

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

April 3, 2017

3:30 p.m.

MEMBERS PRESENT

Senator Cathy Giessel, Chair
Senator John Coghill, Vice Chair
Senator Natasha von Imhof
Senator Bert Stedman
Senator Shelley Hughes
Senator Kevin Meyer
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 88

"An Act authorizing a land exchange with the federal government in which certain Alaska mental health trust land is exchanged for certain national forest land and relating to the costs of the exchange; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 65

"An Act establishing the Jonesville Public Use Area."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 88

SHORT TITLE: AK MENTAL HEALTH TRUST LAND EXCHANGE

SPONSOR(S): SENATOR(S) STEDMAN

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|----------|-----|---------------------------------|
| 03/10/17 | (S) | READ THE FIRST TIME - REFERRALS |
| 03/10/17 | (S) | RES, FIN |
| 03/22/17 | (S) | RES AT 3:30 PM BUTROVICH 205 |
| 03/22/17 | (S) | Heard & Held |
| 03/22/17 | (S) | MINUTE(RES) |
| 04/03/17 | (S) | RES AT 3:30 PM BUTROVICH 205 |

BILL: SB 65

SHORT TITLE: JONESVILLE PUBLIC USE AREA

SPONSOR(S): SENATOR(S) DUNLEAVY

02/22/17 (S) READ THE FIRST TIME - REFERRALS
02/22/17 (S) RES, FIN
04/03/17 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

REBECCA KNIGHT, representing herself
Petersburg, Alaska

POSITION STATEMENT: Opposed SB 88.

CHARLES WOOD

Mitkof Highway Homeowners Association (MHHA)
Petersburg, Alaska

POSITION STATEMENT: Supported SB 88.

DAVID LANDIS, Mayor
Ketchikan Gateway Borough
Ketchikan, Alaska

POSITION STATEMENT: Supported SB 88.

LARRY EDWARDS, representing himself
Sitka, Alaska

POSITION STATEMENT: Opposed SB 88.

DENNIS WATSON, Mayor
City of Craig
Craig, Alaska

POSITION STATEMENT: Supported SB 88.

OWEN GRAHAM, lobbyist
Alaska Forest Association
Ketchikan, Alaska

POSITION STATEMENT: Supported SB 88.

BRYCE DAHLSTROM, Vice President
Transportation and Raw Materials
Viking Lumber
Klawock, Alaska

POSITION STATEMENT: Supported SB 88.

WYN MENEFEY, Deputy Director
Land Office

Alaska Mental Health Trust Authority
Department of Natural Resources (DNR)
POSITION STATEMENT: Supported SB 88.

GINA RITACCO, staff for Senator Dunleavy
Juneau, Alaska
POSITION STATEMENT: Presented SB 65 for the sponsor.

LYNNE WOODS, representing herself
Sutton, Alaska
POSITION STATEMENT: Supported SB 65.

PATTI BARBER, representing herself
Butte, Alaska
POSITION STATEMENT: Supported SB 65.

KENNY BARBER, representing himself
Butte, Alaska
POSITION STATEMENT: Supported SB 65.

JIM SYKES, Member
Matsu Borough Assembly
Palmer, Alaska
POSITION STATEMENT: Supported SB 65.

CLARK COX, Natural Resources Manager
Division of Mining, Land and Water
Department of Natural Resources (DNR)
Anchorage, Alaska
POSITION STATEMENT: Available to answer questions on SB 65.

HEATHER FAIR, Statewide Right-of-Way Chief
Division of Statewide Design & Engineering Services
Department of Transportation and Public Facilities (DOTPF)
Juneau, Alaska
POSITION STATEMENT: Supported clarifying language in SB 65.

MARK BERTELS, President
Sutton Community Council (SCC)
Sutton, Alaska
POSITION STATEMENT: Supported SB 65.

SCOTT LAPIENE, representing himself
Wasilla, Alaska
POSITION STATEMENT: Supported SB 65.

BETH FREAD, representing herself

Palmer, Alaska

POSITION STATEMENT: Supported SB 65.

