

**CS FOR HOUSE BILL NO. 349(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered: 3/15/00**

**Referred: Finance**

**Sponsor(s): REPRESENTATIVES MASEK, Dyson, Harris**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Board of Game, means of access for hunting, trapping,  
2 and fishing, the definition of 'means' and 'methods,' and hunting safety education  
3 and wildlife conservation education programs; relating to the purposes of game  
4 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] development, **and enhancement**  
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] development, **and enhancement** 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, development, **enhancement**, 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, provided that a local fish and game advisory  
 8 committee with jurisdiction over the area where the regulation would apply has not  
 9 objected in writing to the adoption of the regulation;

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

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

16                  (5) necessary to achieve temporary protection for a fish stock or game  
 17 population or the habitat of a fish stock or game population for a period of less than  
 18 one year in a specifically identified area; or

19                  (6) provided by a law or by a regulation adopted by the Board of  
 20 Fisheries or the Board of Game that is applicable to a refuge, sanctuary, range, critical  
 21 habitat area, controlled-use area, or conservation area and that is in effect on the  
 22 effective date of this section.

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

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

27 \* **Sec. 5.** AS 16.20.020 is repealed and reenacted to read:

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

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

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

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

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

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

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

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

11 \* **Sec. 7.** AS 16.55.010 is amended to read:

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

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

16 (2) develop [A] hunting safety **education and wildlife conservation**  
17 **education programs and cooperate with private nonprofit organizations**  
18 **established for the primary purpose of preserving hunting, fishing, and trapping**  
19 **to expand these education programs** [PROGRAM] for the people of the state;

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

22 \* **Sec. 8.** AS 16.55.020 is amended to read:

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

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

27 (2) make grants to municipalities and organizations as provided in  
28 AS 16.55.030 **to**

29 (A) [TO] develop and operate public shooting ranges and  
30 facilities; [AND]

31 (B) [TO] operate programs involving education and training in

1 the safe use of firearms; and

2 (C) assist private nonprofit organizations established for the  
 3 primary purpose of preserving hunting, fishing, and trapping in providing  
 4 hunting safety education and wildlife conservation education programs.

5 \* **Sec. 9.** AS 16.55.030 is amended to read:

6 **Sec. 16.55.030. Grants.** Subject to legislative appropriation for the purpose,  
 7 the Department of Fish and Game may make grants to municipalities and private  
 8 nonprofit organizations established for the primary purpose of preserving hunting,  
 9 fishing, and trapping to provide hunting safety education and wildlife  
 10 conservation education in accordance with AS 16.55.020(2). The department may  
 11 impose reasonable restrictions on the use of funds granted under this section.

12 \* **Sec. 10.** AS 41.23.010 is amended to read:

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

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

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

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

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

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

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

2 (c) The Nelchina Public Use Area shall be open to mineral entry under  
3 AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the  
4 purposes specified in AS 41.23.010. Each valid existing right or permit shall remain  
5 valid and continue in full force and effect according to its terms. Exploration,  
6 development, and extraction of subsurface resources shall be allowed in a manner that  
7 is compatible with the purposes specified in **AS 41.23.010(1) - (3)** [AS 41.23.010(1) -  
8 (4)].

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

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

15 \* **Sec. 13.** AS 41.23.050 is amended to read:

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

19 (1) protect, **develop, and preserve** [AND MAINTAIN] fish and  
20 wildlife habitat **and the fish and wildlife that use the habitat** [SO THAT  
21 TRADITIONAL PUBLIC USES MAY CONTINUE];

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

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

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

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

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

1 (1) protect and preserve fish and wildlife habitat and the fish and  
2 wildlife that use the habitat;

3 (2) protect, develop, and preserve traditional public uses of fish and  
4 wildlife, including fishing, hunting, trapping, viewing, and photography;

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

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

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

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

13 (1) protect, develop, and preserve fish and wildlife habitat and the fish  
14 and wildlife that use the habitat;

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

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

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

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

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

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

30 (d) The Goldstream Public Use Area is open to mineral entry under  
31 AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the

1 purposes specified in AS 41.23.140(1) - (3) [AS 41.23.140(1) - (2)]. Each valid  
2 existing right or permit remains valid and continues in full force and effect according  
3 to its terms. The commissioner shall permit the exploration, development, and  
4 extraction of subsurface resources in a manner that is compatible with the purposes  
5 specified in AS 41.23.140(1) - (3) [AS 41.23.140(1) - (2)].

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

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

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

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