

HOUSE CONCURRENT RESOLUTION NO. 12
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CHOQUETTE, B.Davis

Introduced: 3/8/91

Referred: State Affairs, Resources

A RESOLUTION

1 Relating to the Susitna Basin Recreation Rivers Management Plan and requesting the
2 commissioner of natural resources to reconsider the portions of the management plan that
3 restrict motorized uses on Lake Creek, Alexander Creek, Kroto Creek - Deshka, Moose
4 Creek - Deshka, and the Talachulitna River.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 WHEREAS the legislature is in basic agreement with the Susitna Basin Recreation Rivers
7 Management Plan recently submitted by the Department of Natural Resources but does take exception
8 to that portion of the management plan that restricts motorized uses on Lake Creek, Alexander Creek,
9 Kroto Creek - Deshka, Moose Creek - Deshka, and the Talachulitna River; and

10 WHEREAS the Department of Natural Resources received in excess of 4,900 responses from
11 persons who opposed restrictions on motorized use and received approximately 125 responses from
12 persons in favor of restricting motorized use; and

13 WHEREAS over 90 percent of the people testifying on the motorized restrictions issue in public
14 hearings on the management plan before the Department of Natural Resources in Anchorage, Wasilla,
15 and Willow opposed restricting motorized uses; and

16 WHEREAS seven members of the Susitna Basin Recreation Rivers Advisory Board opposed

1 restricting motorized uses on these rivers, while only four members favored the restrictions; and

2 **WHEREAS** it is the aim of the legislature to advocate and encourage the democratic process in
3 all branches of government, and the legislature is concerned that the will of the people has been not
4 followed in regard to the motorized use restrictions of the Susitna Basin Recreation Rivers Management
5 Plan; and

6 **WHEREAS** art. I, sec. 1, of the Alaska constitution provides "that all persons are equal and
7 entitled to equal rights, opportunities, and protection under the law. . ."; and

8 **WHEREAS** art. VIII, sec. 1, of the Alaska constitution provides that "It is the policy of the State
9 to encourage the settlement of its land and the development of its resources by making them available
10 for maximum use consistent with the public interest."; and

11 **WHEREAS** art. VIII, sec. 3, of the Alaska constitution provides that "Wherever occurring in
12 their natural state, fish, wildlife, and waters are reserved to the people for common use."; and

13 **WHEREAS** art. VIII, sec. 14, of the Alaska constitution provides that "Free access to the
14 navigable or public waters of the State, as defined by the legislature, shall not be denied. . ."; and

15 **WHEREAS** art. VIII, sec. 17, of the Alaska constitution provides that "Laws and regulations
16 governing the use or disposal of natural resources shall apply equally to all persons. . ."; and

17 **WHEREAS** it appears that the motorized use restrictions imposed by the Susitna Basin
18 Recreation Rivers Management Plan do not comply with these sections of the Alaska constitution;

19 **BE IT RESOLVED** by the Alaska State Legislature that the commissioner of natural resources
20 is requested to reconsider the portions of the Susitna Basin Recreation Rivers Management Plan that
21 restrict motorized uses on Lake Creek, Alexander Creek, Kroto Creek - Dshka, Moose Creek - Dshka,
22 and the Talachulitna River, and revise the management plan to continue to allow motorized uses of these
23 recreational rivers.

24 **A COPY** of this resolution shall be sent to the Honorable Harold Heinze, commissioner of
25 natural resources.