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COMMITTEE REPORT

SENATE

FURTHER: Finance

4/10/81

Date: 5/8/81

Mr. President:

The Committee on Resources has had SSSB 189
outdoor recreational facilities

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)
- replace with CS for _____ same title
 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

V. T. ...
...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Alan Gilman (AC ...)
Bob ...

CHAIRMAN

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
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POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

May 8, 1981
1:30 p.m.

Beltz Room
Room 211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Sturgulewski
Senator Mulcahy
Senator Eliason
Senator Gilman
Senator Bradley

HEARING:

SSSB 189 An Act relating to outdoor recreational facilities; providing for state historical, recreational, and wilderness trails, waterways, and campsite system.

SJR 37 Relating to the construction of the Bradley Lake hydroelectric project.

Governor's appointments: King Crab Marketing and Quality Control Board; Guide Licensing and Control Board, and Board of Veterinary Examiners.

Special briefing by Hudson Glimp, James Conner, and Tom Wamon of the Win-Rock International Foundation.

Hudson Glimp, stated that the purpose of their trip to Alaska was to obtain an overview of Alaska agriculture. Since Alaska is 95% dependent upon imported food goods, it needs to become self-sufficient. Alaska can become self-sufficient through research and building the necessary infrastructure. He indicated that there are deficiencies in the state's agriculture research programs.

Tom Wamon, stated Win-Rock can assist Alaska in areas such as developing seed varieties for this climate.

Jim Conner, stated that in order to support a feed grain industry

a market and a port are needed. He indicated that the seed being used at the Delta project is a 40 year old Canadian variety. Through the research of Win-Rock, Universities and Corporations, a better variety should be able to be developed.

Senator Gilman, stated that research is needed, but today the Senate Finance Committee deleted from the budget the funds for the Homer Research Center. He suggested that the Resources Committee send a letter to the Finance Committee asking them to reconsider their action.

The Chairman directed staff to draft such a letter for the Committee members signature. (attached)

Senator Fischer stated the the original bill, SB 189, related only to trails, but after hearings by the Subcommittee on Parks and Trails, the Sponsor Substitute was introduced. SSSB 189 addressed a grants program for the development of local recreation facilities. Senator Fischer recommended that the Committee adopt CSSSSB 189, which deletes the grants program.

Senator Fischer put forth the motion to move CSSSSB 189, with individual recommendations.

Senator Gilman discussed CSSJR 37. He stated that the Bradley Lake hydroelectric project was the only hydroelectric project that the Cor. of Engineers had completed significant work on. To expedite the project, the proposal has been made to have the state take over funding the Corp of Engineers work on the project. The Corps has completed the necessary work which the Federal Energy Regulatory Commission requires for permitting. Senator Stevens discovered that specific legislation would probably be needed to set up this permitting system.

Senator Gilman stated that the Bradley Lake project was a high priority for Alaska's Congressional delegation. Senator Stevens suggested most of the language.

Senator Gilman put forth the motion to move SCSJR 37, with a "do pass" recommendation.

Senator Fahrenkamp put forth the motion to move the following appointments, with individual recommendations: Ms. Valerie J. Shepard, Board of Veterinary Examiners; Royal J. DeVaney, King Crab Marketing and Quality Control Board; Marcus Jensen, Guide Licensing and Control Board.

The Committee adjourned at 3:04 p.m.

Alaska State Legislature

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Senate

Committee on Resources

May 8, 1981

Senate Finance Committee
Juneau, Alaska 99811

Dear Senators:

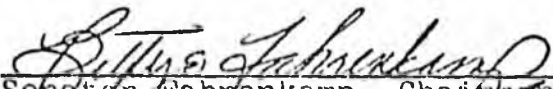
The Senate Resource Committee would like to request your reconsideration of the budget for the University of Alaska for inclusion of the operating funds for the Homer Research Center at Homer, Alaska.

The University of Alaska is considering closing the Center December 1981 due to a lack of operating funds. This would result in the loss of vital agricultural research and data necessary for the maintenance and expansion of agricultural projects in the state.

The operating budget is broken down into:

Salaries-----	\$155,011.58
Travel-----	3,368.39
Contractual services-----	29,404.20
Supplies-----	30,274.00
Total operating budget-----	\$218,058.17

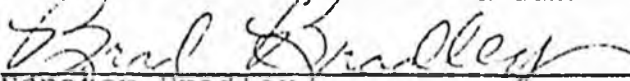
Your reconsideration on this matter is greatly appreciated.



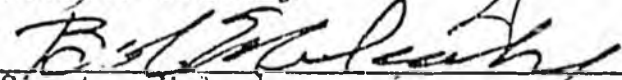
Senator Fahrenkamp, Chairman




Senator Fischer, Vice Chairman



Senator Bradley



Senator Mulcahy



Senator Gilman

sary for its commission, while attempt is direct movement toward commission after preparations are made. *State v. Quick*, 199 S.C. 256, 19 S.E.2d 101, 103. See also *Aid and abet*.

Prepare. To provide with necessary means; to make ready; to provide with what is appropriate or necessary.

Prepayment penalty. A penalty under a note, mortgage, or deed of trust, imposed when the loan is paid before its due date. Consideration to terminate loan at borrower's election before maturity.

Prepayments. Deferred charges. Assets representing expenditures for future benefits. Rent and insurance premiums paid in advance are usually classified as current prepayments.

Prepense. Forethought; preconceived; premeditated.

Preponderance of evidence. Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which on a whole shows that the fact sought to be proved is more probable than not. *Braud v. Kinchen*, La.App., 310 So.2d 657, 659. With respect to burden of proof in civil actions, means greater weight of evidence, or evidence which is more credible and convincing to the mind. That which best accords with reason and probability. The word "preponderance" means something more than "weight"; it denotes a superiority of weight, or outweighing. The words are not synonymous, but substantially different. There is generally a "weight" of evidence on each side in case of contested facts. But juries cannot properly act upon the weight of evidence, in favor of the one having the *onus*, unless it overbear, in some degree, the weight upon the other side.

That amount of evidence necessary for the plaintiff to win in a civil case. It is that degree of proof which is more probable than not.

Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence, which does not necessarily mean the greater number of witnesses, but opportunity for knowledge, information possessed, and manner of testifying determines the weight of testimony.

Prerogative /prəˈrɒɡədɪv/. An exclusive or peculiar right or privilege. The special power, privilege, immunity, right or advantage vested in an official person, either generally, or in respect to the things of his office, or in an official body, as a court or legislature.

Prerogative court. In old English law, a court established for the trial of all testamentary causes, where the deceased left *bona notabilia* within two different dioceses; in which case the probate of wills belonged to the archbishop of the province, by way of special prerogative. And all causes relating to the wills, administrations, or legacies of such persons were originally cognizable herein, before a judge appointed by the archbishop, called the "judge of the prerogative court," from whom an appeal lay to the privy council. The jurisdiction of these courts became obsolete with the transfer of the testamentary jurisdiction of the ecclesiastical courts to the Chancery Division of the High Court.

Prerogative law. That part of the common law of England which is more particularly applicable to the king.

Prerogative writs. In English law, the name was given to certain judicial writs issued by the courts only upon proper cause shown, never as a mere matter of right, the theory being that they involved a direct interference by the government with the liberty and property of the subject, and therefore were justified only as an exercise of the extraordinary power (prerogative) of the crown. In America, issuance is now generally regulated by statute, and such are generally referred to as extraordinary writs or remedies.

Such writs have been abolished in the federal and most state courts with the adoption of Rules of Civil Procedure. The relief formerly available by such writs is now available by appropriate action or motion under the Rules of Civil Procedure. See Rule 81. These writs are the writs of mandamus, procedendo, prohibition, quo warranto, habeas corpus, and certiorari.

Pres /préy/. L. Fr. Near. *Cy pres*, so near; as near. See *Cy pres*.

Presbyter /prézbədər/. Lat. In civil and ecclesiastical law, an elder; a presbyter; a priest.

Presbyterianism. One of the principal systems of church polity known as the "Christian Protestant Church", occupying an intermediate position between episcopacy and congregationalism. A religion is faith or doctrine, based on the Westminster Confession of Faith and the Larger and Shorter Catechisms.

Presbyterium. That part of the church where divine offices are performed; formerly applied to the choir or chancel, because it was the place appropriated to the bishop, priest, and other clergy, while the laity were confined to the body of the church.

Prescribable /prəskrībəbəl/. That to which a right may be acquired by prescription.

Prescribe. To assert a right or title to the enjoyment of a thing, on the ground of having hitherto had the uninterrupted and immemorial enjoyment of it.

To lay down authoritatively as a guide, direction, or rule; to impose as a peremptory order; to dictate; to point, to direct; to give as a guide, direction, or rule of action; to give law. To direct; define; mark out.

In a medical sense "prescribe" means to direct, designate, or order use of a particular remedy, therapy, medicine, or drug.

Prescription. A direction of remedy or remedies for a disease, illness, or injury and the manner of using them. Also, a formula for the preparation of a drug or medicine.

Prescription is a peremptory and perpetual bar to every species of action, real or personal, when creditor has been silent for a certain time without urging his claim. *Jones v. Butler*, La.App., 346 So.2d 790, 791

Acquisition of a personal right to use a way, water, light and air by reason of continuous usage. See also *Prescriptive easement*.

International law. Acquisition of sovereignty over a territory through continuous and undisputed exercise of sovereignty over it during such a period as is necessary to create under the influence of historical development the general conviction that the present condition of things is in conformity with international order. *State of Arkansas v. State of Tennessee*, 310 U.S. 563, 60 S.Ct. 1026, 1030, 84 L.Ed. 1362.

Prescription in a que estate. A claim of prescription based on the immemorial enjoyment of the right claimed, by the claimant and those former owners "whose estate" he has succeeded to and holds.

Real property law. The name given to a mode of acquiring title to incorporeal hereditaments by immemorial or long-continued enjoyment. *Hester v. Sawyers*, 41 N.M. 497, 71 P.2d 646, 649. Prescription is the term usually applied to incorporeal hereditaments, while "adverse possession" is applied to lands.

