

S

B

8

3

SENATE AMENDMENT

By Judiciary Committee

To: _____ SENATE BILL No. 83 (am)

To: _____ HOUSE BILL No. _____

PAGE: 1

LINE: 24 and 24

Line 23. Page 1 :

insert the word "unreasonably" before the word "restrict"

Line 24 , Page 1 :

insert the word "legal" between "the" and "taking"

COMMITTEE REPORT
SENATE

FURTHER: None

3/12/81

Date: May 8 1981

Mr. President:

The Committee on JUDICIARY has had SB 83

restricting the authority of the Dept. of Natural Resources to regulate certain activities in state recreation areas

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s) same title
- replace with CS for _____ new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

SENATE AMENDMENT #1

By Resources Committee

To: _____ SENATE BILL No. 83

To: _____ HOUSE BILL No. _____

PAGE: 1

LINE: 21-22

Line 21: Delete "or"

Line 22: Delete "restrict"

SENATE AMENDMENT #2

By Resources Committee

To: _____ SENATE BILL No. 83

To: _____ HOUSE BILL No. _____

PAGE: 1 LINE: 27-28

Line 27: After the word "area" insert a semi-colon (;)

Line 27-28: Insert a additional sub-section (D)

"(D) the cutting of dead and down or burnt timber."

CHP DENVERDEN

- (AREA ONLY)

Introduced: 1/15/81
Referred: Resources and
Judiciary

1 IN THE SENATE BY BENNETT, PARR AND FAHRENKAMP

2 SENATE BILL NO. 83

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act restricting the authority of the Department of
7 Natural Resources to regulate certain activities in
8 state recreation areas; and providing for an effective
9 date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 41.20.020(6) is amended to read:

12 (6) adopt [ESTABLISH], in accordance with the Administrative
13 Procedure Act [,] (AS 44.62), [RULES AND] regulations governing the use
14 and designating incompatible uses within the boundaries of state parks
15 [PARK AND RECREATIONAL AREAS] to protect the property and to preserve
16 the peace;

17 * Sec. 2. AS 41.20.020 is amended by adding a new paragraph to read:

18 (12) adopt, in accordance with the Administrative Procedure
19 Act (AS 44.62), regulations for the use of state recreation areas which
20 also designate incompatible uses within the boundaries of state recrea-
21 tion areas except that regulations may not be adopted which prohibit

~~OR UNREASONABLY~~ RESTRICT

- 23 (A) work on valid mineral leases or mining claims;
 - 24 (B) the ^{LEGAL} taking of fur-bearing animals; or
 - 25 (C) the traditional use of roads and trails in existence
- 26 before the effective date of the Act establishing the recreation
27 area.

28 * Sec. 3. AS 41.20.047 is amended by adding a new paragraph to read:

29 (5) "traditional use" means the ~~use~~ by any means of

NATURE
LEVEL
OF USE

THE ESTABLISHMENT OF LEVEL OF USE WHICH EXISTED AT THE TIME OF THE RECREATION AREA

1 transportation, including a ^{SOME} vehicle propelled by machinery, if the use
2 occurred regularly ~~in the area of a state recreation area~~ ^{AND AT THE HEAVEN} before the
3 effective date of the Act establishing the state recreation area.

4 * Sec. 4. AS 41.20.150 is amended to read:

5 Sec. 41.20.150. INCOMPATIBLE USE PROHIBITED. The commissioner of
6 natural resources shall designate by regulation incompatible uses within
7 the boundaries of the Captain Cook State Recreation Area in accordance
8 with AS 41.20.020(12) and 41.20.130, and those incompatible uses desig-
9 nated shall be prohibited or restricted, as provided by regulation.

10 * Sec. 5. AS 41.20.340 is amended to read:

11 Sec. 41.20.340. INCOMPATIBLE USE PROHIBITED. The commissioner of
12 natural resources shall designate by regulation incompatible uses within
13 the boundaries of the Gaius Head State Recreation Area in accordance
14 with AS 41.20.020(12) and 41.20.335, and those incompatible uses desig-
15 nated are prohibited or restricted, as provided by regulation.

