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Bullard  
3/16/16

**CS FOR HOUSE BILL NO. 213( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-NINTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES TILTON, Neuman, Hughes, Talerico**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the authority of the commissioner of natural resources to restrict or**  
2 **prohibit a traditional means of access to state land, water, or land and water for a**  
3 **traditional outdoor activity for the purpose of protecting aesthetic values of the land,**  
4 **water, or land and water; and requiring public notice of certain proposed restrictions or**  
5 **prohibitions of a traditional means of access to state land, water, or land and water for a**  
6 **traditional outdoor activity."**

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 **\* Section 1.** AS 38.04.200(a) is amended to read:

9 (a) **Notwithstanding any other provision of law, the** [THE] commissioner  
10 may not manage state land, water, or land and water so that a traditional means of  
11 access for traditional outdoor activities is restricted **or prohibited** for the purpose of  
12 protecting aesthetic values of the land, water, or land and water [OR IS  
13 PROHIBITED] unless the

**(1) commissioner makes specific, detailed written findings that the**  
restriction or prohibition is

**(A) [(1)]** for an area of land, water, or land and water that encompasses 640 contiguous acres or less;

**(B) to be in effect for not more than three years [(2)**  
TEMPORARY IN NATURE] and [EFFECTIVE] cumulatively **in effect not**  
**more** [LESS] than eight months in **that** [A] three-year period;

**(C) necessary [(3)]** for the protection of public safety and public or private property **and**

**(i) affects only a traditional means of access on or**  
**across a state-improved or state-maintained way or easement; and**

**(ii) a reasonable alternative for the traditional**  
**means of access across the land, water, or land and water for**  
**traditional outdoor activities on other land, water, or land and**  
**water is available and approved by the commissioner; or**

**(D) [; (4)]** for the development of natural resources, and a reasonable alternative for the traditional means of access across the land, water, or land and water for traditional outdoor activities on other land, water, or land and water is available and approved by the commissioner; or

**(2) restriction or prohibition is [(5)]** authorized by act of the legislature.

\* **Sec. 2.** AS 38.04.200(b)(2) is amended to read:

(2) "traditional means of access" means those types of transportation on, to, or in the state land, water, or land and water, for which a popular pattern of use has developed; the term includes flying, ballooning, boating, using snow vehicles, operation of **registered and unregistered** all-terrain vehicles **up to 10,000 pounds,** horseback riding, mushing, skiing, snowshoeing, and walking;

\* **Sec. 3.** AS 38.05.945(a) is amended to read:

(a) This section establishes the requirements for notice given by the department for the following actions:

(1) classification or reclassification of state land under AS 38.05.300

and the closing of land to mineral leasing or entry under AS 38.05.185;

(2) zoning of land under applicable law;

(3) issuance of a

(A) preliminary written finding under AS 38.05.035(e)(5)(A) regarding the sale, lease, or disposal of an interest in state land or resources for oil and gas, or for gas only, subject to AS 38.05.180(b);

(B) written finding for the sale, lease, or disposal of an interest in state land or resources under AS 38.05.035(e)(6), except a lease sale described in AS 38.05.035(e)(6)(F) for which the director must provide opportunity for public comment under the provisions of that subparagraph;

(4) a competitive disposal of an interest in state land or resources after final decision under AS 38.05.035(e);

(5) a preliminary finding under AS 38.05.035(e) concerning sites for aquatic farms and related hatcheries;

(6) a decision under AS 38.05.132 - 38.05.134 regarding the sale, lease, or disposal of an interest in state land or resources;

**(7) a restriction or prohibition of a traditional means of access to state land, water, or land and water for traditional outdoor activities for the purpose of protecting aesthetic values of the land, water, or land and water under AS 38.04.200.**