In Louisiana, prescription is defined as a manner of acquiring the ownership of property, or discharging debts, by the effect of time, and under the conditions regulated by law. Each of these prescriptions has its special and particular definition. The prescription by which the ownership of property is acquired, is a right by which a mere possessor acquires the ownership of a thing which he possesses by the continuance of his possession during the time fixed by law. The prescription by which debts are released, is a peremptory and perpetual bar to every species of action, real or personal, when the creditor has been silent for a certain time without urging his claim. In this sense of the term it is very nearly equivalent to what is elsewhere expressed by "limitation of actions," or rather, the "bar of the statute of limitations."

See also Adverse possession; Prescriptive easement.

Prescriptive easement. A right to use another's property which is not inconsistent with the owner's rights and which is acquired by a use, open and notorious, adverse and continuous for the statutory period (e.g. twenty years). To a certain extent, it resembles title by adverse possession but differs to the extent that the adverse user acquires only an easement and not title. To create an easement by "prescription," the use must have been open, continuous, exclusive, and under claim of right for statutory period. See also Adverse possession.

Presence. Act, fact, or state of being in a certain place and not elsewhere, or within sight or call, at hand, or in some place that is being thought of. The existence of a person in a particular place at a given time particularly with reference to some act done there and then. Besides actual presence, the law recognizes *constructive* presence, which latter may be predicated of a person who, though not on the very spot, was near enough to be accounted present by the law, or who was actively co-operating with another who was actually present.

Presence of an officer. An offense is committed in "presence" or "view" of officer, within rule authorizing arrest without warrant, when officer sees act constituting it, though at distance, or when circumstances within his observation give probable cause for belief that defendant has committed offense, or

when he hears disturbance created by offense and proceeds as once to scene, or if offense is continuing, or has not been fully consummated when arrest is made.

Presence of defendant. In the trial of all felonies, the defendant or accused has the right to be present at every stage of the criminal proceeding unless he willfully and without justification absents himself or by his conduct renders it impossible to conduct the trial. In many states, this rule does not obtain as to misdemeanors. Fed.R.Crim.P. 43 specifies when the presence of the defendant is required and not required.

Presence of the court. A contempt is in the "presence of the court," if it is committed in the ocular view of the court, or where the court has direct knowledge of the contempt.

Presence of the testator. Will is attested in presence of testator if witnesses are within range of any of testator's senses. *In re Demaris' Estate*, 166 Or. 36, 110 P.2d 571, 585, 586. See Attestation.

Present, n. A gift; a gratuity; anything presented or given.

Present, adj. Now existing; at hand; relating to the present time; considered with reference to the present time. See also Presentment.

Present ability. As used in describing an element of the crime of assault, it means immediate or a point near immediate as regards the defendant's capacity to inflict harm. *People v. Ranson*, 40 Cal.App.3d 317, 114 Cal.Rptr. 874, 877.

Present conveyance. A conveyance made with the intention that it take effect at once and not at a future time.

Present danger test. See Clear and present danger doctrine.

Present enjoyment. The immediate or present possession and use of an estate or property, as distinguished from such as is postponed to a future time.

Present estate. An estate in immediate possession; one now existing, or vested at the present time; as distinguished from a *future* estate, the enjoyment of which is postponed to a future time.

Present interest. One which entitles the owner to the immediate possession of the property.

A "present interest", as distinguished from a future interest for purpose of federal gift tax annual exclusion, denotes a present right to realize, enjoy or use donated property. *Duffey v. U. S.*, D.C.Minn., 182 F.Supp. 765, 767. An interest in property is a "present interest" if the donee has the right presently to use, possess, or enjoy it. *Gilmore v. C. I. R.*, C.A. 6th, 213 F.2d 520, 521.

Present sale. A sale which is accomplished by the making of the contract. U.C.C. § 2-106(1).

Present time. A period of appreciable and generally considerable duration within which certain transactions are to take place.

Present use. One which has an immediate existence, and is at once operated upon by the statute of uses.

Presentative advowson /prəzəntədav ədvəwzən/. See Advowson.

Decreto /deykreytow/. In Spanish colonial law, an order emanating from some superior tribunal, promulgated in the name and by the authority of the sovereign, in relation to ecclesiastical matters.

Decretum /dækriydəm/. In the civil law, a species of imperial constitution, being a judgment or sentence given by the emperor upon hearing of a cause (*quod imperator cognoscens decrevit*).

In canon law, an ecclesiastical law, in contradistinction to a secular law (*lex*).

Decretum gratiani /dækriydəm grøyshiyéynay/. Gratian's decree, or *decretum*. A collection of ecclesiastical law in three books or parts, made in the year 1151, by Gratian, a Benedictine monk of Bologna, being the oldest as well as the first in order of the collections which together form the body of the Roman canon law. 1 Bl.Comm. 82.

Decriminalization. An official act generally accomplished by legislation, in which an act or omission, formerly criminal, is made non-criminal and without punitive sanctions.

Decrowning. The act of depriving of a crown.

Decry. To cry down; to deprive of credit; to depreciate, disparage or belittle. "The king may at any time *decry* or cry down any coin of the kingdom, and make it no longer current." 1 Bl.Comm. 278.

De ejus /diy kyúwjas/. Lat. From whom. A term used to designate the person by, through, from, or under whom another claims.

De curia claudenda /diy kyúriya klodéndə/. An obsolete writ, to require a defendant to fence in his court or land about his house, where it was left open to the injury of his neighbor's freehold.

Decurio /dakyúriyow/. Lat. A decurion. In the provincial administration of the Roman empire, the decurions were the chief men or official personages of the large towns. Taken as a body, the decurions of a city were charged with the entire control and administration of its internal affairs; having powers both magisterial and legislative.

De cursu /diy kársyuw/. Of course. The usual, necessary, and formal proceedings in an action are said to be *de cursu*; as distinguished from *summary* proceedings, or such as are incidental and may be taken on summons or motion. Writs *de cursu* are such as are issued of course, as distinguished from prerogative writs.

De custode admittendi /diy kástówdiy ædmæténdow/. Writ for admitting a guardian.

De custode amovendo /diy kástówdiy èymavéndow/. Writ for removing a guardian.

De custodia terræ et hæredis /diy kástówdiyá téhriy èt hæriydəs/. Writ of ward, or writ of right of ward. A writ which lay for a guardian in knight's service or in socage, to recover the possession and custody of the infant, or the *wardship of the land and heir*. 3 Bl.Comm. 141.

Dedhama /dédhəynə/. In Saxon law, an actual homicide or manslaughter.

Black's Law Dictionary 5th Ed.—D

De debito /diy débədow/. A writ of debt.

De debitore in partes secando /diy debatóriy in pártiyz səkəndow/. In Roman law; "Of cutting a debtor in pieces." This was the name of a law contained in the Twelve Tables, the meaning of which has occasioned much controversy. Some commentators have concluded that it was literally the privilege of the creditors of an insolvent debtor (all other means failing) to cut his body into pieces and distribute it among them. Others contend that the language of this law must be taken figuratively, denoting a cutting up and apportionment of the debtor's estate.

De deceptione /diy dasəpshiyówniy/. A writ of deceit which lay against one who acted in the name of another whereby the latter was damnified and deceived.

De deoneranda pro rata portionis /diy diyównərənda prów réydə pórshiyównəs/. Writ that lay where one was distrained for rent that ought to be paid by others proportionably with him.

Deed /diyday/. (Lat. I have given.) A word used in deeds and other instruments of conveyance when such instruments were made in Latin, and anciently held to imply a warranty of title.

Dedicate. To appropriate and set apart one's private property to some public use; as to make a private way public by acts evincing an intention to do so.

Dedication. The appropriation of land, or an easement therein, by the owner, for the use of the public, and accepted for such use by or on behalf of the public. Such dedication may be express where the appropriation is formally declared, or by implication arising by operation of law from the owner's conduct and the facts and circumstances of the case. *Varallo v. Metropolitan Government of Nashville and Davidson County*, Tenn.App., 508 S.W.2d 342, 346. A deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. *Longley v. City of Worcester*, 304 Mass. 580, 24 N.E.2d 533, 537; *Consolidated Realty Co. v. Richmond Hotel & Building Co.*, 253 Ky. 463, 69 S.W.2d 985.

See also Dedication and reservation, below.

By adverse user. A dedication may arise from an adverse exclusive use by the public under a claim of right with the knowledge, actual or imputed, and acquiescence of the owner.

Common-law or statutory. A common-law dedication is one made as above described, and may be either express or implied. A statutory dedication is one made under and in conformity with the provisions of a statute regulating the subject, and is of course necessarily express. An "express common-law dedication" is one where the intent is expressly manifested, such as by ordinary deeds, recorded plats not executed pursuant to statute or defectively certified so as not to constitute a statutory dedication. *Board of Com'rs of Garfield County v. Anderson*, 167 Okl. 253, 29 P.2d 75, 78.

Copyright law. The first publication of a work, without having secured a copyright, is a dedication of it to the public; that having been done, any one may republish it. *Deward & Rich v. Bristol Savings & Loan Corporation*, C.C.A.Va., 120 F.2d 537, 540 (partial publication).

Express or implied. A dedication may be express, as where the intention to dedicate is expressly manifested by a deed or an explicit oral or written declaration of the owner; or some other explicit manifestation of his purpose to devote the land to the public use. An implied dedication may be shown by some act or course of conduct on the part of the owner from which a reasonable inference of intent may be drawn, or which is inconsistent with any other theory than that he intended a dedication.

Dedication and reservation. The dedicator may impose reasonable conditions, restrictions and limitations, and compliance therewith is essential unless waived. Dedicator may reserve a new right in himself by way of implied grant and may include rights personal or rights appurtenant to the land. At common law, a reservation in a dedication is not perpetual.

Dedication-day. The feast of dedication of churches, or rather the feast day of the saint and patron of a church, which was celebrated not only by the inhabitants of the place, but by those of all the neighboring villages, who usually came there; and such assemblies were allowed as lawful. It was usual for the people to feast and to drink on those days.

