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Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coqhill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zhanoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

MEMORANDUM

TO: Senate Resources Committee Members

FROM: Resources Committee Staff

RE: CSSB 62; An Act relating to public access to recreation areas; and providing for an effective date.

DATE: February 25, 1987

Packet information list:

- 1) Memorandum from the sponsor, Senator Sturgulewski, to the Senate Resources Committee, February 24, 1987
- 2) Sport Fishing Institute bulletin, 1986
Regarding: The Sport Fish Restoration Program, Status and SFI Concerns
- 3) Alaska Recreational Fishery Access Enhancement and Development a paper
- 4) DNR position paper, January 28, 1987
- 5) Bill analysis by Department of Fish and Game, January 29, 1987
- 6) DNR Fiscal Note for CSSB 62, February 9, 1987
- 7) Dept. of Revenue Fiscal Note for SB 62, February 6, 1987 *and 2/17/87*
and the departments analysis.
- 8) Alaska Statute defining "public water," AS 38.05.965

SENATE COMMITTEE REPORT

FURTHER: FINANCE

DATE TURNED INTO OFFICE 3-12-87

Mr. President:

RESOURCES

Committee considered

SB 62

public access to recreation areas.

and recommended:

replace with CS FOR SB 62 (Res)) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero ~~cost~~ fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]

[Signature]
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE SENATE

BILL VERSION: CSSB 62(C&R)
 PUBLISH DATE: 2/9/87

REQUEST: _____

Revision Date: 1/27/87

Title: Public Access to Recreational Areas

Sponsor: Sturgulewski

Requestor: Senate C&R

Agency Affected: Natural Resources

BRU: L&M

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS :

Prepared by: Carol Wilson

Phone: 465-2400

Division: Commissioner's Office

Date: 1/17/87

Approved by Commissioner: Wm D Arnold Deputy

Date: 1/28/87

Agency: Natural Resources

Distribution (by preparer):

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

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2057 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

TO: Senate Resource Committee Members

March 4, 1987

FROM: Senator Arliss Sturgulewski

RE: CSSB 62 (C&RA) - Public Access to Recreation Areas

CSSB 62 is designed to help create access to state waters. This bill has strong support from a wide range of interest groups and I am not aware of any opposition. Senator Coghill has allowed me to participate in working on a Resources CS which clears up several technical points. I believe the Resources CS is an improvement and I appreciate his support.

This memo contains a brief sectional analysis and discusses the changes made in the C&RA and Resources CS.

Section 1 of the bill is findings and intent.

Section 2(a) requires DNR, whenever land is surveyed for disposal, to reserve easements or rights-of-way along public waterways.

Subsection 2(b) requires that at least once per mile an easement or right-of-way to access the easement along the water be established. Neither of these sections has any effect on private land.

Subsection 2(c) clarifies that "creating access to waters of the state with high value for recreational uses" is a reason for which DNR is permitted to enter into land trades.

Section 3 creates a public access fund. This fund is to be used to develop access, including the purchase and lease of land, easements, and rights-of-way to enhance public access to enhance public access to recreation areas.

The legislature may appropriate to this fund, the public may donate, or may check a box on their permanent fund dividend form donating \$5. to the fund. This fund is designed to be used in conjunction with federal funds received under the Wallop-Breaux amendments to the Sport Fish Restoration Act. The funds available under this act have recently increased dramatically.

The C&RA Committee Substitute made several technical changes to the bill. The main change was to insert an exemption from the easement requirement for land that may be sold subject to a preference right. The new language appears on the last line of the first page and prevents a possible conflict within statutes. The remainder of the changes were technical drafting changes to clarify rather than change meaning.

The Resources CS is based the C&RA CS and makes three additional changes. The first dealt with the language clarifying that DNR may exchange land to "create access to waters of the state with high value for recreational uses." Section 4 previously added this language to AS 38.50.010, the statute that lists the reasons for which DNR may exchange land. Section 4 was deleted and the clarification was included in section 2(c). This move was made to avoid any misapprehension that this language somehow made land trades for access a priority over trades for other public purposes.

The other two changes in the Resources CS occur in Section 3(b). The first requires the Commissioner of Natural

Resources, who administers the fund, to have the concurrence of the commissioner of fish and game before using money in the fund to develop recreational access. The second change deletes the requirement for consultation with the commissioner of transportation and public facilities. Both DNR and Fish and Game have said that they consult with DOT/PF as a matter of course and this requirement was superfluous.

5-0221L ✓

Bradley

3/3/87

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 62 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public access to recreation
7 areas; and providing for an effective date."

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

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

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

25 * Sec. 2. AS 38.04 is amended by adding a new section to read:

26 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
27 is surveyed for disposal into private use, legal rights-of-way and
28 easements shall be reserved along public waterways of the state.
29 Except for state land disposed of under AS 38.05.035(b)(2), (3), (5)

1 or 38.05.068, the right-of-way or easement shall be at least 50 feet
 2 wide but the commissioner may require a wider right-of-way or easement
 3 depending on local conditions.

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

8 (c) The commissioner may exchange land under AS 38.50 to ^{create} ~~ensure~~
 9 ~~[... sentence from 201803]~~ ^{obtain} access to waters of the state w/ high value for recreational use
 10 access to rights-of-way or easements along public waterways] under this
 11 section.

