

**HOUSE BILL NO. 220**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE MCCABE**

**Introduced: 5/7/25**

**Referred: Community and Regional Affairs, Resources**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to easements and rights-of-way in state parks."**

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

3 \* **Section 1.** AS 41.21.024 is amended to read:

4 **Sec. 41.21.024. Easements and rights-of-way for access to private land.**

5 The department **shall** [MAY] grant a public easement or public right-of-way within a  
6 state park unit for access to private property **or for the installation, operation,**  
7 **maintenance, upgrade, or replacement of public utility facilities and**  
8 **infrastructure** if the commissioner determines that the easement or right-of-way

9 (1) will not unduly affect park resources; [AND]

10 (2) is in the public interest; **and**

11 **(3) complies with other applicable law.**

12 \* **Sec. 2.** AS 41.21.024 is amended by adding new subsections to read:

13 (b) A utility provider or property owner seeking an easement or right-of-way  
14 under (a) of this section shall submit an application on a form provided or in a format  
15 approved by the department that

- 1 (1) describes
- 2 (A) how the easement or right-of-way will benefit the public
- 3 interest;
- 4 (B) the need for the easement or right-of-way;
- 5 (C) the proposed location of the easement or right-of-way;
- 6 (D) the utility facilities and infrastructure proposed to be
- 7 located in the easement or right-of-way; and
- 8 (2) includes
- 9 (A) an assessment of the potential environmental effects if the
- 10 easement or right-of-way is granted; and
- 11 (B) a survey of the area that would be affected by the easement
- 12 or right-of-way in a format established in regulations adopted by the
- 13 department.
- 14 (c) The scope and detail required for an assessment in an application under
- 15 (b)(2)(A) of this section must be commensurate with the planned use, and the likely
- 16 effects, of an easement or right-of-way applied for and granted under this section.
- 17 Assessment requirements adopted by the department shall, to the extent possible,
- 18 minimize project delays and an applicant's expenses.
- 19 (d) The commissioner shall approve or disapprove an application submitted
- 20 under (b) of this section within 90 days after the department receives a complete
- 21 application. An application that contains the information required under (b) of this
- 22 section shall be considered completed even if the application contains minor
- 23 omissions. If the commissioner disapproves an application, the department shall
- 24 provide the reasons for the disapproval in writing to the applicant. For an application
- 25 that is approved, the commissioner may impose reasonable terms and conditions,
- 26 including reasonable permit fees to protect the primary uses of the park and the
- 27 environment, to ensure public safety, and to minimize disruption to other land uses. If
- 28 the commissioner does not approve or disapprove an application within 60 days after
- 29 the department receives a complete application, the easement or right-of-way is
- 30 considered approved unless otherwise prohibited by another law.
- 31 (e) If a valid existing section line easement or other recognized easement or

1 right-of-way crosses land within a state park unit, the department shall adopt  
2 regulations for making the easement or right-of-way available for use by the public.  
3 The department may not impose restrictions that unreasonably interfere with the use of  
4 the easement or right-of-way by a public utility, or by a person to access private  
5 property, if the department determines the use of the easement or right-of-way

6 (1) will not unduly affect park resources;

7 (2) is in the public interest; and

8 (3) complies with other applicable law.

9 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
10 read:

11 **APPLICABILITY.** Regulations adopted under AS 41.21.124(e), enacted by sec. 2 of  
12 this Act, apply to an easement or right-of-way granted on or after the effective date of this  
13 Act.