



ALASKA FLY FISHERS

Winners of the 1994 McKenzie Cup

February 21, 2011

Representative Les Gara
State Capitol, Room 500
Juneau, AK 99801

Reference: HB 144

Dear Representative Gara:

The Alaska Fly Fishers is a membership organization representing approximately 400 individuals interested in Fly Fishing conservation and education for the state of Alaska.

Alaska Fly Fishers supports enhancing and maintaining access to fishing streams. We support HB 144 as its intent is to enhance and maintain access to fishing streams by having the Department of Natural Resources report annually on their efforts in regards to stream access.

Access to fishing streams is an important part of the sport of fishing. Considering the importance of gathering fish and sport fishing to the residents of Alaska, this bill shines a bright light on enhancing and maintaining the critical component of stream access.

Thank you for your efforts to enhance and maintain access to Alaska's fishing streams.

Best regards,

ALAKSA FLY FISHERS

Mark Huber
President

cc: Alaska Fly Fishers Board of Directors

3415 Wentworth St.
Anchorage AK 99508

February 19, 2011

Dear Representative Gara:

I support increasing the amount and quality of publicly accessible land for fishing. The area's which are now publicly accessible are often overcrowded which leads to conflict between users, reduces the quality of the experience and results in the degradation of the land. For example, in the mid 1980's the Kenai River when the runs of salmon were heavy was crowded in the area of the old Sportsman Lodge and ferry crossing. However, a short walk either up or down stream would result in far fewer anglers. Now, during the same time periods, the river is often crowded on nearly every available space between the Kenai Lake and Jim's Landing for between June and September. This isn't isolated to this fishery.

If we were systematically to review opportunities to acquire land which has a high value for fishing through a process that insures land owners rights are not violated, it would both improve the access for Alaskans and the quality of their lives. I believe HB 144 would do that.

I have been involved as a volunteer in a number of aspects of resources in Alaska. I served for over 10 years on the Anchorage Fish & Game Advisory Committee, approximately 5 years on the Southcentral Regional Advisory Council for Subsistence, and one term on the Board of Game. During that time access for the average Alaskan was a consistent issue. I am currently a member of the Alaska Fly Fishers and have served numerous terms as an officer of that organization. Again, AFF members have made many contributions to habitat restoration and to enhance our public fisheries. We often hear about the lack of access to fisheries which they can reach within a reasonable distance of their homes.

Based on my experience, the Alaska Department of Fish and Game does a very good job of maintaining and enhancing our fisheries. However with a growing population in Alaska, it becomes critical to do what we can to increase the amount of public lands available. We, as a state, have an obligation under Article 8 of our constitution to make the resources of Alaska available for the maximum use consistent with the public interest. Further the legislature has an obligation to make these resources reserved for to the people for common use.

HB 144, in my opinion, would be consistent with and assist in meeting this obligation.

Sincerely,

Bob Churchill



February 9, 2011

Representative Les Gara
State Capitol
Juneau, AK 99801

Re: HB144

Dear Representative Gara:

The Kenai River Sportfishing Association (KRSA) supports the legislative objective of House Bill 144, an act requiring the Alaska Department of Natural Resources, in conjunction with the Alaska Department of Fish and Game, to annually deliver to the legislature and the governor a report on fishing stream access.

Alaska is home to some of the best sportfishing, personal use and subsistence opportunities in the world. HB144 provides the Legislature with a reporting mechanism to ensure monitoring of public access to important fishing streams in the state. Protecting and enhancing public access to the hunting, fishing and recreational uses along the state's waterways is of primary importance to many people and a wide variety of user groups.

KRSA is a non-profit 501 (c) 3 conservation organization dedicated to ensuring the sustainability of the greatest sportfishing river in the world – the Kenai. Our goals are to conserve and rehabilitate fisheries habitat, promote predictable and meaningful sportfishing opportunity, encourage and foster fisheries research and provide public aquatic education. Over the past fifteen years we have raised and invested over \$10 million towards these goals.

We appreciate your efforts and those of your colleagues in regards to HB144.

Respectfully,

A handwritten signature in black ink that reads "Ricky Gease".

Ricky Gease
Executive Director

Representative Les Gara
ATTN: Mindy O'Neill
State Capitol Building, Ste 500
Juneau, AK 99801

SUBJECT: Support for HB144

Dear Representative Gara,

I strongly support passage of HB144. This is legislation that is long overdue and I want to thank you for your efforts over the years to get this important piece of legislation passed.

