

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

April 27, 2006

3:39 p.m.

MEMBERS PRESENT

Senator Thomas Wagoner, Chair
Senator Ralph Seekins, Vice Chair
Senator Ben Stevens
Senator Fred Dyson
Senator Bert Stedman
Senator Kim Elton
Senator Albert Kookesh

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 57(FIN)

"An Act relating to the sale of certain state land to adjacent landowners."

MOVED CSSSHB 57(FIN) OUT OF COMMITTEE

HOUSE BILL NO. 419

"An Act repealing the Board of Storage Tank Assistance, the underground storage tank revolving loan fund, and the tank cleanup loan program; repealing certain reporting requirements relating to underground petroleum storage tank systems; making conforming amendments; and providing for an effective date."

MOVED HB 419 OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 307(RES)

"An Act creating the Knik River Public Use Area."

MOVED CSHB 307(RES) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 415(JUD)

"An Act relating to landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims; and providing for an effective date."

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 57

SHORT TITLE: SALE OF STATE LAND TO ADJACENT LANDOWNERS

SPONSOR(S): REPRESENTATIVE(S) WEYHRAUCH

01/10/05 (H) PREFILE RELEASED 1/7/05
01/10/05 (H) READ THE FIRST TIME - REFERRALS
01/10/05 (H) RES, FIN
02/10/06 (H) SPONSOR SUBSTITUTE INTRODUCED
02/10/06 (H) READ THE FIRST TIME - REFERRALS
02/10/06 (H) RES, FIN
03/24/06 (H) RES AT 1:00 PM CAPITOL 124
03/24/06 (H) Moved Out of Committee
03/24/06 (H) MINUTE(RES)
03/27/06 (H) RES RPT 2DP 4NR
03/27/06 (H) DP: ELKINS, CRAWFORD;
03/27/06 (H) NR: KAPSNER, SEATON, LEDOUX, SAMUELS
04/04/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/04/06 (H) Moved CSHB 57(FIN) Out of Committee
04/04/06 (H) MINUTE(FIN)
04/05/06 (H) FIN RPT CS(FIN) 9DP 2NR
04/05/06 (H) DP: HAWKER, HOLM, KERTTULA, JOULE,
MOSES, WEYHRAUCH, FOSTER, MEYER,
CHENAULT;
04/05/06 (H) NR: KELLY, STOLTZE
04/12/06 (H) TRANSMITTED TO (S)
04/12/06 (H) VERSION: CSSSHB 57(FIN)
04/13/06 (S) READ THE FIRST TIME - REFERRALS
04/13/06 (S) RES, FIN
04/26/06 (S) RES AT 3:30 PM BUTROVICH 205
04/26/06 (S) <Bill Hearing Postponed to 4/27/06>
04/27/06 (S) RES AT 3:30 PM BUTROVICH 205

BILL: HB 419

SHORT TITLE: REPEAL UNDERGROUND STORAGE TANK LAWS

SPONSOR(S): REPRESENTATIVE(S) COGHILL

02/01/06 (H) READ THE FIRST TIME - REFERRALS
02/01/06 (H) RES, FIN
03/22/06 (H) RES AT 1:00 PM CAPITOL 124
03/22/06 (H) Moved Out of Committee
03/22/06 (H) MINUTE(RES)
03/24/06 (H) RES RPT 6DP 1NR
03/24/06 (H) DP: GATTO, OLSON, SEATON, ELKINS,
LEDoux, RAMRAS;
03/24/06 (H) NR: CRAWFORD

04/04/06 (H) FIN AT 9:00 AM HOUSE FINANCE 519
 04/04/06 (H) Moved Out of Committee
 04/04/06 (H) MINUTE(FIN)
 04/05/06 (H) FIN RPT 7DP
 04/05/06 (H) DP: HAWKER, WEYHRAUCH, HOLM, KELLY,
 MOSES, FOSTER, MEYER
 04/11/06 (H) MOVED TO BOTTOM OF CALENDAR
 04/11/06 (H) BEFORE THE HOUSE
 04/12/06 (H) TRANSMITTED TO (S)
 04/12/06 (H) VERSION: HB 419
 04/13/06 (S) READ THE FIRST TIME - REFERRALS
 04/13/06 (S) RES, FIN
 04/26/06 (S) RES AT 3:30 PM BUTROVICH 205
 04/26/06 (S) <Bill Hearing Postponed to 4/27/06>
 04/27/06 (S) RES AT 3:30 PM BUTROVICH 205