De die in diem /diy dáyiy in dáyam/. From day to day.

Dedi et concessi /diyday èt kòns' say/. I have given and granted. The operative words of conveyance in ancient charters of feoffment, and deeds of gift and grant; the English "*given and granted*" being still the most proper, though not the essential, words by which such conveyances are made. 2 Bl.Comm. 53, 316, 317.

Dedimus et concessimus /dédámás èt kònsésámás/. (Lat. We have given and granted.) Words used by the king, or where there were more grantors than one, instead of *dedi et concessi*.

Dedimus potestatem /dédámás pòwdastéydám/. (We have given power.) In old English practice, a writ or commission issuing out of chancery, empowering the persons named therein to perform certain acts, as to administer oaths to defendants in chancery and take their answers, to administer oaths of office to justices of the peace, etc. 3 Bl.Comm. 447. It was anciently allowed for many purposes not now in use, as to make an attorney, to take the acknowledgment of a fine, etc.

In the United States, a commission to take testimony was sometimes termed a "*dedimus potestatem*."

Dedimus potestatem de attorno faciendo /dédámás pòwdastéydám diy atórnow féys(h)iyéndow/. In old English practice, a writ, issued by royal authority, empowering an attorney to appear for a defendant. Prior to the statute of Westminster 2, a party could not appear in court by attorney without this writ.

Deditio /dédishàn/. The act of yielding up anything; surrender.

Deditiū /diydəshishiyay/. In Roman law, criminals who had been marked in the face or on the body with fire or an iron, so that the mark could not be erased, and subsequently manumitted.

De diversis regulis juris antiqui /diy dāvərsəs régyaləs júərəs æntáykway/. Of divers rules of the ancient law. A celebrated title of the Digests, and the last in that collection. It consists of two hundred and eleven rules or maxims.

De dolo malo /diy dówlo məlow/. Of or founded upon fraud. See *Actio de dolo malo*.

De domo reparanda /diy dówmow rēprāndə/. A writ which lay for one tenant in common to compel his cotenant to contribute towards the repair of the common property.

De donis /diy dównəs/. Concerning gifts (or more fully, *de donis conditionalibus*, concerning conditional gifts). The name of a celebrated English statute, passed in the thirteenth year of Edw. 1, and constituting the first chapter of the statute of Westm. 2, by virtue of which estates in fee-simple conditional (formerly known as "*dona conditionalia*") were converted into estates in fee-tail and rendered inalienable, thereby strengthening the power of the nobles. 2 Bl.Comm. 112.

De dote assignanda /diy dówdiy əsəgnāndə/. Writ for assigning dower. A writ which lay for the widow of a tenant *in capite*, commanding the king's escheater to cause her dower to be assigned to her.

De dote unde nihil habet /diy dówdiy əndiy náyəl hēybat/. A writ of dower which lay for a widow where no part of her dower had been assigned to her. It is not much used; but a form closely resembling it was sometimes used in the United States.

Deductible. That which may be taken away or subtracted. An item which may be subtracted from income for tax purposes, such as a deductible debt. In *re Hermann's Estate*, 349 Pa. 230, 36 A.2d 804, 806; a deductible expense, *Pacific Southwest Realty Co. v. McColgan*, 53 Cal.App.2d 549, 128 P.2d 86, 87; or, a deductible loss, *Helvering v. Gordon*, C.C.A.4, 134 F.2d 685, 689; *Bickerstaff v. Commissioner of Internal Revenue*, C.C.A.Ga., 128 F.2d 366, 367. See also *Deduction*.

The portion of an insured loss to be borne by the insured before he is entitled to recovery from the insurer. See *Deductible clause*.

Deductible clause. Clause in insurance policy providing that insured will absorb first part of loss (e.g. first \$100) with insurer paying the excess.

Deduction. That which is deducted; the part taken away; abatement; as deductions from gross income in arriving at net income for tax purposes.

In the civil law, a portion or thing which an heir has a right to take from the mass of the succession before any partition takes place. Civil Code I.a. art. 1358.

See also *Charitable deduction*; *Orphan's deduction*.

Itemized deductions. Those expenses which are allowed as deductions from adjusted gross income, itemized in detail under their appropriate captions,

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Senate

Committee on Resources

PUBLIC SERVICE ANNOUNCEMENT

April 27, 1981

Bill relating to outdoor recreational facilities, state historical, recreational and wilderness trails to be heard on teleconference network.

The Senate Resources Committee, Chaired by Vice-Chairman Vic Fischer, will hold a teleconference hearing on Sponsor Substitute for SB 189, Wednesday, April 29th at 1:30 p.m., Pacific Standard Time.

Area residents interested in presenting testimony or observing the hearing may participate via the Legislative Teleconference network at all of their locations.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 5, 1981

SUBJECT: Analysis of SB 189

TO: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee
Attn: Jim Palmer

FROM: Billy G. Berrier 
Director
Division of Legal Services

BY: Glenn Crow
Legislative Legal Extern

You have requested an explanation of the methods of acquisition of land provided for in Sec. 2 of SB 189. Trail sites may be acquired by grant, gift, purchase, lease, dedication or prescription.

The following definitions are from Black's Law Dictionary, 5th edition:

Grant -- "a generic term applicable to all transfers of real property . . ."

Gift -- "a voluntary transfer of property to another made gratuitously and without consideration".

Purchase -- "transmission of property from one person to another by voluntary act and agreement, founded on a valuable consideration".

Lease -- "contract for exclusive possession of lands and tenements for determinate period".

The last two methods of acquisition are somewhat more complex concepts and will be dealt with separately.

Black's definition of dedication is, "the appropriation of land, or an easement therein, by the owner, for the use of the public and accepted for such use by or on behalf of the public. Such dedication may be express, where the appropriation is formally declared or by implication arising by operation of law from the owner's conduct and the facts and circumstance of the case".

The essential elements to creation of a valid "dedication" are a person competent to dedicate, a public purpose that will be served by the dedication, an offer or tender of dedication, and acceptance of the offer or tender. O'Connor v. Gragg, Tex. Civ. App., 324 S.W.2d 294, 296.

A dedication might be considered a type of gift where a purpose is specified, but a formal conveyance is not required.

Black's Law Dictionary defines prescription as "the name given to a mode of acquiring title to incorporeal hereditaments by immemorial or long-continued enjoyment".

The doctrine of "prescription" envisions a party, whose rights are being openly and notoriously violated by another, and who has power to intervene and prevent violation from becoming adverse property right by self-help or by bringing the action or obtaining injunction before prescription period runs. People of State of Cal. v. U.S., C.A.Cal., 235 F.2d 647, 661.

Prescription is the method of acquiring an intangible right, such as an easement, by the continued use of the right where the owner has notice and should protest. This concept is similar to adverse possession, however, title to the land itself is not acquired.

SB 189 does not provide for acquisition by "eminent domain", "the right or power of a sovereign state to appropriate private property to particular uses to promote public welfare". Jeffress v. Town of Greenville, 70 S.E. 919, 154 N.C. 490.

Alaska has a general eminent domain statute, AS 09.55.240. SB 189, section 2 must be considered in light of the doctrine

Senator Bettye Fahrenkamp

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May 5, 1981

of statutory construction, that if a detailed list is made by the legislature, the legislature probably wants to include only the items on that list, and that by specifying these certain items it is intended that other items should be excluded. Other sections of Chapter 20, specifically exclude the power of eminent domain: AS 41.20.290, 41.20.320, and 41.20.345. Due to these circumstances, it would be beneficial for SB 189 to either specifically include or exclude eminent domain.

GC:BGB:ljb

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 4, 1981

SUBJECT: Sectional analysis of SSSB 189
relating to recreation sites and
facilities (Work Order Number 12-1676)

TO: Senator: Bettye Fahrenkamp
Chairman, Senate Resource Committee

FROM: Randolph G. Berry *RGB*
Legislative Counsel

BY: Glenn Crow
Legislative Legal Extern

You have requested a section-by-section analysis of SSSB 189 relating to outdoor recreational facilities. This bill amends AS 41.20, expanding the wilderness trails and campsites system under the Department of Natural Resources.

Sec. 1 amends AS 41.20.070, by adding waterways and historical and recreational trails to the system, as well as those that are wilderness. The system will include those areas selected by the Department of Natural Resources and those nominated by local governments and approved by the commissioner of natural resources. This bill section differs from the original in that it states that the system shall be administered by the Department of Natural Resources, division of parks.

Sec. 2 repeals and reenacts AS 41.20.080, setting out new standards for the selection, designation and acquisition of trails, waterways and campsites for the system.

Subsection (a) authorizes the Department of Natural Resources to designate a system of historical, recreational, and wilderness trails, waterways, and campsites throughout the state. The Department of Natural Resources is required to consult with the Department of Fish and Game and the Department of

Transportation and Public Facilities in selecting areas for the system. The Department of Natural Resources shall consider the scenic, recreational, historical, natural, or cultural qualities of the routes and areas in making the selection.

Subsection (b) provides requirements for the selection of trails, waterways, and campsites. To be selected a route or area must serve the recreational needs of a substantial number of people. It must provide access to historical, natural, or recreational areas. The route or area must protect publicly owned land or resources and provide for or enhance the use by the public. It must link existing or potential units of the system, including those located on federal or municipal land. It must contribute to the development of tourism. The trail, waterway, or campsite must be included in an existing state or local capital improvement plan or be consistent with long range planning for recreation, tourism, preservation of historical landmarks, protection of traditional uses, or economic development.

Subsection (c) gives priority to traditional or historic routes when practical.

Subsection (d) authorizes the Department of Natural Resources to acquire sites selected by grant, gift, purchase, lease, dedication, or prescription and hold them in the name of the state. This section does not require transfer of municipal land to the state. It does authorize the Department of Natural Resources to enter into cooperative management agreements with federal agencies, municipal governments, and private land owners.

