

**HOUSE
COMMITTEE REPORT**

(11)

Date referred: 5/7/86

FURTHER REFERRALS:

DATE: 5-11-86

The FINANCE Committee has considered CSSB 201(Fin)
"An Act creating a public access fund."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCS CSSB 201 (Res) same title
- new title

and recommends DO PASS

further referral to the _____ Committee

and attaches:

- letter of intent
- first fiscal note
- new fiscal note
- zero fiscal note same 1-30-86

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

[Signature]
Mike Spumale
Sam Rest
[Signature]
Pat Kaye
Ronald J. [Signature]

[Signature]
Chairman

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 201(Fin)
 Title: "An Act creating a public access fund."
 Sponsor: Senator Rodey
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: _____ Revenue _____
 Program Category Affected: _____
 Administrative Services _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING			0			
100 PERSONAL SERVICES			0			
200 TRAVEL			0			
300 CONTRACTUAL			0			
400 SUPPLIES			0			
500 EQUIPMENT			0			
500 LAND & STRUCTURES			0			
700 GRANTS, CLAIMS			0			
800 MISCELLANEOUS			0			
TOTAL OPERATING			0			
CAPITAL			0			
REVENUE			0			

FUNDING: (Thousands of Dollars)

GENERAL FUND			0			
FEDERAL FUNDS			0			
OTHER			0			
TOTAL			0			

POSITIONS:

FULL-TIME			0			
PART-TIME			0			
TEMPORARY			0			

ANALYSIS: Attach a separate page if necessary

Prepared By: Senator Jan Faiks
 Division: Co-chairman
Senate Finance Committee
 Approved by Commissioner: _____
 Agency: _____

Phone: 465-4523
 Date: 1/30/86
 Date: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

Offered: 5/7/86
Referred: Finance

Original sponsors: Rodey, Bennett,
Kerttula, et al

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 201 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a public access fund."

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

8 * Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature
9 finds that access to state waters for fishing, hunting, guiding, boating,
10 lodge operation and other recreational uses is very important to the econo-
11 my of the state. State waters, and public access to those waters, is
12 critical to the interrelated recreation, tourism, guiding and lodge indus-
13 tries. These industries support a large number of small, resident Alaska
14 businesses. Recreational use of state waters is also extremely important
15 to the people of the state. The legislature further finds that many of the
16 state's popular freshwater and marine fisheries are severely overcrowded
17 and that increasing the ease of access to additional waters suitable for
18 recreational uses would enhance the enjoyment by the people, would be
19 beneficial to the economy, and would reduce the overcrowding on the already
20 popular waters.

21 (b) It is the intent of the legislature to encourage state programs
22 to develop access to additional waters of the state near the state's major
23 population areas.

24 * Sec. 2. AS 38.05 is amended by adding a new section to read:

25 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
26 created in the general fund a public access fund. The fund consists
27 of money derived under this subsection and contributions from indi-
28 viduals and corporations. The fund shall be invested by the commis-
29 sioner of revenue. The commissioner of revenue shall prepare the

1 permanent fund dividend application to allow applicants to designate
2 that \$5 of the dividend be subtracted from their check and deposited
3 in the public access fund. The Department of Revenue may use money in
4 the public access fund to pay administrative costs incurred under this
5 subsection.

6 (b) Except as provided in (a) of this section, the commissioner
7 shall administer the fund. The commissioner, after public hearings
8 and in consultation with the commissioner of fish and game and the
9 commissioner of transportation and public facilities, may use money in
10 the fund to develop boating access, including the purchase and lease
11 of land, easements, and rights of way to enhance public access to
12 recreational areas.

13 (c) The title to rights of public access to recreational areas
14 obtained by the commissioner vests in the state. The commissioner
15 shall include in the instrument transferring title to the state a
16 clause requiring that the land be used for public access. If the land
17 ceases to be available for public access, the state shall pay the
18 assessed value of the land to the fund.

19 (d) If the state receives funds under 16 U.S.C. 777-777k (Sport
20 Fish Restoration Act), approximately 20 percent of the funds shall be
21 used to implement the provisions of this section. Expenditure of
22 funds received by the state under this subsection is subject to the
23 approval of the commissioner of fish and game.

24 (e) The legislature may appropriate to the fund.

25 (f) The commissioner may adopt regulations under the Administra-
26 tive Procedure Act (AS 44.62) that are necessary to implement this
27 section.

