

S B

166

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERENCE

DATE: 3/6/91

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: _____

Resources Committee considered SB 166

Rejecting the Susitna Basin Recreational Rivers Management Plan submitted by the commissioner of natural resources; efd.

and recommended:

- replace with _____ CS _____ same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date

fiscal note(s) _____

Dept/Date

zero fiscal note(s) _____

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chair: Signature and Recommendation



Official Business

Alaska State Legislature

SENATE

Office of the Majority Leader

Senator Rick Halford

P.O. Box V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Senator Lloyd Jones, Chair
Senate Resources Committee

FROM: Senator Rick Halford *Rick Halford*

DATE: May 6, 1991

RE: Request to Schedule SB 166

I respectfully request that SB 166, an act rejecting the Susitna Basin Recreational Rivers Management Plan submitted by the commissioner of natural resources, be scheduled for a hearing in the Senate Resources Committee at the earliest possible opportunity. This plan establishes unnecessary and unjustified prohibitions for motorized vehicles and the legislature should reject it as provided by AS 41.23.440(a), The Recreation Rivers Act.

The Recreation Rivers Act states (41.23.420(c)), "The commissioner may regulate boating, if necessary, under the Management Plan adopted under AS 41.23.440." Any "necessity" to ban motorized vehicles, including aircraft, has not been established for five of the six rivers affected by the plan. There is no evidence the restrictions are necessary for safety or environmental reasons, nor reasonable for the traditional recreational activities enjoyed in the area.

In fact, testimony taken at the eight public meetings held on the "Public Review Draft, September 1990," was overwhelmingly opposed to non-motorized areas (over 90% in Anchorage, Wasilla and Willow). DNR notes from the Advisory Meetings show that letters and petitions totalled more than 4100 individuals opposed to non-motorized areas while only 67 supported. In addition, the Advisory Board opposed the restrictions 7 to 4.

A fiscal note from DNR is attached, as well as back-up material.

Thank you for your consideration of this request.

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

BILL NO. SB 166

Revision Date: _____ Department Affected: Natural Resources
 Title: An Act Rejecting Susitna Rec. BRU: Land & Water
Rivers Management Plan Components: Land & Water
 Sponsor: Senator Halford
 Requestor: Senator Halford COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	64.7					
TRAVEL	3.5					
CONTRACTUAL	25.0					
SUPPLIES	1.0					
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	94.2	0.0	0.0	0.0	0.0	0.0

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

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	94.2					
FEDERAL FUNDS						
OTHER						
TOTAL	94.2	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)
 See Analysis

Prepared by: Ron Swanson Phone: 762-2680
 Division: Land & Water Date: 16-Apr-91

Approved by Commissioner: Harold Heinze Date: 16-Apr-91
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

SB 166 changes the Recreation Rivers Act so that powerboats cannot be prohibited. Since there are some non-motorized river segments in the current plan, it will have to be revised. The plan revision process will take 6 months. To revise the plan, the Act requires at least two public meetings in each affected community (16 meetings total); notification of all property owners; involvement of the 13-member advisory board, state agencies, and local governments; and a 30 day public notice period.

The planning staff will be responsible for developing and conducting the public participation program, organizing planning team and advisory board meetings, drafting and distributing a draft and final plan, and briefing the commissioner's offices, governor's office and legislature on the planning process.

6 months positions:

NRM I	18/A	27.3
	Contractual	<u>2.2</u>
	Total	29.5
NRO II	16/A	24.1
	Contractual	<u>2.2</u>
	Total	26.3
CT III	8/A	7.8
	Contractual	<u>1.1</u>
	Total	8.9



Alaska Boating Association

P.O. Box 210430
Anchorage, Alaska 99521

Don Sherwood, President
(907) 333-6268

The Susitna Basin Recreation Rivers Management Plan has been transmitted to the Alaska Legislature by the Commissioner of the Department of Natural Resources as required by the Recreation Rivers Act (AS 41.23.440).

The Alaska Boating Association, representing the largest user group of the Recreation Rivers, respectfully requests that the Alaska Legislature modify the submitted plan to eliminate all reference to "non-motorized" areas, or reject the plan entirely.

The single largest user group of these rivers are those individuals seeking recreation opportunities utilizing motorized craft, primarily powerboats, but also including aircraft, off-road and all-terrain vehicles.

According to documents prepared by the National Park Service, in 1989, "... 621 floaters and 2,733 [powerboaters] users per year", were counted on a representative river section (Little Susitna).

The overwhelming testimony and comments in response to the "Public Review Draft, September 1990" were opposed to the "non-motorized" provisions.

The "Summary of Comments on Boating, November 14, 1990" prepared by DNR stated, "At these three meetings [Anchorage, Wasilla, and Willow], most (over 90%) of the people who spoke opposed non-motorized areas."

In, "Public Comments on the Draft Plan, November 1990, and January 1991", letters regarding "non-motorized" areas received from the Planning Team, Advisory Board, Organizations, Companies, and the Public numbered approximately 260 and divided almost evenly "for non-motorized" and "opposed to non-motorized" areas.