Subsection (e) requires that sufficient land be designated or acquired to fulfill the purpose for which the site or route is selected.

Subsection (f) authorizes the use of money appropriated for the system to be expended on lands owned by municipalities within the system.

Sec. 3 amends AS 41.20.090, UNIFORM MARKERS. The commissioner of natural resources shall establish a uniform comprehensive system of markers for the system which will include information

of historical, geological, biological or other significance.

Sec. 4 amends AS 41.20.100 by authorizing the commissioner of natural resources to adopt regulations for the system. The commissioner shall also adopt regulations for the inclusion of municipal lands, and for payments to municipalities for lands within the system.

Sec. 5 adds a new section, AS 41.20.105 which deals with trails in a local government area. It authorizes the Department of Natural Resources to enter into cooperative agreements with local governments for the acquisition, development, and marking of trails within the local government area.

Sec. 6 adds a new subsection (c) to AS 41.20.110, CONSTRUCTION AND MAINTENANCE OF CAMPSITES. Subsection (c) requires the Department of Transportation and Public Facilities, in conjunction with the Department of Natural Resources, division of parks to develop and construct access to trails and waterways, and to provide for such access in future highway projects.

Sec. 7 adds a new section: 41.20.115, INFORMATIONAL MATERIAL. The division of tourism is required to provide informational material and coordinate promotional material to promote tourism in the system.

Sec. 7 adds a new section: 41.20.122, GRANTS AND ASSISTANCE TO LOCAL GOVERNMENTS. This section was not included in the original bill and is not limited to the historical, recreational and wilderness trails, waterways, and campsite system. It establishes a program of financial and technical assistance to aid local governments in the acquisition and development of outdoor recreation sites and facilities. This program would also be administered by the Department of Natural Resources, division of parks. The division of parks will adopt policies and regulations for the state to provide up to 75 percent of the cost of acquisition and development of outdoor recreation sites and facilities by a local government. Not less than 2 percent of the money appropriated to the division of parks under this program will be used to assist local governments in planning park and recreation lands, in preparing applications under this program, and improving local recreation opportunities.

Senator Bettye Fahrenkamp
Page 4
May 4, 1981

Sec. 7 provides for a new section: 41.20.125, REPORT. The division of parks shall submit an annual report to the governor and the legislature to include descriptions of the routes and areas within the system, the arrangements made for or entered into for the use, development, maintenance, or marking of units within the system, and money expended or committed for these purposes. The annual report shall also include a five year development plan.

Sec. 8 provides that this act shall take effect July 1, 1981, the beginning of the 1982 fiscal year.

GC:RGB:ljb

Total 689.1 ^{miles} ~~area~~ of trails

51.9

110.1

284.0

243.1

689.1

CA 217

KA 114

SA 35.2

CA 149

515.2

TOTAL 243.1

Chatham Area

Juneau RD

Admin. Unit

Traffic	Chatham Area / J	Length
Mendenhall Glacier	CA/J	1.7
Moraine Ecology		
Hilda Creek	CA/J	1.0
Cropley Lake	CA/J	1.5
Glacial Face	CA/J	0.2
East Glacier	CA/J	3.0
West Glacier	CA/J	3.0
Mugget Creek	CA/J	4.5
Twin Glacier	CA/J	0.7
Shelter Cove	CA/J	1.0
Spaulding	CA/J	2.0
Denver Glacier	CA/J	4.2
Dan Moller	CA/J	3.2
Montana Creek	CA/J	6.0
Laughton Glacier	CA/J	1.8
Crater Lake	CA/J	1.3
Bear Creek	CA/J	3.0
Admiralty Cove	CA/J	4.5
Taku Harbor	CA/J	4.5
Bessie Creek	CA/J	1.5
Peterson Lake	CA/J	4.0
Steep Creek	CA/J	?
Quake Mu	CA/J	2.0
Herbert Glacier	CA/J	4.5
Amalga	CA/J	4.7
Winefall Lake	CA/J	3.6
Turner Lake	J	0.8
Point Bishop	J	8.0

Chatham Area

Juneau RD

Tamie Mesa	CA/J	2.1
Italia Lake	CA/J	1.0
Seismic	CA/J	4.0
Dangerous River	CA/J	3.0
Lemon Creek	CA/J	6.5
Carlson Creek	/J	1.2
Trail of the Glacier	/J	0.8
Mountain Lake	/J	2.1
Situk River	/J	8.8
		<hr/>
		105.7

Chatham Area
Sithka R.D.

Leo Russell -
747-5821
maint.
747-8173
Mike Trainor

Lake Eva	CWS		2.9
Beaver Lake	15		1.8
South Katlian	15		1.0
Warm Spring Bay	15		.5
Fish Bay	15		3.0
Noxon Creek	15		4.0
Harbor Mt. Shelter	15		.1
Indian River	15		5.0
Nedrickson	15		.2
Black River	15		17.0
Shelhof	15		1.2
Lisianski River	15		3.0
Salmon Lake	15		5.9
Port Banks	15		6.0
Blue Lake River	15		4.0
Sithka Lake	15	(4.1)	5.0
W. Scalion Cove	15		2.0
Crown Hill	15		3.0
Suloina Lake	15	(0.8)	1.1
* Iris Meadows	15		4.6
* Basket Bay	15		3.0
* Mount Edgcombe	15		6.1
Harvest Chickadee	15		6.0
Davidoff Lake	15		1.2
White Sulphur Springs	15		.5
Redonby Lake	15		
Green	15		1.0
Katlian	15		4.0

111.2

Chatham Area
Admiralty Island National Monument

Davidson Lk / Mitchell Bay	CA/AT	4.5
McKinley Lake	CA/AT	0.8
Oliver Inlet Tram	CA/AT	0.7
Distin / Dawson Portage	CA/AT	0.2
Hassellberg / Quinn Portage	CA/AT	2.1
Beaver / Hassellberg Portage	CA/AT	0.2
Hassellberg River	CA/AT	1.4
Pack Creek	CA/AT	1.0
Florence L. / Beach	CA/AT	1.1
Thayer L. / Trail 516	CA/AT	5.5
Distin / Thayer Portage	CA/AT	3.0
Mole Harbor / L. Alexander	CA/AT	0.3
Quinn / Distin Portage	CA/AT	0.4
		<u>23.2</u>

Total 110.1
~~110.6~~

Ratchikam Area
Katabikam District

	05	02	
Perseverance Creek	KA/K		2.4
Short Bay	/K		1.9 (1.9)
Orchard Bay	/K		0.5
Ward Creek	/K		1.7
Upe Bay	/K		1.5 (1.5)
Black Mountain	/K		2.5
Trap Lake	/K		1.2
Myerschuck	/K		1.0
Swan Lake	/K		0.8
Long Lake	/K		1.3
Bell Island	/K		3.2
Bailey Bay	/K		2.3
Die Mountain - John Mountain	/K	(2.0)	9.0 (6.0)
Naha River	/K		7.0
Ward Lake Nature Trail	/K		1.0
Blue Lake			(0.9)
White Lake? Selected			(4.0)
Orchard Lake? OK			(0.5)
Fat Lake?			(0.1)

16 trails

37.1

→ 36.6
RIM

23
36.6
.5
40.6
25.5
6.9
110.1

05/01
Kegan Creek KA/Craig 0.5^(0.5)

1 trail 0.5

Thomas Bay

Karta River System	K.A/T.B		6.6 ^(6.6)
Honker Divide	KA/TB		34.0
	2 trails		<u>40.6</u>
Barkwell Arm	KA/MF	Misty Fjords	1.3
Wintonley Creek	KA/MF	<u>N.M.</u>	2.3
Hooya Lake	KA/MF		1.1
Punchbowl Lake	KA/MF		0.7
Low Lake	KA/MF		2.1 ^(2.1)
Manganita Lake	KA/MF		3.0
Humpback Creek	KA/MF		3.0
Grace Lake	KA/MF		2.3
Mesa Lake	KA/MF		2.9
Hugh Smith Lake	KA/MF		0.2 ^(.25)
Ella Lake	KA/MF		2.5
Chickamin River	KA/MF		3.0
Chicats Cove	KA/MF		1.1
			<u>25.5</u>

North Prince of Wales R.D

Salmon Bay Lake	KA / NPW	4.1
Johnson Pond (W. Half)	KA / H	
Sarker Lake Trail	/ NPW	1.5
Red Bay Lake	/ NPW	<u>1.3</u>
		<u>6.9</u>

Total 284
 includes 83 mi. Sitarod NHT
 279.541

Chugach N.F.
Anchorage R.D.

<u>Trail</u>	<u>Admin Unit</u>	<u>Length</u>
Wimmer Ski	Chug. / Kenai 01	6.5
Malina Lake	CNF / Anch 01	7.0
Crow Pass	CNF / Kenai 01	4.0
Mills Creek	CNF / Kenai 01	2.0
Gull Rock	CNF / Kenai 01	6.0
Mackenzie Bay	CNF / Anch 01	2.0

Willow Nature	CNF / Kenai 01	→ ? 1.0
Johnson Pass	/ 01	13.0
Schrode Lake	/ 01	1.5
Wibel Trail	/ 01	2.5
Resurrection Pass (N. Half)	/ 01	17.6
Q Sitarod NHT (N. 40%)	/ 01	Designated Corridor (39.0)
Center Ridge Nordic Ski	/ 01	<u>3.5</u>

112.1

13 trails

Chugach N.F.

Cordova R.D.

Crater Lake	CNF/C	3.5
Canoe Pass	1C	6.0
Eyak River	1C	2.2
Pipeline Lake	1C	2.0
Lake Elmer	1C	4.4
Power Creek Basin	1C	1.0
McKinley Lake	1C	2.6
Lyndie Slough	1C	3.1
		<u>24.8</u>

8 trails

Chugach N.F.

Seward R.D.