16 * Sec. 6. AS 41.20.495 is amended to read:

17 Sec. 41.20.495. INCOMPATIBLE USES PROHIBITED. The commissioner of
18 natural resources shall designate by regulation incompatible uses within
19 the boundaries of the Nancy Lake State Recreation Area in accordance
20 with the requirements of AS 41.20.020(12) and 41.20.491, and those
21 incompatible uses designated shall be prohibited or restricted, as
22 provided by regulation.

23 * Sec. 7. AS 41.20.505 is amended to read:

24 Sec. 41.20.505. INCOMPATIBLE USES PROHIBITED. The commissioner of
25 natural resources shall designate by regulation incompatible uses within
26 the boundaries of the Chenai River Recreation Area in accordance with the
27 requirements of AS 41.20.020(12) and 41.20.497, and those incompatible
28 uses designated shall be prohibited or restricted, as provided by regu-
29 lation.

1 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

MEMORANDUM

State of Alaska

TO Kevin Bruce

DATE

FILE NO

TELEPHONE NO

FROM Chip Dennerlein

SUBJECT SB 83.

In reference to your questions concerning SB 83, I testified on the bill when it was heard in Senate Resources. During the committee process, several amendments were made which make the bill far more acceptable than in its original form. However, one major problem remains outstanding which I did not have time to adequately address when the bill was before the resource committee. That is the question of motorized access and use.

As is indicated by the attached committee report, I was to look into the matter further and report back to the committee. Unfortunately, due to the schedule of those in the AG's office, I was unable to receive a response to my questions prior to the time when the resources committee had to act. I have since discussed the matter with the Attorney General and would suggest the following.

There is a serious potential problem with the existing language. The problem stems primarily from the ambiguous manner in which motorized use is addressed. The bill would prohibit the Division of Parks from making any regulations which would prohibit motorized use where it occurred previously in the recreation areas. Several points should be clarified, and as I have not seen the amended version of the bill (I was told it was not printed) please excuse me if these have already been adequately addressed.

1. The bill should clearly explain that the motorized use which is being authorized is that which occurred on roads and trails within the areas. The division should not be required to permit ORV use on other than old trails. Such use, in fact, could be in violation of the division's other responsibilities if it seriously damaged terrain.

2. It should be made clear that the use which is being guaranteed is "the level of use which existed at the time of the establishment of the recreation area". Certainly greater use can (and in many cases will) be permitted or even encouraged. However, there is a great difference between guaranteeing use for fifteen vehicles and mandating the division to allow five hundred vehicles to use a given area. For example, the terrain may physically be unable to support a particular use beyond a given level. It is almost impossible to "grandfather in" a select specific group of people. The only fair way to guarantee certain rights of use and not discriminate among users is to focus on a level of use which will have to be accepted by everyone.

Finally, I should note that the only problems which have ever occurred have been in Chena Recreation Area. There have never been problems in any other State Recreation of the type this bill seeks to remedy.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

March 6, 1981
1:30 p.m.

Beltz Room
211 - Capitol

MEMBERS PRESENT

SENATOR FAHRENKAMP
SENATOR FISCHER
SENATOR BRADLEY
SENATOR STURGULEWSKI
SENATOR MULCAHY
SENATOR ELIASON
SENATOR GILMAN

Division of Parks

MAR 24 1981

HEARING:

SB 83 "An Act restricting the authority of the Department of Natural Resources to regulate certain activities in state recreation areas."

John Adams, representing the Fairbanks Environmental Center, said that his organization supports mining access, trapping and motorized vehicle use in State Recreation Areas. He said that his group's greatest concern with SB 83, is the language which states that the Director of Parks may not "prohibit or restrict" certain activities which may be incompatible with public recreation and safety. He suggested that the Committee consider omitting the words "or restrict" on Page 1, Section 2. He also, suggested the addition of the phrase "to protect the property and preserve the peace" in Section 2, line 20. He also suggested the addition of the phrase "on roads or trails" on Page 2, line 2, between the words "regularly in". He stated that his group supports the principle of allowing the harvest of dead timber in recreation areas, particularly in view of the current firewood shortage in Fairbanks. He said he would like to see the use of the phrase "dead and down" in order to prevent people from inadvertently cutting live trees.

