

HOUSE BILL NO. 227

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HERRON

Introduced: 4/10/09

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing state fish and game reserves; creating the Holitna River Basin**
2 **Hunting, Fishing, and Trapping Reserve; and providing for an effective date."**

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

4 *** Section 1.** AS 16.20 is amended by adding new sections to read:

5 **Article 6. Fish and Game Reserves.**

6 **Sec. 16.20.700. Purpose.** The purpose of AS 16.20.700 - 16.20.720 is to
7 promote management activities to rebuild or enhance fish and wildlife populations and
8 habitats to maintain historical and sustainable harvest levels for continued high levels
9 of human consumptive use of these resources.

10 **Sec. 16.20.710. Regulations.** The Board of Fisheries or the Board of Game,
11 where appropriate, shall adopt regulations identifying areas each considers advisable
12 for conservation and protection purposes to carry out the purpose of AS 16.20.700.

13 **Sec. 16.20.720. Holitna River Basin Hunting, Fishing, and Trapping**
14 **Reserve established.** (a) All state-owned surface and subsurface water and all land

1 acquired in the future by the state within the watershed of the Holitna River and
2 Hoholitna River is designated as the Holitna River Basin Hunting, Fishing, and
3 Trapping Reserve.

4 (b) The Holitna River Basin Hunting, Fishing, and Trapping Reserve is
5 established to

6 (1) ensure management and protection of fish and wildlife populations
7 and habitat to perpetuate subsistence, commercial, and sport use of the area's fish and
8 wildlife;

9 (2) implement maximum use and benefit, sustained yield, and common
10 use principles by using effective management techniques for conserving and
11 developing the area's natural resources to regain or maintain historical harvest levels
12 with human consumptive use of these resources as a priority;

13 (3) maintain and enhance healthy and abundant fish and wildlife
14 populations commonly used for consumption by humans to provide high levels of
15 human consumptive use in keeping with amounts determined by the Board of
16 Fisheries and the Board of Game to be reasonably necessary to provide for subsistence
17 uses and with other population and use goals or objectives set by the appropriate
18 board.

19 (c) In order to fulfill the purposes of this section, and notwithstanding any
20 other provision of law, the Department of Fish and Game, the Board of Fisheries, and
21 the Board of Game shall manage the fish and game resources of the area to provide for
22 high levels of human harvest and, as necessary, shall

23 (1) control predation and adjust predator and prey population ratios
24 through whatever methods or means are considered appropriate to particular
25 circumstances;

26 (2) conduct management actions designed to further the purposes of
27 this section so long as the appropriate board has not found, based upon substantial
28 evidence, that the challenged management actions are counterproductive or ineffective
29 in maintaining or enhancing healthy and abundant fish or wildlife populations
30 commonly used for consumption by humans for food to provide for high levels of
31 human consumptive use;

1 (3) use the information the department or the appropriate board
2 considers to be the most credible for conducting management activities, including
3 historic information, scientific information, and traditional environmental knowledge.

4 (d) The Department of Natural Resources may not acquire by eminent domain
5 privately owned land within the Holitna River Basin Hunting, Fishing, and Trapping
6 Reserve but may acquire privately owned land by purchase, exchange, or other means
7 for inclusion in the reserve.

8 (e) Public access to the Holitna River Basin Hunting, Fishing, and Trapping
9 Reserve by boat, aircraft, dog team, snow machine, all-terrain vehicle, or other means
10 consistent with the purposes of this section may not be prohibited but may be
11 regulated by either the Board of Fisheries or Board of Game as necessary to meet the
12 purposes of this section.

13 (f) Access to and from private property within the Holitna River Basin
14 Hunting, Fishing, and Trapping Reserve shall be guaranteed through access corridors
15 established through agreement among the Department of Fish and Game, Department
16 of Natural Resources, and a private property owner.

17 (g) Entry upon the Holitna River Basin Hunting, Fishing, and Trapping
18 Reserve for purposes of exploration and development of oil and gas resources is
19 subject to final approval by the Department of Fish and Game and may not be
20 permitted unless a person fully demonstrates that exploration and development is
21 compatible with the purpose of this section.

22 (h) Except as otherwise provided in this section, the Department of Fish and
23 Game and the Department of Natural Resources shall exercise each department's
24 respective authority over the Holitna River Basin Hunting, Fishing, and Trapping
25 Reserve through a management plan prepared by the Department of Fish and Game in
26 consultation with the Department of Natural Resources.

27 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).