04/03

Resurrection River	CNF/5	6.0
Rainbow Lake	5	0.5
Editorial National Historic Trail	5	(44.0)
Victor Creek	5	2.0
Grayling Lake	5	2.0
Russian Lake	5	21.0
Resurrection Pass	5	19.0
Vagt Lake	5	1.0
Carter Lake	5	3.5
Devils Creek	5	10.0
Golden Fin Lake	5	0.6
Russian River Fishermans	5	3.5
Crescent Creek	5	6.0
Johnson Pass (S. half)	5	10.5
Lost Lake	5	7.3
Primrose Creek	5	6.5
Ptarmigan	5	3.5

147.1

17 trails

284

Total ~~47.9~~ 51.9

Stikine Area
Petersburg R.D.

Blind River Rapids	SA/P	20.3
Hamilton Creek	SA/P	1.0
Raven	SA/P	3.0
Hill Lake	SA/P	.3
Sand Lake	SA/P	.3
Big John Bay	SA/P	2.0
Harvey Lake	SA/P	7.0
Kah Sheets	SA/P	2.5
Petersburg Mountain	SA/P	2.5
Deer Cove	SA/P	.8
Cathedral Falls	SA/P	1.5
Coase Lake	SA/P	1.0
Castle River	SA/P	0.5
Hooter	SA/P	1.0
Colp Lake	SA/P	2.3
Delta Creek	SA/P	2.5
Devils Elbow	SA/P	0.1
Green Rocks	SA/P	1.0
Cascade Cr.	SA/P	4.0
Spirit Lake	SA/P	1.5
Patterson River	SA/P	3.0
Petersburg Lake + 2 extensions	SA, Duncan Salt Creek (6.0), Portage Bay (5.5)	6.5
Cran Lake	SA/P	.3
- Scenery Lake	SA/P	3.0
- Ferragut River	SA/P	14.0
- Goldstein	SA/P	1.5
- Duncan Canal Portage	SA/P	2.0
- Muddy River	SA/P	9.0

total

RIM
↑

31.9

~~47.9~~

Stakeie Area

Wrangell R.D

Stakeie Hot Springs	SA/W	? 0.5
Wrangell Alpine	SA/W	? 2.0
Kunk Lake	SA/W	? 1.0
Amor Lake	SA/W	? 1.5
Baron Creek	SA/W	? 4.5
Amor Creek	SA/W	? 1.0
Mill Creek	SA/W	? 0.9
Thome Lake	SA/W	? 1.6
Rainbow Falls	SA/W	1.0
		<hr/> 14

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. S.B. 189
 Title Trails, Waterways, and Campsites System and Local Assistance Program
 Requested by Sen. Vic Fischer Date 4/21/81

II. FISCAL DETAIL
 Agency Affected Natural Resources - Parks
 Program Category Affected Parks & Recreation
 BRU, Program, or Subprogram(s) Affected Park Operations
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		39.8	43.8	48.2		
200 TRAVEL		3.6	4.0	4.4		
300 CONTRACTUAL		3.1	3.4	3.8		
400 COMMODITIES		0.5	0.6	0.6		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		6,104.0	6,714.4	7,385.8		
TOTAL		6,151.0	6,766.2	7,442.8		

FUNDING (Thousands of Dollars)

GENERAL FUND		6,151.0	6,766.2	7,442.8		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1.0	1.0	1.0		
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
 Line 100 through 400 costs are for a full-time position to work with municipal governments and State agencies in developing the system plan and the agreements necessary to implement the system plan.

The line 700 monies are for the assistance program to local communities. A base figure is \$3,052.0, based upon the mid-level mandatory funding identified in AS41.20.355-375, the past five-year average (adjusted for inflation) of appropriations identified in AS41.22.010-030 (the "Outdoor Recreation, Open Space, and Historic Properties Development Fund"), and FY82 estimated levels of Land and Water Conservation Funds and Historic Preservation Funds available to local governments. The base figure is then doubled to bring a backlog of community funding requests down to a minimum of a seven-year funding program to implement community requests.

IV. DATE 4/29/81 PREPARED BY Chip Dennerlein, Director
 AGENCY Natural Resources - Parks
 PHONE 465-2421
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SS-SB 189 Providing for a state historical, recreational and
Title wilderness trails, waterways, and campsite system.
Requested by Senate Resources Committee Date 4/24/81

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
Program Category Affected _____
BRU, Program, or Subprogram(s) Affected _____
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY'81	FY82	FY83	FY84	FY 85	FY'86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

There would be no substantial fiscal impact on the Department's budget by the passage of this bill. The intent is to assure that in any future construction, maintenance and repair plans, consideration is given to the construction of access points to identified trails and waterways. These access considerations would be a part of any budget established for a given facility plan.

It is not possible to give a dollar figure for such activities at this time, but they are projected to be only a small percentage of any given project. It is expected that the Department of Natural Resources would be appropriated the funds related to these projects 41.20.080(d) and (f).

IV. DATE 4/24/81 PREPARED BY James E. Wiedeman/Ron B. Lind
AGENCY Dept. of Transportation & Public Facilities
PHONE 465-3900
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

55 189-F1

passed out

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. SSSB 189
Title Trails, Waterways, and Campsites System
Requested by Sen. Fischer Date 4/4/82

II. FISCAL DETAIL
Agency Affected Natural Resources - Parks
Program Category Affected NRMEC - Parks
BRU, Program, Or Subprogram(s) Affected Park Operations
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
		-0-				

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 4/4/82 PREPARED BY Hilton Wolfe
AGENCY Natural Resources - Parks
Original: Legislative Finance PHONE 465-2421
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SSSB 189
 Title Trails, Waterways, and Campsites System
 Requested by Senate Resources Date 5/7/81

II. FISCAL DETAIL

Agency Affected Natural Resources - Parks
 Program Category Affected NRMEC - Parks & Recreation
 BRU, Program, or Subprogram(s) Affected Park Operations - Park Design/Development
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		39.8	43.8	48.2		
200 TRAVEL		3.6	4.0	4.4		
300 CONTRACTUAL		3.1	3.4	3.8		
400 COMMODITIES		0.5	0.6	0.6		
500 EQUIPMENT						
600 LAND & STRUCTURES		3,000.0	*	*		
700 GRANTS, CLAIMS, ETC.						
TOTAL		3,047.0	51.8	57.0		

FUNDING (Thousands of Dollars)

*Please see discussion below of operational costs.

GENERAL FUND		3,047.0	51.8	57.0		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1.0	1.0	1.0		
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Costs associated with this bill would fall into two categories: administrative and operational.

Administrative costs are identified in lines 100 through 400 - a total of 47.0 for FY82. Those monies would fund a full-time Park Planner II position to function as "trails system coordinator" by working with municipal governments and State agencies in developing the system plan and the agreements necessary to implement the plan and to fulfill other duties, such as developing the marker system, working with the Department of Transportation and Public Facilities to incorporate trailheads and waterways access in the design and development of all State highway projects which affect the system plan, establishing regulations concerning distribution of operational funds to municipalities, and preparing and maintaining the five-year development plan and the annual report to the

IV. DATE 5/8/81 OVER Hilton Wolfe
 PREPARED BY Hilton Wolfe
 AGENCY Natural Resources - Parks
 PHONE 465-2421

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Legislature. This position would also insure, for example, that the State would be able to participate in the activities of the Iditarod Trail Committee, along with Federal agencies and private interests, to insure that this world-class trail is legally recorded and managed for public use.

Given our understanding that the intent of the Senate Resources Committee is to have the system plan developed in FY82, to fund selected priority units of the system in FY82, and to consider a full funding beginning in FY83, a figure of \$3 million has been identified on line 600 for FY82 operational costs, although it is fully recognized that the level of funding for operational costs would be determined by the Legislature. At the present time, preliminary nominations for units to be included in the system would carry development costs of about \$55 million. Without knowing what additional nominations will be submitted and in the absence of a completed system plan with a recommended five-year development plan - all of which are required by this legislation - it is difficult to identify a reasonable or reliable figure for operational costs of the system. If the "trail system coordinator" is funded for FY82 (as identified in this note), a recommended five-year development plan for FY83 and subsequent years would be presented to the Legislature next session.

For FY82, \$3 million does seem to be a reliable base figure and represents the total of (a) the mid-level "mandatory" funding identified in AS 41.20.355-375 (the State "Trails and Footpaths" grants program, which has received no funding since 1978), (b) the past five-year average (adjusted for inflation) of appropriations identified in AS 41.22.010-030 (the "Outdoor Recreation, Open Space, and Historic Properties Development Fund," which received its only appropriation in 1976) and (c) the FY82 estimated levels of Federal monies for local recreational projects but which will not be available due to Federal rescissions and cuts.

About 95 per cent of whatever funds might be appropriated in FY82 or later years would go to municipalities, as provided in Sec. 41.20.080(f); the administrative cost for that distribution would depend upon the nature of the regulations established, as provided in Sec. 41.20.100 of this bill, and would be realized as a surcharge (probably in the range of 2 to 4 per cent) on the funds distributed.