Chip Dennerlein, Director, State Parks, Department of Natural Resources, said there have been a few problems in the Chena Recreation Area; It is a park but, is managed as a recreation area because of size. He said the word "restrict" in SB 83 is a difficult word to administer. He said he would like to see the use of the phrase "dead and down" timber because there are three

types of trees which look dead in the winter and someone might inadvertently take live trees.

in response to the question, how can you legally grandfather in a traditional use on public land and not allow another person that same use of the public land? Mr. Dennerlein, said that traditional use is a use that was employed up until a certain time, but if that same use is extended to other people after that date it is really expanded use, not true traditional use. But, he said he was not an attorney and would look into the matter and report back to the Committee.

Senator Don Bennett, said he had no problems with striking the word "restrict" and he would like to see the words "dead and down or burnt trees" added to SB 83. He said he would like to see the rights outlined in the bill maintained.

Senator Gilman asked that staff prepare appropriate amendments for the next committee meeting.

The Committee adjourned at 2:30 p.m.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRIAN BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate Committee on Resources

RECEIVED

MAR 24 1981

March 23, 1981

Byron W. Haley,
Vice President
T.V.S.A.
1002 Pioneer Road
Fairbanks, Alaska 99701

Dear Byron:

I appreciate receiving a copy of your note in support of SB 83. The Senate Resources Committee passed SB 83 out of Committee on March 11th and it is now in the Senate Judiciary Committee. I am forwarding a copy of your note to Senator Rodey, who is Chairman of the Judiciary Committee.

Again, thank you for keeping me informed on your thoughts.

Best regards.

Sincerely,

A handwritten signature in cursive script that reads "Bettye".

Bettye Fahrenkamp,
Chairman

cc: Senator Rodey

BF:rk

50-9 MAR 13 1981

(V)

MSG 81-00007849 PRTY 1 03/11/81 16:29:36 ORIG: LF00 IN= 0018 OUT= 0102
FROM: MAXINE TO: JUNO INFO
TARGET: LJH2 SUBJ: POM PAGE 0001

TO: SEN FAHRENKAMP, CHAIRMAN RESOURCES COMMITTEE

FR: BYRON W HALEY, VICE PRES. T.V.S.A.
1002 PIONEER RD, FAIRBANKS 99701 NO PHONE LISTED

THE T.V.S.A. BACKS SB83 BUT ON RIVER CROSSING WE SUPPORT THE NEED
OF A PERMIT FROM THE F & G HABITAT SECTION. IN THE CHENA REC
AREA MAYBE THE ST. COULD HELP OUT THE SMALL MINER BY PUTTING A BRIDGE
IN THE WINTER AND TAKING IT OUT IN THE SPRING.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

March 23, 1981

RECEIVED

MAR 24 1981

Jon R. Gleason,
President
Interior Alaska Trappers Assoc.
P. O. Box 60418
Fairbanks, Alaska 99706

Dear Jon:

I appreciate receiving a copy of your testimony in support of SB 83. The Senate Resources Committee passed SB 83 out of Committee on March 11th and it is now in the Senate Judiciary Committee. I am forwarding a copy of your resolution to Senator Rodey, who is Chairman of the Judiciary Committee.

Again, thank you for keeping me informed on your thoughts.

Best regards.

Sincerely,

Bettye Fahrenkamp,
Chairman

*Had Jan
at the time
when I may
not?*

cc: Senator Rodey

BF:rk



49-10

INTERIOR ALASKA TRAPPERS ASSOCIATION

MAR 16 1981

P.O. BOX 60418
FAIRBANKS, ALASKA 99706 ...

Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee
Pouch V
Juneau, Alaska 99811

March 12, 1981

Dear Bettye,

I had meant to present our oral testimony at the teleconference hearing on SB 83 in Fairbanks yesterday, but due to a sudden commitment at work, I just couldn't attend. Please relate our thoughts to other members of your committee, for this is a very important issue to us and we have pursued it diligently for several years.