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

13 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
 14 created in the general fund a public access fund. The fund consists
 15 of money and interest derived under this subsection and contributions
 16 from individuals and corporations. The fund shall be invested by the
 17 commissioner of revenue. The commissioner of revenue shall prepare
 18 the permanent fund dividend application for 1988 and subsequent years
 19 to allow applicants to designate that \$5 of the dividend be subtracted
 20 from their check and deposited in the public access fund. The commis-
 21 sioner of revenue may be reimbursed for actual administrative costs
 22 incurred under this subsection by appropriation from the public access
 23 fund.

24 (b) Except as provided in (a) of this section, the commissioner
 25 shall administer the fund. The commissioner, after public hearings
 26 and in concurrence with the commissioner of fish and game, may use
 27 money in the fund to develop recreational access, including the pur-
 28 chase and lease of land, easements, and rights-of-way to enhance
 29 public access to recreational areas.

(c) The title to rights of public access to recreational areas

1 obtained by the commissioner vest, in the state. The commissioner
2 shall include in the instrument transferring title to the state a
3 clause requiring that the land be used for public access. If the land
4 ceases to be available for public access, the state shall either

5 (1) pay to the fund the assessed value of the land at th
6 time; or

7 (2) if the land was purchased with funds derived under 16
8 U.S.C. 777-777k (Sport Fish Restoration Act), as amended, reimburse
9 the sport fish restoration program.

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

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

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

19 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).
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This is as passed

5-0221L
Bradley
3/9/87

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 62 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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7 areas; and providing for an effective date."

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

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

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

25 * Sec. 2. AS 38.04 is amended by adding a new section to read:

26 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
27 is surveyed for disposal into private use, legal rights-of-way and
28 easements shall be reserved along public waterways of the state.
29 Except for state land disposed of under AS 38.05.035(b)(2), (3), or

1 (5) or 38.05.068, the right-of-way or easement shall be at least 50
2 feet wide but the commissioner may require a wider right-of-way or
3 easement depending on local conditions. Where severe topographical
4 conditions make a right-of-way or easement of 50 feet or more im-
5 practical, the commissioner ^{may} [shall] issue a written finding of imprac-
6 ticability and waive or modify the requirement.

7 (b) The commissioner shall also establish rights-of-way or
8 easements to ensure access to rights-of-way or easements that are
9 along the public waterways. Easements under this subsection shall be
10 established approximately once each mile unless the commissioner
11 issues a written finding that severe topographical conditions make
12 this requirement impractical.

13 (c) The commissioner may exchange land under AS 38.50 to create
14 access to water of the state with high value for recreational uses.

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

16 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) The public
17 access fund is established as a special account in the general fund
18 and funds may be deposited into the special account and withdrawn from
19 it as provided in this section. The fund consists of money and inter-
20 est derived under this subsection and contributions from individuals
21 and corporations. The fund shall be invested by the commissioner of
22 revenue. [The commissioner of revenue shall prepare the permanent fund
23 dividend application for 1988 and subsequent years to allow applicants
24 to designate that \$5 of the dividend be subtracted from their check
25 and deposited in the public access fund.] The commissioner of revenue
26 may be reimbursed for actual administrative costs incurred under this
27 subsection by appropriation from the public access fund.

28 (b) Except as provided in (a) of this section, the commissioner
29 shall administer the fund. The commissioner, after public hearings

1 and in concurrence with the commissioner of fish and game, may use
2 money in the fund to develop recreational access, including the pur-
3 chase and lease of land, easements, and rights-of-way to enhance
4 public access to recreational areas.

5 (c) The title to rights of public access to recreational areas
6 obtained by the commissioner vests in the state. The commissioner
7 shall include in the instrument transferring title to the state a
8 clause requiring that the land be used for public access. If the land
9 ceases to be available for public access, the state shall either

10 (1) pay to the fund the assessed value of the land at that
11 time; or

12 (2) if the land was purchased with funds derived under 16
13 U.S.C. 777-777k (Sport Fish Restoration Act), as amended, reimburse
14 the sport fish restoration program.

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

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

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

24 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).
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5-0221L ✓
Bradley
2/27/87

Original sponsors: Sturgulewski, Kerdtula,
Szymanski and Fischer

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14 tries. These industries support a large number of small, resident Alaska
15 businesses. Recreational use of state waters is also extremely important
16 to the people of the state. The legislature further finds that many of the
17 state's popular freshwater and marine fisheries are severely overcrowded
18 and that increasing the ease of access to additional waters suitable for
19 recreational uses would enhance the enjoyment by the people, would be
20 beneficial to the economy, and would reduce the overcrowding on the already
21 popular waters.

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23 to develop access to additional waters of the state near the state's major
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25 * Sec. 2. AS 38.04 is amended by adding a new section to read:

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29 Except for state land disposed of under AS 38.05.035(b)(2), (3), (5)

1 or 38.05.068, the right-of-way or easement shall be at least 50 feet
 2 wide but the commissioner may require a wider right-of-way or easement
 3 depending on local conditions.

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

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

9 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
 10 created in the general fund a public access fund. The fund consists
 11 of money and interest derived under this subsection and contributions
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 17 sioner of revenue may be reimbursed for actual administrative costs
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 19 fund.

