

SB

201

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
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10 lodge operation and other recreational uses is very important to the econo-
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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.

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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,
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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.

= new
= old
= combination

Bradley ✓
5/6/86

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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 1,866,837 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 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

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STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 3-21-86

REQUEST

Bill/Resolution No. : SB 462
 Title : Access to Recreation Areas

 Sponsor : Senate Resources
 Requestor : Senate Resources
 Date of Request : 3-21-86

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Park & Recreation Mgmt.

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Ned Farquhar *NRM* Phone : 465-2400
 Division : Commissioner's Office Date : 3-21-86

Approved by Commissioner : Ned Farquhar Date : 3/22/86
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

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

Bradley
3/14/86 /

Original sponsor: Resources Committee

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 27 easements shall be reserved along public waterways of the state. The
 28 right-of-way or easement shall be at least 50 feet wide but the com-
 29 missioner may require a wider right-of-way or easement depending on

1 local conditions.

2 (b) The commissioner shall also establish rights-of-way or
3 easements to ensure access to rights-of-way or easements that are
4 along the public waterways. Easements under this subsection shall be
5 established not less often than once each mile.

6 * Sec. 3. AS 38.05 is amended by adding a new section to read:

7 Sec. 38.05.880. PUBLIC ACCESS FUND. (a) The public access fund
8 is created in the general fund of the state. The commissioner of
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14-1947
Bradley
3/3/86 ✓

Sturgulewski

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BY THE RESOURCES COMMITTEE

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economy of the state. State waters, and ^{PUBLIC} access to those waters, is critical to the interrelated tourism/guiding/lodge industry. Probably no other industry supports as many small, resident Alaskan businesses. Recreational use of state waters is also critically important to the Alaskan public.

people of the

11 state and that the economic activity connected with this use is substantial
12 and of importance to the economy of the state. The legislature further
13 finds that many of the popular rivers of the state are severely overcrowded
14 and that increasing the ease of access to additional rivers and streams
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13 *changed per M.C.* Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
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16 right-of-way or easement shall be at least 20 feet wide but the
17 commissioner may require a wider right-of-way or easement depending on
18 local conditions.

19 (b) If the commissioner determines that the land adjacent to

Problem of F+G funds in Nat Resources

1 waterways in an area of the state is of high value for recreational
2 use, the commissioner may classify the land for retention in state
3 ownership and recommend legislation to protect the area.

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12 (b) The commissioner of revenue shall inform each applicant for
13 a permanent fund dividend about the public access fund. The commis-
14 sioner of revenue shall permit an applicant for a permanent fund
15 dividend to pledge the applicant's dividend or a portion of the divi-
16 dend directly to the public access fund, and the commissioner of
17 revenue shall pay the amount pledged directly to the fund.

18 (c) The title to rights of public access to recreational areas
19 obtained by the commissioner vests in the state. If the land is
20 acquired for less than fair market value, the commissioner shall
21 include in the instrument transferring title to the state a clause
22 requiring that the land be used for public access and providing that
23 if the land ceases to be used for public access, it will automatically
24 revert to the grantor and to the heirs of the grantor. If the commis-
25 sioner, after a public hearing, authorizes the sale or exchange of a
26 right of public access in return for a similar or better right of
27 public access, the sale or exchange is final and the property may not
28 revert to the grantor or to the heirs of the grantor.

29 (d) If the state receives funds under 16 U.S.C. 777-777K

Could we add language to give donors statement of a charitable donation for use as a tax deduction?

Some portion of similar language

1 (Wallop-Breaux Act), the funds shall be used to implement the pro-
2 visions of this section.

3 (e) The commissioner may consider land located proximately to
4 waterways within the following sites for acquisition under this sec-
5 tion:

delete

- 6 (1) state parks;
- 7 (2) state marine parks;
- 8 (3) state forests;
- 9 (4) state recreation areas;
- 0 (5) state public use areas.

