

SB

201

HOUSE
COMMITTEE REPORT

5/7

(9)

Date referred: 4/30/86

FURTHER REFERRALS: FINANCE

DATE: May 7, 1986

The RESOURCES 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 for CSSB 201 (Resources) same title
- new title

and recommends No recommendation

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Shultz Dick Shultz

Miller W. Miller

James Pearce No Rec

Jorge Jenkins No Rec

Alto Cato No Rec

Dick Shultz
Co-Chairman Shultz

[REDACTED] = new
[REDACTED] = old
[REDACTED] = combination

Bradley ✓
5/6/86

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

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

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

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

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

(e) The legislature may appropriate to the fund.

(f) The commissioner may adopt regulations under the Administrative Procedure Act (AS 44.62) that are necessary to implement this section.

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

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 exchanging
3 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.
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SIGNING OTHER RECOMMENDATIONS:

Shultz Dick Shultz

Miller (H)W. Miller

Harold ... - No Rec

Roger Pearce No Rec

John Jenkins No Rec
John Cato

Dick Shultz
Co-Chairman Shultz

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



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Senate Committee on Resources

The proposed committee substitute combines the provisions of SB 201 "An Act creating a public access fund" with the provisions of SB 462 "An Act relating to access to recreation areas". The combined committee substitute has the support of the sponsors (Senator Rodey and the Senate Resource Committee) of both bills.

A sectional analysis of the bill follows.

Section 1 of the bill is findings and intent.

Section 2 creates the public access fund. The fund consists of money derived from four sources:

- 1 - contributions from individuals and corporations
- 2 - the legislature may appropriate to the fund
- 3 - individuals may designate that \$5. of their permanent fund dividend go to the fund.
- 4 - approximately 20% of the federal funds available to the state under the Wallop-Breaux amendment to the Sport Fish Restoration Act.

The Commissioner of Revenue invests the fund. The Commissioner of Natural Resources administers the fund. After public hearings and consultation with the Commissioners of Fish and Game and Transportation and Public Facilities, DNR may use money from the fund to develop boating access, including the purchase and lease of land, easements and rights of way to enhance public access to recreational areas.

This section also specifies that title to rights of public access to recreational areas obtained by the commissioner vests in the state and that if the land ceases to be available for public access, the state shall pay the assessed value of the land to the fund. To comply with a federal requirement, expenditure of Wallop-Breaux funds is subject to the approval of the Commissioner of Fish and Game.

Section 3 of the bill adds using public access funds to create access to waters of the state with high value for recreational uses as one of the purposes for which the director of the division of lands and waters may exchange land. DNR has testified that they feel they already have this power, but have been reluctant to use it because it was not explicit in statute.

SB 462 has zero fiscal notes, it has the support of the Departments of Fish and Game and Natural Resources, as well as being a priority of the Alaska Outdoor Council, the Alaska Sportfishing Association. Representatives of the Resource Development Council and the Alaska Miners Association have said that not only do they not object to it, they believe it is a good idea.

SB 201 has a zero fiscal note and also enjoys wide support. The combination of these two bills create a unified package for creating access to additional waters near the state's major population areas.

The CS has no adverse effect on private property and does not lock up state land. Legal Services has reviewed this bill carefully and states it is not a dedicated fund and is fully constitutional.

Included in this packet are fiscal notes on SB 201 and SB 462, a copy of the SFI bulletin which discusses the Wallop-Breaux amendment, and a memo from Fish and Game on access.

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 1,366,837 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 dispersing 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