20 (b) Except as provided in (a) of this section, the commissioner
 21 shall administer the fund. The commissioner, after public hearings
 22 and in concurrence with the commissioner of fish and game, may use
 23 money in the fund to develop recreational access, including the pur-
 24 chase and lease of land, easements, and rights-of-way to enhance
 25 public access to recreational areas.

26 (c) The title to rights of public access to recreational areas
 27 obtained by the commissioner vests in the state. The commissioner
 28 shall include in the instrument transferring title to the state a
 29 clause requiring that the land be used for public access. If the land

*Revised
 same
 in text
 Deleted DOT*

1 ceases to be available for public access, the state shall either

2 (1) pay to the fund the assessed value of the land at that
3 time; or

4 (2) if the land was purchased with funds derived under 16
5 U.S.C. 777-777k (Sport Fish Restoration Act), as amended, reimburse
6 the sport fish restoration program.

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

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

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

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

17 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of
18 this chapter, the director, with the concurrence of the commissioner,
19 is authorized to dispose of state land or interest in land by exchang-
20 ing it for land, interest in land, or other consideration. Exchanges
21 shall be for the purpose of consolidating state land holdings, creat-
22 ing land ownership and use patterns which will permit more effective
23 administration of the state public domain, creating access to waters
24 of the state with high value for recreational uses, facilitating the
25 objectives of state programs, or other public purposes.

26 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).
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Alaska State Legislature

Official Business

Community & Regional Affairs Committee

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Senate Resource Committee Members

Feb 24, 1987

FROM: Senator Arliss Scurgulewski

RE: CSSB 62 (C&RA) - Public Access to Recreation Areas

CSSB 62 is designed to help create access to state waters. The bill employs three mechanisms to do this.

Section 1 of the bill is findings and intent.

Section 2 requires DNR, whenever land is surveyed for disposal, to reserve easements or rights-of-way along public waterways and at least once per mile to establish an easement or right-of-way to access the easement along the water. This section has no effect on private land.

Section 3 creates a public access fund. This fund is to be used to develop access, including the purchase and lease of land, easements, and rights-of-way to enhance public access to enhance public access to recreation areas.

The legislature may appropriate to this fund, the public may donate, or may check a box on their permanent fund dividend form donating \$5. to the fund. The final source of funding for the fund is federal funds received under the Wallop-Breaux amendments to the Sport Fish Restoration Act. The funds available under this act have recently increased dramatically.

Section 4 adds "creating access to waters of the state with high value for recreational uses" to the list of reasons for which DNR is permitted to enter into land trades.

The C&RA Committee Substitute made several technical changes to the bill. The main change was to insert an exemption from the easement requirement for land that may be sold subject to a preference right. The new language appears on the last line of the first page and prevents a possible conflict within statutes. The remainder of the changes were technical drafting changes to clarify rather than change meaning.

Attached to this memo are materials on the federal Sport Fish Restoration Act.

SFI bulletin



Acct. Clk.	
Secretary	
Jan/Feb 1986	
File	

FEB 20 1986

SPORT FISH DIVISION
HEADQUARTERS

"The Quality of Fishing Reflects the Quality of Life"

THE SPORT FISH RESTORATION PROGRAM STATUS AND SFI CONCERNS

Introduction

The Federal Aid Division of the U.S. Fish and Wildlife Service (USFWS) recently announced that \$122,167,378 was deposited in the Wallop-Breaux Trust Fund during fiscal year 1985 (October 1, 1984 to September 30, 1985).

The Wallop-Breaux Amendments to the Federal Aid in the Sport Fish Restoration Act of 1950 (Dingell-Johnson) not only established the new Fund, but also modified and expanded two programs administered by the federal government—the Boating Safety Program, which is administered by the Department of Transportation, and the Sport Fish Restoration Program, which is administered by the Secretary of the Interior through the USFWS's Federal Aid Division. A notable example of the user benefits, user pays concept, monies are deposited in the Fund from three primary sources: a manufacturer's excise tax on fishing equipment (10 percent on most tackle items and 3 percent on trolling motors and certain types of fish finders); a portion of the federal tax on motorboat fuels; and import duties on fishing equipment, pleasure boats, and yachts. The Sport Fishing Institute initiated a Sport Fish Restoration Overview Project to monitor and evaluate progress on implementation of the Sport Fish Restoration Program and offers the following as a first year report.

History

The high expectations that fishery conservationists hold for the Sport Fish Restoration Program is reflected in their long and arduous battles for the 1950 Act and the more recent Wallop-Breaux Amendments.

Congressman Frank Buck (California) introduced into Congress the earliest precursor of the Federal Aid in Sport Fish Restoration legislation in 1939 modeled after the successful, popular Federal Aid in Wildlife Restoration Act of 1937. It was not until 1950 that the efforts of Congressmen John Dingell (Michigan), Edward Johnson (Colorado), members of the fishing tackle industry, and fishery conservationists worked together to bring about the Federal Aid in Sport Fish Restoration Act, popularly called the Dingell-Johnson (D-J) Act. Twenty-eight years later, in 1978, a new campaign was launched to expand the Act. But many roadblocks had to be overcome before the expansion was made palatable in the Wallop-Breaux Amendments and passed six years later in 1984. Due in large measure to the work of Senator Malcolm Wallop (Wyoming) and John Breaux (Louisiana), with assis-

tance from fishery conservationists and boating organizations, these obstacles were overcome. Finally, the Wallop-Breaux Amendments to the Act were not a year old before the federal Office of Management and Budget (OMB) proposed to withhold about two-thirds of the Wallop-Breaux Fund monies and undercut the legislation by changing its important permanent appropriations provision to an unstable annual appropriation mechanism. Proponents rallied to defeat this proposal in the fall of 1985, preserving all the provisions of the legislation.

