

HPB

2081

COMMITTEE REPORT
HOUSE

4/12

Rules

(9)

FURTHER:

3/13/85

Date: April 11, 1985

The Committee on RESOURCES has had HB 281
"An Act relating to trapping cabin permits."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 281 (Resources) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Shultz [Signature]

Herrmann [Signature]

Cato [Signature]

Jenkins [Signature]

Pearce [Signature]

Thompson [Signature]

Sund [Signature]

Wallis [Signature]

Miller(NP) [Signature]

[Signature] Co-Chair

[Signature] CHAIRMAN

Sec. 38.95.080. Trapping cabin construction permits. (a) The commissioner may issue a nontransferable permit for the construction of a trapping cabin on state land to a person who meets the following qualifications:

- (1) the person must have an established trapline with proof of regular use;
- (2) the person must have a trapline of sufficient length to justify the need for cabin construction.

(b) Nothing in (a) of this section prevents the director from issuing a permit to more than one qualified person for the construction and use of the same trapping cabin.

(c) The director shall establish, by regulation, conditions attaching to the permit issued under (a) and (b) of this section. These conditions shall include the following:

- (1) permits shall be issued for a period of not more than 10 years, with succeeding 10-year renewal options, if periodic use and occupancy is established, and the qualifications of (a) of this section continue to be met;
- (2) a cabin shall be constructed and maintained according to reasonable specifications established by the director; one cabin constructed under a permit may contain not more than 400 square feet; however, in no case may another cabin constructed under the same permit exceed 192 square feet;
- (3) a permit shall specify the number of cabins allowed to be constructed and indicate their specific geographical location; the director may establish a maximum number of cabins per person or otherwise limit their number because of the probability of adverse consequences;
- (4) adequate provision must be made for waste and garbage disposal, as determined by the director;
- (5) the payment of a trapping cabin permit fee of \$10.

(d) A permit issued under (a) and (b) of this section entitles its holder to use timber in the immediate vicinity of the cabin for personal noncommercial purposes only. No ownership rights to the land are conveyed by the issuance of a trapping cabin permit under this section.

(e) A person who makes a false statement as to any material fact relating to a permit issued under this section is guilty of a misdemeanor. A person who violates this subsection or any of the terms and conditions of a permit issued under this section may have the permit immediately revoked and is subject to payment of all costs required in dismantling the cabin structure. (§ 1 ch 115 SLA 1976; am § 40 ch 113 SLA 1981; am § 1 ch 41 SLA 1982; am § 76 ch 152 SLA 1984)

Effect of amendments. — The 1981 amendment substituted "two years" for "five years" following "period of not more than" and substituted "ten-year" for "five-year" preceding "renewal options" in paragraph (1) of subsection (c). The 1982 amendment, in subsection (c), deleted "but not be limited to" in the sec-

ond sentence substituted "i paragraph (1) structed unde more than fo substituted " under the san

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Section 100. Purpose of 110. Steering tion

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Sec. 38.95. created the St as follows: the Planning Com ernor, three m speaker of the l president of th of Natural Res council may se 1977)

Sec. 38.95.1: unified lobbyin tion rights of t Natives are pro needs and futu

Original sponsor: Shultz

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2 IN THE HOUSE

BY THE RESOURCES COMMITTEE

3 CS FOR HOUSE BILL NO. 281 (Resources)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to trapping cabin permits."

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

9 * Section 1. AS 38.95 is amended by adding a new section to read:

10 ARTICLE 2A. TRAPPING CABINS.

11 Sec. 38.95.075. PERMITS FOR THE USE OF TRAPPING CABINS. The
12 commissioner shall issue a permit to an individual for the use of a
13 trapping cabin when the applicant provides to the commissioner a
14 notarized statement witnessed by three adult residents of the area in
15 which the cabin is located stating that

16 (1) the applicant had used the cabin on a regular basis for
17 * trapping before August 1, 1984;

18 (2) the past, present, and intended use of the cabin is for
19 temporary shelter while trapping; and

20 (3) the three residents witnessing the statement have lived
21 in the area in which the cabin is located for no less than five years
22 and are familiar with the applicant's use of the cabin for trapping
23 purposes.
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Bradley
4/10/85 ✓

Original sponsor: Shultz

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IN THE HOUSE

BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 281 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

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(1) the applicant had used the cabin on a regular basis for trapping before August 1, 1984; and

(2) the past, present, and intended use of the cabin is for temporary shelter while trapping.