AL BARRETTE, representing himself

Fairbanks, Alaska

POSITION STATEMENT: Supported SB 65 with an amendment to protect existing trap lines and make the area pet-free during trapping season.

ACTION NARRATIVE

[3:30:42 PM](#)

CHAIR CATHY GIESSEL called the Senate Resources Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Stedman, Coghill, Wielechowski, Meyer, and Chair Giessel.

SB 88-AK MENTAL HEALTH TRUST LAND EXCHANGE

[3:31:18 PM](#)

CHAIR GIESSEL announced consideration of SB 88, which was first heard on March 22. The bill is a proposed land exchange for the Mental Health Trust Land Authority (AMHTA). She opened public testimony.

REBECCA KNIGHT, representing herself, Petersburg, Alaska, opposed SB 88 on a variety of grounds and believed that a federal buyout of AMHTA's proposed land exchange was a far better alternative.

SENATOR HUGHES joined the committee.

MS. KNIGHT asked the committee to change the action to a federal buyout with the lands to be added to the Tongass National Forest and the proceeds going into the trust. While the Petersburg Borough Assembly formerly supported the buyout option if the federal legislation failed to pass Congress by January 15, 2017, Ms. Knight said this option would satisfy the trust's mission to improve the lives of beneficiaries as well as mitigate impacts to Petersburg and Ketchikan area land owners while also avoiding long-term and massive landscape-level impacts elsewhere if exchange legislation is enacted.

As presently conceived, the bills in the legislature and Congress would allow continuous clear cuts on several thousand acres on already heavily-logged Rosella and Prince of Wales

(POW) Islands. For instance, a total 19 square-mile clear cut will result on Rosella Island when combined with the trust's nearly 4,000-acre existing clear cut and the proposed and directly adjacent 8,000-acre exchange parcel. This existing and proposed scale of logging is in the direct flight path of thousands of Ketchikan flight-seeing visitors each summer.

A federal buy-out is a reasonable solution, because Congress created the AMHTA and endowed it with land to support itself, and this would result in no environmental harm. If SB 88 passes, AMHTA could finalize the action much sooner and cost the trust only about half the \$6-million exchange cost for survey and appraisals since only about half the lands would be involved.

Finally, AMTHA's land could be purchased for a few tens of millions of dollars at fair market value, which is a sliver of the amount saved from the public purse for mental health services since its inception 61 years ago.

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CHARLES WOOD, Mitkof Highway Homeowners Association (MHHA), Petersburg, Alaska, supported SB 88. He said the MHHA is a group of 95 Petersburg homeowners living below and commuting along State Highway 7, the Mitkof Highway, which lies at the foot of the trust's demonstrably steep, unstable hillside parcels. The U.S. Forest Service (USFS) using orthophotographic mapping has designated the soils across most of the trust parcels as landslide hazard soils and a majority of the parcels exceed Forest Service standards pertaining to logging. The Mitkof Highway corridor below the trust parcels have been analyzed and mapped by the Division of Forestry and the Landslide Science and Technical Committee as a landslide hazard zone.

MR. WOOD said the State Division of Forestry has no criteria in its best management practices specific to logging steep, unstable slopes within inhabited landslide hazard areas. Yet, if the trust were to ever log these slopes, it would do so under the guidance of Alaska's Forest Resources and Practices Act.

He said the focus of the MHHA over the past 11 years has been entirely on public safety; never once has viewshed or community backdrop, local recreational opportunities, wildlife corridors, or tourism been considered, though each of the issues presents reasonable arguments in favor of the land exchange. Nor has commentary been offered on the trust lands next to other communities or the Forest Service lands involved with the exchange.

Logging the slopes above their homes runs the risk of accelerated landslide activity, Mr. Wood said. His group believes that the Division of Forestry's best management practices guidelines provide insufficient safeguards to protect their homes and property from unwise timber harvest. Conversely, he expects that management of the hillside by the USFS will entail other criteria, which will ensure that public safety will not be impacted by logging.

