

**HOUSE BILL NO. 23**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MASEK

Introduced: 1/13/97

Referred: Resources, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to traditional means of access for traditional outdoor uses and  
2 to the classification and the sale, lease, or other disposal of state land, water, or  
3 land and water."

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

5 \* **Section 1.** INTENT. It is the intent of the legislature that nothing in this Act affects the  
6 current rights of private property owners.

7 \* **Sec. 2.** AS 38.05.300(a) is amended to read:

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

1 commissioner so that mining, mineral entry or location, mineral prospecting, or mineral  
2 leasing is precluded or is designated an incompatible use, except when the  
3 classification is necessary for a land disposal or exchange or is for the development  
4 of utility or transportation corridors or projects or similar projects or infrastructure, or  
5 except as allowed under (c) of this section.

6 \* **Sec. 3.** AS 38.05.300 is amended by adding new subsections to read:

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

11 (1) temporary in nature and effective cumulatively less than eight  
12 months in a three-year period;

13 (2) for the development of natural resources and a reasonable  
14 alternative for the traditional means of access across the land, water, or land and water  
15 for traditional outdoor activities on other land, water, or land and water is available  
16 and approved by the commissioner under AS 38.05.316; or

17 (3) authorized by act of the legislature.

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

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

21 (2) "traditional means of access" means those types of transportation  
22 on, to, or in the state land, water, or land and water, for which a popular pattern of use  
23 has developed; the term includes flying, ballooning, boating, using snow vehicles,  
24 operation of all-terrain vehicles, horseback riding, mushing, skiing, snowshoeing, and  
25 walking;

26 (3) "traditional outdoor activities" means those types of activities that  
27 people may use for sport, exercise, subsistence, including the harvest of natural  
28 foodstuffs, or personal enjoyment, including hunting, fishing, trapping, gathering, or  
29 recreational mining, and that have historically been conducted as part of an individual,  
30 family, or community life pattern on or in the state land, water, or land and water.

31 \* **Sec. 4.** AS 38.05 is amended by adding a new section to read:

1                   **Sec. 38.05.316. Restriction on outdoor activities upon sale, lease, or other**  
2 **disposal of land and water.** (a) Notwithstanding another provision of this chapter,  
3 state land, water, or land and water may not be sold, leased, or otherwise disposed of  
4 unless traditional means of access across the land, water, or land and water for traditional  
5 outdoor activities on other land, water, or land and water are preserved by easement or  
6 other terms or the sale, lease, or other disposal is approved by the legislature. If state  
7 land, water, or land and water is leased for the development of natural resources, the  
8 terms of the lease may provide that the lessee may control and direct access across the  
9 development parcels but may not preclude a traditional means of access for a traditional  
10 outdoor activity occurring at a place other than the development parcel unless

11                                 (1) a reasonable alternative for the access is available and approved by  
12 the department; or

13                                 (2) the lease is approved by the legislature under AS 38.05.300(d).

14                   (b) In this section, "traditional means of access" and "traditional outdoor  
15 activities" have the meanings given in AS 38.05.300(e).