33-LS0497\Y
Bullard
3/28/23

CS FOR HOUSE BILL NO. 125(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

"An Act relating to trapping cabins on state land; and relating to trapping cabin permit fees."

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

*** Section 1.** AS 38.05.850(a) is amended to read:

(a) The director, without the prior approval of the commissioner, may issue permits, rights-of-way, or easements on state land for roads, trails, ditches, field gathering lines or transmission and distribution pipelines not subject to AS 38.35, telephone or electric transmission and distribution lines, log storage, oil well drilling sites and production facilities for the purposes of recovering minerals from adjacent land under valid lease, and other similar uses or improvements, or revocable, nonexclusive permits for the personal or commercial use or removal of resources that the director has determined to be of limited value. The commissioner, upon recommendation of the director, shall establish a reasonable rate or fee schedule to be charged for these uses, subject to **AS 38.95.080(g) and** the exception for nonprofit

cooperative associations specified in (b) of this section. In the granting, suspension, or revocation of a permit or easement of land, the director shall give preference to that use of the land that will be of greatest economic benefit to the state and the development of its resources. However, first preference shall be granted to the upland owner for the use of a tract of tideland, or tideland and contiguous submerged land, that is seaward of the upland property of the upland owner and that is needed by the upland owner for any of the purposes for which the use may be granted.

*** Sec. 2.** AS 38.95.080(a) is repealed and reenacted to read:

(a) The commissioner may issue a nonexclusive nontransferable permit to a person qualified under this section that, subject to conditions imposed under (c) of this section, entitles the person to

(1) construct and use a trapping cabin on state land, if the cabin does not exceed 400 square feet in size; or

(2) use an existing cabin on state land, regardless of size, if

(A) the owner of the cabin approves; or

(B) the cabin is not owned by another person.

*** Sec. 3.** AS 38.95.080(b) is repealed and reenacted to read:

(b) The commissioner may issue a permit to a person who

(1) is at least 18 years of age;

(2) possesses a valid trapping license issued under AS 16.05.330 - 16.05.430;

(3) provides proof acceptable to the commissioner that the person

(A) has an established trapline of sufficient length to justify the need for cabin construction or use; and

(B) is engaged in trapping in the area identified in the application.

*** Sec. 4.** AS 38.95.080(c) is amended to read:

(c) The director shall establish, by regulation, conditions **for a** [ATTACHING TO THE] permit issued under [(a) AND (b) OF] this section. **The regulations must include the following** [THESE] conditions [SHALL INCLUDE THE FOLLOWING]:

(1) **a permit is valid for a period of not more than 10 years; the**

director [PERMITS] shall **continue to renew the permit for successive periods of not more than 10 years** [BE ISSUED FOR A PERIOD OF NOT MORE THAN 10 YEARS, WITH SUCCEEDING 10-YEAR RENEWAL OPTIONS], if **the permit holder**

(A) establishes the person's periodic use and occupancy **of the cabin;**

(B) meets [IS ESTABLISHED, AND] the qualifications of [(a) OF] this section [CONTINUE TO BE MET];

(2) **an existing** [A] cabin **or a cabin authorized for construction under a permit issued under this section** shall be [CONSTRUCTED AND] maintained according to reasonable specifications established by the **commissioner** [DIRECTOR];

(3) a primary [ONE] cabin **authorized for construction** [CONSTRUCTED] under a permit **issued under this section** may [CONTAIN] not **exceed** [MORE THAN] 400 square feet; [HOWEVER, IN NO CASE MAY] another cabin constructed under the same permit **may not** exceed 192 square feet;

(4) a permit may be issued for an existing cabin that exceeds 400 square feet if

(A) the cabin is intended for use as a seasonal shelter while the user is engaged in trapping or trapping-related activities;

(B) the person applying for the permit

(i) is the owner of the cabin or has previously held a permit for the cabin, or is applying for a permit for a cabin that does not have an owner; and

(ii) did not build the cabin without authorization;

(5) [(3)] a permit shall specify the number of cabins allowed to be constructed and indicate their specific geographical location; the director may establish a maximum number of cabins **for each** [PER] person or otherwise limit their number because of the probability of adverse consequences;

(6) [(4)] adequate provision must be made for waste and garbage disposal, as determined by the director;

(7) [(5)] the payment of a trapping cabin permit fee **determined by the director; the fee may not exceed**

(A) $100 for the issuance or renewal of the permit; and

(B) $25 for each year of the term of the permit [OF $10].

*** Sec. 5.** AS 38.95.080(d) is amended to read:

(d) A permit issued under [(a) AND (b) OF] this section **is not a disposal of interest and does not convey an interest in land, does not grant or establish a preference right to a lease or purchase of land, and does not, except as authorized by the commissioner, allow for other uses of a cabin or land adjacent to a cabin for a purpose other than trapping. A permit does not authorize the permit holder to reside at the cabin or on the state land for which the person holds a permit under this section. A person may** [ENTITLES ITS HOLDER TO] use timber in the immediate vicinity of **a** [THE] cabin **for which the person holds a permit** for personal noncommercial purposes only. [NO OWNERSHIP RIGHTS TO THE LAND ARE CONVEYED BY THE ISSUANCE OF A TRAPPING CABIN PERMIT UNDER THIS SECTION].

*** Sec. 6.** AS 38.95.080 is amended by adding new subsections to read:

(f) Subject to (a)(2) of this section, if the director determines that it is in the best interests of the state, the director may issue multiple permits for the use of a trapping cabin.

(g) The department may not charge an additional land use fee for the use or construction of a trapping cabin authorized by a permit issued under this section.

*** Sec. 7.** AS 38.95.085 is amended to read:

Sec. 38.95.085. Definitions for AS 38.95.080 and 38.95.085 [AS 38.95.075 - 38.95.085]. In **AS 38.95.080 and 38.95.085** [AS 38.95.075 - 38.95.085],

(1) "commissioner" means the commissioner of natural resources;

(2) **"department" means the Department of Natural Resources;**

(3) "director" means the director of the division of lands **in the department**.

*** Sec. 8.** AS 38.95.075 is repealed.