Public access to our public waters is an important issue that many who use this resource take for granted until lost. I spent many years as a member and chair of a local fish and game advisory committee and attended many Board of Fisheries and Board of Game meetings. During this time access issues come up several times in submitted proposals and public testimony. Lost access was always a very contentious issue and was one that should have been foreseen prior to becoming an issue.

Your legislation is sorely needed to help prevent these problems from occurring and I ask the Alaska State Legislature to pass this important legislation, HB144, during this session.

Sincerely,

Willard E Stockwell
PO Box 721
Cooper Landing, AK 99572



PO Box 243963
Anchorage, AK 99524-3963

February 17, 2011

Representative Les Gara
State Capitol 500
Juneau, AK 99801

Dear Representative Gara:

I'm writing you today in support of HB 144, which would direct the Department of Natural Resources to report annually to the legislature on its efforts to maintain or enhance access to and along fishing streams as well as its objectives for enhancing and maintaining access to and along fishing streams by the public in the upcoming year.

As the owner of a licensed fly fishing guide service in Alaska, I believe that the Department of Natural Resources should play an active role in assisting the public to have access, wherever possible, to a wide variety of fishing opportunities. The bill would put in place a mechanism for voluntary land exchanges (or purchases) between the State and private owners along important recreational rivers. This would help us avoid the purchases of such lands for development, thus denying the public's use of them. Other efforts could involve working with riparian land owners to identify sections of bank access that could be utilized by the public either free or through a paid access corridor would certainly be worthwhile to pursue as well. "Enhancing access to fishing streams," might also mean identifying areas where people are trespassing on either public or private land to get access to various waterways, which would also provide valuable information on where the Department should direct efforts in opening or developing fishing opportunities to the public.

I would urge members of the House Fisheries Committee to support HB 144.

Sincerely,

Cecilia "Pudge" Kleinkauf

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Division of Sport Fish

FRANK MURKOWSKI, GOVERNOR

333 Raspberry Road
Anchorage, AK 99518-1599
PHONE: (907) 267-2326
FAX: (907) 267-2464

Date January 27, 2006

To: Robin Willis

From : Jason Graham

Re: Access for Anchor, Montana, and Salcha Creeks

Anchor River

Accessible: 16723 feet

Non-Accessible: 4542 feet

Montana Creek

Accessible: 29063 feet

Non-Accessible: 17468 feet

Salcha Creek

Accessible: 16181 feet

Non-Accessible: 16134 feet



STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF SPORT FISH

FRANK H. MURKOWSKI, GOVERNOR

333 Raspberry Road
Anchorage, AK 99518-1599
PHONE: (907) 267-2342
FAX: (907) 267-2464

MEMORANDUM

TO: Robin Willis, Tina Cuning

FROM: Joe Giefer
Habitat Biologist

DATE: January 23, 2006

SUBJECT: Montana Creek To-and-Along Easements

Location depicted on map: Montana Creek, USGS Quad TALKEETNA A-1 and TALKEETNA MOUNTAINS A-6, described as secs. 5, 7, and 8, T. 23 N., R.4 W., W.M., and secs. 11, 14, 15, 21, 22, 28, 32, and 33, T. 24 N., R. 4 W., Seward Meridian, Alaska.

The following distances are approximations based on the maps ADF&G has produced, they do not reflect distance's based on Federal, State, or Borough surveys or plats. On the lower reaches of Montana creek, there is approximately 29,063 feet of accessible shoreline and approximately 17,468 feet of non-accessible shoreline.

The private property depicted on the map without To & Along easements are older conveyances from the Federal Government directly to individual private citizens. As far as we know, these parcels are not subject to a To & Along reservation. In an effort to err on the side of caution, if it's not clear that there is access along the shoreline, ADF&G has assumed that there is not and has depicted it as such on our map. It is possible that some areas depicted as not having access do actually in fact have access, and this could be for a variety of reasons that cant be clarified until further research is done, particularly having some time spent on the ground looking at these areas on a site specific basis.

In secs. 11, 14, 15, 21, and 22, of T. 24 N., R. 4 W., both banks of Montana Creek are subject to a To & Along easement. Secs. 28, 32, and 33 of T. 24 N., R. 4 W., are composed of private parcels not subject to a To & Along reservation.

In T. 23 N., R. 4 W., both banks of Montana creek are subject to easements thru a small reach of State owned land in the N/E corner of sec. 5. In the S/W corner of sec. 5, the creek is subject to a To & Along on river-left, thru the extreme N/W corner of sec. 8, and on into sec. 7 where both banks are subject to a easement for a short distance, then again there is only a easement on river-left downriver to where Montana Creek flows into the Susitna River.