5/8/81

SB 109, TRAILS BILL

SUMMARY OF NOMINATIONS
(Fiscal Requests)

Matanuska-Susitna Borough	6000.0
City and Borough of Sitka	240.0
City of Seward	507.0
City and Borough of Juneau	6060.0
City of Cordova	141.6
Fairbanks North Star Borough	2300.0
Municipality of Anchorage	29145.0
City of Ketchikan	210.0
City of Kodiak	1110.0
- City of Homer	315.0
- City of Valdez	450.0
Kenai Peninsula Borough	5350.0
Dept. of Natural Resources, Div. of Parks	2600.0
 TOTAL	 54428.6



- Man No. 7-1 Susitna Station to Talkeetna
- Man No. 7-2 Talkeetna River Trail
- Man No. 7-3 Pockys Lake, Trappers Lake Trail
- Man No. 7-4 Black Creek
- Man No. 7-5 Collinsville Trail
- Man No. 7-6 Cache Creek Trail
- Man No. 7-7 Peters Creek Trail
- Man No. 7-8 Dutch Creek Trail
- Man No. 7-9 Gonher Gulch
- Man No. 7-10 Talkeetna River Trail

- Man No. 71-1 Crooked Creek (CKN)
- Man No. 71-2 Helchina Town (CKN)
- Man No. 71-3 Alfred Creek (CKN)
- Man No. 71-4 Little Oshetna
- Man No. 71-5 Flat Creek Trail

- Man No. 71-6 Willow Creek Trail
- Man No. 71-7 Monument Trail
- Man No. 71-8 Oshetna River Trail
- Man No. 71-9 Idaho Creek
- Man No. 71-10 Tyone Creek (hunting)
- Man No. 71-11 Joe Creek (hunting, minino)
- Man No. 71-12 Black River
- Man No. 71-13 Chulitna Trail
- Man No. 71-14 Byers Lake Trail
- Man No. 71-15 Montana Falls Trail
- Man No. 71-16 Montana to Talkeetna

- Man No. 72-1 Flat Horn Lake Winter Trail
- Man No. 72-2 Sheep-Goose Creek

- Man No. B-1 Valdez Creek (Sled Trail)
- Man No. B-2 USGS Healy A-5, A-6, B-6

- Man No. B-4 Summit Lake Trail

- Man No. B-7 Susitna-McClaren Trail

- Man No. B-9 Clearwater Creek
- Man No. B-10 Patchet Lake

- Man No. B-11 McClaren River Trail

- Man No. G-1 Old Man Lake Trail

- Man No. V-1 Little Helchina Trail

Total 6,000,000



*Mat-Su
borough*

No individual prices given

- Map No. A-1 Hicks Creek Trail (CMT)
- Map No. A-2 Old Man Creek (Old RL Trail)
- Map No. A-3 Caribou Creek (CMT)
- Map No. A-4 Chickaloon River (CMT)
- Map No. A-5 Snowy Creek/Tanneta Pass
- Map No. A-6 Ballinger Pass (CMT)
- Map No. A-8 Boulder Creek (CMT)
- Map No. A-9 Chickaloon-Neil-Nelchina Trail
- Map No. A-10 14 Mile Cabin Trail (CMT)
- Map No. A-11 Snowy Lake Trail (CMT)
- Map No. A-12 Kings (CMT)
- Map No. A-13 Jim Creek (upper)
- Map No. A-14 Jim Creek Trail (Beach Trail)
- Map No. A-15 Bodenburn Butte
- Map No. A-16 Jackass Canyon
- Map No. A-17 Lazy Mountain
- Map No. A-18 Wolverine Horse Trail
- Map No. A-19 Muddy Creek Trail
- Map No. A-20 Binny Trail
- Map No. A-21 Swan Lake Trail (2 branches)
- Map No. A-22 Oswald Trail
- Map No. A-23 Metal Creek Trail
- Map No. A-24 Grasshopper Trail
- Map No. A-25 Purchase Creek (lower)
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- Map No. A-27 98 Mile Trail (CMT)
- Map No. A-28 Bonnie Lake Trail
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- Map No. A-31 Hunter Creek (pronose?)
- Map No. A-32 Lake George
- Map No. A-33 Young Creek
- Map No. A-34 East Fork Kings River (AMD)
- Map No. A-35 Perminenti (AMD)
- Map No. A-36 Glacier Creek
- Map No. A-37 Steadman Trail
- Map No. A-38 Baldy Trail
- Map No. A-39 Wet Gulch Trail
- Map No. A-40 Bar Flats (Colonists Used)
- Map No. A-41 Rabbit Slough Trail
- Map No. A-42 Hunter Lake Trail
- Map No. A-43 Long Lake Trail
- Map No. A-44 Nelchina River
- Map No. A-45 Eska Creek Falls
- Map No. A-46 Horseshoe Lake Trail
- Map No. A-47 Beach Lake Trail

Mat-Su Borough



City and Borough of Sitka
Trails System Nominations

Sitka Cross Trail	100,000
Gavan Hill Trail	30,000
Mt. Verstovia Trail	30,000
Thimbleberry - Heart Lake Trail	50,000
Indian River Trail Extension	30,000
TOTAL	240,000

City of Seward
Trails System Nominations

Two Lakes Trail	7,000
Paradise Valley-Ptarmigan Lakes Trail	100,000
Caines Head - Tonsina Creek Trail	400,000
TOTAL	507,000

City and Borough of Juneau
Trails System Nominations

Mendenhall River Greenbelt	1,500,000
Treadwell Ditch Trail	300,000
Bike Trails	3,900,000
Foot Trails	260,000
Equestrian Trails	100,000
TOTAL	6,060,000

City of Cordova
Trails System Nominations

Local Bike Trails and Footpaths

141,640

TOTAL

141,640

Fairbanks North Star Borough
Trails System Nominations

Circle City - Fairbanks Trail	
Phase I. Cleary Summit - Twelve Mile Summit w/spur from Mile Seventy to Chena Hot Springs	500,000
Phase II. Twelve Mile Summit to Circle	
• Research and Excavating (Archeological)	300,000
Brushing, Clearing and Upgrading	500,000
Davidson Ditch	500,000
Tanana Valley Railroad	200,000
Jeff Studdard Dogsled Trail	300,000
TOTAL	2,300,000

TRAIL KORRIDOR ACQUISITION & DEVELOPMENT
MUNICIPALITY OF ANCHORAGE: 1981-1985

NAME OF TRAIL/GREENBELT	COST		TOTAL
	ACQUISITION	DEVELOPMENT	
Chester Creek	\$6,625,000	\$100,000	\$6,725,000
Rabbit Creek*	5,725,000		5,725,000
Fish Creek	1,215,000		1,215,000
Russian Jack Springs		180,000	180,000
Kincaid Ski Trail Lighting		200,000	200,000
Hillside Ski Trail Lighting		200,000	200,000
Stubs/Curb Cuts/Striping		845,000	845,000
Various Rights-of-Way	2,770,000		2,770,000
Interpretive Trails		345,000	345,000
"C" Street Bike Trail		125,000	125,000
Kincaid/Hillside		230,000	230,000
Campbell Creek		1,425,000	1,425,000
Jewel Lake/Fish Creek		105,000	105,000
Seward Highway Bike Trail		1,380,000	1,380,000
Glenn Highway Bike/Ski Trail		350,000	350,000
O'Malley Bike/Ski Loop		1,300,000	1,300,000
N. Mt. View Bypass Trail*		830,000	830,000
Interconnecting Bike/Ski Trails		3,425,000	3,425,000
Dog Sled Trail Right-of-Way	25,000		25,000
Total CIP as approved 12/80	\$16,360,000	\$11,040,000	\$27,400,000
Initial State Trail System nominations			\$18,700,000
Grand total less duplication*			<u>\$39,545,000</u>
Grand total less duplication* and Project '80's Trails			<u>\$29,145,000</u>

City of Ketchikan

Nominations for Inclusion in the Trails System

Dudley Field Recreation Area Development	150.0
Harbor View Park Development	60.0
TOTAL	210.0

April 23, 1981

City of Kodiak

Trails System Nominations

Street Walking/Bike Trails	10.0
Bike Trail, Coast Guard Base to Monashka Bay	600.0
Pearson Cove Walking Trail	50.0
Pillar Mountain Hiking Trail	200.0
Island Lake Walking Trail	50.0
Spruce Cape District Park Hiking Trail	100.0
Ft. Abercrombie State Park Historic Trail	100.0
TOTAL	1110.0

City of Homer

Trails System Nominations

Downtown Homer Pocket Park	155.0
(Local Match)	38.5
Beluga Lake Park and Recreational Access Corridor	160.0
(Local Match)	40.0
TOTAL REQUEST	315.0
TOTAL LOCAL MATCH	78.5

City of Valdez

Trails System Nominations

Gold Creek Hiking Trail	100.0
Valdez Area Ski Trail Network	150.0
Glacier Trail to Valdez Glacier Campground	200.0
TOTAL	450.0

Kenai Peninsula Borough

North Kenai Recreation Area Trails System Nominations

Kenai City - N. Kenai Rec Area Bike Trail	15 miles	2966.0
N. Kenai Rec Area - Capt. Cook Park Bike Trail	13.8 miles	2334.0
N. Kenai Rec Area Hiking/Ski Trails	25 miles	50.0
TOTAL		5350.0

Division of Parks, DNR
Trails System Nominations

<u>TRAIL NAME</u>	<u>LOCATION</u>	<u>LENGTH</u>	<u>X1000</u>
Iditarod Trail	Seward - Nome	1200 Mi.	600.0
Candle Trail	Topkok - Candle	140 Mi.	560.0
Cross Kenai Trail	Homer Vicinity	10 Mi.	40.0
Old Tetlin Trail	Tetlin - Tanacross	10 Mi.	40.0
Eagle Trail	Valdez - Tanacross	300 Mi.	1200.0
Dalton Trail	Haines Vicinity	40 Mi.	160.0
TOTAL		1700 Mi.	2600.0

58189

Outline
of
Proposed State Outdoor Recreation
Fund Grant Program

1. PURPOSE OF THE PROGRAM

- To provide State funding assistance to Alaskan Communities for the acquisition and/or development of outdoor recreation facilities.

2. ADMINISTRATION

- The State Division of Parks will administer and provide technical assistance for the State Outdoor Recreation Fund Grant Program.
- The Program will be funded yearly by legislative appropriation.

3. FUNDING

- State will fund up to 75% of total cost of outdoor recreation projects.
- Sponsoring agency provides remainder of total cost through:
 - . Cash appropriations.
 - . Force account labor, material and equipment.
 - . Donations of labor, material, equipment and land.
 - . Land already in public ownership is not an eligible donation.
- The State will pay the applicant 25% of the total project cost as soon as the project has been approved and work is ready to begin. (This varies from current Department of Administration guidelines.)
- The remaining funds due the applicant will not be disbursed until the applicant bills the Division of Parks and provides evidence of eligible expenditures in the execution of the project.
- Fund money will also finance administrative and technical assistance costs incurred in administering program.

4. SPONSOR ELIGIBILITY

- City or Organized Borough of any class having park and recreation powers.

