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SENATE AMENDMENT

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."

*Amendment 2*

SENATE AMENDMENT

By Resources Committee

To: \_\_\_\_\_ SENATE BILL No. 23

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 1

LINE: 21-22

Line 21: Delete "or"

Line 22: Delete "restrict"

*Amendment 1*

# 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 11, 1981  
1:30 p.m.

Beltz Room  
211 - Capitol

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#### MEMBERS PRESENT

SENATOR FAHRENKAMP  
SENATOR FISCHER  
SENATOR GILMAN  
SENATOR BRADLEY  
SENATOR STURGULEWSKI

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#### Teleconferenced Hearing:

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

Ivan Resek, Alaska Miners Association, Sitka, stated that he supports SB 83 and liked the provision giving the Commissioner some latitude because each Park is different.

Charles Vogel, Fairbanks, stated that he has trapped in the Chena recreation area for years. He would like to see a permit system for traditional uses and a citizen advisory committee, like in SB 36, for cabin permits.

Byron Haley, Vice-President, Tanana Valley Sportsman Association, stated that the Association supported the original concept of the Chena recreation area but they had no idea of the restrictions that would be placed on the area. He said he wholeheartedly supported SB 83.

Dan Coben, Sr., stated that he has mined in the Chena area for 30 years. His main concern with the recreation area is; he has claims in the area that he can not get to because he can not obtain a permit to cross a certain stream.

Howard Gray, Executive Director, Alaska Miners Association, Anchorage, stated that the increase in state park lands has increased problems of ingress and egress. He said there is a need to recognize traditional overland and water bound access routes if there is going to be the development of the state's

SENATE RESOURCES COMMITTEE

March 11, 1981

Page: 2

resources. He stated that he supports SB 83 because it provides for sound and reasonable development.

Jim Fuksa, Fairbanks, stated that the federal and state governments are now doing everything in their power to discourage mining. He said that it is un-American to require citizens to obtain permits to cross their public lands. He recommended that the Committee pass SB 83.

Donald May, Alaska Miners Association, Fairbanks, stated that he supports SB 83.

Rick Swainback, Fairbanks, stated that he wholeheartedly supports SB 83 and hopes it passes. He said that he supports properly managed park systems. Parks should be managed in such a fashion that people can use the park.

Fred Heflinger, stated that he supports SB 83 because it helps assure that recreation areas can be used by the people.

Ron Davis, Fairbanks Chamber of Commerce, stated that the Board had just passed a resolution encouraging the legislature to adopt SB 83.

Phil Holdsworth, Juneau, stated that he supports SB 83 because it clearly protects the various uses in recreation areas.

Steve Cook, Fairbanks, stated that he has worked seasonally, for one year, for the Division of Parks. He said that the miners have all the necessary permits they need for the stream crossing from the Department of Fish and Game. He said when the Chena Park was created everyone supported it.

Tom Owen, Fairbanks, stated that he supports the provisions of SB 83 because it provides for orderly development without causing irreversible damage.

Senator Gilman put forth the motion to move SB 83 with individual recommendations.

# Alaska State Legislature

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## 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

---

#### 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

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.



# Fairbanks Environmental Center

218 DRIVEWAY  
FAIRBANKS, ALASKA 99701  
(907) 452-5021

*Committee*

## STATEMENT ON SB 83 and the CHENA RIVER RECREATION AREA

We believe that mining access, trapping and motorized vehicle use can and should occur on State Recreation Areas. In fact, in the Chena River Recreation Area, (the one with which our organization is most directly concerned), these activities are already allowed. However, these and other uses must be managed in a way that insures public safety and maintains the basic value for which these areas were established - public recreation.

We understand the motivation behind SB 83, but in general find it to be unnecessary, since most of the points it addresses are adequately covered under existing law and regulations. Still, we have no major objection to re-stating certain principles, as long as the integrity of State Recreation Areas is not compromised.

Unfortunately, Section 2 of the bill contains features which would fundamentally change the management of Rec Areas. Our greatest concern is with the language which states that the Director of Parks may not "prohibit or restrict" (emphasis added) certain activities which may be incompatible with public recreation and safety. That single word - "restrict" - is probably the most objectionable feature of the entire bill.