28 * Sec. 3. AS 38.50.010 is amended to read:

29 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of

1 this chapter, the director, with the concurrence of the commissioner,
2 is authorized to dispose of state land or interest in land by exchang-
3 ing it for land, interest in land, or other consideration. Exchanges
4 shall be for the purpose of consolidating state land holdings, creat-
5 ing land ownership and use patterns which will permit more effective
6 administration of the state public domain, using funds from the public
7 access fund to create access to waters of the state with high value
8 for recreational uses, facilitating the objectives of state programs,
9 or other public purposes.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 201(Fin)
 Title: "An Act creating a
 public access fund."
 Sponsor: Senator Rodey
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: _____ Revenue
 Program Category Affected: Administrative Services
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING			0			
100 PERSONAL SERVICES			0			
200 TRAVEL			0			
300 CONTRACTUAL			0			
400 SUPPLIES			0			
500 EQUIPMENT			0			
500 LAND & STRUCTURES			0			
700 GRANTS, CLAIMS			0			
300 MISCELLANEOUS			0			
TOTAL OPERATING			0			

CAPITAL			0			
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REVENUE			0			
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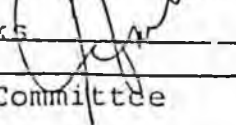
FUNDING: (Thousands of Dollars)

GENERAL FUND			0			
FEDERAL FUNDS			0			
OTHER			0			
TOTAL			0			

POSITIONS:

FULL-TIME			0			
PART-TIME			0			
TEMPORARY			0			

ANALYSIS: Attach a separate page if necessary

Prepared By: Senator Jan Faiks  Phone: 465-4523
 Division: Co-chairman Date: 1/30/86
Senate Finance Committee
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
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- Impacted Agency(ies)

7/1/84

Alaska Recreational Fishery Access, Enhancement
and Development

Need:

Alaska, with a population of 510,554 people (1983) and land-mass of 586,412 square miles (1/5th the size of the contiguous lower 48 States), has a severe access problem. Although the state has over 3,000,000 lakes and 365,000 miles of rivers, it has only about 2500 miles of state maintained paved, 2960 miles of unpaved roads and 8400 miles of local government and specialty (includes National Park Service and military) roads. Access to the states fish and wildlife resources is severely restricted and inadequate. This limited access results in concentration of fishing effort, habitat degradation, restricted management options and social conflicts.

However, even with limited road access to fishery resources, fishing is still the most popular outdoor passtime in Alaska. Of the 335,608 anglers who fished in 1984, 71% were Alaska residents and 29% were non-residents. This represents a 6% increase in resident anglers and a 15% increase in non-resident anglers over 1983. Since 1977 the average annual increase in anglers has been 8% (7% for resident anglers and 11% non-resident anglers).

Fishing is concentrated along the road system and near the population centers. Of the 1,366,337 angler-days fished in 1984, 1,341,658 (72%) were expended in the Southcentral region of Alaska, 326,138 (17%) were expended in the Southeast region, and 199,041 (11%) were expended in the Arctic-Yukon-Kuskokwim region. The Cook Inlet area, within the Southcentral region, had 1,109,727 days (59%) of the State's total sport fishing and the Kenai Peninsula had 668,161 angler-days or 36% of the State total. The Kenai River alone had 270,422 angler-days of use or 14% of the State total.

For all its lakes, streams and anglers, the state has only 31 boat launching facilities statewide. A few private launch ramps also exist. This limited boat access concentrates fishing to areas near the launching facilities, creates traffic congestion problems, and destroys needed habitat as a result of overcrowding. On busy days boat owners often must wait for extended periods of time to launch their boats and then drive up to 1 mile to park their cars and trailers before going fishing. A lengthy wait also accompanies removal of boats from the water.

Identified Access problems include

1. Insufficient parking at limited access points which results in illegal parking along public roads creating a safety hazard and unauthorized parking on private property;
2. Limited access sites which force walk-in use across private property to popular fishing locations. Repeated use creates unwanted trails, accumulation of garbage and general destruction of the aesthetic value of the private property;

3. High use of inadequate or undeveloped boat launch facilities which destroys habitat through stream and bank degradation, siltation, misuse of private property to access water sites and illegal parking of boat trailers;
4. The degradation of existing sites through excessive use which creates sanitation problems, social conflicts and loss of aesthetic values.

The goal of this project is to increase or improve public access for fishing through the purchase of lands, development of facilities, and enhancement of state lands and waters.

Objectives.

1. To provide angler and boat access to recreational fishing waters;
2. To construct, develop, improve and maintain facilities and lands acquired or used by recreational anglers;
3. To increase and/or improve the quality of habitat for sport fish;
4. To provide necessary support facilities for the administration, or management of recreational fisheries.

Expected Results and Benefits:

- A. Acquisition of lands and access opportunities (rights-of-way and easements) will ensure dedicated accessibility to the fishery resources for the public.
- B. Acquired sites will be managed and operated to provide primary benefits to the recreational angler and boater and help in distributing angler effort throughout a greater area of a particular fishery or among suitable fisheries.
- C. Additional access sites will allow more anglers to participate in a fishery, and will allow those who presently use a fishery to reduce conflict by disbursing effort over a larger area and reducing congestion on existing sites.

