

HOUSE BILL NO. 349

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MASEK, Dyson, Harris

Introduced: 2/7/00

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to powers of the Board of Game, means of access for hunting,
2 trapping, and fishing, the definition of 'means' and 'methods,' and hunting safety
3 education and game conservation education programs; relating to the purposes of
4 game refuges, fish and game critical habitat areas, and public use areas."

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

6 * **Section 1.** AS 16.05.221(b) is amended to read:

7 (b) For purposes of the conservation and **enhancement** [DEVELOPMENT]
8 of the game resources of the state, there is created a Board of Game composed of
9 seven members appointed by the governor, subject to confirmation by a majority of
10 the members of the legislature in joint session. The governor shall appoint each
11 member on the basis of interest in public affairs, good judgment, knowledge, and
12 ability in the field of action of the board, and with a view to providing diversity of
13 interest and points of view in the membership. The appointed members shall be
14 residents of the state and shall be appointed without regard to political affiliation or

1 geographical location of residence. The commissioner is not a member of the Board
2 of Game, but shall be ex officio secretary.

3 * **Sec. 2.** AS 16.05.255(a) is amended to read:

4 (a) The Board of Game may adopt regulations it considers advisable in
5 accordance with AS 44.62 (Administrative Procedure Act) for

6 (1) setting apart game reserve areas, refuges, and sanctuaries in the
7 water or on the land of the state over which it has jurisdiction, subject to the approval
8 of the legislature;

9 (2) establishing open and closed seasons and areas for the taking of
10 game;

11 (3) establishing the means and methods employed in the pursuit,
12 capture, taking, and transport of game, including regulations, consistent with resource
13 conservation and **enhancement** [DEVELOPMENT] goals, establishing means and
14 methods that may be employed by persons with physical disabilities;

15 (4) setting quotas, bag limits, harvest levels, and sex, age, and size
16 limitations on the taking of game;

17 (5) classifying game as game birds, song birds, big game animals, fur
18 bearing animals, predators, or other categories;

19 (6) methods, means, and harvest levels necessary to control predation
20 and competition among game in the state;

21 (7) watershed and habitat improvement, and management, conservation,
22 protection, use, disposal, propagation, and stocking of game;

23 (8) prohibiting the live capture, possession, transport, or release of
24 native or exotic game or their eggs;

25 (9) establishing the times and dates during which the issuance of game
26 licenses, permits, and registrations and the transfer of permits and registrations between
27 registration areas and game management units or subunits **are** [IS] allowed;

28 (10) regulating sport hunting and subsistence hunting as needed for the
29 conservation, **enhancement** [DEVELOPMENT], and utilization of game;

30 (11) taking game to ensure public safety.

31 * **Sec. 3.** AS 16.05 is amended by adding a new section to article 6 to read:

1 **Sec. 16.05.911. Regulation of the means of access for hunting, trapping,**
 2 **and fishing.** Notwithstanding other provisions of law, traditional means of access for
 3 purposes of hunting, trapping, or noncommercial fishing may not be restricted except
 4 as

5 (1) specifically authorized by act of the legislature;

6 (2) specifically authorized by a regulation adopted by the Board of
 7 Fisheries or the Board of Game upon the recommendation of a majority of the local
 8 fish and game advisory committees in the area where the regulation would apply and
 9 a majority of the local fish and game advisory committees for areas in which the
 10 majority of the hunters, trappers, or noncommercial fishermen who use the area reside
 11 if the regulation is otherwise consistent with current statutes governing means of access
 12 for hunting, trapping, or noncommercial fishing in the area;

13 (3) necessary to maintain sustained yield management of a fish stock
 14 or game population or to protect or enhance habitat that is essential to the maintenance
 15 of sustained yield management of a fish stock or game population;

16 (4) necessary to achieve the statutory purpose of an area established by
 17 law to protect a fish stock or game population or the habitat of a fish stock or game
 18 population, such as a refuge, sanctuary, range, or critical habitat area; or

19 (5) necessary to achieve temporary protection for a fish stock or game
 20 population or the habitat of a fish stock or game population for a period of less than
 21 one year in a specifically identified area.

22 * **Sec. 4.** AS 16.05.940 is amended by adding a new paragraph to read:

23 (37) "means," "means and methods," and "methods" mean the tools,
 24 implements, devices, or vehicles employed to take fish or game, unless the context
 25 otherwise requires.

26 * **Sec. 5.** AS 16.20.020 is repealed and reenacted to read:

27 **Sec. 16.20.020. Purposes.** The purposes of AS 16.20.010 - 16.20.080 are to

28 (1) protect, enhance, and preserve fish and game habitat and the fish
 29 and game that use the habitat;

30 (2) protect, enhance, and preserve traditional public uses of fish and
 31 game, including fishing, hunting, trapping, viewing, and photography;

1 (3) perpetuate and enhance general public recreation in a quality
2 environment;

3 (4) provide for additional public uses of the refuges that are consistent
4 with this section.