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FRANK H. MURKOWSKI, GOVERNOR

333 Raspberry Road
Anchorage, AK 99518-1599
PHONE: (907) 267-2342
FAX: (907) 267-2464

MEMORANDUM

TO: Robin Willis, Tina Cuning

FROM: Joe Giefer
Habitat Biologist

DATE: January 27, 2006

SUBJECT: Salcha River To-and-Along Easements

The location depicted on map is the Salcha River, USGS Quad BIG DELTA B-6, sections 21 and 22, T. 5 S., R.4 E., Fairbanks Meridian, Alaska.

In this particular stretch of the Salcha, the current path of the river is an approximation at best, there is no current aerial photography or surveyed hydrography to use as a reference when comparing the river corridor to the adjacent uplands. The private properties depicted on the map without "To & Along" easements are generally older conveyances from the Federal Government directly to individual private citizens. As far as we know, these parcels are not subject to a "To & Along" reservation. In an effort to err on the side of caution, if it is not clear that there is access along the shoreline, ADF&G has assumed that there is not access and has depicted it as such on our map. It is possible that some areas depicted as not having access do actually have access, and this could be for a variety of reasons that can not be clarified until further research is done, particularly by spending some time on the ground looking at these areas on a site specific basis.

The following distances are approximations based on the maps ADF&G has produced, they do not reflect distances based on Federal, State, or Borough surveys or plats. On the reaches depicted in the maps of the Salcha River, there is approximately 16,181 feet of accessible shoreline and approximately 16,134 feet of non-accessible shoreline. .

In sec. 22, there is a small tract of State owned land on both banks of the Salcha where the Richardson Highway crosses the river. These state owned tracts are subject to easements. There is also a boat launch on these same state owned tracts.



In sec. 21, all the privately held land adjacent to the Salcha is subject to a To & Along easement. The west half of the northwest corner of sec. 21 is state owned land, immediately to the west of this tract is the confluence of the Tanana and the Salcha rivers.

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

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333 Raspberry Road
Anchorage, AK 99518-1599
PHONE: (907) 267-2342
FAX: (907) 267-2464

MEMORANDUM

TO: Robin Willis, Tina Cuning

FROM: Joe Giefer
Habitat Biologist

DATE: January 27, 2006

SUBJECT: Anchor River "To-and-Along" Easements (AS 38.05.127)

The location depicted on map is the Anchor River, from the Sterling Highway downstream to the mouth of the river. This area can be found on USGS quad Seldovia D-5, section 33 of T. 4 S., R. 15 W., and sections 5, 4, 3, 10, 11, of T. 5 S., R. 15 W., Seward Meridian, Alaska

The following distances are approximations based on the maps ADF&G has produced, they do not reflect distances based on Federal, State, or Borough surveys or plats. On the reaches depicted on the map of the Anchor River, there is approximately 16,723 feet of accessible shoreline and approximately 4,542 feet of non-accessible shoreline.

Mapping the Anchor River in this area is particularly problematic given its tendency to move and meander over time as it nears the coast. The river channel we are using as a template is from year 2000 satellite imagery that we digitized and placed over the parcel boundary information. The private properties depicted on the map without "To & Along" easements are generally older conveyances from the Federal Government directly to individual private citizens. As far as we know, these parcels are not subject to a "To & Along" reservation. In an effort to err on the side of caution, if it is not clear that there is access along the shoreline, ADF&G has assumed that there is not access and has depicted it as such on our map. It is possible that some areas depicted as not having access do actually have access, and this could be for a variety of reasons that can not be clarified until further research is done, particularly by spending some time on the ground looking at these areas on a site specific basis.

In section 33, T. 4 S., R. 15 W., from the mouth of the river upstream to section 5, T. 5 S., R. 15 W., there is a small peninsula shaped parcel on river-left subject to an easement, however it is not continuous upstream into the adjoining southern section. In this area there appears to be no "To & Along" on a short stretch of uplands on river-left, and approximately the last ½ mile of shoreline of river-right at the mouth. Continuing upstream, where the river flows through state land in sec. 5, T. 5



S., R. 15 W., and continues east across sec. 4 of the same township/range both banks of the Anchor River are subject to an along easement, this is mostly state lands and access is assumed. The remaining area where access appears limited is a short distance from the highway downstream to where the river enters State land.

