

Representative Cathy Tilton

Alaska State Legislature – House District 12



SUMMARY OF CHANGES

HB 213 (29-LS0701\W) to CSHB 213 (29-LS0701\E)

Both versions contain the requirement for the commissioner of the Department of Natural Resources (DNR) to make “specific, detailed written findings” if the commissioner manages state land or water that restricts or prohibits traditional means of access for the purpose of protecting aesthetic value of the land or water.

In addition, both versions amend AS 38.05.945(a)(The Alaska Land Act) to add public notice requirements for restrictions or prohibitions to traditional means of access.

The changes in the E version were included to be more responsive to the points of law ruled on by the Alaska Supreme Court in Caywood v. State Department of Natural Resources.

Key Differences

The proposed CS (Version E) provides greater specificity about what must be contained in the detailed, written findings required of the commissioner if the management of state land restricts or prohibits traditional means of access for aesthetic purposes.

Specifically, those findings must demonstrate that the restriction or closure:

- (A) Must be for an area of 640 contiguous acres or less (*Page 2, lines 2-3*);
- (B) May not be in effect for more than 3 years and cannot be in effect for more than 8 month, cumulatively, during that time (*Page 2, lines 5-7*);
- (C) Must be deemed “necessary” for public safety purposes (*Page 2, lines 8-9*) and
 - a. Affects only a traditional means of access on a state improved or state maintained way or easement (*Page 2, lines 10-11*); and
 - b. A reasonable alternative for the traditional means of access is **provided if available** (*Page 2, lines 12-15*); or

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(D) Must be for the development of natural resources or is authorized by the legislature.

(Page 2, lines 16-20)

In addition, Version E amends the definition of “traditional means of access” found in AS 38.04.200(b)(2) to include “registered and unregistered” vehicles “up to 10,000 pounds.” (Page 2, line 26).