As you know, our group now numbers around 700 members. With almost no dissention within our ranks, we are pleased to say that we wholeheartedly support SB 83.

Several trappers, most of whom are members of IATA were displaced when the Division of Parks first closed the Chena Rec Area to motorized vehicle use. On part of the area, the closure was subsequently lifted, but several trappers are still affected. The fact is that almost half of the Chena Rec Area remains closed, including some pretty good marten habitat. From the time of the first closure, we considered the action unreasonable. The trappers were not hurting the land or the fur resource.

The Division of Parks, in concert with local environmentalist extremists, claimed that the noise, sight and in fact, even the tracks of snowmachines were too disturbing to skiers in the Granite Tors area. The fact is that few skiers used the area during the four coldest months of the year, the time of use by trappers. It is a fact that once the trappers were displaced, the area saw even less use by skiers, since now the trails were not broken out by the machines.

We pointed out this situation to the Division of Parks, but they argued that the level of use by skiers justified continued closure. They ignored our requests for data on use by skiers that might justify their actions. They also ignored our offer to take their personnel into the area by dogsled to prove to them that no skiers were using the area, as was our contention.

It has long been our opinion that Division park planners were inappropriately applying solutions and plans that apparently have worked well in the Chugach State Park, to the Chena Rec Area. We pointed out many differences in

MAR 16 1981

Sen. Fahrenkamp, P.2

the two areas and urged them to look objectively at this case. We even suggested that the area be open during the cold months and then closed to snow-machines during March and April when what little skiing use had occurred. We never suggested that the skiers ever be excluded from any portion of the Chena Rec Area, as we have been. Our last letters were simply ignored, but they are a matter of record, for we always carbon-copied Bob Bettisworth and Don Bennett.

Our final comment does not address the merits of SB 83, but reflects our continued frustration in dealing with the Division of Parks. Our past-president, Pete Buist, has been accused of "conflict of interest" for his involvement in trying to get a fair shake for the trapper. This because he works for a different division in the Department of Natural Resources. We question then, the appropriateness of Steve Cook's personal testimony to your committee, since he is not only an employee of the Division of Parks, he is the employee directly responsible for management of the Chena Recreation Area. While we acknowledge that Mr. Cook is very knowledgeable about the area and water quality problems associated with mining, his criticism of mining and trapping activity in and around the area he is charged with managing, appears to be highly improper to us.

We support SB 83 as written and urge you to support it in committee and on the floor. Again, I apologize for not being able to attend the hearing in Fairbanks myself; it was not from lack of concern. Thanks for accepting our written testimony.

Sincerely,


Jon R. Gleason, President

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

March 23, 1981

RECEIVED

Ron Davis
Ralph Seekins
Greater Fairbanks
Chamber of Commerce
550 First Avenue
Fairbanks, Alaska 99701

Dear Ron and Ralph:

I appreciate receiving a copy of the Chamber of Commerce's resolution supporting SB 83. The Senate Resources Committee passed SB 83 out of Committee on March 11th and it is now in the Senate Judiciary Committee. I am forwarding a copy of your resolution to Senator Rodey, who is Chairman of the Judiciary Committee.

Again, thank you for keeping me informed of your thoughts.

Best regards.

Sincerely,

Bettye
Bettye Fahrenkamp,
Chairman

cc: Senator Rodey

BF:rk

*I'll be
home 3/24
☺*



Greater Fairbanks

CHAMBER OF COMMERCE

550 First Avenue

FAIRBANKS
ALASKA 99701

Member

U. S. Chamber of Commerce
Alaska State Chamber of Commerce
Pacific Northwest Trade Ass'n.
National Better Business Bureau

MAR 16 1981

A RESOLUTION SUPPORTING SB 83

WHEREAS, the Fairbanks Chamber of Commerce has studied the provisions of Senate Bill No. 83; and

WHEREAS, this legislation will clarify the scope of regulations that may be adopted regarding activities within state recreation areas; and

WHEREAS, SB 83 allows traditional uses within state recreation areas to continue, provided those uses were in existence prior to the creation of the recreation area;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Greater Fairbanks Chamber of Commerce that the Alaska Legislature is encouraged to adopt SB 83.