(subsection (3) Deleted)

IN THE HOUSE

BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 281 (RESOURCES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

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(a) The commissioner may issue a nontransferable permit for the construction or use of a trapping cabin on state land to a person who meets the following qualifications:

(1) the person must have an established trapline with proof of regular use;

(2) the person must have a trapline of sufficient length to justify the use of the cabin for trapping <NEED FOR CABIN CONSTRUCTION>.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 281
Title: Trapping Cabin Permits

Sponsor: Shultz
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected: _____
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Mike Vediner
Division: Land and Water Management

Phone: 465-2400
Date: April 3, 1985

Approved by Commissioner: Robert D. Arnold
Agency: Natural Resources

Date: April 3, 1985

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

January 20, 1986

The Honorable Arliss Sturgulewski
Chair, Resources Committee
Alaska State Senate
Pouch V
Juneau, AK 99810

Dear Senator Sturgulewski:

At Friday's Resources Committee meeting there were a lot of questions about HB 281, Representative Shultz's bill intended to assure the issuance of trapping cabin permits to qualified applicants. The department's major concern with the bill -- that discretion remain to reject permit applications where resource management conflicts exist -- was satisfied in the House amendments to the original bill.

Last year the department recommended also that it would be preferable simply to amend the existing trapping cabin construction statute (AS 38.95.080) to allow use of existing cabins. This approach would not satisfy Representative Shultz's interests as stated above.

I hope that the following information will assist the Committee in its consideration of trapping cabin permitting.

Existing programs

The department has two cabin permitting programs in effect at present, for personal use cabins and trapping cabin construction. A third program, for the construction of remote cabins on state land, has not been implemented (AS 38.05.079). There also exists a public use cabin program in the state park system (11 AAC 12.245).

Personal Use Cabins

Conditions for the permitting and use of personal use cabins are found at 11 AAC 65.010-900. Here is a general summary of the regulations:

- \$25 application fee, \$100 annual rental;
- documented use and occupancy prior to August 1, 1984;
- one-time-only application period;
- availability to a group of applicants for a single permit;
- no conveyance of land or interest in land by permit;

January 20, 1986

- permit term up to six years, renewable during the lifetime of original applicant;
- not transferable, assignable, or inheritable;
- improvements must be removed or revert to state at termination;
- not issued in areas:
 - where land sale has occurred or is anticipated,
 - where municipal entitlement selections exist,
 - in state parks or sensitive ecological areas,
 - on roads in game refuges or critical habitat units,
 - on shoreland, tidelands, or submerged lands,
 - near scheduled or anticipated materials sales, timber sales, mining lands, or recreational transportation development areas, or
 - on Native allotments;
- not intended for residential purposes; and
- revocable if used for other purposes than permitted.

As you can see, there are many public concerns with permitting cabin use on state lands, but we have found that the overwhelming majority of applications are approved and that this list of concerns and conditions is needed in only a few -- though important -- instances.

Trapping Cabin Construction

For trapping cabin construction on state lands (AS 38.95.080, 11 AAC 94.010-030), there are the following general terms and conditions:

- up to three cabins may be permitted per permittee;
- current, valid trapping license required;
- evidence of regular trapping use required, with map marked to show traplines;
- fire protection language and liability;
- \$100 application/permit fee;
- nontransferable and revocable;
- size limitations;
- automatically renewable for each ten-year term if conditions are met; and
- applications not accepted:
 - for land scheduled or nominated for subdivision,
 - for use of an existing cabin on state general grant lands not vacant, unappropriated, or unreserved,
 - or
 - for cabins generally within two miles of another trapping cabin or within ten miles of a road.

January 20, 1986

I am including for your information the department's permit application form for trapping cabin construction.

Ownership and Joint Use

Members of the Committee questioned whether an applicant would have to prove ownership of the cabin and whether more than the original permittee would be allowed to use the trapping cabin permitted under the proposed law.