BILL: HB 307

SHORT TITLE: KNIK RIVER PUBLIC USE AREA

SPONSOR(S): REPRESENTATIVE(S) STOLTZE

05/07/05 (H) READ THE FIRST TIME - REFERRALS
 05/07/05 (H) RES, FIN
 03/27/06 (H) RES AT 2:00 PM CAPITOL 124
 03/27/06 (H) Heard & Held
 03/27/06 (H) MINUTE(RES)
 03/29/06 (H) RES AT 1:00 PM CAPITOL 124
 03/29/06 (H) Heard & Held
 03/29/06 (H) MINUTE(RES)
 03/31/06 (H) RES AT 1:00 PM CAPITOL 124
 03/31/06 (H) Moved CSHB 307(RES) Out of Committee
 03/31/06 (H) MINUTE(RES)
 04/03/06 (H) RES RPT CS(RES) 3DP 2NR
 04/03/06 (H) DP: SEATON, ELKINS, RAMRAS;
 04/03/06 (H) NR: OLSON, CRAWFORD
 04/05/06 (H) FIN AT 9:00 AM HOUSE FINANCE 519
 04/05/06 (H) Heard & Held
 04/05/06 (H) MINUTE(FIN)
 04/06/06 (H) FIN AT 8:30 AM HOUSE FINANCE 519
 04/06/06 (H) <Bill Hearing Postponed to 1:30 PM
 Today>
 04/06/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/06/06 (H) Moved CSHB 307(RES) Out of Committee
 04/06/06 (H) MINUTE(FIN)
 04/10/06 (H) FIN RPT CS(RES) 4DP 6NR
 04/10/06 (H) DP: WEYHRAUCH, FOSTER, STOLTZE, MEYER;
 04/10/06 (H) NR: HAWKER, HOLM, JOULE, KERTTULA,
 KELLY, CHENAULT

04/21/06 (H) TRANSMITTED TO (S)
04/21/06 (H) VERSION: CSHB 307(RES)
04/22/06 (S) READ THE FIRST TIME - REFERRALS
04/22/06 (S) RES, FIN
04/27/06 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

TERRY HARVEY, Staff
Representative Bruce Weyhrauch
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 57 on behalf of the sponsor.

SARAH GILBERTSON, Special Assistant to the Commissioner
Department of Fish & Game (ADF&G)
PO Box 25526
Juneau, AK 99802-5226

POSITION STATEMENT: Outlined ADF&G concerns related to HB 57.

DICK MYLIUS, Director
Division of Mining, Land and Water,
Department of Natural Resources
400 Willoughby Ave.
Juneau, AK 99801-1724

POSITION STATEMENT: Gave the DNR perspective on HB 57 and answered questions related to HB 307.

JOHN SCHNABEL
Haines, AK

POSITION STATEMENT: Outlined how HB 57 would benefit him.

KAREN LIDSTER, Staff
Representative Coghill
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 419 on behalf of the sponsor.

BEN MULLIGAN, Staff
Representative Bill Stoltze
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 307 on behalf of the sponsor.

CARRIE GRAY-WOLFE, Resident
Knik River, AK

POSITION STATEMENT: Opposed HB 307.

SCOTT WOLFE, Wildlife Biologist and Resident
South Knik River, AK

POSITION STATEMENT: Testified on HB 307 and said he does not support creating a public use area in a region that is so critical to wildlife.

BRITT LIVELY, Area Resident
Butte, AK

POSITION STATEMENT: Disputed statement that there has been extensive public testimony on HB 307.

GREGORY NELSON, Resident
Butte, AK

POSITION STATEMENT: Outlined concerns related to HB 307.

KEN BARBER,
Mat-Su LIO

POSITION STATEMENT: Supported HB 307.

PATTI BARBER, Area Resident
Butte, AK

POSITION STATEMENT: Supported HB 307

BILL FOLSOM
Mat-Su LIO

POSITION STATEMENT: Supported HB 307.

