

**HOUSE BILL NO. 198**

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

**BY REPRESENTATIVE GARA**

**Introduced: 3/23/09**

**Referred: House Special Committee on Fisheries, Resources, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to access to fishing waterways."**

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

3 \* **Section 1.** AS 38.50 is amended by adding a new section to read:

4 **Sec. 38.50.015. Access along fishing waterways.** (a) The commissioner and  
5 the commissioner of fish and game jointly shall prepare and maintain a list that  
6 identifies land to or along fishing waterways where public access is or may in the  
7 future be impeded by private land ownership. The list must include at least two and  
8 not more than five meander miles along fishing waterways, and may identify land to  
9 be used for public access for fishing, hunting, or other recreational purposes. The list  
10 shall be prepared before December 1 of each year, except that the commissioner and  
11 the commissioner of fish and game are not required to prepare a new list if the existing  
12 list contains at least two meander miles of private land along fishing waterways.

13 (b) Before February 1 of each odd-numbered year, the commissioner, with the  
14 concurrence of the commissioner of fish and game, shall submit to the legislature a  
15 plan to acquire by easement, fee, or other interest, public access to or along fishing

1 waterways through trade with or purchase from a willing landowner or landowners.

2 (c) An agreement for an easement that provides public access to a fishing  
3 waterway under this section may allow the owner of the land granting the easement to  
4 develop the land subject to the rights granted by the easement.

5 (d) The commissioner may close or restrict public access acquired under this  
6 section if necessary to protect habitat along a fishing waterway.

7 (e) The commissioner and the commissioner of fish and game shall consider  
8 land providing public access along Montana Creek upstream of the Parks Highway,  
9 and along Anchor River and Deep Creek on the Kenai Peninsula for inclusion in the  
10 plan under (b) of this section.

11 (f) The commissioner may not obtain a property interest in land under this  
12 section unless the commissioner has made not less than an equivalent acreage of state  
13 land available for disposal for private use under AS 38.05.050 in the same calendar  
14 year.

15 (g) In this section,

16 (1) "fishing waterway" means a waterway that contains wild sport fish  
17 or fish of a species, physical size, and abundance that may support a sport,  
18 commercial, personal use, or subsistence fishery;

19 (2) "meander mile" means a distance of one mile measured following  
20 the course of a waterway.