Language generally suggested by Senator Halford would require a permit applicant to show evidence that he or she owns the cabin, has the concurrence of the owner, or can prove that the cabin has been abandoned or unoccupied on state land. However, this would contradict our interpretation of the words "nonexclusive use," under which we would hope to see the cabins remain available -- as they traditionally have -- for permitted use by more than the original applicant. If such language is included, we would recommend adding language allowing the department to issue additional permits to bona fide trappers, with or without the concurrence of the trapping cabin owner or permittee.

Mandatory Issuance

As indicated above, our major concern has been that the department must have the flexibility to deny applications where there are land management reasons to do so. The list of possible conflicts preventing the issuance of a personal use cabin permit (above, near the top of page 2) encompasses the possible resource management conflicts that we can foresee.

It does make me somewhat uncomfortable to have a land management decision (the issuance of a cabin permit) delegated by the Legislature to the local fish and game advisory board, and my staff have discussed this in the past with Representative Shultz and his staff. We have agreed with Representative Shultz that it would be beneficial to have clear statutory authority to issue permits for existing trapping cabins on state land, but we do continue to question whether the issuance should be mandatory and at the direction of the fish and game advisory board. Last year another member of the House Resources Committee drafted possible amendments to the existing trapping cabins law that would have provided clear authority to permit existing trapping cabins and would have satisfied our concerns about the language in the bill before you, but would not have met

January 20, 1986

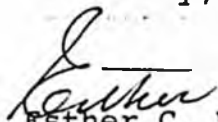
Representative Shultz's desire to see mandatory permit issuance based on local fish and game advisory board approval. I am attaching a copy of that proposed amendment as it came to us.

Shorefishery Leases

The shorefish lease program is different from the proposed and existing trapping cabin programs largely in that it conveys an exclusive interest in land rather than a permitted use of improvements. In fact, the construction or use of improvements on shorefish leases is not allowed unless authorized under other law or permit.

I appreciate the attention that you and other Committee members have given this bill. As I stated in a letter to you last week, the department can accept Representative Shultz's bill as it passed the House because it provides us the ability to deny permit applications where resource management conflicts exist, but refinement and improvement of the current bill would probably be beneficial and might prevent the department from having to rely too heavily on regulations to implement the trapping cabin permitting program.

Sincerely,



Esther C. Wunnicke
Commissioner

Attachments

cc: Senate Resources Committee members
Representative Shultz
Representative Wallis
Representative Pourchot
Representative Clocksin
Commissioner Collinsworth
Jim Ayers
Molly McCammon

IN THE HOUSE

BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 281 (RESOURCES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to trapping cabin permits."

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

* Sec. 1. AS 38.95.080(a) is amended to read:

(a) The commissioner may issue a nontransferable permit for the construction or use of a trapping cabin on state land to a person who meets the following qualifications:

(1) the person must have an established trapline with proof of regular use;

(2) the person must have a trapline of sufficient length to justify the use of the cabin for trapping <NEED FOR CABIN CONSTRUCTION>.

January 15, 1986

The Honorable Arliss Sturgulewski
Chairman, Senate Resources Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

I am writing to provide comments to the Senate Resources Committee on CSHB 281 (Resources) am, relating to Trapping Cabins on state land.

As it passed the House last session the bill requires that, except where a resource management conflict exists, the commissioner shall issue a nonexclusive, nontransferable permit for the use of a trapping cabin. The department finds this amended language sufficient to provide the necessary discretion for sound resource management.

Because the details of the permitting program are not provided in statute, the department will adopt regulations to establish terms and conditions such as length of permit term, conditions of revocability, and the nature of resource management conflicts which would require denial of an application.

Sincerely,

Esther C. Winnicke

Esther C. Winnicke
Commissioner

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND AND WATER MANAGEMENT
323 East Fourth Avenue
Anchorage, Alaska 99501

APPLICATION FOR
TRAPPING CABIN CONSTRUCTION PERMIT
AS 38.95.080

ADL # _____

Date of Application _____

Filing Fee \$50.00

(Please Print)