PETER M. PROBASCO
Mat-Su LIO

POSITION STATEMENT: Supported HB 307.

EUGENE KISSEE
Mat-Su LIO

POSITION STATEMENT: Supported HB 307.

JEAN WOODS
Mat-Su LIO

POSITION STATEMENT: Supported HB 307.

JIM PELTIER
Mat-Su LIO

POSITION STATEMENT: Supported HB 307.

RANDY OWENS, Resident
Knik River Valley, AK

POSITION STATEMENT: Testified on HB 307 and said people need recreational areas to go and ride ATVs.

PATRICK O'CONNOR
Mat-Su LIO

POSITION STATEMENT: Fully supported HB 307

JOE MELIN
Mat-Su LIO

POSITION STATEMENT: Supported HB 307.

TOM DOMEIER
Mat-Su LIO

POSITION STATEMENT: Supported HB 307 wholeheartedly.

VIRGINIA BLAINE, Resident
South Knik River, AK

POSITION STATEMENT: Expressed concern about what passage of HB 307 would mean to residents.

GARY DORSEY, Area Resident
Knik River, AK

POSITION STATEMENT: Asked legislators to use integrity and non-partisanship to address the concerns related to HB 307.

STANLEY CARTER
Mat-Su LIO

POSITION STATEMENT: Testified on HB 307 saying people want the area left open.

CHARLOTTE SARTOR, Area Resident
Knik River Valley, AK

POSITION STATEMENT: Suggested amending language in HB 307.

CECILY FRITZ, Chair
Knik River Watershed
Knik River Valley, AK

POSITION STATEMENT: Offered an amendment to HB 307 to help alleviate residents' fears.

LYNNE WOODS, Assembly Member
Mat-Su Borough
Mat-Su, AK

POSITION STATEMENT: Asked the committee to address residents' concerns related to HB 307.

ERIC UHDE, Public Lands Advocate

Alaska Center for the Environment (ACE)
Anchorage, AK

POSITION STATEMENT: Asked the committee to consider strong enforcement for HB 307.

TODD CLARK
Alaska Outdoor Access Alliance
Palmer, AK

POSITION STATEMENT: Testified on HB 307.

SENATOR CHARLIE HUGGINS
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor of Senate companion bill to HB 307.

ACTION NARRATIVE

CHAIR THOMAS WAGONER called the Senate Resources Standing Committee meeting to order at [3:39:22 PM](#). Present at the call to order were Senators Bert Stedman, Fred Dyson, Kim Elton, and Thomas Wagoner. Senators Ralph Seekins and Albert Kookesh arrived shortly thereafter.

CSSSHB 57(FIN)-SALE OF STATE LAND TO ADJACENT LANDOWNERS

CHAIR THOMAS WAGONER announced HB 57 to be up for consideration.

[3:40:17 PM](#)

TERRY HARVEY, staff to Representative Bruce Weyhrauch, explained that HB 57 would allow the Department of Natural Resources to negotiate a fair market sale of less than 20 acres of state land to an adjacent property owner. Such a sale could be negotiated provided that the state property is landlocked by an adjacent landowner's property.

MR. HARVEY noted that this situation occurs around the state. Notably in Haines a small state mining claim is surrounded on all sides by Mr. Schnabel's property. There is no public access to the state property and Mr. Schnabel would like to negotiate a sale.

[3:42:06 PM](#)

SENATOR FRED DYSON questioned why the fiscal note isn't positive.

MR. HARVEY replied the fiscal note reflects that a negotiated sale wouldn't cost the state money. He deferred to Mr. Mylius to give a more complete answer.

3:43:02 PM

BEN STEVENS arrived.

3:43:08 PM

SENATOR BERT STEDMAN asked how this might work for isolated parcels in Southeast that front on the coast.

3:43:44 PM

SARAH GILBERTSON, Special Assistant to the Commissioner, Alaska Department of Fish and Game (ADF&G) explained that the department's concern is that the public have access to land and water and that there is a best interest finding. The sponsor moved language from paragraph (11) to paragraph (7)(B) so that there would be a best interest finding. She said she would defer to Mr. Mylius, but she didn't believe that property that fronts on the water would be considered to be completely surrounded.