- Unified municipality organized under AS 29.68.240--29.68.440.
- Village or I.R.A. Council not within boundaries of any incorporated city, organized borough or unified municipality.

5. PROJECT ELIGIBILITY

- Project must be in accordance with a State or Local outdoor recreation plan.
- Certain facilities such as basketball courts, ice skating rinks, etc., may be covered but not completely enclosed.

6. ELIGIBLE COSTS

- Planning and administration not to exceed construction or acquisition costs. Construction and acquisition costs are eligible.
- With the exception of planning, all costs must be incurred after project has been approved by Director and prior to termination date of project.

7. APPLICATION PROCEDURES

- Simplified application procedures requiring a minimum of "paperwork" for sponsoring agency.

8. TECHNICAL ASSISTANCE

- State will provide technical assistance during all phases of the project.

9. PROJECT SELECTION PROCESS

- Projects will be evaluated by Division of Parks, Grants Staff.
- Governor's Recreation Advisory Committee will review and prioritize projects.
- Director of State Division of Parks has ultimate responsibility for project selection.
 - May also allocate unobligated funds for emergencies and special needs.

10. SPONSOR COMMITMENTS

- After completion, project must be dedicated to public outdoor recreation use for specified time periods based upon amount of State funds provided.
 - 5 years for \$20,000 or less in State funds.

- . 10 years for \$20,000-\$50,000 in State funds.
- . 15 years for \$50,000-\$100,000 in State funds.
- . 20 years for \$100,000 or more in State funds.
- Conversion from outdoor recreation use prior to the time periods specified above requires approval of the Director and may require the applicant to replace the land and facilities with other land and facilities of equal monetary and recreational value.
- Sponsor must maintain accurate financial records.
 - . Projects will be audited.
- Projects must be properly operated and maintained.
 - . Facilities must be clean and inviting for public use.
- Facilities must be open to public use at reasonable hours and times of the year.
- Projects will be periodically inspected by the State Division of Parks.
- Facilities must be accessible to the handicapped and be available to all persons, regardless of race, color, sex, creed, national origin, or place of residence.

SSSB 189, TRAILS BILL
SUMMARY OF NOMINATIONS

Matanuska-Susitna Borough	6000.0
City and Borough of Sitka	240.0
City of Seward	507.0
City and Borough of Juneau	6060.0
City of Cordova	141.6
Fairbanks North Star Borough	2300.0
Municipality of Anchorage	29145.0
City of Ketchikan	210.0
City of Kodiak	1110.0
Alaska Dept of Natural Resources, Div of Parks	2600.0
Kenai Peninsula Borough	5350.0
TOTAL	53,663.6

Map No. T-1 Susitna Station to Talkeetna
Map No. T-2 Talkeetna River Trail
Map No. T-3 Rocky's Lake, Tranners Lake Trail
Map No. T-4 Black Creek
Map No. T-5 Collinsville Trail
Map No. T-6 Cache Creek Trail
Map No. T-7 Peters Creek Trail
Map No. T-8 Dutch Creek Trail
Map No. T-9 Gonner Gulch
Map No. T-10 Talkeetna River Trail

Map No. TM-1 Crooked Creek (CKN)
Map No. TM-2 Melchina Town (CKN)
Map No. TM-3 Alfred Creek (CKN)
Map No. TM-4 Little Oshetna
Map No. TM-5 Flat Creek Trail

Map No. TM-6 Willow Creek Trail
Map No. TM-7 Monument Trail
Map No. TM-8 Oshetna River Trail
Map No. TM-9 Idaho Creek
Map No. TM-10 Tyone Creek (hunting)
Map No. TM-11 Joe Creek (hunting, mining)
Map No. TM-12 Black River
Map No. TM-13 Chulitna Trail
Map No. TM-14 Byers Lake Trail
Map No. TM-15 Montana Falls Trail
Map No. TM-16 Montana to Talkeetna

Map No. TY-1 Flat Horn Lake Winter Trail
Map No. Ty-2 Sheen-Goose Creek

Map No. H-1 Valdez Creek (Sled Trail)
Map No. H-2 USGS Healy A-5, A-6, B-6

Map No. H-4 Summit Lake Trail

Map No. H-7 Susitna-McClaren Trail

Map No. H-9 Clearwater Creek
Map No. H-10 Patchet Lake

Map No. M-1 McClaren River Trail

Map No. G-1 Old Man Lake Trail

Map No. V-1 Little Melchina Trail

Total

6,000,000

*Mat. Su
borough*

Mat-Su
Borough



- Map No. A-1 Hicks Creek Trail (CKM)
- Map No. A-2 Old Man Creek (Old RLM Trail)
- Map No. A-3 Caribou Creek (CKM)
- Map No. A-4 Chickaloon River (CKM)
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- Map No. A-6 Ballinger Pass (CKM)

No
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- Map No. A-9 Boulder Creek (CKM)
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- Map No. A-28 Bonnie Lake Trail
- Map No. A-29 Tanneta Pass Trail
- Map No. A-30 Willow Creek Sled Road
- Map No. A-31 Hunter Creek (proposed?)
- Map No. A-32 Lake George
- Map No. A-33 Young Creek
- Map No. A-34 East Fork Kings River (AMD)
- Map No. A-35 Perminenti (AMD)
- Map No. A-36 Glacier Creek
- Map No. A-37 Steadman Trail
- Map No. A-38 Baldy Trail
- Map No. A-39 Wet Gulch Trail
- Map No. A-40 Bar Flats (Colonists Used)
- Map No. A-41 Rabbit Slough Trail
- Map No. A-42 Hunter Lake Trail
- Map No. A-43 Lora Lake Trail
- Map No. A-44 Nelchina River
- Map No. A-45 Eska Creek Falls
- Map No. A-46 Horseshoe Lake Trail
- Map No. A-47 Bench Lake Trail



City and Borough of Sitka
Trails System Nominations

Sitka Cross Trail	100,000
Cavan Hill Trail	30,000
Mt. Verstovia Trail	30,000
Thimbleberry - Heart Lake Trail	50,000
Indian River Trail Extension	30,000
TOTAL	240,000

City of Seward
Trails System Nominations

Two Lakes Trail	7,000
Paradise Valley-Ptarmigan Lakes Trail	100,000
Caines Head - Tonsina Creek Trail	400,000
TOTAL	507,000

City and Borough of Juneau
Trails System Nominations

Mendenhall River Greenbelt	1,500,000
Treadwell Ditch Trail	300,000
Bike Trails	3,900,000
Foot Trails	260,000
Equestrian Trails	100,000
TOTAL	6,060,000

City of Cordova
Trails System Nominations

Local Bike Trails and Footpaths

141,640

TOTAL

141,640

Fairbanks North Star Borough
Trails System Nominations

Circle City - Fairbanks Trail

Phase I. Cleary Summit - Twelve Mile Summit w/spur from
Mile Seventy to Chena Hot Springs 500,000

Phase II. Twelve Mile Summit to Circle
Research and Excavating (Archeological) 300,000
Brushing, Clearing and Upgrading 500,000

Davidson Ditch 500,000

Tanana Valley Railroad 200,000

Jeff Studdard Dogsled Trail 300,000

TOTAL 2,300,000

TRAIL CORRIDOR ACQUISITION & DEVELOPMENT
MUNICIPALITY OF ANCHORAGE: 1981-1985

NAME OF TRAIL/GREENBELT	COST		TOTAL
	ACQUISITION	DEVELOPMENT	
Chester Creek	\$6,625,000	\$100,000	\$6,725,000
Rabbit Creek*	5,725,000		5,725,000
Fish Creek	1,215,000		1,215,000
Russian Jack Springs		180,000	180,000
Kincaid Ski Trail Lighting		200,000	200,000
Hillside Ski Trail Lighting		200,000	200,000
Stubs/Curb Cuts/Striping		845,000	845,000
Various Rights-of-Way	2,770,000		2,770,000
Interpretive Trails		345,000	345,000
"C" Street Bike Trail		125,000	125,000
Kincaid/Hillside		230,000	230,000
Campbell Creek		1,425,000	1,425,000
Jewel Lake/Fish Creek		105,000	105,000
Seward Highway Bike Trail		1,380,000	1,380,000
Glenn Highway Bike/Ski Trail		350,000	350,000
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N. Mt. View Bypass Trail*		830,000	830,000
Interconnecting Bike/Ski Trails		3,425,000	3,425,000
Dog Sled Trail Right-of-Way	25,000		25,000
 Total CIP as approved 12/80	 \$16,360,000	 \$11,040,000	 \$27,400,000
 Initial State Trail System nominations			 \$18,700,000
 Grand total less duplication*			 \$39,545,000
Grand total less duplication* and Project '80's Trails			\$29,145,000

City of Ketchikan

Nominations for Inclusion in the Trails System

Dudley Field Recreation Area Development	150.0
Harbor View Park Development	60.0
TOTAL	210.0

April 23, 1981

City of Kodiak

Trails System Nominations

Street Walking/Bike Trails	10.0
Bike Trail, Coast Guard Base to Monashka Bay	600.0
Pearson Cove Walking Trail	50.0
Pillar Mountain Hiking Trail	200.0
Island Lake Walking Trail	50.0
Spruce Cape District Park Hiking Trail	100.0
Ft. Abercrombie State Park Historic Trail	100.0
TOTAL	1110.0

Division of Parks, DNR
Trails System Nominations

<u>TRAIL NAME</u>	<u>LOCATION</u>	<u>LENGTH</u>	<u>X1000</u>
Iditarod Trail	Seward - Nome	1200 Mi.	600.0
Candle Trail	Topkok - Candle	140 Mi.	560.0
Cross Kenai Trail	Homer Vicinity	10 Mi.	40.0
Old Tetlin Trail	Tetlin - Tanacross	10 Mi.	40.0
Eagle Trail	Valdez - Tanacross	300 Mi.	1200.0
Dalton Trail	Haines Vicinity	40 Mi.	160.0
TOTAL		1700 Mi.	2600.0

Kenai Peninsula Borough

North Kenai Recreation Area Trails System Nominations

Kenai City - N. Kenai Rec Area Bike Trail	15 miles	2966.0
N. Kenai Rec Area - Capt. Cook Park Bike Trail	13.8 miles	2334.0
N. Kenai Rec Area Hiking/Ski Trails	25 miles	50.0
TOTAL		5350.0

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

April 29, 1981
1:30 p.m.