1. Name of Applicant _____
2. Address of Applicant _____
3. Does applicant have a current trapping license? _____
4. If question 3 is answered yes, give trapping license number _____
5. Has applicant regularly used an established trapline? _____
6. If question 5 is answered yes, adequate evidence of regular use of the trapline must be attached to application (such as tax returns, receipts showing previous income derived from trapping, statements by witnesses or Fish and Game officers, and similar documents.)
7. General location of trapline _____
_____. Attach a United States Geological Survey Map (1:63,360 scale) or its equivalent showing location of trapline and proposed cabin site(s).
8. Length of trapline _____. Frequency of proposed cabins approximately _____ miles.
Proposed means of transportation _____.
9. Number of cabin(s) applied for (maximum 3). _____
10. Declaration of purpose and need for each cabin. _____

NOTICE TO APPLICANT

- A. This application will not be considered unless it is accompanied by a single nonrefundable filing fee of \$50.00 and the first annual permit fee of \$10.00. The permit fee will be refundable if the permit is not issued. All checks are to be made payable to the Department of Revenue, State of Alaska.
- B. Application will be accepted for proposed trapping cabins located only on vacant, unappropriated, unreserved patented and tentatively-approved state general grant land which is unclassified, or is classified agriculture, grazing, commercial, industrial, private recreation, residential, utility, or open-to-entry. No application will be accepted for a cabin which is within two miles of an existing trapping cabin or site, or within 10 miles of a road. No more than 3 cabins may be permitted to a qualified individual.
- C. The applicant agrees to assume full responsibility for forest fire prevention within the cabin structure and an area within 150 feet of it, and full liability for any damages resulting from his negligence. The applicant further agrees to comply with the provisions of AS 38.95.080 and 11 AAC 94.010-.110, which he has read and understands.

IN WITNESS WHEREOF, the undersigned applicant certifies that the statements, evidence, and representations appearing herein and attached hereto are to the best of his knowledge true and correct, and that the conditions of eligibility and issuance of a permit are binding upon him.

Signature of Applicant

UNITED STATES OF AMERICA)
State of Alaska)

THIS IS TO CERTIFY that on this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Alaska duly commissioned and sworn, personally appeared _____ to me personally known to be the person described in and who executed the foregoing instrument and the said person acknowledged to me that he signed and executed the same freely and voluntarily for the uses and purposes therein mentioned, and that the statements contained therein were true and correct to the best of his knowledge.

I, _____, Notary Public in and for the State of Alaska, do hereby certify that on this _____ day of _____, 19____, and year _____, I have hereunto set my hand and affixed my official seal, the _____ of _____, and his certificate first above written.

Trapping Cabin Construction Permit

To facilitate rapid processing of your application, please be sure your application is accompanied by:

1. One USGS (preferably 1:63,360 scale) map showing trapline and proposed cabin sites.
2. \$100.00 filing fee.
3. Valid state trapping license (we will photocopy).
4. A completed, signed, and notarized application.
5. Proof of regular use of established trapline.

Primary proof:

Tax returns claiming income from furs,
Receipts from fur buyers showing date, quantity,
type,
Receipts from fur tanning,
State ADFG biologists or protection officers
statements,
Sealing certificates.

Supplementary proof:

Air charter receipts for travel to remote portions
of trapline,
Statements by witnesses.

SUMMARY OF HB 281

The purpose of this legislation is to enable trappers who have been using existing trapping cabins to continue to be able to do so.

This legislation is not intended to deal with existing law concerning trapping cabin construction permits as found in AS 38.95.080.


The requirements of the applicant have been drafted to provide assurance to the commissioner that the cabins being applied for are bonafide trapping cabins used on a temporary basis by a specific individual.

Alaska MUNICIPAL League

TELEPHONES
(907) 586-1325
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA 99801

TO: Representative Dick Shultz, Co-Chair
Representative Adelheid Herrmann, Co-Chair
Members of the House Resources Committee

FROM: Scott A. Burgess 
Executive Director

DATE: April 2, 1985

SUBJECT: HJR 24 - OCS Revenue Sharing

The Alaska Municipal League supports HJR 24 relating to sharing federal revenue generated from the development of the Outer Continental Shelf (OCS).

At its annual business meeting on November 17, 1984 the membership of the Alaska Municipal League again expressed its support of the program by endorsing enactment by the United States Congress of an OCS Revenue Sharing Program to be funded annually from the proceeds of the oil and gas lease sales on the OCS at the level of at least \$300 million. The League further endorses an automatic pass-through of at least one-third of a state's allocation under such a program directly to communities affected by OCS activities. And the League endorses the concept that a state's and community's allocation of OCS Revenue Sharing funds be used for coastal planning and preparation, resources protection programs, construction of capital infrastructure resulting from OCS activity and health and social service needs resulting from OCS activity.