Attention is now centered on the Federal Aid Division of USFWS and the state fishery agencies. The challenge of Wallop-Breaux now rests with these state/federal administrators, who will be working to develop more and better sport fishing opportunities while proving that U.S. anglers and boaters are getting their money's worth.

Sport Fishing Institute Concerns

The Sport Fishing Institute and the sport fishing industry have an abiding interest in the administration and implementation of the Sport Fish Restoration Program. This interest exists for two reasons. First, the goals of the Program and SFI are extremely similar. The stated mission of the Wallop-Breaux Amendments to D-J is that the federal government "shall aid the states in fish management and restoration projects" "where fish restoration and management projects" shall be construed to mean projects designed for the restoration and management of all species of fish which have material value in connection with sport or recreation in the marine and/or fresh waters of the United States. . . . This is similar to SFI's goal which is to develop more and better sport fishing opportunities through the application of fishery science and prudent fishery management. Second, SFI and the sport fishing industry have played major roles in the development of the Wallop-Breaux legislation. SFI was a staunch advocate for the creation of the D-J Act in 1950, a leader in the long battle to enact the Wallop-Breaux Amendments, and an avid defender of the new legislation against OMB attacks in 1985.

Due to the large stake that it has in the Sport Fish Restoration Program, SFI has conducted the Overview Project this past year and will continue the project into the future. The goals of the Project are to make SFI an effective watchdog and supporter of the Program to ensure that the Program's constituency (anglers, boaters, and industry) receive maximum benefits from Wallop-Breaux Fund dollars.

Boating and Fishing Access

Wallop-Breaux Amendments require that the states spend at least 10 percent of their annual apportionment on development of boating access. Many states plan on spending more than the mandatory amount to build new access areas or to upgrade existing sites. For example, Delaware will be refurbishing several existing coastal boating access facilities. Florida will renovate up to 20 existing sites and will construct at least three new boating access facilities each year. Iowa has an ambitious blueprint that includes construction of boating access, ten fish cleaning facilities in major state parks, and five fishing piers at large recreational areas within the state. In general, large, productive facilities, such as Ohio's newly opened Sandusky Bay boating and fishing access area on Lake Erie, built with \$700,000 of D-J funds (see SFI BULLETIN No. 370, November-December, 1985), will be more commonplace in the coming years.

SFI was an ardent supporter of the boating access provision and has been monitoring it closely. Approximately \$50 million of motorboat fuels taxes will be part of the total \$122 million available to states in fiscal year 1986. Clearly, boaters and anglers who use boats are responsible for a large share of Wallop-Breaux funds, and therefore should receive substantial access benefits. SFI has long advocated the wise use of access development to disperse angling pressure to improve angling quality. This access provision appears to be a golden opportunity for states to take a new look at access development as a management tool. SFI urges states to make full use of this provision to construct access where it provides the greatest public benefit, whether it be for renovating old, heavily used facilities or constructing new facilities in areas of high need demand but low access availability.

Aquatic Education

The Wallop-Breaux Amendments provide the states with an option to spend up to 10 percent of their annual apportionment on aquatic education projects. Many states, including Florida, Kansas, New Mexico, and Delaware, will use this opportunity to initiate new education efforts. Even the new and growing District of Columbia fishery program is preparing to use Wallop-Breaux Fund monies on a project that will teach District youth the fundamentals of resource management (the Amendments provide the District with monies, one-third of one percent of the Wallop-Breaux Fund, for the first time).

The education provision affords states a great chance to upgrade and develop their education activities. SFI advocates sound planning of education projects to best meet the needs of individual states. SFI also believes that states should use Wallop-Breaux funds to achieve a balanced education program featuring education in aquatic ecology, aquatic resource management, aquatic safety, and fishing.

Research

In the past, the states have used substantial amounts of their Dingell-Johnson monies on essential fact-finding activities. The Sport Fish Restoration Program will continue to fund significant state research, with some interesting new twists. For example, Alaska will gather data for the first time on its world class rainbow trout fisheries in Bristol Bay and the Kenai River. Iowa will survey statewide angling participation and assess the economic value of its fisheries. Missouri and Kentucky each plan on expanding their computer capa-

bilities to enable their managers to better store, access, and evaluate fisheries data. Several coastal states plan on committing Wallop-Breaux funds and state resources to augment the National Marine Fisheries Service's (NMFS) Marine Recreational Fishery Statistics Survey to obtain better estimates of angler participating and harvest.

Research, including inventories and surveys, has borne the brunt of Program criticism since the inception of the D-J Program in 1950. Critics have viewed D-J as a research-only Program, much of which was thought to be repetitive exercises of little value to fishery management.

