

CS FOR SENATE BILL NO. 230(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 3/14/96
Referred: Finance

Sponsor(s): SENATORS PEARCE, Frank, Green, Halford, Leman, Miller, Phillips, Sharp, Taylor,
Torgerson, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of state land, water, and land and water as
2 part of a state park, recreational or special management area, or preserve;
3 relating to reports to the legislature concerning prohibitions or restrictions of
4 traditional means of access for traditional recreational uses within a park,
5 recreational or special management area, or preserve; and relating to Denali State
6 Park."

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

8 * **Section 1.** AS 41.21.020(a) is amended to read:

9 (a) The department shall

10 (1) develop a continuing plan for the conservation and maximum use in
11 the public interest of the scenic, historic, archaeologic, scientific, biological, and
12 recreational resources of the state;

13 (2) plan for and develop a system of state parks and recreational

1 facilities, to be established as the legislature authorizes and directs;

2 (3) acquire by gift, purchase, or transfer from state or federal agencies,
3 or from individuals, corporations, partnerships, or associations, land necessary, suitable,
4 and proper for roadside, picnic, recreational, or park purposes;

5 (4) develop, manage, and maintain state parks and recreational areas;

6 (5) provide for the acquisition, care, management, supervision,
7 improvement, development, extension, and maintenance of public recreational land, and
8 make necessary arrangements, contracts, or commitments for the improvement and
9 development of land acquired under AS 41.21.010 - 41.21.040; contracting for
10 improvement and development under this paragraph is governed by AS 36.30 (State
11 Procurement Code);

12 (6) adopt, in accordance with this section and AS 44.62 (Administrative
13 Procedure Act), regulations governing the use and designating incompatible uses within
14 the boundaries of state park and recreational areas to protect the property and to preserve
15 the peace;

16 (7) cooperate with the United States and its agencies and local
17 subdivisions of the state to secure the effective supervision, improvement, development,
18 extension, and maintenance of state parks, state monuments, state historical areas, and
19 state recreational areas, and secure agreements or contracts for the purpose of
20 AS 41.21.010 - 41.21.040;

21 (8) encourage the organization of state public park and recreational
22 activities in the local political subdivisions of the state;

23 (9) provide for consulting service designed to develop local park and
24 recreation facilities and programs;

25 (10) provide clearinghouse services for other state agencies concerned
26 with park and recreation matters;

27 (11) perform other duties as are prescribed by executive order or by law;

28 (12) maintain memorials to Alaska veterans located in state parks; [AND]

29 (13) adopt, in accordance with AS 44.62 (Administrative Procedure Act),
30 regulations governing the use of the Chena River State Recreation Area and designating
31 incompatible uses within the boundaries of the Chena River State Recreation Area in
32 accordance with AS 41.21.490; and

1 (14) annually, by the first day of each regular session of the
2 legislature, submit a report to the legislature on each designation of an incompatible
3 use under this chapter, or other action, that prohibits or restricts a traditional
4 means of access across a park, area, or preserve established under this chapter for
5 a traditional recreational activity on or within the park, area, or preserve; for each
6 prohibition or restriction, the report must state reasons for the designation of
7 incompatibility or prohibition or restriction of a traditional means of access, the
8 specific area of the prohibition or restriction, and the time period during which the
9 incompatibility or prohibition or restriction is expected to exist; in this paragraph,

10 (A) "traditional means of access" means those types of
11 transportation on, to, or in the state land, water, or land and water, for
12 which a popular pattern of use has developed; the term includes general or
13 commercial aviation, ballooning, motorized and nonmotorized boating,
14 snowmachining, operation of all-terrain vehicles, mushing, skiing,
15 snowshoeing, and walking;

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

22 * **Sec. 2.** AS 41.21.020 is amended by adding a new subsection to read:

23 (d) Notwithstanding (a)(3) of this section, the department may not manage as
24 part of a park, area, or preserve established under AS 41.21.110 - 41.21.630, land, water,
25 or land and water that is not within the boundaries, as designated by the legislature, of
26 the park, area, or preserve.

27 * **Sec. 3.** AS 41.21 is amended by adding a new section to read:

28 Sec. 41.21.155. INCOMPATIBLE USES. (a) The commissioner may designate
29 by regulation incompatible uses within the land and water areas described in
30 AS 41.21.151.

31 (b) Use of a weapon in the Denali State Park shall be allowed except in unique
32 areas that may be closed for purposes of public safety by regulation by the

1 commissioner.

2 (c) The regulations governing public use of the Denali State Park must

3 (1) provide ample access for legal sport and subsistence hunting and
4 fishing, trapping, and recreational uses; except to protect public safety, the commissioner
5 may not restrict the exercise of sport or subsistence fishing or hunting or trapping
6 permitted under law or under a regulation of the Board of Fisheries or the Board of
7 Game within the Denali State Park;

8 (2) recognize that the current practice of traditional subsistence and
9 recreational activities includes the use of small outboard motors and snow machines;

10 (3) permit reasonable access by aircraft for recreational purposes; and

11 (4) provide ample access for recreational mining.

12 * **Sec. 4.** Regulations that have not taken effect before the effective date of this Act and are
13 in the process of being adopted by the Department of Natural Resources concerning Denali State
14 Park and uses within Denali State Park may only take effect to the extent the regulations are
15 consistent with the provisions of this Act. Regulations adopted by the Department of Natural
16 Resources concerning Denali State Park and uses within Denali State Park that take effect in
17 1996 before this Act takes effect, are annulled.