Signed this 10 day of March, 1981.

Attest

Ron Davis
President

Signed

Ralph Seekins
Chairman of the Board



ALASKA STATE LEGISLATURE



HOUSE OF REPRESENTATIVES

REPRESENTATIVE SALLY SMITH • 321 CHURCH STREET • FAIRBANKS, ALASKA 99701 • IN JUNEAU: POUCH V • JUNEAU, ALASKA 99811

March 30, 1981

RECEIVED

MAR 31 1981

Ron Davis, President
Greater Fairbanks Chamber of Commerce
550 First Avenue
Fairbanks, AK 99701

Dear Mr. Davis: *Ron*

Thank you for your letter concerning Senate Bill 83. Your comments are presented well and I appreciate the time you have taken to express your position on how you feel the Chena Recreation Area should be administered.

Senate Bill 83 is in Senate Judiciary, and a copy of your letter has been forwarded to Judiciary Chair, Senator Patrick Rodey for his review. If you have further comments, I urge you to contact Senator Rodey at Pouch V, Juneau 99811.

Your comments have been noted and will be brought to my attention when this bill is considered. Rest assured, that I will consider all ramifications of this bill before making a decision.

Again, thank you for taking the time to express your concerns on this bill.

Sincerely,

Sally

Sally Smith
Alaska State Representative

cc: Sen. Patrick Rodey

jg

ALASKA STATE LEGISLATURE



HOUSE OF REPRESENTATIVES

REPRESENTATIVE SALLY SMITH • 321 CHURCH STREET • FAIRBANKS ALASKA 99701 • IN JUNEAU: POUCH V • JUNEAU, ALASKA 99811

March 30, 1981

RECEIVED

MAR 31 1981

Joanne E. Groves
Box 81199
College, AK 99708

Dear Ms. Groves:

Thank you for your letter concerning Senate Bill 83. Your comments are presented well and I appreciate the time you have taken to express your position on how you feel the Chena Recreation Area should be administered.

Senate Bill 83 is in Senate Judiciary, and a copy of your letter has been forwarded to Judiciary Chair Senator Patrick Rodey for his review. If you have further comments, I urge you to contact Senator Rodey at Pouch V, Juneau 99811.

Your comments have been noted and will be brought to my attention when this bill is considered. Rest assured, that I will consider all ramifications of this bill before making a decision.

Again, thank you for taking the time to express your concerns on this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sally Smith".

Sally Smith
Alaska State Representative

cc: Sen. Patrick Rodey

Jg

MEMORANDUM


State of Alaska

TO: Kevin Bruce

DATE:

FILE NO:

TELEPHONE NO:

FROM: Chip Dennerlein 

SUBJECT: SB 83.

In reference to your questions concerning SB 83, I testified on the bill when it was heard in Senate Resources. During the committee process, several amendments were made which make the bill far more acceptable than in its original form. However, one major problem remains outstanding which I did not have time to adequately address when the bill was before the resource committee. That is the question of motorized access and use.

As is indicated by the attached committee report, I was to look into the matter further and report back to the committee. Unfortunately, due to the schedule of those in the AG's office, I was unable to receive a response to my questions prior to the time when the resources committee had to act. I have since discussed the matter with the Attorney General and would suggest the following.

There is a serious potential problem with the existing language. The problem stems primarily from the ambiguous manner in which motorized use is addressed. The bill would prohibit the Division of Parks from making any regulations which would prohibit motorized use where it occurred previously in the recreation areas. Several points should be clarified, and as I have not seen the amended version of the bill (I was told it was not printed) please excuse me if these have already been adequately addressed.

1. The bill should clearly explain that the motorized use which is being authorized is that which occurred on roads and trails within the areas. The division should not be required to permit ORV use on other than old trails. Such use, in fact, could be in violation of the division's other responsibilities if it seriously damaged terrain.

