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SYNOPSIS AND ANALYSIS

OF

CSSB 411 (Res) "An Act relating to the use of firearms in state parks, state marine parks, state wildlife preserves, and state recreation areas"

It is the intent of this legislation that the use of firearms will not be prohibited within the above-listed state park units, except within statutorially-prescribed areas.

Section 1 provides legislative findings that hunting activities are compatible with other uses in the park units; that due to the wild and remote nature of the park areas, use of a firearm may be necessary for personal safety; and that therefore a statewide policy allowing the use of firearms in the park units is in the public interest.

Section 2, in subsection (a) repeals and reenacts AS 41.21.022 to say that the discharge of firearms is permitted in the park units except that the commissioner of natural resources may regulate their use within 1/2 mile of certain high traffic areas in the park units, and lists those areas.

Subsection (b) of section 2 allows the use anywhere within a park unit of a legally possessed weapon in defense of life.

Alaska State Legislature

SENATOR KEN FANNING
119 N. CUSHMAN, SUITE 213
FAIRBANKS, ALASKA 99701
(907) 452-7624



P.O. BOX V—STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3880

Senate

April 29, 1988

MEMORANDUM

To: Senate Finance
Committee Members

From: Senator Ken Fanning

Subject: SB 411 - Firearms policy in state parks

With the enactment of ANILCA and the establishment and/or expansion of Alaska's National Parks, hunters in Alaska now have approximately 32.4 million fewer acres of land on which they can hunt. On the other hand, this means that nearly 10% of all lands in Alaska have been set aside for those who may wish to avoid hunters and their activities.

Because of these huge losses, especially of prime areas for big game, it is vital that we keep our state parks open to hunting so that the overall impact to game species is spread out as much as possible, and conflicts on private lands are kept to a minimum.

However, it seems lately to have become administrative policy, at one level or another, to ease hunting out of our state parks. In Chugach State Park alone, thousands of acres of prime hunting lands have been declared off limits to firearm use through regulations adopted by the division of parks (11 AAC 20.010). In small specific portions of these areas, where there is a high visitor use during summer months, the safety to the public may dictate restrictions on the use of firearms; however, in most of the drainages now entirely closed to the use of firearms (even for personal protection from bears), there is absolutely no legitimate public safety basis for the prohibition, particularly during the fall hunting season.

Department of fish and game records verify that there is a very high density of mature Dall sheep in these areas of Chugach State Park, as well as other big game species. In fact, the carrying capacity in some of the closed areas of the sheep range are at near maximum use. With the division of parks stoppage of annual big game harvest in these areas, the department of fish and game has lost the only tool available to keep populations and sex ratios in balance.

Senate Finance Committee Members
SB 411 - Firearms in parks policy
Page 2

Perhaps no other single state park in Alaska more graphically demonstrates the need for a legislative directive regarding firearms policy than Chugach. For decades, hunting and non-consumptive activities co-existed hand in hand with no conflicts. Then what began with modest closures in areas of high use grew into an apparent disregard for Legislative policy (AS 41.21.124), as entire drainages were closed to the use of firearms. Now that this administrative trend is established, in lieu of Legislative directives to the contrary, closures in other state parks are almost sure to follow. With trespass incursions escalating on Native lands, state park hunting closures can only exacerbate the difficulties.

It is, indeed, time for the Legislature to reaffirm public policy in our state parks, and provide for all multiple recreational uses with a firearm safety factor based on reason and fairness.

The only change made by the Resources Committee was to page 1, line 25, where 1/4 mile was increased to 1/2 mile, giving the department a wider corridor to close around high traffic areas in the parks.

One technical change the committee might consider making, and which is noted in the department of fish and game analysis of the bill, is to change the words "preserve" or "preserves" to "refuge" or "refuges" in all of their respective occurrences (page 1, lines 7, 12, and 23, and page 2, line 9).