March 27, 1985

Esther C. Wunnicke, Commissioner
Department of Natural Resources
Pouch M
Juneau, Alaska 99811

Dear Commissioner Wunnicke:

You can consider this the appeal for my trapping cabin permit on Billy Creek. I feel that this was denied wrongly because I have met the requirements of AAC 941010/3 which pertains to this permit.

In response to the Director's comments in the first paragraph of his decision, Joe Pinto in the Fairbanks office suggested that I drop Dave Sowards' name since he had trapped with me for just one year.

As to the disqualifying of my evidence of operating an established trap line for the last 15 years, I have submitted all of the evidence I can come up with and firmly believe I have met the requirements of the State law. The second cabin site was applied for at the same time as the first with a map of my trapping locations on the Robertson River which is on file at the DNR office in Fairbanks.

The cabin is a prefabricated building about 8 feet by 15 feet that I used as a gas shack at the airport at Tanacross until I no longer had a use for it.

I am not familiar with the ADF&G study done for the Tanana Basin Area Plan but, having used an airplane to trap for most of my adult life, consider myself an expert in the field. I believe an airplane trapper is much more at the mercy of the elements and every airplane trapper I know checks traps every week, including myself.

At the end of the Director's Decision, it would appear that he is challenging my judgment as a pilot as to the areas I am willing to operate my airplane with supplies of traps and fuel. I am an Airline Transport Rated Pilot and, once again, feel I am the expert in the field and will operate off the lake with the biggest margin of safety.

I did provide transportation for the two men who constructed the cabin at T Lake in exchange for their labor but this had nothing to do with use of this cabin.

In conclusion, it has become more than obvious that the other applicant at T Lake is the State Representative that has provided the information that I consider to be ambiguous. If he can prove that I am not eligible, he will construct a cabin on the site that he has actively hunted during September for at least four years. I have never hunted T Lake and have no plans to do so.

Respectively,

Charles Warbelow

CW:jsj - Enc.
cc: Richard Schultz

Charles M. Warbelow
Post Office Box 93
Tok, Alaska 99780

Tom Hawkins, Director
Division of Land and Water Management
Pouch 7-005
Anchorage, Alaska 99510

August 12, 1984

re: Trapping Cabin Construction Permit (TCCP) ADL 410865

Dear Mr. Hawkins:

I would like to submit this letter and the enclosed documents as my appeal for my trapping cabin permit application which was denied by Jerry Brossia per his letter of July 3, 1984.

I have a need for a cabin in Billy Creek as it is near the midpoint of my trap line. I picked T-Lake because it is the only lake in the area that is big enough to operate out of with any kind of load in the airplane with which I trap. For several years I have trapped from my airplane, landing on lakes and snow-covered flats in the 40-Mile country and many of the lakes in Billy Creek and parts of the Robertson River.

I started trapping Billy Creek in the late '60's with my father, Marvin Warbelow, and have trapped it consistently since 1980. I have had different partners over the years and make an arrangement with them to skin and stretch the furs. As a result, I am not the person who actually receives payment from the fur buyers. This has caused a problem in showing receipts. I do have some for last year with a copy of the cancelled check issued by my partner to me, but of course have not been able to do this with past years and partners. Also, over the past three years I have been trading my fur for lynx pelts with which to build coats.

With regards to the complaint from the Fairbanks office to my trapping on Doyon land, I would attempt to seek approval from Doyon to trap these areas or pull out of them as they are by no means prime areas. With regards to the other applicant on the lake, we have discussed our mutual problem and the facts that we are separated by the lake and employ different methods of trapping (he traps on foot). We have not had a conflict and do not foresee one. I would not object to sharing a cabin with him.

It was also mentioned that some of my trapping areas might be included as a selection under the Wild and Scenic Rivers Act. According to Bob Burritt of the 40-Mile Area Bureau of Land Management Office, there are some studies going on, but the West Fork of the Dennison River, Mosquito Fork, Billy Creek

Tom Hawkins, Director
Division of Land and Water Management
August 12, 1984
Page Two

or any portion of the Robertson River are not currently being considered by either the federal or state government, and he does not anticipate their future consideration.