2. It should be made clear that the use which is being guaranteed is "the level of use which existed at the time of the establishment of the recreation area". Certainly greater use can (and in many cases will) be permitted or even encouraged. However, there is a great difference between guaranteeing use for fifteen vehicles and mandating the division to allow five hundred vehicles to use a given area. For example, the terrain may physically be unable to support a particular use beyond a given level. It is almost impossible to "grandfather in" a select specific group of people. The only fair way to guarantee certain rights of use and not discriminate among users is to focus on a level of use which will have to be accepted by everyone.

Finally, I should note that the only problems which have ever occurred have been in Chena Recreation Area. There have never been problems in any other State Recreation of the type this bill seeks to remedy.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
DOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3635

Senate

Committee on Resources

March 6, 1981
1:30 p.m.

Beltz Room
211 - Capitol

MEMBERS PRESENT

SENATOR FAHRENKAMP
SENATOR FISCHER
SENATOR BRADLEY
SENATOR STURGULEWSKI
SENATOR MULCAHY
SENATOR ELIASON
SENATOR GILMAN

Division of Parks

MAR 24 1981

HEARING:

SB 83 "An Act restricting the authority of the Department of Natural Resources to regulate certain activities in state recreation areas."

John Adams, representing the Fairbanks Environmental Center, said that his organization supports mining access, trapping and motorized vehicle use in State Recreation Areas. He said that his group's greatest concern with SB 83, is the language which states that the Director of Parks may not "prohibit or restrict" certain activities which may be incompatible with public recreation and safety. He suggested that the Committee consider omitting the words "or restrict" on Page 1, Section 2. He also, suggested the addition of the phrase "to protect the property and preserve the peace" in Section 2, line 20. He also suggested the addition of the phrase "on roads or trails" on Page 2, line 2, between the words "regularly in". He stated that his group supports the principle of allowing the harvest of dead timber in recreation areas, particularly in view of the current firewood shortage in Fairbanks. He said he would like to see the use of the phrase "dead and down" in order to prevent people from inadvertently cutting live trees.

Chip Dennerlein, Director, State Parks, Department of Natural Resources, said there have been a few problems in the Chena Recreation Area; it is a park but, is managed as a recreation area because of size. He said the word "restrict" in SB 83 is a difficult word to administer. He said he would like to see the use of the phrase "dead and down" timber because there are three

SENATE RESOURCES COMMITTEE

March 6, 1981

Page: 2

types of trees which look dead in the winter and someone might inadvertently take live trees.

In response to the question, how can you legally grandfather in a traditional use on public land and not allow another person that same use of the public land? Mr. Dennerlein, said that traditional use is a use that was employed up until a certain time, but if that same use is extended to other people after that date it is really expanded use, not true traditional use. But, he said he was not an attorney and would look into the matter and report back to the Committee.

Senator Don Bennett, said he had no problems with striking the word "restrict" and he would like to see the words "dead and down or burnt trees" added to SB 83. He said he would like to see the rights outlined in the bill maintained.

Senator Gilman asked that staff prepare appropriate amendments for the next committee meeting.

The Committee adjourned at 2:30 p.m.



MAR 10 1981

Greater Fairbanks

CHAMBER OF COMMERCE

350 First Avenue

FAIRBANKS
ALASKA 99701

Member
U. S. Chamber of Commerce
Alaska State Chamber of Commerce
Pacific Northwest Trade Ass'n
National Better Business Bureau

A RESOLUTION SUPPORTING SB 83

WHEREAS, the Fairbanks Chamber of Commerce has studied the provisions of Senate Bill No. 83; and

WHEREAS, this legislation will clarify the scope of regulations that may be adopted regarding activities within state recreation areas; and

WHEREAS, SB 83 allows traditional uses within state recreation areas to continue, provided those uses were in existence prior to the creation of the recreation area;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Greater Fairbanks Chamber of Commerce that the Alaska Legislature is encouraged to adopt SB 83.

Signed this 10 day of March, 1981.

Attest

Ron Davis
President

Signed

Ralph Seekins
Chairman of the Board