5 * **Sec. 6.** AS 16.20.500 is amended to read:

6 **Sec. 16.20.500. Purpose.** The purpose of AS 16.20.500 - 16.20.690 is to
7 protect, enhance, and preserve habitat areas especially crucial to the perpetuation of
8 fish and wildlife and traditional uses of fish and wildlife [,] and to restrict all other
9 uses not compatible with that primary purpose.

10 * **Sec. 7.** AS 16.55.010 is amended to read:

11 **Sec. 16.55.010. Duties of department.** The Department of Fish and Game
12 shall

13 (1) assist in developing and coordinating activities involving private
14 organizations relating to shooting and firearms;

15 (2) assist private nonprofit organizations established for the
16 primary purpose of preserving hunting, fishing, and trapping to develop [A]
17 hunting safety education and game conservation education programs [PROGRAM]
18 for the people of the state;

19 (3) establish a program to assist in the planning, construction, and
20 operation of public shooting ranges.

21 * **Sec. 8.** AS 16.55.020 is amended to read:

22 **Sec. 16.55.020. Powers of department.** In the discharge of its duties under
23 AS 16.55.010, the Department of Fish and Game may

24 (1) provide, through a departmental coordinator, technical assistance to
25 municipalities, communities, and organizations;

26 (2) make grants to [MUNICIPALITIES AND] organizations as
27 provided in AS 16.55.030

28 [(A) TO DEVELOP AND OPERATE PUBLIC SHOOTING
29 RANGES AND FACILITIES; AND

30 (B) TO OPERATE PROGRAMS INVOLVING EDUCATION
31 AND TRAINING IN THE SAFE USE OF FIREARMS].

1 * **Sec. 9.** AS 16.55.030 is amended to read:

2 **Sec. 16.55.030. Grants.** Subject to legislative appropriation for the purpose,
3 the Department of Fish and Game may make grants to [MUNICIPALITIES AND]
4 private **nonprofit** organizations **established for the primary purpose of preserving**
5 **hunting, fishing, and trapping to provide hunting safety education and game**
6 **conservation education** [IN ACCORDANCE WITH AS 16.55.020(2). THE
7 DEPARTMENT MAY IMPOSE REASONABLE RESTRICTIONS ON THE USE OF
8 FUNDS GRANTED UNDER THIS SECTION].

9 * **Sec. 10.** AS 41.23.010 is amended to read:

10 **Sec. 41.23.010. Purpose of AS 41.23.010 - 41.23.040.** The purpose of
11 AS 41.23.010 - 41.23.040 is to establish the area described in AS 41.23.040 as the
12 Nelchina Public Use Area. The Nelchina Public Use Area is established to

13 (1) protect, **enhance**, and **preserve** [MAINTAIN] fish and wildlife
14 habitat **and the fish and wildlife that use the habitat** [, PARTICULARLY
15 CARIBOU CALVING AREAS, TRUMPETER SWAN NESTING AREAS, AND
16 OTHER IMPORTANT HABITATS FOR MOOSE, DALL SHEEP, AND BROWN
17 BEAR SO THAT TRADITIONAL PUBLIC USES OF FISH AND WILDLIFE
18 POPULATIONS MAY CONTINUE];

19 (2) **protect**, [PERPETUATE AND] enhance, **and preserve traditional**
20 **public uses of fish and wildlife**, [PUBLIC ENJOYMENT OF FISH AND WILDLIFE
21 AND THEIR HABITAT] including fishing, hunting, trapping, viewing, **and**
22 photography;

23 (3) perpetuate and enhance general public recreation in a quality
24 environment;

25 (4) [PERPETUATE AND ENHANCE ADDITIONAL PUBLIC USES
26 DESCRIBED IN THE SUSITNA AREA PLAN;

27 (5)] allow additional public uses of the area **that are** [IN A MANNER]
28 compatible with the purposes specified in [(1) - (4) OF] this section.

29 * **Sec. 11.** AS 41.23.020(c) is amended to read:

30 (c) The Nelchina Public Use Area shall be open to mineral entry under
31 AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve

1 the purposes specified in AS 41.23.010. Each valid existing right or permit shall
 2 remain valid and continue in full force and effect according to its terms. Exploration,
 3 development, and extraction of subsurface resources shall be allowed in a manner that
 4 is compatible with the purposes specified in AS 41.23.010(1) - (3) [AS 41.23.010(1) -
 5 (4)].

6 * **Sec. 12.** AS 41.23.030(d) is amended to read:

7 (d) The commissioner shall allow traditional access to the Nelchina Public Use
 8 Area by motorized or nonmotorized means of transportation to private land, interests
 9 in private land, and for lawful sport and subsistence hunting, fishing, trapping, and
 10 recreational purposes in a manner that is compatible with **the** purposes specified in
 11 AS 41.23.010(1) - (3) [AS 41.23.010(1) - (4)].