3:44:52 PM

CHAIR WAGONER restated that to be eligible under HB 57 it would have to be a total in holding. By definition it must be totally surrounded and have no access.

MR. HARVEY agreed.

3:45:40 PM

SENATOR ELTON asked if the state has mining claims.

MR. HARVEY replied the mining claim he referenced was established during Territorial days and became state property at Statehood.

3:46:34 PM

SENATOR STEDMAN elaborated some of the properties are pre Tongass National Forest and technically reside outside the forest even though they reside inside its boundaries. When the state sells those properties they don't transfer the sub-surface rights, submerged land, or tidelands and a 50-foot waterfront public access easement is taken.

DICK MYLIUS, Director, Division of Mining, Land and Water, Department of Natural Resources (DNR) said he would respond to questions after he gave DNR's perspective. He referenced SB 55 and noted that both bills have a similar motivation. Under

existing state law small parcels of state land cannot be sold and when state land is sold, it is done through a competitive process that is open to all Alaskans.

HB 57 proposes to amend the statutes that are referred to as preference right sales, which allows DNR to sell land exclusively to one person who has a specific interest in the land. In this case a parcel is totally surrounded by private land that is owned by one individual so it isn't usable or accessible to anyone else, but it is very usable to the one individual.

Although this could apply to other parcels in the state, the motivation for the bill is so that Mr. Schnabel can negotiate a sale. This parcel wouldn't qualify for preference right because it is too large. Under the statute remnants or unmanageable land may be sold, but the size must be less than the minimum lot size in the particular municipality. This parcel is larger than the minimum lot size in the Haines Borough so it could not be sold under that statute as it is currently written. Similarly, the parcel cannot be sold competitively because there is no legal public access and it isn't of value to the public or state for the same reason. There is no access. He noted that the parcel does have mineral value.

MR. MILIUS said this is a good solution. It could apply in other situations, but the safeguards are adequate to ensure that lands that are important for public access would not be sold.

Responding to previous questions he explained that the revenue part of the fiscal note is indeterminate because the state will receive an undetermined amount of revenue from the sale, which will be based on a fair market appraisal. A parcel of land that is surrounded by National Forest land wouldn't qualify for this preference right, he said, but the state has transferred some isolated parcels in Southeast to the University of Alaska.

[3:51:22 PM](#)

With regard to Senator Elton's question, he said people do stake mining claims on state land and Mr. Schnabel does have a state mining claim on the parcel under discussion. Initially it was a federal mining claim but the state acquired it through foreclosure in 1959 because the claim wasn't registered.

[3:52:00 PM](#)

SENATOR STEDMAN asked if the state acquired mining claims around the state because miners failed to pay the annual filing fee.

MR. MYLIUS said that may have been a Territorial law that has since been repealed, but the state did acquire all sorts of former federal mining claims through that legislation.

SENATOR STEDMAN asked if this is a single property owner issue or had an inventory had been done on state in holdings to determine the potential scope of the bill.

MR. MYLIUS said he is sure there are other properties such as this, but an inventory was not done.

[3:54:27 PM](#)

JOHN SCHNABEL, Haines, explained that he owns 84 acres of land that completely surrounds 13 acres of state land. He would like to purchase the state land on a negotiated basis rather than an outcry auction. He has spent over \$1 million developing his property as a wilderness destination for tourists and this bill would provide security.

[3:55:54 PM](#)

SENATOR RALPH SEEKINS asked if he brought the issue to the attention of Representative Thomas.

MR. SCHNABEL replied yes, he's been trying to resolve the issue for 20 years.

CHAIR WAGONER closed public testimony.

SENATOR ELTON moved to report CSSSHB 57(FIN) from committee with individual recommendations and attached fiscal note(s). There being no objection, it was so ordered.

[3:58:00 PM](#) at ease [3:59:38 PM](#)

HB 419-REPEAL UNDERGROUND STORAGE TANK LAWS

CHAIR THOMAS WAGONER announced HB 419 to be up for consideration.

KAREN LIDSTER, staff to Representative Coghill, described HB 419 as a repealer bill. She paraphrased the sponsor statement, which reads as follows.