This could prevent the director from managing in any way, mining access, trapping, motor vehicle use and cutting of dead timber. As written, SB 83 would elevate these activities above public recreation as the prime uses of Recreation Areas. Ironically, it would mean that there would be less control of vehicle use and mining access on State Recreation Areas than on unreserved public domain lands!

This flaw can be corrected simply by omitting the words "or restrict" from Section 2. If this is not done, then we urge you to reject the entire bill. Another feature which

deserves attention is the omission of the phrase "to protect the property and preserve the peace", from Section 2. We suggest that this phrase be inserted (line 20, after the words "incompatible uses") to re-affirm protection of public safety and resources as a fundamental management objective, on an equal basis with the various uses of State Recreation Areas.

#### SPECIFIC USES

Our position on the specific uses addressed in SB 83 is outlined below:

Mining access is currently guaranteed by State mining law and the enabling legislation for Recreation Areas. This system guarantees reasonable and feasible access to valid mining claims, while protecting public resources.

The Division of Parks can and does issue permits for mining access, such as that recently granted to a very large operation to move heavy machinery across the Chena River Rec Area.

Trapping is, of course, managed by the Department of Fish and Game. But there are cases where it may be desirable to restrict this use on Rec Areas.

For instance: In the Nancy Lake Recreation Area, the Youth Conservation Corps spent three summers and considerable public funds building a first-rate boardwalk on a nature trail. One of the prime attractions of that trail is a beaver colony. If the Director of Parks cannot restrict trapping, then a single trapper could easily override the money and labor expended and the enjoyment of the general public.

Not allowing any degree of control over trapping would preclude any attempt to find middle ground so that all uses, including trapping, can be reasonably accommodated.

Traditional access should be guaranteed on routes and by means regularly used before establishment of a Rec Area. If that is the intent of Section 2(C), then we support it, in principle.

However, the definition of "traditional use" (in Section 3) is not specific enough and could be interpreted to allow use of means of transportation traditionally used over non-traditional routes. It could also be construed to allow use of non-traditional vehicles over traditional routes.

By the same token, if snowmachines were traditionally used on certain trails, they should continue to be allowed on those trails. But the entire Rec Area through which those trails run should not be automatically opened for snowmachine use everywhere.

If a dogsled or snowmachine trail were regularly used before establishment of a State Recreation Area, those uses should continue in the Rec Area. But that same trail should not automatically be opened to all other means of transportation.

To clarify this provision, we offer the following suggestions:


1. An addition to Section 2(C) (line 27, after the word "area"), reading:  
"provided that no use be made of a road or trail other than by those means of transportation traditionally used on that road or trail prior to the effective date."
2. An addition to the definition of "traditional use", (Section 3 after the words "occurred regularly") of the phrase:  
"on roads or trails".

We support in principle the proposed amendment to allow harvest of dead timber within Rec Areas. In view of the current firewood shortage in Fairbanks, we recognize the intent of this provision.

However, we propose one minor change to the amendment. We would like to see the phrase "dead or down" changed to "dead and down." This would prevent people from inadvertently cutting live trees, (such as tamarack), which in winter can appear to be dead. It would also reduce the chance of someone cutting a dead and standing tree containing a raptor nest.

All of the above comments are made under the assumption that the word "restrict" will be omitted from Section 2.

If this is not done, then we and many others in Fairbanks and elsewhere will find SB 83 a completely unacceptable piece of legislation.

  
John Adams,  
Executive Director

# Alaska State Legislature



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## Senate

### Committee on Resources

#### MEMORANDUM

TO: SENATE RESOURCES COMMITTEE MEMBERS

FROM: SENATE RESOURCE COMMITTEE STAFF

RE: SECTIONAL ANALYSIS OF SB 83

DATE: MARCH 5, 1981

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Attached is a sectional analysis of SB 83 which has been prepared by Richard Bradley of the Legislative Affairs Agency.

SB 83 will be before the committee for its consideration on Friday, March 6 and on Wednesday, March 11.