SFI realizes that surveys, inventories, evaluations, and other forms of research are vital to well rounded state fishery programs. Yet it must be emphasized that Wallop-Breaux funded research should be the mission-oriented research aimed at sport fisheries improvement that is mandated by law, viz:

Sec. 2(a) "... research into problems of fish management and culture as may be necessary to efficient administration affecting fish resources; (b) The acquisition of such facts as are necessary to guide and direct the regulation of fishing by law, including the extent of the fish population, the drain on the fish supply from fishing and/or natural causes, the necessity of legal regulation of fishing, and the effects of any measures of regulation that are applied;"

To address the problem of poor perceptions of research by Program critics, SFI believes that states must clearly show in all project documentation (proposals, progress reports, and final reports) how their research activities are tied to their sport fishery management objectives.

Other Development Activities

New public fishing lakes are other great benefits of the Program. Georgia has begun work on the first new lake that is part of an exemplary 30-year plan to build ten new lakes in areas of the state where fishing pressure is high, but fishing opportunities are scarce. Many states will spend substantial portions of their Program allocations over the next few years on fish culture-enhancing projects. Virginia plans to refurbish antiquated warm water fish hatcheries, and Minnesota plans to upgrade its walleye rearing facilities. Nevada will be building a new \$6 million coldwater facility that will be capable of producing 1,000,000 trout per year. Montana has begun work on renovating and enlarging a warm/cool water hatchery at Miles City at an estimated cost of \$4.9 million. Some southeastern coastal states have expressed an interest in artificial reef development through Wallop-Breaux. California, North Carolina, Louisiana, and Florida are all investigating future reef plans and projects for both fresh and saltwater applications. These new projects will be funded at least in part with Wallop-Breaux Fund monies.

The above development projects are not panaceas for fish restoration and enhancement in the states; there are no substitutes for solid fisheries management, research, and habitat improvement activities. Yet these activities are vital for two reasons. First, the end products of each will unquestionably enhance sport fishing opportunities. Second, these construction projects provide important tangible benefits to user groups which should aid state agencies in building constituency support. Therefore, judicious use of Program funds on these types of projects should be encouraged.

Constraints to the Sport Fish Restoration Program

A fact that must be remembered by all who are concerned about the Sport Fish Restoration Program is that the plans and activities listed above will take time to reach fruition. State and federal administrators of the Program face numerous constraints, not only due to limited resources within their agencies, but also from outside forces acting on their agencies. Some of these constraints include: **matching of Wallop-Breaux monies; state hiring ceilings; accounting challenges; and substitution of Wallop-Breaux funds for existing programs.**

Matching of Wallop-Breaux Monies

States must either raise substantial new monies or produce in-kind contributions to provide the 1:3 **state versus federal dollar match** that is necessary to use Wallop-Breaux funds. Some states have moved to increase matching revenues in recent years. Delaware recently passed its first resident fishing license increase since 1969. Arizona added a \$2.00 surcharge to its non-resident fishing license in 1983. These actions will help both states considerably in matching Wallop-Breaux funds.

In-kind contributions may include outright donations or the dollar value of donated land, equipment, and volunteer labor. A good example of an in-kind match is the \$1 million that has been donated by the Gulf Coast Conservation Association to assist Texas in matching necessary Wallop-Breaux monies to build a large new addition on to the John Wilson Hatchery in Corpus Christi, Texas.

Several states have indicated that they will have difficulty in raising matching monies. In these states, the political climate is not suitable for raising license fees, general fund appropriations to the state fish agency, or other revenue increasing measures. SFI urges these states to strive to use in-kind contributions as much as possible. In-kind matching appears to hold much promise in helping states utilize fully their Wallop-Breaux Fund apportionments.

State Hiring Ceilings

Several states would like to hire additional fisheries personnel to carry out new projects, but face hiring ceilings imposed by state legislatures. In Virginia, Rhode Island, and California, for example, it will not matter if the state fishery agency can fund the new positions with license fees or Wallop-Breaux funds; at this time, these states are mandated not to put anyone else on the payroll. SFI urges states facing hiring ceilings to make prudent use of sub-contracting projects to private firms or universities to overcome state government restrictions.

Accounting Challenges

The new regulations imposed by Wallop-Breaux will add new accounting requirements to the old list of D-J and other federal requirements with which states must comply. To maintain eligibility for receiving Wallop-Breaux funds, states must meet both the old and new requirements, some of which are the following:

1. guarantee that fishing license fees are not being diverted away from their fishery programs;
2. spend at least 10% of each annual apportionment on boating access projects;
3. divide equitably "new" revenues (i.e., Wallop-Breaux revenues over and above those collected from D-J taxes)

between marine and freshwater projects based on the proportion of marine and freshwater angler numbers in coastal states;

4. document expenditures on each Program-funded project 90 days after the completion of the project; and
5. perform a major audit every year on all Program projects within their states.

It is incumbent on states to comply with the accounting requirements of the Wallop-Breaux legislation and other federal regulations which apply. If the state and federal administrators of the Program cannot accurately account for Program expenditures, the entire credibility of the Program will be jeopardized. SFI has learned of several cases where states are remiss or delinquent in conducting audits or accounting for project expenditures and are not in compliance with federal regulations. These situations must be rectified, and the accounting aspect of the Program must be tightened-up.