In 1990 the Alaska Legislature passed HB 220 to create the state Underground Storage Tank Program and a Storage Tank Assistance Fund in order to assist tank owners that were required to meet the deadlines set in

the US Environmental Protection Agency (EPA) Underground Storage Tank Program.

In 1999, the year after EPA's deadline, the program began to phase out and was formally ended by the Legislature on June 30, 2004. A loan program to assist owners with completing cleanup was established by SB 128, passed in 1999. The Storage Tank Assistance Fund was converted to the Underground Storage Tank Revolving Loan Fund in 2002. The original legislation, HB 220, also created the Board of Storage Tank Assistance to oversee state grants and loans. The Board is no longer needed since the grant program has been terminated and no loan applications have been received. SB 128 established a June 30, 1999 sunset date for the board. Subsequent bills extended that date to June 30, 2007.

HB 419 will modify the end date for the board in order to be consistent with the end date for formal termination of the loan program. Additionally the bill lists out the statutes that relate to the board, the reporting, regulations, fees, revolving loan fund, loan program, definitions, uses of the fund, the respective administrative codes, the orderly completion of the boards obligations, and renumbering instructions related to those statutes repealed.

CHAIR WAGONER commented it's always nice to take a law off the books.

[4:03:39 PM](#)

SENATOR RALPH SEEKIKNS moved to report HB 419 from committee with individual recommendations and attached fiscal note(s). There being no objection, and it was so ordered.

[4:03:53 PM](#) at ease [4:05:05 PM](#)

CSHB 307(RES)-KNIK RIVER PUBLIC USE AREA

CHAIR WAGONER announced HB 307 to be up for consideration.

BEN MULLIGAN, staff to Representative Bill Stoltze, explained that HB 307, relating to the Knik River public use area, was introduced last year. Since that time Representative Stoltze and Senator Huggins have held two public meetings, many individual discussions, and numerous meetings with the Department of

Natural Resources (DNR) Division of Mining, Land, and Water. As a result new language has been incorporated to address the various concerns.

4:06:27 PM

CHAIR WAGONER asked how many acres would be included in the public use area.

MR. MULLIGAN replied approximately 262,000 acres.

CHAIR WAGONER said he understands it would be a multiple use area.

MR. MULLIGAN said yes; the sponsor and Senator Huggins maintain that everyone ought to be able to responsibly use the area.

4:07:07 PM

CHAIR WAGONER opened public testimony.

CARRIE GRAY-WOLFE, Knik River resident, said the area is plagued with excessive target shooting, which is a threat to public safety and destructive to the environment. Crime is on the rise to the extent that armed troopers have been unable to control unlawful activities. No sanitary facilities are available in an area that is to accommodate a lot of people. This is a health hazard and the bill doesn't provide funding to address this need. This area is a critical migration route and nesting area particularly for Trumpeter Swans. Enhancing motorized use is contrary to the protection of this critical nesting habitat. A couple thousand homes surround the Knik River area and the residents will be greatly affected by activity in the valley.

MS. GRAY-WOLFE reported that the South Knik River Community Council opposes HB 307 and she opposes it as well.

SCOTT WOLFE, Wildlife Biologist and South Knik River resident, stated opposition to HB 307. However, because of the high volume of wildlife and fish habitat that are in such close proximity to Alaska's main population, he would support creation of a state recreation area or game refuge.

MR. WOLFE said that Silver Salmon in Southcentral could be further at risk if even more use is perpetuated and enhanced. He suggested that the bill should specifically give the commissioner the responsibility as well as the funding and personnel to reach the objectives. Although the bill states that nothing prohibits the Department of Fish and Game (ADF&G) from

engaging in habitat enhancement and rehabilitation projects, the department is already stretched to the limit in terms of money and personnel. The section on wetland protection doesn't allow the commissioner to address the local concerns about excessive target shooting and the use of explosives. The commissioner should be able to restrict the type of weapons that are used, the time of discharge, and the type of shot used in and adjacent to wetland areas, he said.

MR. WOLFE reiterated he does not support creating a public use area in a region that is so critical to wildlife.

SENATOR KIM ELTON asked if he would prefer a public use area to nothing.

MR. WOLFE said he considers this to be nothing because the area is already in public use. He's concerned that the legislation is written such that one unarmed DNR person will be put in an area where hundreds if not thousands of people will have guns.