MAR 5 1981

44-7  
DeWitt

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 5, 1981

SUBJECT: Recreation areas -- SB 83  
(Work Order No. 12-0840)

TO: Senator Bettye Fahrenkamp  
Chairman, Senate Resources Committee

FROM: Richard A. Bradley *B*  
Legislative Counsel

You have requested a sectional analysis of the provisions of SB 83.

The bill establishes amendments to the provisions of AS 41.20, a chapter dealing with state parks and state recreation areas generally.

Except for minimal editorial clarifications in the bill made by the revisors before introduction this year, the bill is identical to SB 536 which was introduced into the Eleventh Legislature.

That bill had been requested to divest the Department of Natural Resources (division of lands) of the power to adopt regulations making the activities designated in AS 41.20.-020(12)(A) - (C) [bill sec. 2] into incompatible uses on lands designated as recreation areas.

The bill achieves this goal.

Certain threshold premises need to be noted.

State parks and state recreation areas are creatures of the legislature, at least to the extent that a park or recreation area may exceed 640 acres in area. Compare the last sentence of AS 38.05.300(a): if it is the wish of the executive to close to multiple use an area in excess of 640 acres, legislative confirmation of that proposal must be obtained. The

Senator Bettye Fahrenkamp

Page 2

March 5, 1981

law establishing the four state recreation areas identified later in the bill had granted to DNR the authority to limit certain activities that would come within the general understood meaning of multiple use. This bill provides that the listed aspects of multiple use may not be limited by DNR by regulation.

Sec. 1 of the bill contains nonsubstantive editing on lines 12 - 13 of page 1. The changes made to lines 14 - 15 of page 1 delete the authority of the Department of Natural Resources to adopt regulations governing the use and designating incompatible uses within state recreational areas.

This loss of responsibility is then dealt with in bill sec. 2 by granting DNR the authority withdrawn under the first section with the qualifications sought by the sponsor.

Sec. 3 of the bill defines the term "traditional use" [of roads and trails] in the context of motorized vehicle use before the date of the establishment of the recreation area.

Secs. 4 - 7 of the bill extend the logic of these revisions of the authority of DNR to four statutorily established recreation areas: the Captain Cook State Recreation Area, the Caines Head State Recreation Area, the Nancy Lake State Recreation Area, and the Chena River Recreation Area.

And sec. 8 establishes an immediate effective date.

RAB:ljb

donating their time to help. So you see that truly this is a united effort, for the betterment of health in our Community.

We have been able to help over three hundred persons in the Fairbanks area in the past year. All free of charge. Our concern is, that there is another group stressing the Five-Days, and this has resulted in some confusion. We have had several calls on this. We wish the other group, which charges for their program, much success. We are all for anyone who can help break the smoking habit, and thus cut down on death and disease. We only want to avoid confusion.

Could you please print this letter, to help keep things straight?

Anyone wanting more information, may call 479-4533.

Thank you!  
Sincerely,  
Rosalee Beterle  
Co-ordinator of the  
Five-Day Plan

*2/17  
Newsminer*

### Wrong bill?

3098 Airport Way  
Fairbanks  
Feb. 10, 1981

To: Celia Hunter:

I read your "Opinion" about the threat to the Chena Recreation Area in the News-Miner of 2/4/81 with interest. As a less than committed outdoors-person (hiking great distances to find a bit of wilderness is just not my thing!), I always get concerned when local wilderness areas are threatened with development.

Since I will be traveling to Juneau in the next few weeks, and since I am familiar with Senators Bennett, Fahrenkamp, and Parr (the senators who introduced S.B. 83), I thought I might add a bit of my own distress to

that expressed by yourself.

Unfortunately, after securing a copy of S.B. 83, I found nothing in the bill which threatens the already existent uses in the Chena Recreation Area. In fact, it sounds like our three local senators are attempting to get some Department of Natural Resources bureaucrats off their duffs!

Since you only mentioned Senator Bennett in your article, and since the bill I secured does not appear to correspond to the threat you perceived, I am wondering if some other Senate Bill might be the dangerous one?