Alaska State Legislature

SENATOR KEN FANNING
P.O. BOX 80929
COLLEGE, ALASKA 99708



P.O. BOX V—STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 485-3880

RECEIVED APR 26 1988

Senate

April 25, 1988

Senator Rick Halford, Co-Chair
Senate Committee on Finance
P.O. Box V
Juneau, Alaska 99811

Dear Senator Halford:

Senate bill 411, relating to the use of firearms in state parks, etc., has been referred to the Finance Committee, where it now awaits hearing. I would take this opportunity to ask that you schedule the bill at your earliest available time, so that the Senate may consider it.

By way of summary, the bill would simply restate the Legislature's policy that the use of firearms is compatible with the purpose of our state parks, except that the commissioner of DNR can restrict their use within 1/2 mile of certain developed areas of the parks. As you are no doubt aware, the division of parks has used the present language in statute to justify closing massive areas of Chugach State Park to hunting, despite the impact such a closing is having on game management. Much of the wildlife within the closed areas has reached or surpassed the carrying capacity of the habitat it occupies, mainly because harvesting by hunters has been stopped.

I realize time is getting short for consideration of the bill in the House, but I consider the issue important enough to pass the bill on to that body.

Thank you for your expeditious consideration of this request, and of SB 411.

Best regards,

A handwritten signature in cursive script, appearing to read "Ken Fanning".

Senator Ken Fanning

KF/jwm

SB 411

and outdoor recreation, Department of Natural Resources:

(8) "permit" means a written authorization to engage in uses or activities that are otherwise prohibited or restricted;

(9) "state park" means any land or water managed by the division. (Eff. 1/13/73, Reg. 44; am 5/11/85, Reg. 94)

Authority: AS 41.21.020
AS 41.21.040
AS 41.21.955

CHAPTER 20.
STATE PARK LAND AND WATER

Article

1. Chugach State Park (11 AAC 20.010-11 AAC 20.050)
2. Kachemak Bay State Park (11 AAC 20.100-11 AAC 20.120)
3. Kachemak Bay State Wilderness Park (11 AAC 20.200-11 AAC 20.220)
4. Wood-Tikchik State Park (11 AAC 20.300-11 AAC 20.390)
5. Denali State Park (11 AAC 20.400-11 AAC 20.430)
6. Caines Head State Recreation Area (11 AAC 20.440-11 AAC 20.450)
7. Chena River State Recreational Area (11 AAC 20.460-11 AAC 20.485)
8. Quartz Lake State Recreation Area (11 AAC 20.500-11 AAC 20.520)
9. Nancy Lake State Recreation Area (11 AAC 20.540-11 AAC 20.555)
10. Captain Cook State Recreation Area (11 AAC 20.600-11 AAC 20.620)
11. Chilkat State Park (11 AAC 20.650-11 AAC 20.665)
12. Alaska Marine Parks (11 AAC 20.750-11 AAC 20.765)
13. Shuyak Island State Park (11 AAC 20.800-11 AAC 20.810)
14. Kenai River Special Management Area (11 AAC 20.850-11 AAC 20.870)
15. Special Provisions (11 AAC 20.905-11 AAC 20.990)

ARTICLE 1.
CHUGACH STATE PARK

Section

10. Use of weapons
20. Off-highway vehicles
20. Aircraft
25. Power boats
30. Horses
35. Campfires
40. Snow vehicles
45. Recreational gold panning
50. Bicycles

* { 11 AAC 20.010. USE OF WEAPONS. (a) Except as provided by (b) of this section, the use and discharge of a weapon for the purpose of lawful hunting or trapping is allowed in

Chugach State Park, except within one-half mile of a developed facility.

practice landing is prohibited. (Eff. 5/11/85, Reg. 94)

Authority: AS 41.21.020
AS 41.21.040
AS 41.21.121

(b) The use and discharge of a firearm is prohibited within the following drainages:

(1) Eklutna River excluding the east fork of Eklutna River and Thunderbird Creek above Thunderbird Falls;

11 AAC 20.025. POWER BOATS. The use of power boats is allowed in Chugach State Park on Eklutna Lake. (Eff. 5/11/85, Reg. 94)