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

4 * Sec. 4. AS 38.50.010 is amended to read:

5 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of
6 this chapter, the director, with the concurrence of the commissioner,
7 is authorized to dispose of state land or interest in land by exchang-
8 ing it for land, interest in land, or other consideration. Exchanges
9 shall be for the purpose of consolidating state land holdings, creat-
10 ing land ownership and use patterns which will permit more effective
11 administration of the state public domain, creating access to rivers
12 and streams of the state with high value for recreational uses,
13 facilitating the objectives of state programs, or other public pur-
14 poses.

WORK ORDER REQUEST FORM

N14 - 1947

KEYWORDS: parke/recreation
public lands

ASSIGNED TO Bradley

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT Recreation Area Access

REQUESTED FOR S. Resources BY McKie Campbell EXT. 5907

* DELIVER TO Sen. Sturgulevski Attn: McKie TAKEN BY Bradley

INSTRUCTIONS, EXPLANATIONS _____

Draft bill relating to recreation area access, per attached.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

RETURN _____

TO REQUESTER

APPROVED: TBC Director, Legal Services

REVIEWED _____

IN 2/24/86 DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT

FINAL

3/11/86

NOON

TO: ANCH L.I.O.

Please make copies and give
one each to:

JEFF PARKER (276-4048)

RUSS REDICK (344-8674)

SEN STURGULEWSKI'S STAFF (HANG
B887N
CALL60)

THEY WILL ALL PICK UP

YOU MAY GIVE COPIES TO ANYONE

ELSE WHO IS INTERESTED

FROM: SEN. STURGULEWSKI
JUNEAU

COVER SHEET
PLUS 8 pages

MAR 21 1985

4211 Passage Way
Anchorage, Alaska 99516
March 15, 1985

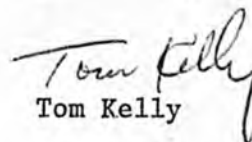
The Honorable Arliss Sturgulewski
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Sturgulewski:

As an avid fisherman who is concerned with the increasing pressure of sport fishing on the Kenai Peninsula, I am encouraged about the introduction of House Bills 86, 93, 29, 36 and 43. If passed, these bills will allow for the development of recreational use of streams to the north and should ease the pressure on the Kenai. In addition, it will finally allow access to some fine fishing on these excellent streams which is now greatly restricted.

As a constituent, I am asking you to vote for these bills.


Sincerely,


Tom Kelly

cc: Dick Shultz

1986 Legislative Priorities
Alaska Sportfishing Association

The following subjects are the prioritized legislative goals for 1986:

1. Passage of a revised subsistence bill which is fair to all Alaskans and incorporates the 6 point position put forth by the ASA in August 1985.
2. Passage of a recreational river bill (HB 93).
3. Utilization of the new federal funds (Wallop-Breaux Funds) which are entirely generated by sport fishermen and the sport fishing industry and which are dedicated to sport fishing benefits as follows:
 - a. Purchase of angler access.
 - b. Funding of certain research projects through the Sport Fish Division of ADF&G.
4. Passage of HB 86. This bill creates the Willow Creek Recreation Area in upper Cook Inlet.
5. Funding for access acquisition or facility development in the following areas:
 - a. Purchase of land between Ninilchik and the Anchor River to open up a king salmon fishery south of Deep Creek and relieve pressure on the Kenai River. The optimum area appears to be at or near Whiskey Gulch.
 - b. Development of boat launching and sanitary facilities at the lower portion of the Little Susitna River. Currently over 1500 persons are present some weekends and absolutely no facilities exist.
 - c.  Purchase of the Anderson property on the Ninilchik River. This site, which apparently has a seller wanting to sell to the state, will solve a major trespass problem on the lower Ninilchik River.
 - d. Completion of the next phase of development at Willow Creek. This phase should be completion of the access road and a rudimentary boat launch and sanitary facilities.
 - e. An engineering feasibility study of a boat launch at Deep Creek (Ninilchik) which can be used at any tide stage. The existing ramp into the mouth of Deep Creek can only be used at high tide. Currently, a very dangerous situation exists in which anglers cannot leave the water when weather gets bad until the following high tide.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

SENATE RESOURCES COMMITTEE, 4/12/85, 1:30