

HOUSE BILL NO. 168

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MASEK

Introduced: 3/5/97

Referred: Resources, State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to use of traditional means of access to assist in taking game
2 or fish and to traditional means of access for traditional outdoor activities on
3 land and water set aside for fish and game purposes; and providing for an
4 effective date."

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

6 * **Section 1.** AS 16.05 is amended by adding a new section to read:

7 **Sec. 16.05.794. Regulation of means of access.** (a) After January 1, 1997,
8 the Board of Game may not adopt a regulation prohibiting the use of a traditional
9 means of access to assist in taking game unless the prohibition is

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

12 (2) applicable to an area of 640 acres or less of land, water, or land and
13 water;

14 (3) biologically essential for the protection of a game resource or of

1 fish or game habitat;

2 (4) expressly authorized under this title; or

3 (5) authorized by act of the legislature.

4 (b) After January 1, 1997, the Board of Fisheries may not adopt a regulation
5 prohibiting the use of a traditional means of access to assist in taking fish unless the
6 prohibition is

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

9 (2) applicable to an area of 640 acres or less of land, water, or land and
10 water;

11 (3) biologically essential for the protection of a fishery resource or of
12 fish or game habitat;

13 (4) expressly authorized under this title; or

14 (5) authorized by act of the legislature.

15 (c) A regulation adopted by the Board of Game or Board of Fisheries that
16 prohibits the use of a traditional means of access to assist in the taking of game or fish
17 and that is in effect on January 1, 1997, remains in effect for the period prescribed by
18 the appropriate board or until the regulation is repealed or is amended to eliminate the
19 prohibition.

20 (d) In this section, "traditional means of access" means those types of
21 transportation in an area for which a popular pattern of use has developed; in this
22 subsection, "types of transportation" includes flying, ballooning, boating, using snow
23 vehicles, operation of all-terrain vehicles, horseback riding, mushing, skiing,
24 snowshoeing, and walking.

25 * **Sec. 2.** AS 16.20 is amended by adding a new section to read:

26 **Article 6. General Provisions.**

27 **Sec. 16.20.980. Access for traditional uses.** (a) The Department of Fish and
28 Game, Department of Natural Resources, Board of Game, and Board of Fisheries may
29 not restrict traditional means of access for the purpose of conducting traditional
30 outdoor activities within a state game refuge, state game or wildlife sanctuary,
31 threatened species habitat preservation area, state range area, or fish and game critical

1 habitat area unless the restriction is

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

4 (2) applicable to an area of 640 acres or less of state land, water, or
5 land and water;

6 (3) biologically essential for the protection of a fish or game resource
7 and a reasonable alternative for the traditional means of access across the land, water,
8 or land and water for traditional outdoor activities on other land, water, or land and
9 water is available;

10 (4) expressly authorized under this chapter; or

11 (5) authorized by act of the legislature.

12 (b) In this section,

13 (1) "traditional means of access" means those types of transportation
14 on, to, or in the state land, water, or land and water for which a popular pattern of use
15 has developed; in this paragraph, "types of transportation" includes flying, ballooning,
16 boating, using snow vehicles, operation of all-terrain vehicles, horseback riding,
17 mushing, skiing, snowshoeing, and walking;

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

23 * **Sec. 3.** Section 1 of this Act is retroactive to January 1, 1997.

24 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).