BRITT LIVELY, Butte area resident, disagreed with the introductory statement that extensive public testimony had been taken throughout the summer and winter. The public hasn't had its say and that isn't fair, she said. Spend just one Memorial Day here and you'll understand why the bill needs stronger language regarding law enforcement, sanitation, and habitat management. Right now the moose are calving and the swans are nesting and they are in peril.

Please give the commissioners of DNR, DEC and Public Safety the assurance and funding to enable them to perform their primary statutory duties and consider language for a Knik River Valley state recreation area, she concluded.

CHAIR WAGONER commented that the statement about heavy use during Memorial Day applies in almost any part of Alaska.

[4:17:19 PM](#)

GREGORY NELSON, Butte resident, related the historical uses in the Knik River Valley and said that many of those recreational activities are no longer compatible because of the damage they cause. He related that in the last 25 years he has watched a steady degradation in the wildlife and the kinds of activities that people engage in. It's no longer comfortable or safe to ride horses in some areas and the trails that were traditionally used have been destroyed by ATV use.

MR. NELSON outlined that the bill is troublesome because it precludes effective law enforcement in that it requires a single unarmed person to deal with people that like to drink, drive fast and carry weapons. Furthermore, the approach taken to address the issue of grandfathering the trails was ridiculous. What residents in the area want is a special recreation area with all the attendant statutory protections. In closing he said that area residents strongly support education and law enforcement.

[4:21:12 PM](#)

KEN BARBER, Mat-Su LIO, said he traps and hunts in the Knik River Valley. He supports motorized use in the area because it's difficult to find places that are designated for motorized use. This is a good place to have it, he concluded.

[4:22:43 PM](#)

PATTI BARBER, Butte area resident, said over the years it's become more difficult to use a motorized vehicle in favored recreation areas. She mentioned the Chugiak State Park, the Homer Hay Flats, and the Hatcher Pass Recreation Area and noted that the non-motorized public has not lost the right to use any of those areas. That's why the Knik River Public Use Area should be kept open for all forms of motorized vehicle use.

She suggested that the reports of burned and abandoned cars are exaggerated because the ATV club conducts a clean up in the spring and fall to eliminate the problem. It's time for Alaska to follow in the steps of other states and develop a plan to set aside areas for motorized use, she concluded.

[4:24:24 PM](#)

BILL FOLSOM, Mat-Su LIO, stated support for HB 307. We've been losing access since I arrived in the '60s and right now we're just trying to maintain an access area, he said.

PETER M. PROBASCO, Mat-Su LIO, thanked the sponsor and Senator Huggins for what he described as a well-written bill, which provides needed management and the authority for multiple use without a lock up. He strongly supports passing the bill.

EUGENE KISSEE, Mat-Su LIO, said he has recreated in the Knik River Valley for over 30 years and in that time he has seen many areas closed to motorized traffic. He stated support for the bill and said this is a place that people from Anchorage can use. Regulations are needed for the indiscriminant use of firearms, but that can be addressed.

[4:27:02 PM](#)

JEAN WOODS, Mat-Su LIO, stated support for HB 307 and noted that the Butte Community Council voted 74 to 1 in favor of the bill. She has used the area since 1954 and for age and health reasons she can no longer access it on foot. There needs to be a place for people like me to go to recreate and enjoy the outdoors and this is a logical place for that, she said.

[4:28:13 PM](#)

JIM PELTIER, Mat-Su LIO, said he uses the area with a boat, a four-wheeler, and a snow machine. He supports multiple use in the area and therefore he supports HB 307.

RANDY OWENS, Knik River Valley resident, said he has enjoyed the benefit of the area for many years and he believes that people need recreational areas to go and ride ATVs. The area is largely sand and gravel and that's where people ride. Problems with garbage arise from time to time, but people are generally good about keeping it clean. In conclusion he said this also gives people in the military a place to ride.

PATRICK O'CONNOR, Mat-Su LIO, said he has spent most of his life in this area and after 60 some years he accesses the area with a four-wheeler. He stated full support for HB 307 because it costs too much to travel to other parts of the state for similar recreational opportunities.