As you continue upstream where the river enters sections 10, 11, and into 14 of T. 5 S., R. 15 W., which is not depicted on map, uplands on river-right were conveyed from the United States to the Mental Health Trust. Lands on river-left were conveyed to the University and a small parcel has become part of the Mental Health Trust. The University and Mental Health Trust Lands have been inconsistently subject to provisions of Title 38 so shoreline access is unclear along these stretches of river.

From: Alan Batten [<mailto:alanbatten@acsalaska.net>]
Sent: Wednesday, March 30, 2011 2:53 PM
To: Rep. Les Gara
Subject: Re: HB 144

Dear Representative Gara,

Thanks for sponsoring HB 144, and thanks for specifically mentioning "boaters". I am a recreational canoer and am very concerned about attrition of access points along our rivers. A case in point is the Chulitna River bridge at approximately 134 mile Parks Highway. This area is a commonly used takeout for people who put in at the Parks Highway bridge over the East Fork Chulitna at (very approximately) mile

185 Parks Highway (I believe you rafted this section last summer). The land on both sides of the river above and below the bridge is privately owned, and I understand that access to the 2 landings just upstream of the bridge on river left were closed off last summer. This is not a huge deal to someone in a canoe or kayak since our gear is light enough to just carry it up the right of way under the bridge to the highway.

However, a friend of mine rows a dory that is a bit too heavy to manhandle easily (as I imagine your raft was also), so he can no longer use that area as a takeout.

Similarly, access to the Nenana River at McKinley Village/Crabbe's Corner seems to be secure for right now, but has been a recurring issue in the past.

Thanks!

Alan Batten

B



MOLLY IVINS LETS LOOSE
Political columnist Molly Ivins will speak in Anchorage on July 21. Check out what she told the Daily News about both George Bushes, sodomy in Texas, tax cuts, her new book, and the Alaska-Texas rivalry. **Q&A in Opinion, Page J-3**

ANCHORAGE DAILY NEWS • www.adn.com

★ SUNDAY, JULY 13, 2003

ALASKA

Prime fishing land might be sold off

■ **ANCHOR RIVER:** Sale of five-acre parcels could eliminate public access.

By JOEL GAY
Anchorage Daily News

The beaches, banks and wetlands along one of the Kenai Peninsula's most popular fishing streams are being subdivided into five-acre parcels that, if sold, could eliminate public access to the lower Anchor River.

The owners say they've tried for years to sell the land to the state but could never agree on a price. Now it's time to move on, they say, and the first

step is chopping their two large parcels into 20 smaller ones.

They hope to win preliminary approval of their subdivision plan Monday night from the Kenai Peninsula Borough. The lots could be on the market later this summer.

Supporters of a buyout still hope the land can be purchased and put into public ownership. The landowners say they're still willing to sell. But time is drawing short, said Lynn Whitmore, a longtime local angler who just recently learned about the proposed subdivision.

"I'm going to urge that they try to convert this to public land, by whatever

■ **THE KENAI PENINSULA BOROUGH PLAT COMMITTEE** will hold a public hearing on the proposed Anchor River subdivision at 5:30 p.m. Monday in the Borough Building in Soldotna. For more information, go to www.boroughkenai.ak.us/planningdept, then click on Plat Committee, then Agendas.

er means necessary," he said. "I want the (borough) mayor or somebody to sit down with these two sides and resolve this."

Anchor Point pioneer Vern Mutch homesteaded the area decades ago, selecting land that ran from atop the bluffs to the Cook Inlet beach, with the

river running through it. His son Paul, a commercial fisherman who lives in Ugashtik, now owns much of the land, including a 45-acre parcel just north of one of the river's most popular fishing spots, the Grass Hole.

The state Division of Parks owns the adjoining lot to the south, where it provides parking and a boat launch. But thousands of fishermen every year pass through the state land onto the Mutch property, where they camp on the gravel beach and tromp through wetlands to reach the river.

Many also walk or drive ATV's even farther north, toward the river mouth, where they trespass on a 12-acre par-

cel owned by Jim Jacobs.

The parks superintendent on the lower peninsula, Chris Degernes, said it's difficult to imagine the private land suddenly being posted with no-trespassing signs. "The public has used that property so many years — as if it were public — that it will be difficult to keep the public off," she said.

The Division of Parks and the Alaska Department of Fish and Game have wanted to buy the Anchor River lands for years, she said. It's rich territory. About 50,000 to 60,000 people visit every year, she said, mostly to fish. The

See Page B-6, LAND

Trees cut to reduce fire danger

■ **CLEARING:** Crews of firefighters at work in woods throughout city.