Sincerely,  
Frank J. Gold, EdD



# Alaska State Legislature

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## Senate

### Committee on Resources

#### MEMORANDUM

TO: SENATE RESOURCE COMMITTEE MEMBERS

FROM: JIM PALMER  
SENATE RESOURCES COMMITTEE STAFF

RE: SECTION BY SECTION ANALYSIS OF SB 83

DATE: FEBRUARY 26, 1981

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SB 83 "An Act restricting the authority of the Department of Natural Resources to regulate certain activities in state recreation areas; and providing for an effective date."

This measure is sponsored by Senators Bennett, Parr and Fahrenkamp.

#### SECTION 1

This section changes the wording of AS 41.20.020 (6). The word changes in this section limit the Department of Natural Resources to adopt regulations governing the use and designating the incompatible uses to state parks. The wording denies the Department of Natural Resources the authority to make such regulations for state recreation areas. (see Sec 2)

#### SECTION 2

This section states that the Department of Natural Resources shall adopt regulations which prohibit incompatible uses within the state recreation areas.

This section also states that these regulations shall not include activities such as (1) work on valid mining leases or claims, (2) taking of fur bearing animals or (3) traditional use of roads and trails in existence before the effective date of the act establishing the area.

#### SECTION 3

This section defines the word "traditional" to mean the regular use by any means of transportation, including a vehicle propelled by machinery, if the use occurred regularly in the area of a state recreation area before the effective date of the act establishing the state recreation area.

SECTIONS 4, 5, 6, 7

These sections direct the Commissioner of the Department of Natural Resources to designate incompatible uses (with exceptions noted in Section 3) in four recreation areas: Captain Cook State Recreation Area, Caines Head State Recreation Area, Nancy Lake State Recreation Area and the Chena River Recreation Area.

SECTION 8

This section establishes the effective date of this act in accordance with AS 01.10.070. (c).

SENATE AMENDMENT

BY Senator Fahrenkamp

To: \_\_\_\_\_ SENATE BILL No. SB 83

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 1

LINE: 25

add line:

"(d) the taking or cutting of down or dead timber."

**TRIPOD RAISING**—Warm temperatures this weekend gave a brief hint of spring weather to come and the town of Nenana was ready to celebrate with Tripod Days. The annual preparations for the coming of spring

were completed there with the "planting" of the tripod in the middle of the ice-covered Tanana River Sunday. A cable connection from tripod to shore will stop a clock when the tripod is carried downstream 100 feet.

(Photo by Kurt Savikko)

Nenana and has been since 1917 when the first tripod was placed in the ice and became the focal point of the break-up later.

A cable connection from tripod to shore stops a clock when the tripod is carried downstream 100 feet by the crunching, heaving ice. As far as Alaska is concerned, that will be the beginning of spring. It is then that boat crews will man their vessels and the busy summer shipping



**WINIFRED**  
"Never wo  
(Photo

# Chena mining access permit to be given to new partner

By **FRED PRATT**  
Staff Writer

A permit was to be granted today for winter trail for miners crossing part of Chena River Recreation Area, but the permittee has been changed after new doubts were felt about the company that used the route last year.

Division of Parks Director Chip Dennerlein said he would not issue a permit to Little David Mining and

Exploration Co., but instead will issue it to Little David's partner in this year's joint venture, S&B Mining Co.

The permit is for crossing the recreation area land to take a train of large bulldozers, backhoes, front-end loaders and skids bearing fuel tanks and trailers from Chena Hot Springs Road to a gold claim on federal land almost 30 miles east at Van Curler's Bar.

Last year Little David ran its equipment into the mine without a permit, building several stream crossings that brought citations from the Department of Fish and Game. The miners were each fined \$700 and each sentenced to 30 days in jail, with the fines reduced by half and the jail sentences waived on the condition that no similar violations occur for one year.

Dennerlein said he also was told last

week that Little David had not paid for a piece of equipment leased last year, and the equipment had been left at the mine.

"I do not feel confident issuing a permit to Little David," Dennerlein told the Daily News-Miner this morning. "S&B was not involved last year, is in the joint venture this year and is quite frankly suffering from some of

the track record of Little David last year."

The principal partners of S&B include many long-time Alaskan miners, Dennerlein said. Some of the critics of Little David said it is largely an Outside company.