JOE MELIN, Mat-Su LIO, said he uses a wheelchair and it's a lot easier to get around the area in a four-wheeler. He'd like to keep the area open to motorized vehicles and for that reason he supports HB 307.

TOM DOMEIER, Mat-Su LIO, said he's used the area since 1974 for hiking, canoeing, dog mushing, and four-wheeling and he supports HB 307 wholeheartedly. He believes that the garbage issue ought to be addressed and he would be happy to volunteer if patrols are needed.

[4:32:33 PM](#)

VIRGINIA BLAINE, South Knik River resident, expressed concern about what passage of HB 307 will mean to residents of the area. She said that law enforcement and sanitary facilities are desperately needed and there is a problem with indiscriminant shooting and car burnings. Families would use the area if they felt safe, but that isn't the case right now. She said she hopes

this beautiful area isn't ruined because legislators didn't envision a better ending.

[4:34:25 PM](#)

CHAIR WAGONER asked if this designation wouldn't address some of her concerns.

MS. BLAINE replied she doesn't read the bill that way. The area is too large for one unarmed officer to patrol and neither sanitary facilities nor the trash issue is addressed. She clarified that she is not opposed to ATV or four-wheeler use.

GARY DORSEY, Knik River area resident, said all the complaints he's heard are valid but he hasn't heard any talk about reducing the use of ATV's altogether, just the wild use. He doesn't want to give up using his ATV, but then he doesn't use it to run through salmon streams or to endanger moose calving. Describing the area as dangerous and a place he wouldn't take his family, he said he carries a gun for protection against other people. Noting that this is a beautiful area for all groups to use, he asked legislators to use integrity and non-partisanship to address the concerns.

[4:37:27 PM](#)

STANLEY CARTER, Mat-Su LIO, said this is a good bill and his consensus is that 75 percent of the people want the area left open.

[4:38:18 PM](#)

CHARLOTTE SARTOR, Knik River Valley area resident, said she has been a non-motorized user since 1971. She said this a better bill than the original, but she would suggest rewording the section that addresses incompatible use to ensure that all concerns are addressed. [Abbreviated testimony due to poor audio] Good management is long overdue, she concluded.

[4:40:37 PM](#)

CECILY FRITZ, Chair, Knik River Watershed, said all use should be compatible with the purposes in AS 41.23.180 to ensure the protection of habitat and consider the interests of all user groups. Area residents want to be involved in planning in the adjoining high public use area. She suggested amending page 3, line 13, to help alleviate the residents' fears.

CHAIR WAGONER told Ms. Fritz that he is aware that she contacted his office to suggest the amendment and if Senator Huggins finds it to be acceptable, he would probably discuss it with Senator

Lyda Green. As co-chair of the Finance Committee and a representative from the area she may be able to accommodate your wishes, he said.

[4:42:02 PM](#)

SENATOR ELTON said his understanding of the process is that there is a public comment period and a public survey. Following that, DNR will draft a plan and take it out for additional public comment. He said it seems as though the concern addressed in the amendment is addressed in the estimated two-year process that DNR outlined. He asked her to comment.

MS. FRITZ responded the wording in the bill is a bit ambiguous in terms of how much flexibility managers will have to address the high use area and nothing in the bill ensures that residents will be part of the planning effort. If the language were improved there would probably be more support for the bill and less opposition.

SENATOR ELTON commented that Mr. Mylius described the public process to him and he has found that you can take Mr. Milieus' word to the bank.

[4:45:00 PM](#)

LYNNE WOODS, Mat-Su Borough assembly member, said since the beginning of her term on the assembly she has heard about land use problems in this area. Residents want a management system that will protect traditional uses such as hunting fishing and mining and provide recreational opportunities. Residents want on the ground enforcement to curb the unsafe shooting and aberrant behaviors. Make sure the residents' concerns are met, she concluded.

[4:46:52 PM](#)

ERIC UHDE, Public Lands Advocate, Alaska Center for the Environment (ACE), informed the committee that ACE is a grassroots conservation organization that works to protect Alaska's recreational land. ACE is concerned about the Knik River watershed and would argue that resource protection, safety and the high quality of life on the Knik are not major concerns of the Department of Natural Resources. He mentioned that the lack of rules and laws are the result of zero enforcement. Residents put up with gunfire, explosions, burned cars, and ATV misuse.

