

SENATE CS FOR CS FOR HOUSE BILL NO. 125(RES) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Amended: 5/14/24

Offered: 2/14/24

Sponsor(s): HOUSE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to state land use planning and classification; relating to the James**
2 **Dalton Highway right-of-way; relating to platting and recording divisions of land in first**
3 **class boroughs, second class boroughs, and cities that have platting authority; relating to**
4 **trapping cabins on state land; relating to trapping cabin permit fees; and providing for**
5 **an effective date."**

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

7 *** Section 1.** AS 29.40.080 is amended by adding a new subsection to read:

8 (c) The assembly may by ordinance allow the platting authority to approve a
9 division of a tract or parcel of land that has not previously received platting approval.

10 *** Sec. 2.** AS 19.40.200(b) is amended to read:

11 (b) The prohibition on disposal of state land under (a) of this section does not
12 apply to a disposal

13 (1) to a licensed public utility or a licensed common carrier under

1 AS 38.05.810(e);

2 (2) for the reauthorization of leases that were in effect on January 1,
3 1994, for nonresidential purposes within the following development nodes:

4 (A) Coldfoot:

5 Township 28 North, Range 12 West, Fairbanks Meridian

6 Sections 3 - 4

7 Sections 9 - 10

8 Sections 15 - 16

9 Sections 20 - 22

10 (B) Yukon River Crossing:

11 Township 12 North, Range 10 West, Fairbanks Meridian

12 Sections 6 - 7

13 Township 12 North, Range 11 West, Fairbanks Meridian

14 Sections 1 - 2

15 Section 12

16 Township 13 North, Range 10 West, Fairbanks Meridian

17 Sections 29 - 32

18 Township 13 North, Range 11 West, Fairbanks Meridian

19 Section 22

20 Sections 25 - 27

21 Sections 34 - 36

22 (3) for nonresidential development within the following development
23 nodes:

24 (A) Deadhorse:

25 Township 10 North, Range 14 East, Umiat Meridian

26 Township 10 North, Range 15 East, Umiat Meridian

27 Section 8

28 Sections 17 - 20

29 Section 30

30 (B) Coldfoot:

31 Township 28 North, Range 12 West, Fairbanks Meridian

- 1 Sections 3 - 4
- 2 Sections 9 - 10
- 3 Sections 15 - 16
- 4 Sections 20 - 22
- 5 Township 29 North, Range 12 West, Fairbanks Meridian
- 6 Sections 23 - 27
- 7 Sections 34 - 35
- 8 (C) Franklin Bluffs:
- 9 Township 4 North, Range 14 East, Umiat Meridian
- 10 Sections 3 - 4
- 11 Sections 9 - 10
- 12 Sections 15 - 16
- 13 (D) Happy Valley:
- 14 Township 3 South, Range 14 East, Umiat Meridian
- 15 Sections 19 - 20
- 16 Sections 29 - 30
- 17 (E) Yukon River Crossing:
- 18 Township 12 North, Range 10 West, Fairbanks Meridian
- 19 Sections 6 - 7
- 20 Township 12 North, Range 11 West, Fairbanks Meridian
- 21 Sections 1 - 2
- 22 Section 12
- 23 Township 13 North, Range 10 West, Fairbanks Meridian
- 24 Sections 29 - 32
- 25 Township 13 North, Range 11 West, Fairbanks Meridian
- 26 Section 22
- 27 Section 25 - 27
- 28 Section 34 - 36; or
- 29 (4) necessary for
- 30 (A) an oil and gas lease or gas only lease under AS 38.05.180;
- 31 (B) exploration, development, production, or transportation of

1 oil and gas north of 68 degrees north latitude; [OR]

2 (C) a state lease or materials sale for

3 (i) exploration, development, production, or
4 transportation of oil or gas;

5 (ii) reconstruction or maintenance of state highways; or

6 (iii) construction or maintenance of airports; or

7 **(D) access to land described in AS 19.40.210(d) on either**
8 **side of the corridor.**

9 * **Sec. 3.** AS 19.40.210 is amended by adding new subsections to read:

10 (d) The commissioner of transportation and public facilities may authorize
11 facilities and access roads in the highway right-of-way and the commissioner of
12 natural resources may authorize easements on state land within the corridor from the
13 E. L. Patton Bridge north to the southern boundary of the North Slope Borough to
14 facilitate access under (a)(1) - (4) of this section and to provide motorized access to

15 (1) adjacent federal land;

16 (2) Native allotments; and

17 (3) land conveyed to and held by Alaska Native corporations under the
18 Alaska Native Claims Settlement Act.

