

CS FOR HOUSE BILL NO. 168(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 3/19/98

Referred: Rules

Sponsor(s): REPRESENTATIVES MASEK, Kohring

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, 1998,
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, 1998, the Board of Fisheries may not adopt a regulation
5 prohibiting the use of a traditional means of access to assist in taking fish for sport,
6 subsistence, or personal use unless the 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, 1998, 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18 the appropriate board or until the regulation is repealed or is amended to eliminate the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,

21 (1) "biologically essential" means necessary to maintain the historical
22 sustained yield harvest level of a fish stock or game population if traditional
23 management measures, including regulation of time, area, methods, means, bag limits,
24 and similar measures, are not successful in achieving management objectives for the
25 stock or population;

26 (2) "traditional means of access" means those types of transportation
27 in an area for which a popular pattern of use has developed; in this subsection, "types
28 of transportation" includes flying fixed-wing aircraft, boating, using snow vehicles,
29 operation of all-terrain vehicles, horseback riding, mushing, skiing, snowshoeing, and
30 walking.

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

1 **Article 6. General Provisions.**

2 **Sec. 16.20.980. Access for traditional uses.** (a) The Department of Fish and
3 Game, Board of Game, and Board of Fisheries may not restrict traditional means of
4 access for the purpose of hunting, fishing for sport, subsistence, or personal use, or
5 trapping within a state game refuge, state game or wildlife sanctuary, threatened
6 species habitat preservation area, state range area, or fish and game critical habitat area
7 unless the restriction is

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

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

12 (3) biologically essential for the protection of a fish or game resource
13 and a reasonable alternative for the traditional means of access across the land, water,
14 or land and water for traditional outdoor activities on other land, water, or land and
15 water is available;

16 (4) expressly authorized under this chapter; or

17 (5) authorized by act of the legislature.

18 (b) Notwithstanding (a) of this section, a regulation of the Board of Fisheries
19 or the Board of Game that restricts the use of a traditional means of access to assist
20 in the taking of fish or game and that was in effect on January 1, 1998, may remain
21 in effect for the period prescribed by the board or until the regulation is repealed or
22 is amended to eliminate the restriction.

23 (c) In this section,

24 (1) "biologically essential" means necessary to maintain the historical
25 sustained yield harvest level of a fish stock or game population if traditional
26 management measures, including regulation of time, area, methods, means, bag limits,
27 and similar measures, are not successful in achieving management objectives for the
28 stock or population;

29 (2) "traditional means of access" means those types of transportation
30 on, to, or in the state land, water, or land and water for which a popular pattern of use
31 has developed; in this paragraph, "types of transportation" includes flying, fixed-wing

1 aircraft, boating, using snow vehicles, operation of all-terrain vehicles, horseback
2 riding, mushing, skiing, snowshoeing, and walking.

3 * **Sec. 3.** Section 1 of this Act is retroactive to January 1, 1998.

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