Authority: AS 41.21.020
AS 41.21.040
AS 41.21.121

(2) Eagle River and all tributary drainages downstream from the gorge located at the southwest corner of Section 24, T13N, R1E, S.M.;

11 AAC 20.030. HORSES. (a) The use of horses, mules, and burros is allowed in Chugach State Park, except for

(1) designated campgrounds, swim beaches, and picnic areas;

(2) the Eagle River Valley from Crow Pass to the Eagle River Visitor Center, except by permit from the director under 11 AAC 18.010;

(3) Meadow Creek Drainage;

(4) the Old Johnson Trail from Potter to Indian;

(5) Section 29, T12N, R2W, S.M., west of the powerline easement, except that one trail between the powerline easement and the Glen Alps parking lot will be designated for summer use of horses;

(6) Flattop Mountain Trails; and

(7) all trails in the Hillside Trail System (North Fork of Campbell Creek to and including Rabbit Creek), which may be closed seasonally to horse use to control break-up problems and use conflicts with ski trails.

(b) The use of horses, mules, and burros is subject to the following conditions:

(1) groups using 10 or more animals must obtain authorization from the director under 11 AAC 18.010 before entering the state park;

(2) tethering horses, mules, or burros within 100 feet of fresh water is prohibited;

(3) all forks of Campbell Creek;

(4) Rabbit Creek;

(5) McHugh Creek; and

(6) Rainbow Creek. (Eff. 1/16/74, Reg. 48; am 8/11/80, Reg. 75; am 5/11/85, Reg. 94)

Authority: AS 41.21.020 AS 41.21.040
AS 41.21.022 AS 41.21.121

11 AAC 20.015. OFF-HIGHWAY VEHICLES.

(a) The use of off-highway vehicles is allowed in Chugach State Park only on Eklutna Lake Road and logging trails in Bird Creek Valley.

(b) No person may operate an off-highway vehicle from 12:01 a.m. Thursday through 11:59 p.m. Saturday on Eklutna Lake Road. (Eff. 5/11/85, Reg. 94)

Authority: AS 41.21.020
AS 41.21.040
AS 41.21.121

11 AAC 20.020. AIRCRAFT. (a) Except as provided by (b) of this section, the use of aircraft is allowed in Chugach State Park on

(1) Bold airstrip located at the inlet of Eklutna Lake;

(2) Mirror Lake; and

(3) Eklutna Lake.

(b) The use of aircraft for the purpose of

(10) "state park land" means the state land managed by the division and designated for use as public recreation land and includes waysides, recreation areas, parks and historic sites;

(11) "state park" means any land or water managed by the division;

(12) "vehicle" means any device for carrying persons or objects over land, water, or through the air, including automobiles, snowmachines, bicycles, off-road vehicles, motorized boats, and aircraft;

(13) "firearm" includes a pistol, rifle, shotgun, revolver, mechanical, gas, or air-operated gun;

* { (14) "weapon" includes a bow and arrow, slingshot, crossbow, or firearm;

(15) "developed facility" includes a boat ramp, campground, picnic area, rest area, visitor information center, swim beach, trailhead, road, parking area, or developed ski area;

(16) "stationary gear" means gear set from or retrieved to the shore above mean low tide, or operated on the shore between mean low and high tide, including set gill nets and beach seines. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am 5/11/85, Reg. 94; am 8/10/86, Reg. 99)

Authority: AS 41.21.020
AS 41.21.040
AS 41.21.955

SB 41

compatible use within a state park or recreational area. (§ 2 ch 158 SLA 1959; am § 1 ch 233 SLA 1970; am § 3 ch 30 SLA 1981; am §§ 1, 2 ch 78 SLA 1981; am § 1 ch 16 SLA 1984; am § 40 ch 106 SLA 1986)

Revisor's notes. — In subsection (b) of this section, the phrase "a compatible use" was substituted for the word "compatible" in 1984 to correct a manifest error of omission.

Effect of amendments. — The 1984 amendment added subsection (b).