19 (e) Nothing in this section affects the validity of regulations adopted by the Board of Game
20 under AS 16.05.255 relating to hunt qualifications or the permissible means of accessing
21 certain hunting opportunities.

22 * **Sec. 4.** AS 38.04.065(f) is amended to read:

23 (f) Each decision about the location of easements and rights-of-way, other
24 than for minor access, shall be integrated with land use planning and classification. **In**
25 **this subsection, "minor access" means**

26 **(1) an easement for fiber optic cable of any length in an area where**
27 **the land has not yet been classified; and**

28 **(2) other comparable easements as determined by the commissioner in regulation.**

29 * **Sec. 5.** AS 38.05.850(a) is amended to read:

30 (a) The director, without the prior approval of the commissioner, may issue
31 permits, rights-of-way, or easements on state land for roads, trails, ditches, field

1 gathering lines or transmission and distribution pipelines not subject to AS 38.35,
 2 telephone or electric transmission and distribution lines, log storage, oil well drilling
 3 sites and production facilities for the purposes of recovering minerals from adjacent
 4 land under valid lease, and other similar uses or improvements, or revocable,
 5 nonexclusive permits for the personal or commercial use or removal of resources that
 6 the director has determined to be of limited value. The commissioner, upon
 7 recommendation of the director, shall establish a reasonable rate or fee schedule to be
 8 charged for these uses, subject to AS 38.95.080(g) and the exception for nonprofit
 9 cooperative associations specified in (b) of this section. In the granting, suspension, or
 10 revocation of a permit or easement of land, the director shall give preference to that
 11 use of the land that will be of greatest economic benefit to the state and the
 12 development of its resources. However, first preference shall be granted to the upland
 13 owner for the use of a tract of tideland, or tideland and contiguous submerged land,
 14 that is seaward of the upland property of the upland owner and that is needed by the
 15 upland owner for any of the purposes for which the use may be granted.

16 * **Sec. 6.** AS 38.95.080(a) is repealed and reenacted to read:

17 (a) The commissioner may issue a nonexclusive nontransferable permit to a
 18 person qualified under this section that, subject to conditions imposed under (c) of this
 19 section, entitles the person to

20 (1) construct and use a trapping cabin on state land, if the cabin does
 21 not exceed 400 square feet in size; or

22 (2) use an existing cabin on state land, regardless of size, if

23 (A) the owner of the cabin approves; or

24 (B) the cabin is not owned by another person.

25 * **Sec. 7.** AS 38.95.080(b) is repealed and reenacted to read:

26 (b) The commissioner may issue a permit to a person who

27 (1) is at least 18 years of age;

28 (2) possesses a valid trapping license issued under AS 16.05.330 -
 29 16.05.430;

30 (3) provides proof acceptable to the commissioner that the person

31 (A) has an established trapline of sufficient length to justify the

1 need for cabin construction or use; and

2 (B) is engaged in trapping in the area identified in the
3 application.

4 * **Sec. 8.** AS 38.95.080(c) is amended to read:

5 (c) The director shall establish, by regulation, conditions **for a** [ATTACHING
6 TO THE] permit issued under [(a) AND (b) OF] this section. **The regulations must**
7 **include the following** [THESE] conditions [SHALL INCLUDE THE FOLLOWING]:

8 (1) **a permit is valid for a period of not more than 10 years; the**
9 **director** [PERMITS] shall **continue to renew the permit for successive periods of**
10 **not more than 10 years** [BE ISSUED FOR A PERIOD OF NOT MORE THAN 10
11 YEARS, WITH SUCCEEDING 10-YEAR RENEWAL OPTIONS], if **the permit**
12 **holder**

13 (A) **establishes the person's** periodic use and occupancy **of**
14 **the cabin;**

15 (B) **meets** [IS ESTABLISHED, AND] the qualifications of [(a)
16 OF] this section [CONTINUE TO BE MET];