DAVID LANDIS, Mayor, Ketchikan Gateway Borough, Ketchikan, Alaska, supported SB 88. He said the borough has repeatedly and consistently supported the land exchange referenced in SB 88. It is a win/win/win proposition for Ketchikan. It is a win for their timber industry, because it is economically important to provide a consistent supply of timber for those jobs that are directly involved in the industry in Southeast and the many private businesses who are vendors to it.

This is also a win for the citizens of Ketchikan and the over one-million tourists who will visit Ketchikan this year, because the trust lands to be exchanged are directly behind Ketchikan on Deer Mountain and on Gravina Island above the airport. These are major view sheds and the Deer Mountain parcel also has a very popular trail used by locals and visitors. There is virtually no support in Ketchikan to log these areas; the swap would protect these lands and provide other lands more practical for timber sales.

In addition, this is a win for the Mental Health Trust Authority, because like all communities in Alaska, Ketchikan has citizens who suffer from mental illness, substance abuse, and other disorders, and the AMHTA needs revenue to fund their efforts; this land exchange will provide that revenue.

In closing, Mr. Landis said, this exchange is as close as you can get to a "win" for everyone involved.

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LARRY EDWARDS, representing himself, Sitka, Alaska, opposed SB 88 and wanted it amended to a federal buy-out of the trust's problematic parcels. This would result in a "triple win" of needed funds for the trust, the end of logging threats in five communities and No Name Bay, and avoidance of high impacts on new trust lands. Amending the bill would also direct the delegation to amend its bills in Congress. The committee lacks information to get a hard look at impacts in vicinities where

the trust would get new land. Trust and Division of Forestry testimony looked only at supposed benefits during these impacts. ADF&G's Wildlife and Habitat Divisions were not invited to testify even though the trust would get 33 square miles of forest for logging in large blocks on two islands that would have high landscape-scale cumulative impacts. Their testimony is needed.

MR. EDWARDS asked them to review comments from the Greater Southeast Alaska Conservation Community on why cumulative impacts of the land exchange are a very significant issue. They underscore why a hard look by the state is imperative. He said the Alaska Constitution obligates state government to ensure that resource development is sustainable and in the public interest. The Alaska Supreme Court said this means a hard look at salient problems, genuinely engaging in reasonable decision-making, and considering all relevant factors including cumulative impacts. But, under the Forest Practices Act there is no state hard-look at landscape-scale impacts. So, the constitutional hard look obligation for the proposed land exchange falls squarely upon the legislature, and this committee. A buyout option, besides being the best option, avoids the constitutional problem. The state can't afford to do a buy-out, but the federal government can.

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DENNIS WATSON, Mayor, City of Craig, Alaska, supported SB 88. He said he is also the general manager of the Inter-Island Ferry Authority. He said what usually gets lost in the rhetoric is that this bill will help pave the way to a more sustainable revenue stream for the AMHTA that funds programs for the most vulnerable Alaskans. This bill and the timber supply it will facilitate for the Prince of Wales (POW) Island and the City of Craig will keep the island's timber industry and its economy going while efforts to lift restrictions on federal timber sale areas are allowed to bear fruit. This timber supply will also keep their largest sawmill, the Viking Lumber, in operation. It provides a year-round payroll and many direct and indirect jobs to Prince of Wales residents.

He said the wood wanes from the mill provide energy in the form of heat for the Craig elementary and middle schools and the municipal swimming pool. The wood waste is also compressed into bio-bricks, further increasing the percentage of total utilization of each tree processed. In the end, the logging roads built by the mill will allow "Mom and Pop" mill operators to access smaller timber sales and salvage timber for their

lumber cutting operations and to provide high quality product for the music wood industry. These roads will also allow island residents access to firewood, hunting, berry picking, and other subsistence and recreational activities.

MR. WATSON said the Viking Mill is the island's largest consumer on the Prince of Wales Island electrical grid. Ceasing its operation would translate into much larger electric bills for island ratepayers.

OWEN GRAHAM, lobbyist, Alaska Forest Association, Ketchikan, Alaska, supported SB 88. The lands that AMHTA would receive in this exchange are areas that have had some logging in the past; the road systems are already in and they are not adjacent to any big communities. These are areas that were planned for logging by the Forest Service in the long term without any harm to any fish and wildlife. It is a win for everybody.