Additional sites may allow anglers to reach fisheries not presently accessible from existing locations (e.g. acquiring a suitable site that favors a boat launching facility) thereby increasing management options for harvest regulation.

- D. Allow development of new fisheries.

Facility developments will improve the aesthetic qualities of the recreational fishery and lessen impacts on the environment. This will be accomplished by: providing the necessary camping, eating and sanitary facilities for public use; improved access to accommodate vehicle and

foot traffic; increased vehicle and trailer parking and paving of such areas thereby reducing conflict; maintaining streambank integrity; and, reducing siltation and pollution.

Field support facilities, when required, will allow proper supervision of select fisheries in terms of fishery monitoring and data acquisition. Habitat improvements should increase fish production and expand waters available for enhancement.

Approach:

Land Acquisition/Access.

Land will be acquired by fee-title purchase, lease, or right-of-way/easements for the purposes of public access, boat launching ramps, parking lots, and camping facilities. Land will be also acquired by willing seller/buyer negotiations and in accordance with P.L. 91-646 Uniform Relocation and Real Property Acquisition requirements.

Operational Plans will be submitted with the Project Agreements for acquisition of land parcels and will conform to FA Manual requirements, Chap 10 Land Acquisition. Examples of information to be provided:

1. The soil characteristics, topography, and vegetative communities.
2. The surface waters, mineral and water rights.
3. The fish and wildlife species, abundance and distribution on the property.
4. Existing capital developments, use of area by landowners or lessees.
5. Use of area by the public (types of use, man-days expended, harvest of fish and wildlife, etc.).
6. Pertinent planning and administration related to lands in the vicinity.
7. Summary of appropriate hydrologic, engineering, geologic or other technical investigations that support the property's suitability for development.
8. Cooperative Agreements relating to project objectives.

Priorities for acquisition or improvement of access will include, but not be limited to:

1. Economic importance. Importance to the local community;
2. Public importance. The number of people who use the area, the man-days of effort expected, safety factors, trespass problems and distance from metropolitan areas;

3. Biological/Ecological importance. Will site provide access to new fisheries, suitability of site, ability of resource to accommodate existing and potential use, etc;
4. Political significance. Are matching funds being provided by local interests, or have political decisions (funding) prescribed priority to the project.

Development.

Development activities will include the construction, modification or improvement of access sites. Such activities may include, but not be limited to, land clearing, access road construction, boat launching ramp construction, trail development, hard surfacing (e.g., black top) of parking areas and access roads, addition to ramps, and/or construction of floats and piers, navigational aids, mooring buoys, bank stabilization projects, sanitary and camping facilities, and other amenities that provide needed public services for sport fishing purposes.

Field support facilities will be considered on a case-to-case basis for special fisheries. This activity may construct cabins to house seasonal employees conducting creel censuses, or caretakers, and include necessary support items such as water, sewer, electrical and other services.

Procedures for facilities requiring user fees, concessions, caretakers or custodians will be incorporated in Operational Plans and submitted at the time of acquisition with the Project Agreement.

Habitat improvements will incorporate construction of water level stabilization structures, weirs and barriers to control ingress and egress of fish, or for ecological improvements to waterways and standing waters. In many instances, nonproductive or marginal waters may only require structures to provide water level stabilization and/or control of fish movement when associated with stocking to provide an acceptable fishery. Jobs developed under this project will have detailed operational plans, and materials lists as required for the activity.

For all construction items costing more than \$100,00, a qualified engineer will approve engineering plans and estimates, approve the feasibility determination, supervise the construction, and furnish a report of final inspection. All other construction activity will apply acceptable engineering standards commensurate with the level of complexity and magnitude involved.

Enhancement.

Enhancement in this project refers to improvements in the properties discussed in this document under the Land Acquisition/Access and Development sections.

Location. Statewide

Offered: 1/30/86
Referred: Rules

Original sponsors: Rodey, Bennett,
Kerttula, et al

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 201 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
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5 A BILL

6 For an Act entitled: "An Act creating a public access fund."

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

8 * Section 1. FINDINGS. The legislature finds that the people of the
9 state desire to ensure and improve public access to areas of recreational
10 value and enjoyment in the state. Therefore, the legislature shall estab-
11 lish a public access fund in the general fund.

12 * Sec. 2. AS 38.05 is amended by adding a new section to read:

13 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
14 created in the general fund a public access fund. The fund consists
15 of money derived under this subsection and contributions from
16 individuals and corporations. The fund shall be invested by the
17 commissioner of revenue. The legislature may appropriate money to the
18 fund. The commissioner of revenue shall prepare the permanent fund
19 dividend application to allow applicants to designate that \$5 of the
20 dividend be subtracted from their check and deposited in the public
21 access fund. The Department of Revenue may use money in the public
22 access fund to pay administrative costs incurred under this
23 subsection.