"I had to either raise the price of the bond or change the structure of who we granted the permit to," he said. "I think the state will get more surety out

of the way we are

mit."  
"S&B is named as the full compliance conditions and service meeting of stipulated associates, employees, tractors," Dennerlein

He said the change not mean Little David

(See CHENA



# 30 dogs, a 12-foot and Smyth's off to

By **MARVIN ARONSON**  
News Editor

"I'm addicted to it, that's why I keep running the Iditarod," Bud Smyth says, "but if I win it this year," he adds with a half-forlorn smile, "it'll be my last."  
Smyth (pronounced Smith) is thinking big these days. That's why he plans to run the ninth 1,000-mile Iditarod Trail Sled Dog Race to Nome



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where "the butterflies are coming" and  
"you say, 'Oh, no, I'm making the same  
mistake again—I'll never do it again'—  
but afterwards it's a great adventure."

Benjamin Franklin became the first  
U.S. postmaster-general in 1775.

Stars have invaded his eyes  
Silver bills in his voice  
Sing a hymn to the har he dreams of!  
Watch him wooing, purring, cooing  
He's a dove, he's in love!  
*Police Guards, Act 1 Scene 6*  
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Across from News Miner, Next to Big I

**CHENA . . .**

(Continued from page 1)

be out from under the court requirements in last year's convictions. The permit stipulations will require the miners to build temporary bridges across the Chena River and Munson Creek, probably with railroad flatcars or other structures that can be brought in and removed later.

The permit does not become valid, Dennerlein said, until a detailed plan for stream crossings is presented and approved by the Department of Fish and Game's habitat protection section.

The miners also are required to carry absorbant materials so they can immediately treat any fuel spills. They must do any trail widening by hand.

"They are not just going to drive down the trail with the blade down," Dennerlein said.

He added that the operation will take about a week.

Opponents to the permit have maintained a longer alternate route exists across federal land if the miners came south from the Steese Highway at Miller House and approached the area via Harrison Creek, Birch Creek and a pass at the head of Clums Creek. Dennerlein said he reexamined that, but found "it is just not feasible this year."

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Jim Lewis  
Accounting Manager,  
Exxon USA

