety and the commissioner of fish and game
02 shall have necessary access to the Jonesville Public Use Area for fish and game
03 management, research, and enforcement purposes.
04 (f) If the commissioner determines that a use is incompatible with one or more
05 other uses in a portion of the Jonesville Public Use Area, the commissioner shall state
06 in the management plan adopted or revised under [AS 41.23.282](#)
07 (1) each determination of incompatibility;
08 (2) the specific area where the incompatibility is determined to exist;
09 (3) the time within which the incompatibility is determined to exist;
10 and
11 (4) the reasons for the determination of incompatibility.

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

18 (1) Township 19 North, Range 2 East, Seward Meridian
19 Section 1: That portion easterly of Moose Creek
20 Section 12: That portion of N1/2, N1/2SW1/4, and N1/2SE1/4 easterly of
21 Moose Creek
22 Section 13: NE1/4, SE1/4NW1/4, and S1/2
23 Section 24: All;
24 (2) Township 19 North, Range 3 East, Seward Meridian
25 Section 2: All
26 Section 3: All
27 Section 4: All
28 Section 5: All
29 Section 6: All
30 Section 7: All
31 Section 8: All

PAGE 5

01 Section 9: All
02 Section 10: All
03 Section 11: All
04 Section 14: NE1/4
05 Section 15: N1/2NE1/4 and the North 960 feet of the East 1,815 feet of the
06 NW1/4 for each Record of Survey filed as 86-85RS P.R.D.
07 Section 16: All
08 Section 17: All
09 Section 18: All
10 Section 19: NE1/4, E1/2NW1/4, NE1/4SW1/4, NW1/4SE1/4, and Government
11 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

PAGE 6

01 competent jurisdiction;
02 (2) administer or take an oath, affirmation, or affidavit; and
03 (3) issue a citation or arrest a person who violates a provision of
04 [AS 41.23.280](#) - 41.23.289 or a regulation adopted under [AS 41.23.280](#) - 41.23.289.
05 (c) A citation issued under (b) of this section must comply with the provisions
06 of [AS 12.25.175](#) - 12.25.230.
07 **Sec. 41.23.289. Penalty.** (a) A person who violates a provision of, or
08 regulation adopted under, [AS 41.23.280](#) - 41.23.289 is guilty of a violation as defined
09 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) that allow the
19 disposition of a citation without a court appearance.