The 1986 amendment, effective January 1, 1988, added "contracting for improvement and development under this paragraph is governed by AS 36.30 (State Procurement Code)" at the end of paragraph (5) of subsection (a).

Editor's notes. — Prior to January 1, 1988, subsection (a) reads as follows: "(a) The Department of Natural Resources shall

"(1) develop a continuing plan for the conservation and maximum use in the public interest of the scenic, historic, archaeological, scientific, biological, and recreational resources of the state;

"(2) plan for and develop a system of state parks and recreational facilities, to be established as the legislature authorizes and directs;

"(3) acquire by gift, purchase, or transfer from state or federal agencies, or from individuals, corporations, partnerships or associations, land necessary, suitable and proper for roadside, picnic, recreational or park purposes;

"(4) control, develop and maintain state parks and recreational areas;

"(5) provide for the acquisition, care, control, supervision, improvement, development, extension and maintenance of public recreational land, and make necessary arrangements, contracts or commitments for the improvement and develop-

ment of land acquired under AS 41.21.010 — 41.21.040;

"(6) adopt, in accordance with this section and the Administrative Procedure Act (AS 44.62), regulations governing the use and designating incompatible uses within the boundaries of state park and recreational areas to protect the property and to preserve the peace;

"(7) cooperate with the United States and its agencies and local subdivisions of the state to secure the effective supervision, improvement, development, extension, and maintenance of state parks, state monuments, state historical areas, and state recreational areas, and secure agreements or contracts for the purpose of AS 41.21.010 — 41.21.040;

"(8) encourage the organization of state public and recreational activities in the local political subdivisions of the state;

"(9) provide for consulting service designed to develop local park and recreation facilities and programs;

"(10) provide clearing-house services for other state agencies concerned with park and recreation matters; and

"(11) perform other duties as are prescribed by executive order or by law;

"(12) maintain memorials to Alaska veterans located in state parks;

"(13) adopt, in accordance with the Administrative Procedure Act (AS 44.62), regulations governing the use of the Chena River State Recreation Area and designating incompatible uses within the boundaries of the Chena River State Recreation Area in accordance with AS 41.21.490."

Sec. 41.21.022. Discharge of firearms. The discharge of firearms during lawful hunting, trapping, and fishing is permitted within the boundaries of: (1) Caines Head State Recreation Area; (2) Chena River State Recreation Area; (3) Chugach State Park; (4) Denali State Park; (5) Kachemak Bay State Park; (6) Kachemak Bay State Wilderness Park; (7) Marine Parks established in AS 41.21.300 — 41.21.306; (8) Quartz Lake State Recreation Area; and (9) Wood-Tikchik State Park, except that all or part of a state park, marine park, wildlife preserve, or recreation area may be closed to the discharge of firearms by regulations adopted by the department for purposes of public safety or,

with the concurrence of the Board of Game, for limited areas of Chugach State Park for public display of local wildlife under AS 41.21.121. (§ 1 ch 126 SLA 1984)

Sec. 41.21.026. Fees for the use of state park system facilities.

(a) The department may charge or collect a fee in a park unit for

- (1) rental of public use cabins or other overnight lodgings;
- (2) overnight use of a developed campsite;
- (3) special park use permits;
- (4) competitive and exclusive commercial use permits;
- (5) noncompetitive and nonexclusive commercial use permits;
- (6) use of a sewage holding tank dump station;
- (7) guided tours of historic sites; and
- (8) use of an improved boat ramp in a park facility developed principally for boat launching.

(b) The department may not charge or collect a fee for an ordinary use of a park unit or the use of a restroom in a park unit.

(c) The department shall establish the fees that may be charged or collected under (a) of this section by regulation. Before setting the fees, the department shall consider at public hearings

- (1) the cost to the state of operating the facility or managing the activity;
- (2) the normal fees charged for similar facilities or activities by governmental and nongovernmental entities;
- (3) the cost of administering a fee collection program for the facility or activity; and
- (4) the public interest.