24 (b) Except as provided in (a) of this section, the commissioner
25 of natural resources shall administer the fund. The commissioner of
26 natural resources, after public hearings and in consultation with the
27 commissioner of fish and game and the commissioner of transportation
28 and public facilities, may purchase and lease land, easements, and
29 rights of way to enhance public access to recreational areas.

1 (c) Title to rights of public access to recreational areas
2 obtained by the commissioner of natural resources vests in the state.
3 If land is acquired for substantially less than fair market value the
4 commissioner of natural resources shall include in an instrument
5 conferring title on the state a clause requiring that the land be used
6 for public access and providing that if the property ceases to be used
7 for public access, it will automatically revert to the grantor and to
8 the heirs of the grantor. However, if the commissioner of natural
9 resources, after public hearing, authorizes the sale or exchange of a
10 right of public access in return for a similar or better right of
11 public access, the sale or exchange is valid and the property does not
12 revert to the grantor or to the heirs of the grantor.

13 (d) The commissioner of natural resources may adopt regulations
14 under the Administrative Procedure Act (AS 44.62) that are necessary
15 to carry out the purposes of this section.

Offered: 4/22/85
Referred: Finance

Original sponsors: Rodey, Bennett,
Kerttula, et al

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 201 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

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9 state desire to ensure and improve public access to areas of recreational
10 value and enjoyment in the state. Therefore, the legislature shall estab-
11 lish a public access fund in the general fund.

12 * Sec. 2. AS 16.05 is amended by adding a new section to read:

13 Sec. 16.05.135. PUBLIC ACCESS FUND CREATED. (a) There is
14 created in the general fund a public access fund. The fund is estab-
15 lished in the Department of Fish and Game and consists of contribu-
16 tions from individuals and corporations. The state may contribute to
17 the fund. The commissioner shall administer the fund. The commis-
18 sioner, after public hearings and consultation with the commissioner
19 of natural resources and the commissioner of transportation and public
20 facilities, may purchase and lease land, easements, and rights of way
21 to enhance public access to recreational areas.

22 (b) The commissioner of revenue shall inform all applicants for
23 permanent fund dividends about the public access fund. The commis-
24 sioner of revenue shall permit an applicant for a permanent fund
25 dividend to pledge the applicant's dividend or a portion of it
26 directly to the public access fund, and an applicant may authorize the
27 commissioner to pay the applicant's dividend or a portion of it
28 directly to the fund.

29 (c) Title to rights of public access to recreational areas

1 obtained by the commissioner vests in the state. If land is acquired
2 for less than fair market value the commissioner shall include in an
3 instrument conferring title on the state a clause requiring that the
4 land be used for public access and providing that if the property
5 ceases to be used for public access, it will automatically revert to
6 the grantor and to the heirs of the grantor. However, if the commis-
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8 right of public access in return for a similar or better right of
9 public access, the sale or exchange is valid and the property does not
10 revert to the grantor or to the heirs of the grantor.

11 (d) The commissioner may adopt regulations under the Administra-
12 tive Procedure Act (AS 44.62) that are necessary to carry out the
13 purposes of this section.

Introduced: 2/28/85
Referred: Resources and
Finance

BY RODEY, BENNETT, KERTTULA,
JOSEPHSON, HALFORD, ABOOD,
FAIKS AND RAY

1 IN THE SENATE

2

SENATE BILL NO. 201

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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9 state desire to ensure public access to areas of recreational value and
10 enjoyment in the state. Therefore, the legislature shall establish a
11 public access fund in the general fund.

12 * Sec. 2. AS 16.05 is amended by adding a new section to read:

13 Sec. 16.05.135. PUBLIC ACCESS FUND CREATED. (a) There is
14 created in the general fund a public access fund. The fund is estab-
15 lished in the Department of Fish and Game and consists of contribu-
16 tions from individuals and corporations. The state may contribute to
17 the fund. The public access fund committee shall administer the fund.
18 The committee shall select and purchase land, easements, and rights of
19 way to enhance public access to recreational areas.

20 (b) The committee is composed of five members appointed by the
21 governor who serve at the pleasure of the governor. Members of the
22 committee serve without compensation but are entitled to per diem and
23 travel expenses authorized for boards and commissions under
24 AS 39.20.180.

25 (c) The Department of Revenue shall inform all applicants for
26 permanent fund dividends about the public access fund. The commis-
27 sioner of revenue shall provide applicants with a form, addressed to
28 the commissioner, on which the applicant may pledge the applicant's
29 permanent fund dividend to the public access fund and may authorize