MR. GRAHAM said the last federal administration couldn't provide enough timber for the last surviving mill that will be out of wood in less than one year, and the Forest Service says it will be at least three before they can provide additional timber to it. So, the exchange really needs to go forward.

He said several people testified that they would like to see the federal government purchase the AMHTA land and he opposes that idea, because the federal government already owns and manages close to 95 percent of the land in the region, most of which is kept idle. If they purchase the land it won't benefit anybody, and the community will lose 100 jobs.

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BRYCE DAHLSTROM, Vice President, Transportation and Raw Materials, Viking Lumber, Klawock, Alaska, supported SB 88. He said lack of federal timber has caused many saw mills to shut down and the loss of thousands of full-time skilled jobs over the last 30 years. SB 88 will provide the much-needed timber to keep the existing industry alive in the short term. It will also provide a stable supply into the future. Exchange of lands held by the trust now will protect the backdrops of several Southeast cities and give the trust the ability to manage the lands they receive.

MR. DAHLSTROM said Viking Lumber directly employs 40 people on POW Island where they are 60 percent of the revenue for Alaska Power and Telephone. Up to 250 jobs could be lost if they run out of timber. SB 88 will allow Viking to keep all these hard-

working Alaskans with full-time employment. The unemployment rate on POW is 13.8 percent, almost double that of Southeast. The island cannot stand to have any existing business disappear. He said they need to be looking at ways to grow sustainable economies in Southeast, which is what SB 88 will do.

CHAIR GIESSEL, finding no further comments, closed public testimony, and announced that Andrew Naylor Department of Law on was line for questions. She also remarked that the bill requires some technical changes that would put them in alignment with Congressional legislation and invited Mr. Menefee to tell them about the changes.

[3:48:24 PM](#)

WYN MENEFEЕ, Deputy Director, Land Office, Alaska Mental Health Trust Authority (AMHTA), Department of Natural Resources (DNR), supported SB 88. He explained that the U.S. Senate Energy and Natural Resources Committee removed a 54-acre island from No Name Bay in the exchange. In the revision the No Name Bay map got a different date. So that there is no confusion and to stay in sync with the federal bill, the map in the state legislature would also have to be revised with a new date.

CHAIR GIESSEL, finding no questions, said they were working on a committee (CS) that would be available by tomorrow.

SENATOR MEYER said language on page 2, line 14, said the AMHTA shall pay all costs of the exchange and asked Mr. Menefee what that would be.

[3:50:52 PM](#)

SENATOR VON IMHOF joined the meeting.

MR. MENEFEЕ replied that the biggest cost will be from the survey and appraisal and from reimbursing the Forest Service employees who are doing the follow up title work. He expected the survey and appraisals would cost about \$3 million instead of initially anticipated \$6 million, because the legislation doesn't require a NEPA analysis. The bill takes away the discretion of the Forest Service by saying "they shall exchange," leaving no alternatives to consider.

SENATOR MEYER asked what was meant by "karst" on page 3, line 7.

MR. MENEFEЕ answered that "karst" is a form of limestone formation. The concern was specifically in the Phase 1 area of Nakabi that has underground anadromous fish streams through

which fish migrate to get to the next water body. This area is called out specifically, because the Alaska Forest Practices Act typically deals with surface water and requires a buffer next to anadromous fish streams to protect them from logging.

SENATOR MEYER said language on page 3, line 8, says the Department of Natural Resources may enter into a cost-share agreement to cover the cost of road maintenance with respect to any reciprocal road easements in the exchange, and asked if that is something DNR typically does.

MR. MENEFFEE said this is something that is normally done by the department. The issue is if the state is going to use an easement that is owned by somebody else and make money off it by, for instance, having a timber operation and logging trucks running down the road, it's hard to expect that owner to carry the increased maintenance of that road. So, cost-sharing agreements are common for substantial impacts an easement.

CHAIR GIESSEL found no further questions and held SB 88 in committee.

SB 65-JONESVILLE PUBLIC USE AREA

[3:54:43 PM](#)

CHAIR GIESSEL announced consideration of SB 65. She stated that Alaska's public lands were meant for all Alaskans, ensuring that multiple types of uses occur, but not at the expense of public safety or harm to the environment.