I have lived in the Tok area for 28 years and have trapped my line of over 50 miles for 15 years and am looking forward to having some comfortable shelter on this line due to the short winter days and inclement weather. When you trap with an airplane, you are more at the mercy of the weather than with any other type of transportation. I have spent several nights over the years waiting all night on a lake or river when the weather has deteriorated while I checked my traps. The location of T-Lake may make it feasible to reach suitable shelter even if I am not able to return home.

Thank you for your consideration.

Sincerely,



Charles Warbelow

enclosures

STATEMENT OF DONALD W. BUNSELMEIER, FISH AND WILDLIFE PROTECTION OFFICER,
DELTA JUNCTION, AK.

I HAVE PERSONAL KNOWLEDGE OF RONALD STEWART HAVING A TRAPLINE IN THE UPPER BILLY CREEK AREA NEAR T LAKE. RONALD STEWART HAS BEEN A RESIDENT OF THE DELTA JUNCTION AREA FOR ALMOST 6 YEARS. HE HAS BEEN USING THE UPPER BILLY CREEK AREA FOR THE LAST 2-3 YEARS. STEWART HAS DEVELOPED 3 SMALL TRAPLINES, EACH TAKING A DAY TO WALK. HE HAS BEEN STAYING NEAR T LAKE IN A WALL TENT. STEWART IS FLOWN INTO T LAKE AND STAYS FOR A WEEK OR TWO AT A TIME.

I HAVE WORKED IN THE DELTA AREA FOR ALMOST 6 YEARS AND HAVE BEEN VISITING T LAKE AND THE UPPER BILLY CREEK AREA FOR 5 YEARS. THERE ARE TWO OLD CABIN SITES OVER THERE, BOTH BEING OVER 3 MILES FROM RON STEWART'S PROPOSED CABIN SITE. THE ONLY EVIDENCE I HAVE SEEN OF OTHER TRAPPERS IN THAT AREA ARE FROM FISH AND GAME STUDIES AND KILLING OF WOLVES WITH AIRPLANES.

Donald W. Bunselmeier

DONALD W. BUNSELMEIER

P.O. BOX 465

DELTA JUNCTION, AK. 99737

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES - DIVISION OF LAND AND WATER MANAGEMENT
NORTHCENTRAL DISTRICT OFFICE - 4420 AIRPORT WAY, FAIRBANKS, ALASKA 99701

TO: Jerry L. Brossia
District Manager

DATE: July 13, 1984

THRU: Rick Smith *RS*
Chief, Retained Lands Section

FILE NO: ADL 411294

TELEPHONE NO: 479-2243

FROM: Joe Pinto *JP*
Natural Resource Officer
Retained Lands Section

SUBJECT: Ron Stewart's
TCCP Application

Don Bunselmeier came into the office today on Ron Stewart's behalf to inquire into the status of both Stewart's and Walbelow's (TCCP application ADL 410865) applications on T. Lake.

Don gave me a copy of a list he had generated from official Fish and Game records illustrating wolverine, lynx and wolf takes from the Billy Creek and T. Lake areas. Don stated that Walbelow had contacted Stewart about the situation at T. Lake.

I stated to Don that I had drafted another letter to Stewart asking for more evidence of regular use of his trap line because I only had receipts for 1983. (I have not sent the letter as of the date of this memo). I explained that Stewart's application may be denied if he could not prove use beyond one year.

Don stated that they had only the one year's proof and if the permit was denied based on lack of proof (in terms of length of use) that would be acceptable to them and they would work to continue to trap and provide proof for as long as it took to acquire the permit. They are currently using a wall tent and platform.

Recommendation:

The Retained Lands Section recommends that Stewart's application be held for one year so the applicant can establish regular use. It is clear that Mr. Stewart ~~is~~ trapped on a regular basis for the last year or so and derives a portion of his income from it.

