

**HOUSE BILL NO. 447**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES MASEK, Toohey, Kohring**

**Introduced: 1/24/96**

**Referred: Resources**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act providing that state land, water, and land and water may not be  
2 classified so as to preclude or restrict traditional means of access for traditional  
3 recreational uses."

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

5 \* **Section 1.** AS 38.05.300(a) is amended to read:

6 (a) **Subject to the limitations of this section, the** [THE] commissioner shall  
7 classify for surface use land in areas considered necessary and proper. This section  
8 does not prevent reclassification of land where the public interest warrants  
9 reclassification, nor does it preclude multiple purpose use of land whenever different  
10 uses are compatible. If the area involved contains more than 640 contiguous acres,  
11 state land, water, or land and water area may not, except by act of the state legislature,  
12 (1) be closed to multiple purpose use, or (2) be otherwise classified by the  
13 commissioner so that mining, mineral entry or location, mineral prospecting, or mineral  
14 leasing is precluded or is designated an incompatible use, except when the

1 classification is necessary for a land disposal or exchange or is for the development  
2 of utility or transportation corridors or projects or similar projects or infrastructure, or  
3 except as allowed under (c) of this section.

4 \* **Sec. 2.** AS 38.05.300 is amended by adding new subsections to read:

5 (d) The commissioner may not classify state land, water, or land and water so  
6 that a traditional means of access for traditional recreational activities is restricted for  
7 the purpose of protecting intrinsic values of the land or water or prohibited unless the  
8 restriction or prohibition is

9 (1) temporary in nature and effective cumulatively less than eight  
10 months in a three-year period; or

11 (2) authorized by act of the legislature.

12 (e) In (d) of this section,

13 (1) "intrinsic values" means those values that inherently exist in nature  
14 or in an object, without manipulation by humans;

15 (2) "traditional means of access" means those types of transportation  
16 on, to, or in the state land, water, or land and water, for which a popular pattern of use  
17 has developed; the term includes flying, ballooning, boating, snowmachining, operation  
18 of all-terrain vehicles, mushing, skiing, snowshoeing, and walking;

19 (3) "traditional recreational activities" means those types of activities  
20 that people may utilize for sport, exercise, subsistence, or personal enjoyment,  
21 including hunting, fishing, trapping, or gathering, and that have historically been  
22 conducted as part of an individual, family, or community life pattern on or in the state  
23 land, water, or land and water.