In 2006, the legislature passed HB 307, which set up the Knik Public Use Area. That was in response to the need to establish some order to the problems of vandalism, shooting, and trail degradation that had arisen in that area. While this example has shown to be a success, some of the very troublesome activities that the public use area curbed have found their way into the Jonesville area near the community of Sutton. So, the Community Council of Sutton and residents in and around the Jonesville area would like to replicate the Knik River Public Area success with the legislation before them.

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GINA RITACCO, staff for Senator Dunleavy, Juneau, Alaska, presented SB 65 for the sponsor. She said the Jonesville Public Use Area is approximately 11,000 acres and is surrounded by the community of Sutton, which was originally formed as a coal mining community. Mining took place from 1920s-70s under the

1977 Mining Reclamation Act, which was a federal act. The federal government paid for the area to be restored to a more natural use. In 2006 and 2009, additional restoration work was done. At that point, the land became general state use land, which can't restrict any legal activity, such as all-terrain vehicles (ATV), hiking, swimming, camping, and shooting. However, illegal behavior, like lighting cars on fire, remain illegal.

She said the increased popularity of the area is due to many options for recreation that include swimming and camping, hiking trails, and former mining areas for motorcycle and ATV riding. Motorhome and camping are used year-round. One of the main problems is that random makeshift shooting ranges have occurred. So, gunfire is crossing hiking paths and camping areas, as well as local homes. The Sutton Community Council calls it the "Mad Max Theatre." In fact, last year a stray bullet caused one fatality. The neighborhood complains of constant loud explosive sounds and abandoned vehicles.

MS. RITACCO explained that to restrict any legal activities, such as the stray bullets, the area must be designated as a public use area, which then triggers a management plan. This bill does not actually require DNR to create a management plan, but it allows for the possibility of one going through. A management plan cannot be set up under general state use land.

She added that a management plan would allow DNR to designate areas for specific use and this would protect homes and property of local citizens, reduce the ATV accidents, increase safety for recreational shooting, mitigate illegal dumping, and provide a healthy and safer environment for the public to use in general. This bill was modeled after the 2006 Knik River Public Use Area, the main difference being that this comes with no funding for enforcement or creation of the management area.

SENATOR MEYER asked what will be done since there is no money for developing the plan or enforcement.

MS. RITACCO replied that it would go into the DNR job queue. However, other programs that have money attached are a priority, and it is possible that DNR never gets around to creating a management plan.

[3:59:39 PM](#)

SENATOR MEYER remarked that if this needs to be done it should have adequate funding. This area has had problems and he asked if the Knik River Public Use plan is done.

MS. RITACCO answered yes, and it had funding attached to it. She added that the Sutton Community Council and the local interest groups aren't concerned about not having money attached. The first step is to allow the designation of the Jonesville Public Use Area. She said the Sutton Community Council has been able to raise \$150,000 for a playground in the past and feels rather confident that they can find some money.

SENATOR MEYER responded that that is very noble of the Sutton Community Council, but he thought that enforcement was needed, or the problems will continue to exist.

SENATOR HUGHES asked if the community could develop a management plan and present it to DNR.

MS. RITACCO replied that the community has already been in contact with DNR and is working with all the stakeholders to develop a plan. DNR has said they would be willing to go out for public comment on it. The next step would be for the commissioner to sign off on it.

[4:02:38 PM](#)

SENATOR HUGHES asked if that were to happen, would troopers be able to enforce it.

MS. RITACCO answered yes. They would then have the authority to write citations for whatever was not being followed in the management plan. As it stands right now, troopers can still go and arrest people for arson and other illegal activity, but the management plan would allow them to write tickets to people who are hiking through the shooting range or shooting in the hiking area and things like that. The bill also allows for the DNR commissioner to authorize volunteers for enforcement, and the community of Sutton has volunteers that would be willing to do that.

[4:03:40 PM](#)

SENATOR HUGHES asked if the community's plan has a timeframe for presentation to the commissioner.