Substitution of Wallop-Breaux Funds for Existing Programs

This represents one of SFI's greatest concerns for the Program. SFI fears ~~some state and federal agencies may attempt to fund existing fisheries or boating access projects by substituting Wallop-Breaux funds for existing funding sources.~~ This clearly violates the spirit of the Wallop-Breaux Amendments to the Federal Aid in Sport Fish Restoration Act which requires that "additional funds resulting from expansion of the Sport Fish Restoration Program must be added to existing state fishery program funds and not as a substitute thereof" (from the Final Rule Implementing Amendments to the Federal Aid in Sport Fish Restoration Act, Federal Register, Vol. 50, No. 100, Friday, May 24, 1985). States must comply with this regulation, not only to maintain Program eligibility, but also to act in good faith to put the new monies to the uses intended by Congress. ~~At the federal level, Wallop-Breaux funds must not be substituted for boating access funds from the Land and Water Conservation Fund administered by the Park Service, for the Anadromous Fish Conservation Program administered by USFWS and the National Marine Fisheries Service (NMFS), for the Marine Recreational Fishery Statistics Survey conducted by NMFS, and other such programs. This too would violate the spirit of the law and would break faith with the user groups who pay for and benefit from the Program.~~

Conclusion

The Sport Fish Restoration Program is on course and in action but is not without its problems. To ensure the long-term prosperity of the Program, state fishery agencies must strive to produce maximum, cost-effective benefits from their Wallop-Breaux dollars. Fiscal accountability by the states must be an integral part of the Program. The USFWS should strive to be reasonable and flexible in administering the Program, yet not so flexible as to permit states to be in non-compliance with Program requirements and continue to receive Program funds. Fishery conservation organizations and boating interests must help to guard the Program from being undercut at the federal level. In this regard, the Gramm-Rudman Deficit Reduction measure, recently signed into law by President Reagan, may pose Program supporters with a challenge in protecting Wallop-Breaux from budgetary attacks. OMB or congressional budget cutters may attempt to directly limit full allocation of Wallop-Breaux Trust Fund monies. Another scenario may see Congress keep Wallop-

Breaux intact and cut back other fishery and boating access programs and, in essence, use Wallop-Breaux funds as a substitute for the other program funds.

The Sport Fish Restoration Program is the "goose" that will be "laying the golden eggs" of increased sport fishing opportunities. All organizations that have a stake in the protection and wise utilization of aquatic resources, must meet the challenge of Wallop-Breaux to ensure the future of fishing and boating in America.

~~ENVIRONMENTAL CONSERVATION~~ AND THE PETROLEUM INDUSTRY

Recently, a report was prepared by the National Institute for Urban Wildlife for the American Petroleum Institute entitled, "Environmental Conservation and the Petroleum Industry." The report was authored by Daniel L. Leedy, Lowell W. Adams, and Louise E. Dove. The report is the result of information obtained from the major oil and gas companies in response to a questionnaire. It is not a technical document in that it has not delved deeply into the complex problems of pollution and pollution control, or the intricate interactions of ecosystems. However, it does recognize a wide variety of environmental influences and describes approaches the industry has taken to make its operations compatible with the environment.

The forward to the publication is written by C.R. "Pink" Gutermuth. Pink, an articulate historian of the conservation movement, has received numerous awards for his conservation work, and is a former Vice President of the Wildlife Management Institute. He was very active in the conservation movement when it was not the "in thing." Pink used the forward to describe the evolution and formation of the American Petroleum Institute's Conservation Liaison Committee. The Conservation Liaison Committee was created in 1960, and in its 25 years of existence, has been a valuable communication tool between the petroleum industry and the conservation/environmental community.

Among its very important activities, the Conservation Liaison Committee has arranged annual tours for the conservation community of ecologically important areas that are impacted by the petroleum industry. These annual trips have provided the community with an opportunity to witness how the petroleum industry operates. The tours permit the conservation community to do investigative reporting and analysis of very sensitive petroleum industry impacted areas.

The Sport Fishing Institute (SFI) has participated in a number of these tours and can attest to the value and importance of seeing things first hand. SFI is convinced that the petroleum industry seeks to have a friendly relationship with the conservation/environmental community and more importantly, to have a favorable relationship with the environment that they impact. It is impressive to witness the tremendous amount of money spent, and care expended, in minimizing and restoring the sites impacted by oil and gas production.

The report treats a variety of issues dealing with the compatibility of: onshore oil and gas development with the environment, offshore oil and gas development with the environment, other oil and gas operations with the environment, royalties and grants relating to wildlife conservation, protecting the urban environment, and protecting archaeological, historical, and cultural values. The report also includes

a handy reference for further reading.

The report is not intended to be an exhaustive nor objective analysis of the relationship between the petroleum industry and the environment. However, it can be said that the information is presented in an interesting and informative manner. It is up to the reader to evaluate the report's content. Copies can be obtained from the American Petroleum Institute at: 1220 L Street, N.W., Washington, D.C., 20005. Address your inquiries to Keith G. Hay, Conservation Director of the Conservation Liaison Committee.

NATIONAL ARTIFICIAL REEF PLAN RELEASED

The National Artificial Reef Plan, required by the National Fishing Enhancement Act, Public Law 98-623, Title II, has been completed by the National Marine Fisheries Service (NMFS).