17 (2) **an existing** [A] cabin **or a cabin authorized for construction**
18 **under a permit issued under this section** shall be [CONSTRUCTED AND]
19 maintained according to reasonable specifications established by the **commissioner**
20 [DIRECTOR];

21 (3) **a primary** [ONE] cabin **authorized for construction**
22 [CONSTRUCTED] under a permit **issued under this section** may [CONTAIN] not
23 **exceed** [MORE THAN] 400 square feet; [HOWEVER, IN NO CASE MAY] another
24 cabin constructed under the same permit **may not** exceed 192 square feet;

25 (4) **a permit may be issued for an existing cabin that exceeds 400**
26 **square feet if**

27 (A) **the cabin is intended for use as a seasonal shelter while**
28 **the user is engaged in trapping or trapping-related activities;**

29 (B) **the person applying for the permit**

30 (i) **is the owner of the cabin or has previously held a**
31 **permit for the cabin, or is applying for a permit for a cabin that**

1 **does not have an owner; and**

2 **(ii) did not build the cabin without authorization;**

3 **(5)** [(3)] a permit shall specify the number of cabins allowed to be
4 constructed and indicate their specific geographical location; the director may
5 establish a maximum number of cabins **for each** [PER] person or otherwise limit their
6 number because of the probability of adverse consequences;

7 **(6)** [(4)] adequate provision must be made for waste and garbage
8 disposal, as determined by the director;

9 **(7)** [(5)] the payment of a trapping cabin permit fee **determined by the**
10 **director; the fee may not exceed**

11 **(A) \$100 for the issuance or renewal of the permit; and**

12 **(B) \$25 for each year of the term of the permit** [OF \$10].

13 * **Sec. 9.** AS 38.95.080(d) is amended to read:

14 (d) A permit issued under [(a) AND (b) OF] this section **is not a disposal of**
15 **interest and does not convey an interest in land, does not grant or establish a**
16 **preference right to a lease or purchase of land, and does not allow for other uses**
17 **of a cabin or land adjacent to a cabin for a purpose other than trapping. A**
18 **permit does not authorize the permit holder to reside at the cabin or on the state**
19 **land for which the person holds a permit under this section. A person may**
20 [ENTITLES ITS HOLDER TO] use timber in the immediate vicinity of **a** [THE] cabin
21 **for which the person holds a permit** for personal noncommercial purposes only.
22 [NO OWNERSHIP RIGHTS TO THE LAND ARE CONVEYED BY THE
23 ISSUANCE OF A TRAPPING CABIN PERMIT UNDER THIS SECTION].

24 * **Sec. 10.** AS 38.95.080 is amended by adding new subsections to read:

25 (f) Subject to (a)(2) of this section, if the director determines that it is in the
26 best interests of the state, the director may issue multiple permits for the use of a
27 trapping cabin.

28 (g) The department may not charge an additional land use fee for the use or
29 construction of a trapping cabin authorized by a permit issued under this section.

30 * **Sec. 11.** AS 38.95.085 is amended to read:

31 **Sec. 38.95.085. Definitions for AS 38.95.080 and 38.95.085 [AS 38.95.075 -**

1 **38.95.085].** In **AS 38.95.080 and 38.95.085** [AS 38.95.075 - 38.95.085],

2 (1) "commissioner" means the commissioner of natural resources;

3 (2) **"department" means the Department of Natural Resources;**

4 **(3) "director" means the director of the division of lands in the**
 5 **department.**

6 * **Sec. 12.** AS 40.15.010 is amended to read:

7 **Sec. 40.15.010. Approval, filing, and recording of subdivisions.** Before the
 8 lots or tracts of any subdivision or dedication may be sold or offered for sale, the
 9 subdivision or dedication shall be approved by the authority having jurisdiction, as
 10 prescribed in this chapter and shall be filed and recorded in the office of the recorder.

11 The recorder may not accept a subdivision or dedication for filing and recording
 12 unless it shows this approval. **However, the recorder may accept for filing and**
 13 **recording a division of a tract or parcel of land approved under AS 29.40.080(c).**

14 * **Sec. 13.** AS 38.95.075 is repealed.

15 * **Sec. 14.** Sections 5 - 11 and 13 of this Act take effect immediately under AS 01.10.070(c).