MS. RITACCO answered that she didn't know of one.

[4:04:25 PM](#)

MS. RITACCO provided a sectional analysis of SB 65.

Section 1 has multiple subsections. Section 41.23.280 establishes the purpose of the public use area. AS 41.23.282 provides for management of the surface and subsurface estate to be managed by DNR and the fish and wildlife to be managed by ADF&G. It clarifies that the public use area is not part of the state park system. It directs DNR to identify and protect wetlands within the boundaries.

Section 41.23.284 provides for the type of uses that may and may not be prohibited. AS 41.23.286 defines the boundaries of the public use area. AS 41.23.288 describes who has enforcement authority for violations committed. AS 41.23.289 states that the penalty is a violation as defined in AS 11.81.900 and requires the Supreme Court to create a bail schedule for these violations.

Section 2 is uncodified law and directs the Supreme Court to create a bail schedule within 90 days after the management plan is adopted. That concluded the analysis.

CHAIR GIESSEL opened invited testimony.

[4:05:39 PM](#)

LYNNE WOODS, representing herself, Sutton, Alaska, supported SB 65. She said she lives on the Jonesville Access Road and was a Mat-Su Borough Assembly person when the Knik River Public Use Area was created. They always wondered where the "rabble rousers" were going to go next. They chose Sutton where their activities have been tolerated for too many years.

MS. WOODS said planning started in this area in 1986 when the Moose Range was created. Good plans are already done. Chickaloon Village is very active and has done stream restoration at Moose Creek and initiated a planning process with the Mat-Su Borough a few years ago identifying lands to keep for recreation, hunting, and fishing, and those things that are being lost now. She said with this tool they can establish goals and find potential funders. They are very motivated.

[4:09:35 PM](#)

SENATOR HUGHES asked if there is a timeframe for the community to present its work to the DNR commissioner.

MS. WOODS answered that 12 months is a realistic timeframe.

[4:10:11 PM](#)

PATTI BARBER, representing herself, Butte, Alaska, supported SB 65. It was modeled after the Knik River Public Use area, which has been a success in addressing the junk cars, trash, and unsafe target practice issues. This popular recreation area in Sutton needs the same support to address the same problems that happened in Butte.

KENNY BARBER, representing himself, Butte, Alaska, supported SB 65 for the same reasons Ms. Barber did, but he didn't think private individuals would foot the whole bill. Some government entity would have to contribute. He knows that DNR has its own enforcement rights on the Knik River Public Use Area, and the same thing could happen in Sutton.

[4:12:12 PM](#)

SENATOR MEYER asked if he would be willing to support a motor fuel tax to pay for something like this.

MR. BARBER said yes, but the only "heart burn" he has is that tax money can't be earmarked for that type of use.

JIM SYKES, Member, Matsu Borough Assembly, Palmer, Alaska, supported SB 65. He observed the very strong community input that went into the plan. There is usually some opposition to issues like this, but he hadn't heard of any on this specific one, so far. He said the borough could supply planners and connect people who can answer questions. Part of what they look forward to in developing a plan is that the Borough Land Management Department has committed to helping develop that management plan with DNR.

[4:15:01 PM](#)

CLARK COX, Natural Resources Manager, Division of Mining, Land and Water, Department of Natural Resources (DNR), Anchorage, Alaska, said he was available to answer questions on SB 65.

SENATOR WIELECHOWSKI said this proposal will require creating a plan and asked how that might be financed.

MR. COX replied that the DNR commissioner would have to prioritize it.

SENATOR WIELECHOWSKI asked how the department's job queue works.

MR. COX explained that parts of the state have no plan, so he wouldn't try to determine how the commissioner would prioritize this.

SENATOR COGHILL said language on page 2, line 26-29, requires eminent domain of private property, and he wants to make sure they aren't taking lands out of private hands inappropriately, and that could have a fiscal impact.

CHAIR GIESSEL said she thought that was a Department of Transportation and Public Facilities (DOTPF) right-of-way question.

[4:18:10 PM](#)

HEATHER FAIR, Statewide Right-of-Way Chief, Division of Statewide Design & Engineering Services, Department of Transportation and Public Facilities (DOTPF), Juneau, Alaska, supported a changed to clarify that language.