ACE commends Representative Stoltze and Senator Huggins for trying to address the problems on the Knik. However, ACE is

asking the committee to back the strong enforcement language with a strong enforcement presence. Throughout the hearings the issue of enforcement has not been disputed. Everyone believes that the situation on the ground is out of control and the problems in the area are too numerous and complex for one unarmed natural resource specialist to tackle.

In conclusion Mr. Unde asked the committee to consider strong enforcement and what it would add to the area in terms of peace of mind for local residents and the stewardship of the resource.

[4:50:43 PM](#)

TODD CLARK, Alaska Outdoor Access Alliance, Palmer, said HB 307 provides a vehicle to develop a management plan to resolve the problems that have been aired today. He suggested that a major point of disagreement is whether the plan set forth in HB 307 would actually address the problems. The point he wants to make is that the bill does get the people that are using the area together to try and solve the problems. Mr. Clark also mentioned a lack of opportunities elsewhere for motorized vehicle use and the wonderful wildlife resources in the area. [Abbreviated testimony due to poor audio.]

[4:53:31 PM](#)

CHAIR WAGONER closed the public hearing.

[4:53:46 PM](#)

SENATOR RALPH SEEKINS referenced the section on enforcement authority under Section 41.23.210 and noted that under Title 16 for fish and game, any departmental employee that the commissioner authorizes is considered to be a peace officer. He asked if the same would apply here.

MR. MULLIGAN said that's correct. The sponsor specifically reviewed the language from fish and game, but other departments also utilize that language.

SENATOR SEEKINS asked for clarification that it is only for the purpose of this chapter.

MR. MULLIGAN said yes.

SENATOR SEEKINS continued and said according to an attorney general opinion for fish and game, the employee is not a peace officer under AS 01.10.060 and they don't have general authority to enforce all other state criminal law. He questioned whether

the intention is to restrict authority to the enforcement of regulations.

MR. MULLIGAN said yes. The idea is that the DNR employee would focus on enforcing regulations, but a peace officer as determined by AS 01.10.060 could enforce the regulations as well as the general enforcement duties.

SENATOR SEEKINS pointed out a third paragraph in the fish and game language and asked why that fish and game model wasn't followed.

MR. MULLIGAN deferred to Mr. Mylius.

DICK MYLIUS, Director, Division of Mining, Land and Water, Department of Natural Resources (DNR) said quite honestly they didn't consider that option.

SENATOR SEEKINS said since there is joint responsibility for some of the management functions in the area, he would question why DNR wouldn't want a department employee to also have police powers for enforcing the requirements of this chapter.

MR. MYLIUS said under paragraph (1) it say that the commissioner can delegate the authority to "an employee of the department or other person authorized by the commissioner." He said that could include DNR.

SENATOR SEEKINS agreed and said he was reasonably satisfied.

SENATOR CHARLIE HUGGINS said HB 307 places DNR as the lead agency. The difficulty is that most people don't realize that this legislation provides the framework. The bill doesn't mention things such as sanitation because that's not how it works. This is a stepped process. Certainly everyone would agree that the status quo is not acceptable and having someone in charge is a good thing. He said he would continue to work with all interested parties.

[5:00:49 PM](#)

SENATOR ELTON said he was struck by all the talk about enforcement. He paraphrased page 2, line 10, and noted that the fiscal note talks about the DNR employee who would be in a management position. He asked for clarification that DNR would not be restricted from developing a plan that would call for additional personnel - particularly enforcement personnel.

MR. MYLIUS said that's correct. The DNR fiscal note funds the planning effort and then one full-time person dedicated to the area. DNR realizes that one unarmed person cannot address some of the issues in the area; they were just looking at DNR staffing needs to start planning and get an on-the-ground presence in the area. This gets the ball rolling and through the planning process it identifies potential solutions, which could involve additional enforcement.

[5:02:43 PM](#)

SENATOR SEEKINS moved to report CSHB 307(RES) from committee with individual recommendations and attached fiscal note(s). There being no objection, it was so ordered.

There being no further business to come before the committee, Chair Wagoner adjourned the meeting at [5:03:38 PM](#).