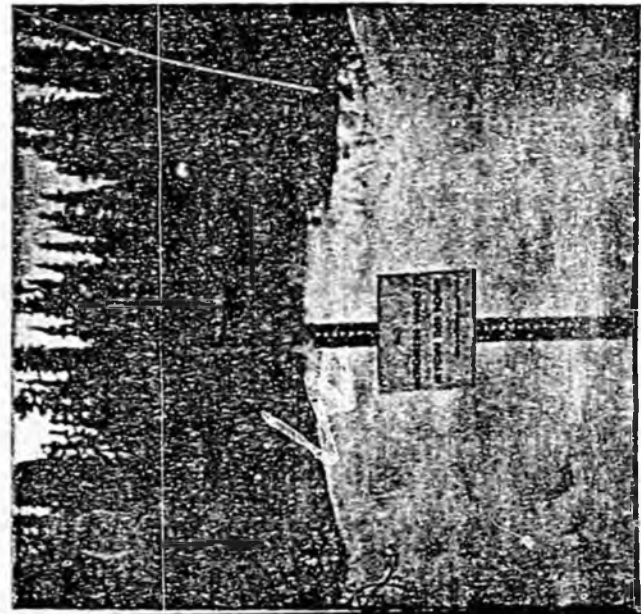
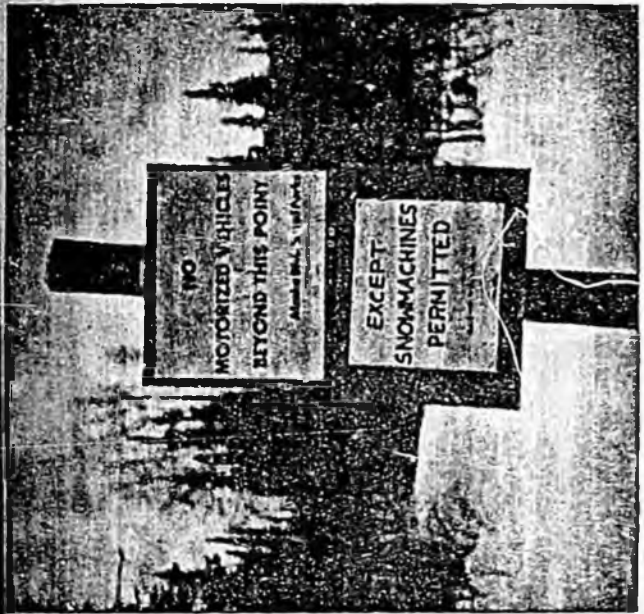
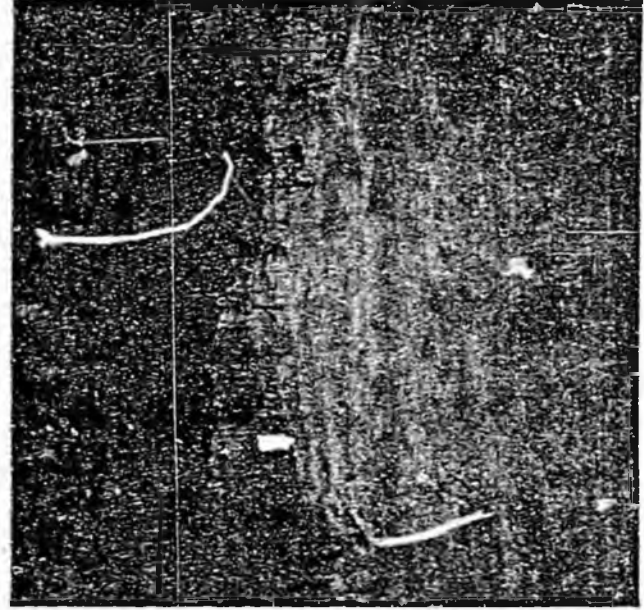
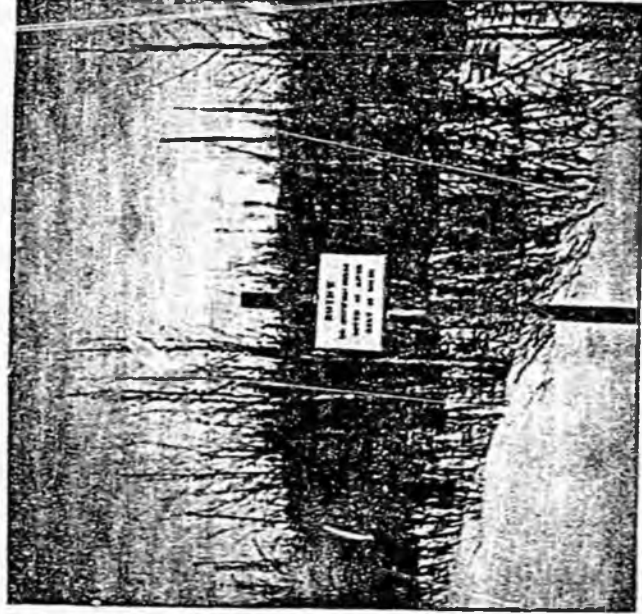
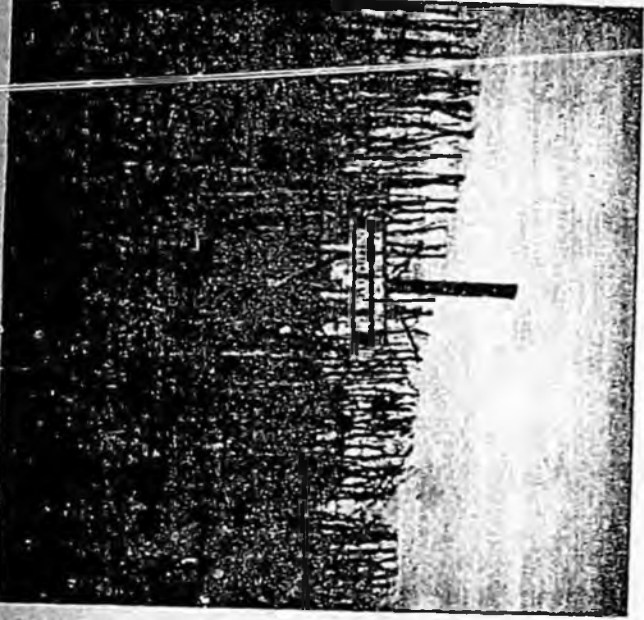
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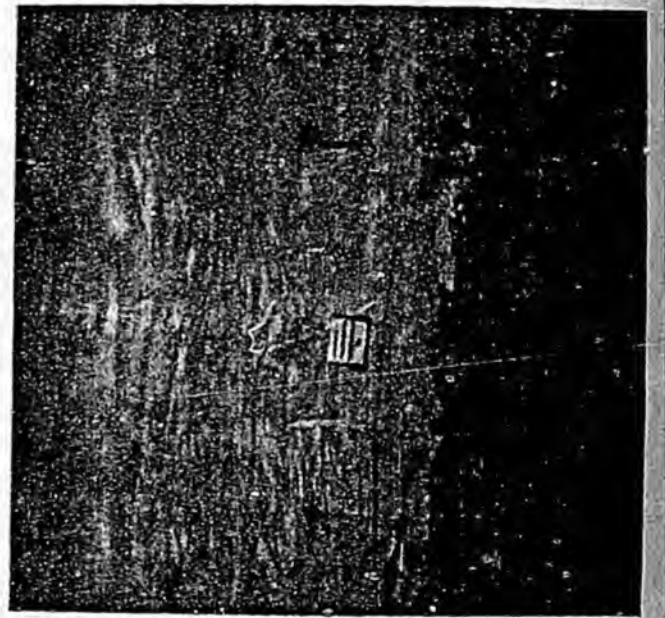
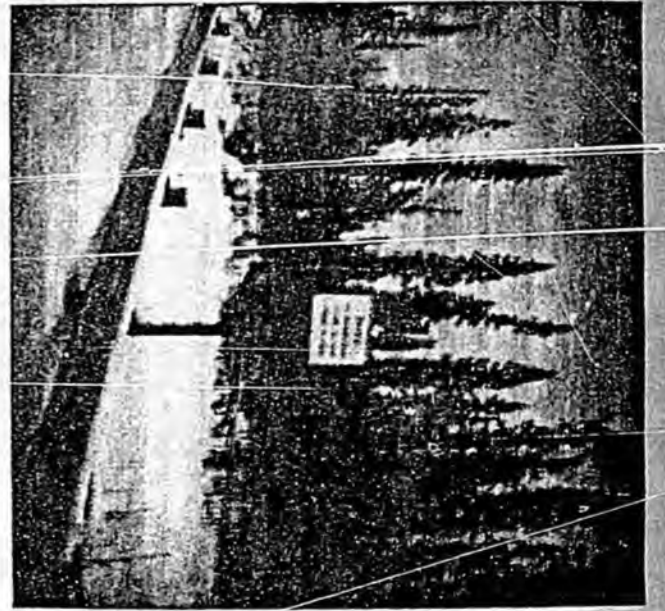
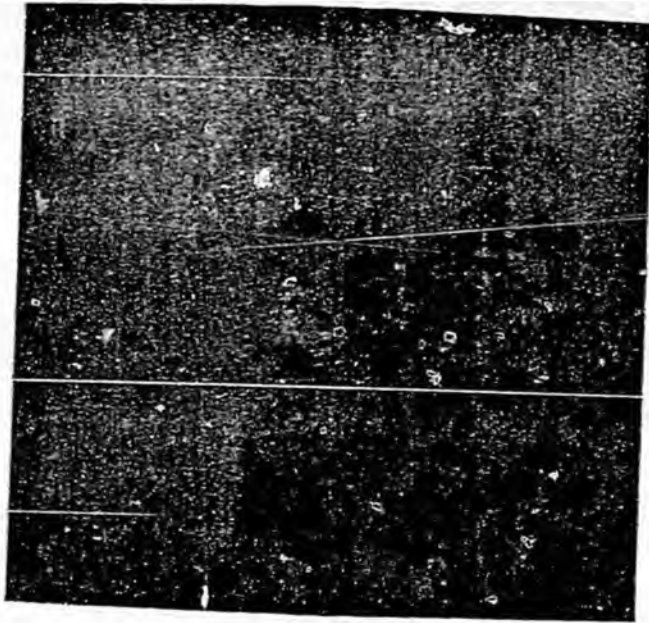
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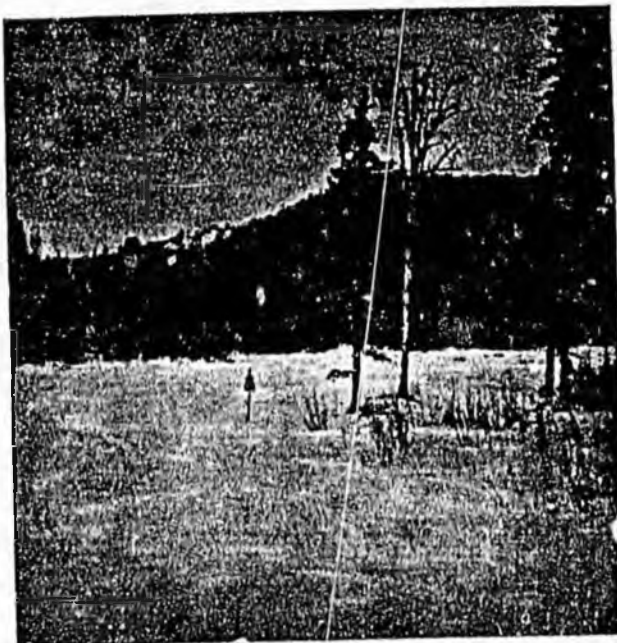
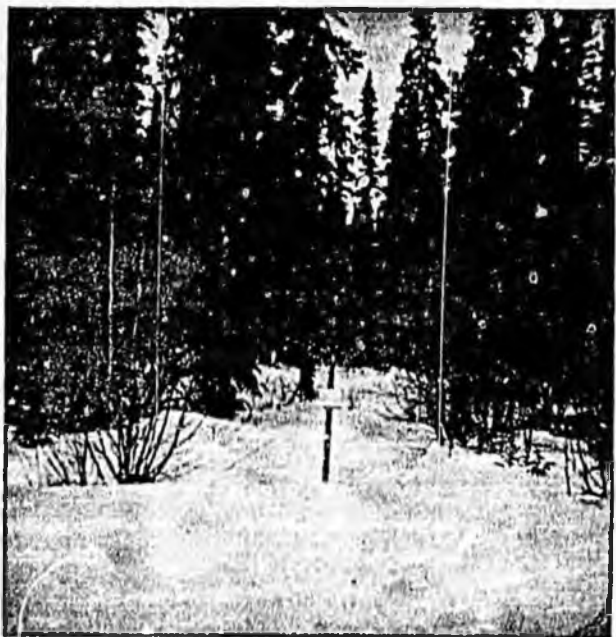
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# Alaska State Legislature

## Senate

BUREAU ALASKA

### PRELIMINARY BILL SUMMARY

BILL NUMBER: SB 83

SPONSOR(S): Bennett, Parr,  
Fahrenkamp

OTHER COMMITTEE

REFERRALS: Judiciary

TITLE: "An Act restricting the authority of the Department of Natural Resources to regulate certain activities in state recreation areas

and providing for an effective date"

FISCAL IMPACT (if known): No direct fiscal impact

#### BRIEF SUMMARY OR HIGHLIGHTS:

The first section of the bill changes language of current statute limiting the authority of powers of the Department of Natural Resources.

The second section of the bill states that the department may not adopt regulations which prohibit 1) work on valid mining leases or claims; 2) taking of fur bearing animals or 3) traditional use of roads or trails

Traditional use is defined as the regular use by any means of transportation if use occurred regularly before effective date establishing the area.

Captain Cook State Recreation Area, Caines Head State Recreation Area, Nancy Lake State Recreation Area and Chena River Recreation Area regulations are changed to take into account the second section of this measure