SENATOR COGHILL noted that he was working on language with the sponsor.

[4:19:02 PM](#)

MS. RITACCO added that the current wording is confusing, because there is no private land within Jonesville Public Use Area boundaries. The intent of this section was to eliminate the state's authority to eminent domain of private property to add additional land to the 11,000 of public use area. They didn't intend to remove the department's authority to take private land entirely, especially because the highway close to Sutton is already being eroded by the Matanuska River and DOTPF might have to move the highway and use eminent domain in the process.

SENATOR COGHILL said the bill has several mandates and asked if legal language was needed to put it in the job queue without funding. If the state isn't going to pay for it, he thought it was wrong to demand that it be done.

MR. COX answered that he is not a lawyer, but thought Senator Coghill was right. In general, the "shalls" and "musts" mandate the public to think that things will get done quickly, and maybe the department needs some cover language.

CHAIR GIESSEL noted that Senator Coghill would work with Senator Dunleavy on that language. She then opened public testimony.

MARK BERTELS, President, Sutton Community Council (SCC), Sutton, Alaska, supported SB 65. He worked on the Jonesville/Slipper Lake Committee for the past year and has a lot of background on this issue. The community almost unanimously supports this bill. This has been an evolving problem since the area was opened to more public use and because of displacement of the problems from the Knik River area. He agreed with the introduction by Ms. Ritacco and comments by Mr. Sykes and Ms. Woods. A lot of groundwork has been done, and a management plan would be advantageous to adjacent land owners.

[4:25:17 PM](#)

Troopers have responded to that area, he said, but the problem is that all the activities overlap. The troopers have no mandate to act or write citations, because there is no management plan or designated areas. With a management plan they would be able to act.

MR. BERTELS explained that each year private contractors and a lot of volunteers do spring cleanup on the trails that sometimes look "like a bomb went off." He couldn't give them an answer on the scheduled development of the plan other than the MatSu Borough planning team would help to develop milestones.

SCOTT LAPIENE, representing himself, Wasilla, Alaska, supported SB 65. Mr. Lapiene said he was a member of the Citizens' Action Committee for development of this legislation. He listed numerous positions he held in the MatSu Borough that involved raising money and clearing about 30 miles of multi-use trails in the Sutton community. He participated in the development of the Knik River Public Use Area and noted that that legislation included specific powers for DNR within the boundaries of the public use area.

[4:30:22 PM](#)

There are several options for funding once something is established, he said, but it would be nice for the Division of Mining, Land, and Water to have some dollars to assist in the development of the management plan. Implementation and enforcement of a plan could be done in a few ways: for instance, a motor fuels tax, user fees, or the use of a purchased trail pass where it wouldn't matter if you are on a bicycle, a dog team, or a snow machine.

[4:31:59 PM](#)

BETH FREAD, representing herself and the Jonesville Public Use Area, Palmer, Alaska, supported SB 65. Ms. Fread said she

participated in the large Slipper Lake/Jonesville Area Committee. She explained that several communities in the MatSu Borough do make efforts of this nature and work with the borough to establish funding mechanisms. "No one should be put off by a zero-fiscal note," she said, especially since it is happily endorsed by the Sutton and Chickaloon communities who have promised to help with funds if necessary. People are not comfortable living alongside this area. It is also costly for the volunteers and the companies that participate in the yearly cleanup.

AL BARRETTE, representing himself, Fairbanks, Alaska, supported SB 65 with an amendment to protect existing trap lines and make the area pet-free during trapping season. He said the Knik Special Use Area has the same issues with trappers and pet owners. The troopers don't have anything to stand on, because the trappers are legally allowed to trap, and it's time for the legislature to be preemptive in urban areas like this where the problem exists and there are user group conflicts.

CHAIR GIESSEL, finding no further comments, closed public testimony. She set SB 65 aside saying that for more than a decade she had been aware that this is "a wild west area."

[4:38:00 PM](#)

CHAIR GIESSEL adjourned the Senate Resources Committee meeting at 4:38 p.m.