12 * **Sec. 13.** AS 41.23.050 is amended to read:

13 **Sec. 41.23.050. Purpose of AS 41.23.050 - 41.23.080.** The purpose of
 14 AS 41.23.050 - 41.23.080 is to establish the area described in AS 41.23.080 as the
 15 Ernie Haugen Public Use Area. The Ernie Haugen Public Use Area is established to

16 (1) protect, **enhance, and preserve** [AND MAINTAIN] fish and
 17 wildlife habitat **and the fish and wildlife that use the habitat** [SO THAT
 18 TRADITIONAL PUBLIC USES MAY CONTINUE];

19 (2) **protect**, [PERPETUATE AND] enhance, **and preserve traditional**
 20 **public uses of fish and wildlife, including** [PUBLIC ENJOYMENT] of fishing,
 21 hunting, trapping, viewing, and photography;

22 (3) perpetuate and enhance general public recreation in a quality
 23 environment; and

24 (4) allow additional public uses of the area **that are** [, INCLUDING
 25 PERSONAL USE WOOD CUTTING, WHEN DETERMINED] compatible with the
 26 purposes specified in [(1) - (3) OF] this section.

27 * **Sec. 14.** AS 41.23.100(b) is repealed and reenacted to read:

28 (b) The Hatcher Pass Public Use Area is established to

29 (1) protect, enhance, and preserve fish and wildlife habitat and the fish
 30 and wildlife that use the habitat;

31 (2) protect, enhance, and preserve traditional public uses of fish and

1 wildlife, including fishing, hunting, trapping, viewing, and photography;

2 (3) perpetuate and enhance general public recreation in a quality
3 environment; and

4 (4) allow additional public uses of the area that are compatible with the
5 purposes specified in this subsection.

6 * **Sec. 15.** AS 41.23.140 is repealed and reenacted to read:

7 **Sec. 41.23.140. Purpose of AS 41.23.140 - 41.23.170.** The purpose of
8 AS 41.23.140 - 41.23.170 is to establish the area described in AS 41.23.170 as the
9 Goldstream Public Use Area. The Goldstream Public Use Area is established to

10 (1) protect, enhance, and preserve fish and wildlife habitat and the fish
11 and wildlife that use the habitat;

12 (2) protect, enhance, and preserve traditional public uses of fish and
13 wildlife, including fishing, hunting, trapping, viewing, and photography;

14 (3) perpetuate and enhance general public recreation in a quality
15 environment; and

16 (4) allow additional public uses of the area that are compatible with the
17 purposes specified in this section.

18 * **Sec. 16.** AS 41.23.150(c) is amended to read:

19 (c) Consistent with the purposes of AS 41.23.140(1) - (4) [AS 41.23.140(1) -
20 (3)], the commissioner shall allow uses within the Goldstream Public Use Area,
21 including but not limited to horseback riding, hiking, mining, all terrain vehicle
22 driving, bicycling, dog sledding, cross-country skiing, skijoring, snowmachining,
23 camping, and other traditional public uses of fish stocks and wildlife populations such
24 as fishing, hunting, trapping, viewing, and photographing of moose, trumpeter swan
25 and other waterfowl, otter, beaver, mink, muskrat, and fox.

26 * **Sec. 17.** AS 41.23.150(d) is amended to read:

27 (d) The Goldstream Public Use Area is open to mineral entry under
28 AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the
29 purposes specified in AS 41.23.140(1) - (3) [AS 41.23.140(1) - (2)]. Each valid
30 existing right or permit remains valid and continues in full force and effect according
31 to its terms. The commissioner shall permit the exploration, development, and

1 extraction of subsurface resources in a manner that is compatible with the purposes
2 specified in AS 41.23.140(1) - (3) [AS 41.23.140(1) - (2)].

3 * **Sec. 18.** AS 41.23.160(a) is amended to read:

4 (a) Except as provided in this section, the commissioner may prohibit or
5 restrict uses determined to be incompatible with the purposes of the Goldstream Public
6 Use Area under AS 41.23.140(1) - (3) [AS 41.23.140(1) - (2)] within the state-owned
7 land and water described in AS 41.23.170.

8 * **Sec. 19.** AS 41.23.160(d) is amended to read:

9 (d) The commissioner shall allow access to the Goldstream Public Use Area
10 by motorized or nonmotorized means of transportation to private land, interests in
11 private land, and for hunting, fishing, trapping, mining, and recreational purposes in
12 a manner that is compatible with purposes specified in AS 41.23.140(1) - (3)
13 [AS 41.23.140(1) - (2)]. Existing trails remain open to public use.