District Managers Comments:

I concur JB.

to Rick Smith

6-5-84

Re: Jerry Brossia

Re: Bunselmeier/Steward TCCP

Please have one of your staff go down to "T" lake and check out the trespass^{cabin} that Bunselmeier^{F/G} says is being built. IF the cabin owned by the other applicants we need. Contact them w/ trespass notice. Please do before 30 June 84. You should be able to use DOF chopper in ~~Siberia~~ B-Delta. After we check out the trespass I'd proceed to issue the above TCCP as Doyon appears to have no objections; and they're dropping the line on private property.

IF we have 2 valid applications for the area we should not put them in the same cabin. I'd like at least a (2) mile separation.

thanks



Jerry Brossia

I talked to you this last winter at the Pilot seminar in Fairbanks about this application for the trapping cabin construction permit. I know I won't get to stay in Delta for too many more years and since Ronald Stewart and I have used this area together I felt it best if he filled out the application. He will be able to fulfill the conditions of the permit by trapping out there at least every other year.

Any other details or information needed give me a call or write.

Thanks

Donald W. Bunselmeier

P.O. Box 465

Delta Jet Ak. 99737

907-895-4830

RECEIVED

JUL 28 12 51 PM '03

DIVISION OF
LAND MANAGEMENT
MANAGEMENT

May 31, 1984

Jerry L. Brossia
District Manager
Department of Natural Resources
4420 Airport Way
Fairbanks, Alaska 99701

FAIRBANKS

'84 JUN -4 PH 3 00

RECEIVED
DIVISION OF LANDS

Dear Mr. Brossia:

Per our telephone conversation and letter correspondence Ronald W. Stewart is resubmitting his Application for a Trapping Cabin Construction Permit accompanied by a check for \$100.00 and a letter of non-objection to this proposed cabin site from Doyon, Limited.

The other two private lands indicated on the copy of the map are requested native allotments by a Reka Paul and Julius Paul of Tanacross. They have requested several allotments but have not been granted any. These individuals indicated they used this area to trap muskrat and fish in the 50's and early 60's. One of their requests was moved to another area which is marked on the carbon copy of the map in pencil.

Mr. Stewart has plans to alter his trapline to where it does not enter any private or proposed private lands. He has been unable to contact the Pauls and with his moving his trapline wonders if it is still necessary.

Sincerely,

Donald W. Bunselmeier

P.O. Box 51
Delta Junction, Alaska
99737

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND AND WATER MANAGEMENT

NORTHCENTRAL DISTRICT
4420 AIRPORT WAY
FAIRBANKS, ALASKA 99701
(907) 475-2243

August 9, 1983

Ronald Stewart
P.O. Box 51
Delta Junction, Alaska 99737

RE: Application for Trapping Cabin Construction Permit

Dear Mr. Stewart:

The Northcentral District has received a letter from Donald Bunselmeier which included an application for a Trapping Cabin Construction Permit located in T.23N., R.8E., C.R.M., signed by you, along with your check in the sum of \$60.00.

Before we can accept and adjudicate the application an additional \$40.00 is required. A copy of the current regulations (amended 3/30/83) is enclosed for your information. Please note Section 10(b) which states an application must be accompanied by a nonrefundable combined filing and permit fee of \$100.00.

Your proposed cabin site is approximately one-half mile from private property to the north and to the east. The entire township to the north of T Lake has been Interim Conveyed under #108 to Doyon Regional Corporation. On a xerox copy of the map you submitted showing your trapline, I have identified the private land. Two portions of your trapline are on private property.

Returned herewith is your check #437 and all material received, including your application. Should you decide to resubmit your application we recommend that you obtain letters of nonobjection from the private landowners to the effect that they do not object to you locating a cabin close to their property.

Please feel free to contact this office if you have any questions.

Sincerely,

JERRY L. BROSSIA
District Manager

By: *Pamela C. Ledgerwood*
Pamela C. Ledgerwood
Natural Resource Officer
Retained Lands Section

Enclosures

cc: Donald Bunselmeier

MEMORANDUM

State of Alaska

TO File

DATE 8/9/83

FILE NO 2370

TELEPHONE NO

FROM Pam Ledgerwood

SUBJECT

TCCP apln - Stewart

Don Bunsel^{452-2114 apt 246}meier called to find out status of Stewart apln. I explained that I was returning the apln with a letter of explanation — we discussed the new regs. and the problem of Stewart locating so close to private property. Bunselmeier or Stewart will call if they have questions after Stewart receives my letter.