Section 202 of the Act recognized that "... properly designed, constructed, and located artificial reefs ... can enhance the habitat and diversity of fishery resources." The law established a national policy to promote and facilitate responsible and effective efforts to establish artificial reefs. It will: 1) enhance fishery resources to the maximum extent practicable; 2) facilitate access and utilization by United States recreational and commercial fishermen; 3) minimize conflicts among competing uses of waters covered under the Act and the resources in such waters; 4) minimize environmental risks to personal health and property; and 5) be consistent with generally accepted principles of international law and shall not create any unreasonable obstruction to navigation.

To accomplish these purposes, Congress directed the Secretary of Commerce to develop and publish a long-term plan. The National Artificial Reef Plan was formulated by federal agencies involved in reviewing and approving federal permits for artificial reef construction, and with assistance from states and local governments, Regional Fishery Management Councils, and Marine Fisheries Commissions, industry, artificial reef authorities, and the public.

The plan serves three major functions. First, based on the best available scientific information, it provides guidance to individuals, organizations, and government agencies on technical aspects of artificial reef planning, design, siting, construction, and management.

Second, the Plan is a guide and technical reference for federal and state agencies involved in artificial reef permitting and management, to help meet the national standards and objectives established by the Act. The Act requires the Secretary of the Army to ensure that siting, construction, monitoring, and arrangement of artificial reefs are conducted in a manner consistent with standards set forth in the Act. The Secretary of the Army must consider the Plan when issuing an artificial reef permit and notify the Secretary of Commerce of any need to depart from the Plan.

Third, the Plan encourages and provides guidance for developing detailed, site-specific, regional, state, and local artificial reef plans that focus on criteria for specific conditions.

Compiled by Richard Stone of NMFS, the Plan represents a team effort by a large number of knowledgeable experts on artificial reefs. The Plan is an important step for artificial reef development in this country. Developers will now have a policy to work from, removing much of the

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 (98%) were expended in the Southcentral region of Alaska, 326,138 (24%) were expended in the Southeast region, and 199,041 (14%) were expended in the Arctic-Yukon-Kuskokwim region. The Cook Inlet area, within the Southcentral region, had 1,109,727 days (80%) of the State's total sport fishing and the Kenai Peninsula had 668,161 angler-days or 36% of the State total. The Koonak 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;

1. 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;

2. 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;

34 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 ~~sheds 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

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801
PHONE: (907) 465-2400

January 28, 1987

The Honorable Arliss Sturgulewski, Chair
Senate Community and Regional Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

Subject: Creation of a public access fund and providing for public access to recreation areas - SB 62.

Response: I heartily endorse the creation of a public access fund as described in this bill and the concurrent recognition that access to public waters is important to the economy and the people of the state. The provision of this bill which allows Alaskans to contribute directly to the public access fund is an excellent idea.

Section 4 confirms the department's understanding that exchanges are one tool available for access acquisition.

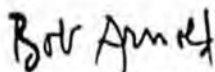
Section 2 contains intent acceptable to the department, but may not provide sufficient leeway to address actual onsite situations.

Recommendation:

Problem taken care of in CRA CS. - MJA
Amend Section 2 so that the 50 foot easement and 1 mile access standards can be waived when determined inappropriate to the situation. I believe the language in AS 38.05.127 (copy enclosed) is a preferred approach.

Please let me know if I may provide additional information.

Sincerely,



Judith M. Brady
Commissioner

Enclosure

cc: Committee Members
Governor's Legislative Liaison



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commissioner's Ofc.	BILL NUMBER SB 62	SPONSOR Sturqulewski, et.al
DEPARTMENT POSITION Support with amendments <i>Amendments addressed in CS</i> <i>M/K</i>			
PREPARED BY Louis S. Bandirola	DATE 1/29/87	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 1/29/87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources Department of Revenue, DOT&PF	CONSTITUENT GROUP(S) AFFECTED BY BILL General public, specifically recreational boaters and other resource users.
ORGANIZATIONAL SUPPORT FOR BILL Alaska Sport Fishing Association Alaska Flyfishers	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
To assure state retention of public lands along all water bodies during dispatch to private use and provide long term funding of recreational water access acquisitions.

ANALYSIS OF BILL/PROGRAM EFFECTS
Assures retention of public lands along all water way for recreational resource use.
Through establishment of "Public Access Fund" assures continuing revenue for public access to aquatic resources.
Requires state participation through federal Sport Fish Restoration Program at determined level by Department of Fish and Game.

AMENDMENTS PROPOSED
See Attachment

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 62
Publish Date: _____

REQUEST: _____

Revision Date: _____
Title: Public Access to Recreation
Areas _____
Sponsor: Sturgulewski
Requestor: Senate C & RA

Agency Affected: Department of Revenue
BRU: Treasury
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page for analysis.