Beltz Room
211 - Capitol

Subcommittee on Parks and Trails

Senator Fischer
Senator Mulcahy
Senator Gilman

Teleconferenced Hearing:

SSSB 189 An Act relating to outdoor recreational facilities; providing for a state historical, recreational, and wilderness trails, waterways, and campsite system; providing for state assistance for acquisition and development of local recreation sites.

Perry Lovett, City Manager, Cordova, stated that he was a strong supporter of money being allocated for a trails system. The smaller communities do not have the funds to spend on trails.

Christi Moeller, Director of Recreation, City of Seward, stated that small communities have a difficult time funding trails. Unless the legislature earmarks the funds specifically for parks the smaller communities will use the money for projects that deal with economic development.

Jane Williams, Tanana Yukon Historical Society, Fairbanks, stated that SB 189 is a good bill because it plans for a statewide trails system.

Celia Hunter, Fairbanks, stated that SB 189 is a good effort toward the development of a state trail system.

Jim Whisenhart, Park and Recreation Commission Member, Fairbanks, stated that a parks and trails system is needed by the state. He noted that page 5 part (d) references planning money which may not be appropriate for the larger communities.

Gary Thurlow, Mat-Su Borough Manager, stated that the necessary funds should be appropriated to go along with SB 189.

Barney Meyering, Park and Recreation, Valdez, stated that since the President cut the funding for parks and trails it is time for the State to pick up the funding of these projects. In response to the question, what is the differences between a "transportation" trail and a "recreation" trail? He stated that a sidewalk is considered a transportation trail while a recreation trail is used the majority of the time for recreation purposes, like jogging.

Dorothy Jones, Mat-Su Borough Assembly stated that there are 2000 miles of trails in the Mat-Su area. These trails serve a considerable number of people.

Mary Putman Alaska Recreation and Park Association, Anchorage, stated that she was in favor of SB 189 because it will provide a trail system that can be used statewide.

Janet McCabe, President, Alaska Park and Recreation Association, Anchorage, stated that the trail system, proposed in SB 189, is something the State has needed for a long time. She said that she liked the provision whereby the municipalities can nominate trails for inclusion in the state trail system.

Bob Klein, City of Homer, stated that he was generally in favor of SB 189. He suggested that the section referring to state grants for planning be expanded to include both cities and boroughs. He also suggested that instead of creating a new program, the Committee should consider allocating money to the existing Municipal Assistance Program.

Kenton Bloom, Conservation Society, Homer, stated that his group supports SB 189. Homer has no bike or foot trails and SB 189 will rectify this problem.

Phil Holdsworth, stated that historically most of the trails in the State were used as transportation to mining sites and therefore, have historic significance.

The Committee adjourned at 2:50 p.m.

MINUTES

SUBCOMMITTEE ON PARKS & RECREATION
(Senate Resources)

February 19, 1981

STAFF PRESENT: Senator Vic Fischer, Chairman
Sumner Putman, Senate Aide
Nancy Groszek, Senate Aide

WITNESSES:

- (1) Mary Putman, Co-Chairman of Alaska Recreation & Parks Assoc.

She says the trails programs in the state need some source of funding. They had been funded under the Trails and Footpaths Provisions, but that has been dead for four or five years. When it was working the locals liked it; it provided for local determination. She likes Senate Bill 189. She feels that Anchorage will need \$5 million annually and she wants some percentage of any appropriation to be set aside for technical assistance.

- (2) Perry Lovett, Co-Chairman of Alaska Recreation & Parks Assoc.

He says that a community the size of Cordova ordinarily gets \$30,000 a year, but this year gets \$60,000 in the Trails and Footpaths budget, but it's used for roads and drainage and none of it is left over for the trails. He says there is no more money at the local level. He likes Senate Bill 189. He likes the campsite inclusion, and concurs with Mrs. Putman's recommendations for technical assistance so villages can participate in funding.

- (3) Janet McCabe,

She says land and water conservation funds have been cut off by Reagan. That the land and water conservation funds were at a maximum of \$3 million with an equal match. That was their all time high. The money went through the Division of Parks for administration. She thinks the trails bill should have a statewide committee to guarantee equitable distribution of the money for development of trails because quality of life programs suffer when money goes to local governments. She likes categorical funding. She has the following specific suggestions for the trails bill:

- (a) Technical assistance funds a percentage of the total appropriation
- (b) Preparation of a statewide Alaska trails plan is necessary

(c) Municipal trails should be included in the system

(d) She wants to see cabins along the trails like the Forest Service does it

(4) Dick Logan, Chief of Habitat Protection, Dept. of Fish & Game

He says the land in Alaska is being divided among many private owners, but we can identify and retain trails and similar land at no cost if we do it now. California spends \$10 million a year an acquisition of land for trails purposes and Alaska's recreational demand is booming so we have a chance now to acquire these lands at minimal cost and in the future they will only go up. He likes Senate bill 189.

(5) Barney Myring, Member, Alaska Recreational Advisory Commission from Valdez

He says Valdez has had grant applications in to the trails system and thought it would work, but the money in the trails and footpaths thing went to DOT and DOT put it into roads so the Valdez trail system stopped. He likes the bill and likes the idea of including campsites along the way.

(6) Jim Wisenhant, Member, Alaska Recreational Advisory Commission, Chairman, Fairbanks Northstar Borough Parks & Rec. Commission

He wants to see all historic trails funded, and wants to see them funded at 100% since they are outside municipalities mostly and no matching funds would be available. Fairbanks has a lot of historic trails and trails other than historic trails should probably have a matching fund requirement if they are in a municipality. He wants the bill to include parks acquisition inside municipalities and he feels that \$10 to \$20 million will adequately fund the trails system.

(7) Dorothy Jones, Representing the Matanuska-Susitna Borough

The Matanuska-Susitna Borough has 1,000 miles of trails cataloged and another 700 to 1000 miles not yet mapped and cataloged. Many of the trails are access trails that are now in use and the Borough wants partial control over the use and development of trails because they are impacted by recreational demands of people from Anchorage. The Matsu Borough wholeheartedly supports the bill and wants to see mandatory joint management between the Division of Parks and the municipalities.

(8) Roland Shanks, Represents the Alaska Environmental Lobby

They support the bill because it provides untold recreational benefits to urban-based recreational needs. He says tourism would be helped and he thinks the bill for the trails system would preserve the history of trails that held Alaska together in the past and cites recent encroachments on recreational areas by land disposals, native claims, D2 withdrawals and other private interests.

(9) Dorothy Jones, Matsu Borough

She says many trails or portions of trails have been disposed of by the Department of Natural Resources and Agriculture or remote parcel disposals with no right-of-way for the trails and she feels that trails must be identified and rights-of-way reserved for those trails when land is disposed of by Department of Natural Resources.

Senator Fischer broke in and said Senator Ray wanted a referral of this bill, but he didn't get it and Representative Miller will introduce an identical bill on the House side.

Dick Logan says they will work to keep the trails out of disposal programs if they know where the trails are. Which means that the trails system needs to be enacted and the trails need to be identified.

Jim Wisenhant then said that north of Fairbanks, near Olnes, the Department of Natural Resources almost sold a portion of the Davidson Ditch. They have plans currently to sell a portion of the Tanana Valley Railroad. He says the Dept. of Natural Resources was unaware of the existence of the Davidson Ditch or the Tanana Valley Railroad so once again the trails system needs to be enacted and the trails need to be identified so that we can adequately plan for them.

(10) Chip Dennerlein, Director, Division of Parks

He says the Division of Parks strongly endorses the trails bill because it addresses a traditional pattern of Alaskan recreational use which is corridor recreation; in other words, getting there is half the fun. Alaskans traditionally use waterways and trails and trips for recreation in such uses as camping, hiking, hunting and fishing along the trail. The bill begins to place a legal status on these trails which is essential since Alaska is being divided into little squares. Trail easements must be established and protected. He says technical assistance is very important,

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especially in smaller communities. The Division of Parks has only one planner and the technical assistance funding will enable them to hire more and do a better job. He says it is important to provide funding on a long term basis and the Division of Parks should be required to report annually on a certain date regarding the progress of the trails system and plans for future trails to be included. He wants to see cabins along the trails and he thinks the inclusion of waterways is very important. He says things are changing daily; we wake up every morning and discover another part of our trails system is gone. This is urgent. If we don't protect opportunities for recreation and enjoyment now they will be gone in 10 years. He says close to the big towns is the most important area for immediate attention. Tourism increases near cities and decreases in remote areas. He says Montana Creek is the most popular and important fishery in the upper Cook Inlet and it is 100% private land. He said the famous Anchor River fishing spot is private land. He says that we have to acquire parcels of land that will enable us to have access to the mountain areas that have been reserved in parks and if we have no access to them they are not available for recreation. He says Alaska is dramatically below the average funding for parks. In fact we only were at one half the level of funding for the acreage we have in parks compared to other states. He says Alaska has the habit of constructing capital facilities, letting them deteriorate, and then reconstructing. We need maintenance funds. He says the Div. of Parks has a ten year plan that includes no great new units, but makes what we have useful. He says we need to acquire key parcels in order to provide access to existing parks. We need \$10 million in acquisitions. He says we do not provide the level of facilities normal for state park systems. We need to increase our management ability. \$80 million in capital expenditures will solve problems of access and facilities and make our park system more useful. The state has no cultural or heritage attractions in state parks. He says Independence Mine is to preserve Alaska's mining heritage. The Colony Farm in Palmer is to conserve the farming heritage. The House of Wickersham in Juneau is to preserve our historical heritage. Cramer's Field in Fairbanks will help preserve our interior farming heritage and the trails bill adds the completing touch to the state park system.