(d) In this section, "developed campsite" means a campsite having access to the following public facilities:

- (1) restrooms;
- (2) a picnic table;
- (3) an outdoor cooking facility; and
- (4) an approved water source. (§ 1 ch 89 SLA 1987)

Effective dates. — Section 5, ch. 89, SLA 1987, makes this section effective June 18, 1987, in accordance with AS 01.10.070(c). SLA 1987 provides that regulations existing on June 18, 1987 that are otherwise applicable to user fees remain in effect until regulations are adopted under (c) of this section.

Editor's notes. — Section 4, ch. 89, this section.

Sec. 41.21.027. Concession contracts in the state park system.

(a) Subject to the restrictions in this section, the state may enter into concession contracts under AS 36 to provide services or construct facilities in a park unit.

(b) The state may not enter into a concession contract under (a) of this section if the proposed contract involves estimated annual gross receipts of more than \$100,000, construction of facilities, a term lon-

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An act relating to the use of fire-arms in state parks..."
 Sponsor: Fanning, Faiks, et al
 Requestor: Senate Resources
 Agency Affected: Public Safety
 BRU: Fish & Wildlife Prot.
 Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact is anticipated.

Conrad G. Seibel
 Prepared by: Captain Conrad G. Seibel Phone: 269-5509
 Division: Fish & Wildlife Protection Date: 2/22/88
 Approved by Commissioner: *Harold Holt* Date: 2-29-88
 Agency: Department of Public Safety

Distribution (by preparer):

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

Original sponsors: Fanning, Faiks,
Fahrenkamp, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 411 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of firearms in state
7 parks, state marine parks, state wildlife preserves,
8 and state recreation areas."

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

10 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that lawful
11 hunting activities, when conducted safely, are compatible with other public
12 uses in state parks, state marine parks, state wildlife preserves, and
13 state recreation areas. The legislature further recognizes that because of
14 the wild and remote nature of many state parks and recreation areas, the
15 possession and use of a firearm may be necessary to personal safety. The
16 legislature therefore finds that a statewide policy regarding the use of
17 firearms in state parks, state marine parks, state wildlife refuges, and
18 state recreation areas is in the public interest.

19 * Sec. 2. AS 41.21.022 is repealed and reenacted to read:

20 Sec. 41.21.022. DISCHARGE OF FIREARMS. (a) The discharge of
21 firearms during lawful hunting, trapping, and fishing is permitted
22 within the boundaries of a state park, state marine park, state wild-
23 life preserve, or state recreation area except that the commissioner
24 may regulate the use of a firearm or other weapon for reasons of
25 public safety within one-half mile of the following areas if the areas
26 are posted:

- 27 (1) a trail head;
28 (2) a boat launch;
29 (3) an improved camp site;

- 1 (4) a visitor center;
- 2 (5) a picnic area;
- 3 (6) a public use cabin;
- 4 (7) a highway wayside;
- 5 (8) a lookout on an established trail system; or
- 6 (9) a parking area.

7 (b) This section does not prohibit the use of a firearm or other
8 legally possessed weapon in defense of life anywhere within a state
9 park, state marine park, state wildlife preserve, or state recreation
10 area.

1 IN THE SENATE

BY FANNING, FAIKS, FAHRENKAMP,
FISCHER, ABOOD, KELLY, RODEY
AND COGHILL

2

SENATE BILL NO. 411

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the use of firearms in state

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7 (b) This section does not prohibit the use of a firearm or other
8 legally possessed weapon in defense of life anywhere within a state
9 park, state marine park, state wildlife preserve, or state recreation
10 area.

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Finance
[Handwritten signature]

Date of 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: *[Handwritten signature]*

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/11/88
Mr. President:

DATE TURNED INTO OFFICE _____

Resources _____ Committee considered SB 411

use of firearms in state parks, state marine parks, state wildlife preserves, and state recreation areas

and recommended:

replace with CS SB 411 (res) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures: Ken Fanning, Paul Gruber]

[Handwritten signatures: 2 [unclear] NO RE, 2 Curtis Stunglinski NO RE]

[Large handwritten signature]
Chairman signature and recommendation

Committee Backup Attached