Prepared By: Milt Barker **MB**
Division: Treasury

Phone: 465-2350
Date: January 30, 1987

Approved by Commissioner: [Signature]
Agency: Department of Revenue

Date: 2/17/87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 62

Publish Date: _____

REQUEST: _____

Revision Date: _____

Agency Affected: Revenue

Title: An act relating to Public Access
to Recreation Areas

BRU: Permanent Fund Dividend

Sponsor: Sturgewlewski, Kertulla

Components: Recreational use of state

Requestor: Community & Regional Affairs

waterway

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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
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REVENUE	0	0	0	0	0	0
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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: Sally Smith *Sally Smith*
Division: Public Services

Phone: 465-2392

Date: February 2, 1987

Approved by: hfm
Commissioner: _____
Agency: Revenue

Date: 2/17/87

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management & Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 62

Publish Date: _____

REQUEST _____

Revision Date: _____

Title: An act relating to public access
to recreation areas

Sponsor: Sturgulewski, Kerttula, et al

Requestor: C & RA

Agency Affected: Revenue

BRU: Administration and Support

Components: Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	15.1	6.6	6.6	6.6	6.6
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	6.0	6.0	6.0	6.0	6.0
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	21.1	12.6	12.6	12.6	12.6
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	21.1	12.6	12.6	12.6	12.6
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	21.1	12.6	12.6	12.6	12.6

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

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Date: 2/6/87

Approved by Commissioner: [Signature]
Agency: Revenue

Date: 2/6/87

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Department of Revenue
Administrative Services Division
Fiscal Note Analysis
SB 62
2/6/87

Assumptions:

- 1) It is assumed that the provision Sec. 3 would only be effective for PFD years 1988 and thereafter. This assumption is necessary because the 1987 PFD applications are already being printed, and will be shipped in 3 weeks. The addition of the option envisioned by this bill will cause major revisions to the construction of the packet, and would most certainly cause re-bidding of the printing project. The result would be a late filing period and significant program costs and public confusion and discontent. Alternatively, the creation of a separate form would create substantial new program costs, not addressed in this fiscal note, and considerable public confusion.

It is assumed that the Department of Revenue may comply with the above section of the bill by providing a "check-off" on the 1988 PFD form itself, or an attendant schedule.

- 2) The choice, once made on the PFD application, is irrevocable for that year.
- 3) The dividend is still subject to attachment and general assignment. Only after those attachments and assignments are satisfied will this pledge be recognized.
- 4) Given the language of Sec. 3, line 15-17, I assume that any required appropriation for administrative costs would be a general fund appropriation, since the public access fund would be an account in the general fund.

Program Summary

The application for the 1988 PFD would be revised, providing for a "check-off" for the public access fund, and explaining the option to all applicants.

The Document Processing group will need to review applications for the donation option and the data entry section will be keying additional information on each application. This will be accomplished by extending a seasonal Data Entry Clerk I by three months.

Data capture programs, batch programs, screen programs, history files and all other DP programs in the PFD system would be modified to record the potential choice and to direct payment to the fund. The PFD applicant choosing to contribute to the fund would be notified by mail at the time of PFD distribution that the contribution had been paid directly to the public access fund. The accounting controls on the dividend fund and the warrant issues will become much more complicated by the introduction of myriad warrant amounts. The Department of Fish & Game would be provided an accounting of the number of applicants contributing to the public access fund each year, and the total amount transferred to the fund. The attached schedule provides a breakdown of the estimate of man-hours required to accomplish the programming.

1. Positions

1 PPT Analyst/Programmer IV, R 19 at \$4,281.06/Mo.
including salary and benefits for 2 months = \$8.5

This position will augment the regular DP staff to perform the system analysis and programming required, as described above. This funding would be needed for design and programming only, with maintenance of the changes and new programs to be done by current staff.

1 PPT Data Entry Clerk I, R 8 at \$2,221.64/Mo
including salary and benefits, for 3 months = \$6.6

This position would perform the equivalent additional data capture (ongoing requirement)

TOTAL Personal Services \$15.1

2. Other Expenditures:

a) Travel - None. \$-.0-

b) Contractual - Add an additional page to the PFD booklet to display the contribution choice available. Although the Department was able to squeeze the Olympic Fund check-off on the existing form, the addition of another option, however simple, will require another printed page. (on-going requirement) \$-6.0-

c) Supplies - None. \$-.0-

d) Equipment - None. Will use existing work areas \$-.0-

TOTAL EXPENDITURES \$21.1

3. Funding - General Fund.

4. Section Cost Analysis - N/A.

Computations - N/A.

Economic Impact - N/A.

Impact on Local Government - N/A.

Attachments: Summary of Data Processing Requirements.

Department of Revenue
Administrative Services Division
Fiscal Note Analysis
SB 62
Summary of Data Processing Requirements
2/6/87

Wang data entry processing	75.0 hours
Includes:	Data entry Batch lists Corrections Wang to IBM transfer
IBM Update jobs	30.0 hours
Includes:	Edits Batch listings Log sheets
DMS Online programs for lookup and changes	37.5 hours
Nightly Update of Changes	22.5 hours
Warrant Jobs	90.0 hours
Includes:	Printing warrants with different amounts. Include check stub messages. Modify warrant registers as needed for balancing. Create new program(s) for transferring accumulated contributions to the Public Access Fund, and to account for the reserve necessary due to returned and cancelled PFD warrants.
Miscellaneous	45.0 hours
Includes:	Setting up test files on IBM Systems testing Administrative functions, i.e. paper work required by Admin. DP to add files and programs to tables.
TOTAL HOURS	300.0 hours