By TABABOLINE BRANT
Anchorage Daily News

Firefighters cut down several tall trees in Kincaid Park last week and chopped them into firewood-sized logs, and officials say the work is just one small part of an ongoing federally funded effort to reduce the chance of a bad wildfire in Alaska's largest city.

About a dozen brush piles

WEST COAST WEATHER



HUD funds for city in jeopardy

■ **GRANTS:** "It's at a critical stage," says Mayor Begich, who has stepped in.

By ROSEMARY SHIMOHARA
Anchorage Daily News

The new mayor's transition report last week pointed to a crisis in public housing. The city is in danger of losing federal Housing and Urban Development grants next year if it doesn't spend \$2.6 million by July 2.

OUR VIEW

On steps of exploration's change

35 ago on Friday, U.S. astronaut Neil Armstrong stepped on the moon. That was 1969, and it was good enough to keep President John F. Kennedy in the early '60s that the United States was the first to put a man on the moon in a decade.

The program thrilled Americans and the world. The nation had put its mind and heart into reaching the cold, mysterious unknown. Steps finished that journey and were the beginning of the nation's and the world's space exploration.

Light, but we didn't see clearly. We've had a system and looked incomprehensible. We've mechanically walked the surface of the earth for the origins of the universe. We've had dazzling success, but any farther ahead than Mr.

Johnson has proven a far more daunting challenge than even cool heads could imagine. Compared to the '60s, the pace seems to have slowed. Shuttle flights have become old hat. Still fire in those launches, because there remains worth the going. Mr. Johnson walks a quarter million miles away

isan play in ventures too far

Wuerch's decision to join a

COMPASS: Points of view from the community

Public lands demand public access



Along streams, a 100-foot public easement should be retained by the state on all waters that support recreational uses.

BY LES GARA

If you've ever fished, hunted, hiked a trail or floated a river, you understand the value of public lands. For most Alaskans, the right to public access is a cherished one. It's also a right that has been quietly under siege.

There are people in the Legislature, and who will run for governor in 2002, who have an agenda to sell off vast amounts of your favorite lands: the stream bank that lets you walk for miles along your favorite fishing water, the land you cross to launch your raft or set up camp, the trail you run or hike on and the lands you traverse to hunt the backcountry. For example, last year one bill aimed to require that 75,000 acres be sold every year, indefinitely.

Now is the time for us to stand together to make sure we don't lose our right to enjoy this state. One thing we can do is act to forbid the state from selling off any more of our most valuable lands. Along streams, a 100-foot public easement should be retained by the state on all waters that support recreational uses. Future property owners could build next to the easement and use the easement to store things like boats, but they could not ban the public from walking the riverbank. That's the approach taken in New Zealand, where a 70-foot easement along rivers and lakes, called the Queen's Chain, is reserved for public access.

Other states are proof of what will happen if we do not act. In Montana, ranchers and movie stars routinely pro-

hibit the public from crossing their land to reach prized waters and lands. For years, landowners completely locked up access to the Ruby River, a noted trout stream, as well as the banks on a 180-mile stretch of the Missouri River. To make up for selling its public lands, the state now scrapes for money to buy back or lease minuscule parcels of riverbank and recreational land for public use.

This problem is not new to Alaska. Private land and borough and Native land waiting to be sold line riverbanks from the prized Anchor River to the banks of almost every major stream from Anchorage to Talkeetna. The other day a friend and I were walking a grayling stream north of Anchorage and saw a stretch where cottonwood trees so important to stream bank protection had been clear-cut to the riverbank. We learned that 160 acres more along the riverbank were waiting to be developed. In a few years these banks will be littered with "No Trespassing" signs.

The 2000 Legislature's attempt to sell off millions of acres of state land died in committee. The legislators who pushed

the bill likely knew it would be vetoed by Gov. Tony Knowles. Starting in 2002, future governors might not stop these grand land sales.

The public's best course would be to take this issue out of the Legislature's hands by using the initiative process. That would require that fishing, hunting, water sports, trail users, mountaineering and conservation groups join hands. If the state is to be protected, a public easement ensuring access along all valuable riverbanks and a land sale ban covering all valued hunting, hiking, camping and hiking areas need to be adopted. Legislators will tell you that they'd never sell these lands. But you can't sell off 75,000 acres of public land every year without giving away the land that fishermen, hikers, rafters, campers, hunters and other Alaskans cherish.

We should protect our public access rights while we still have them. As people learned in Montana, buying them back later is impossibly expensive.

Les Gara has worked with fishing organizations on fisheries protection issues and is a board member of the Alaska Public Interest Research Group.