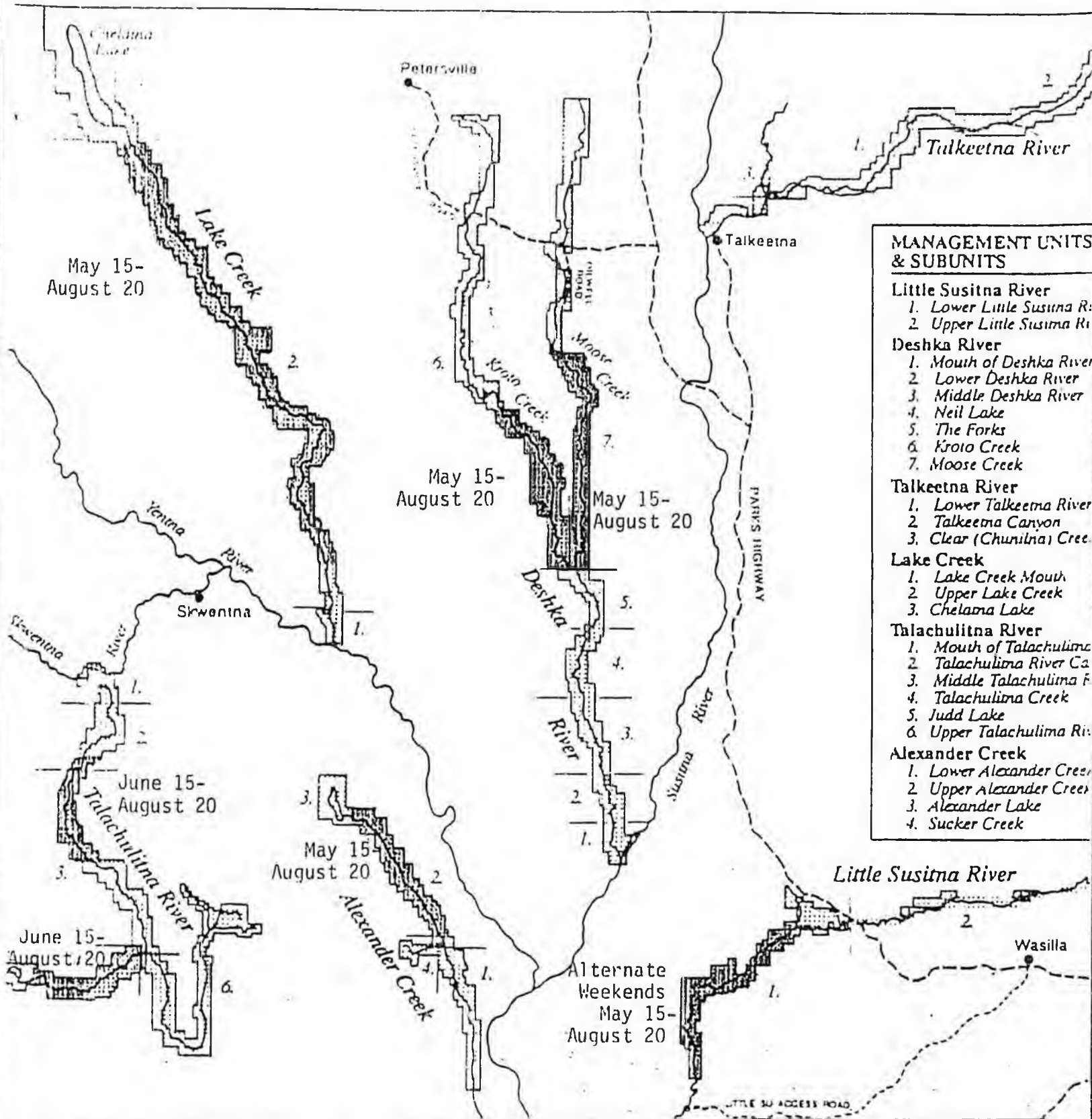
However, "Form Letters and Petitions" totalled 4,129 individuals, "opposed to non-motorized" areas. None were received in favor.

The proposed Recreation Rivers Management Plan excludes the single largest user group from the prime of the recreational river systems.


The proposed Recreational Rivers Plan ignores the overwhelming response to the proposed "non-motorized" areas.

The "Susitna Basin Recreation Rivers Management Plan, January 1991" should be modified to remove the "non-motorized" areas, or should be rejected by the Alaska Legislature for failing to accommodate the needs of the largest user groups and for ignoring the overwhelming response to the plan.

SUSITNA BASIN RECREATION RIVERS MANAGEMENT PLAN



MANAGEMENT UNITS & SUBUNITS	
Little Susitna River	
1.	Lower Little Susitna R.
2.	Upper Little Susitna R.
Deshka River	
1.	Mouth of Deshka River
2.	Lower Deshka River
3.	Middle Deshka River
4.	Neil Lake
5.	The Forks
6.	Kroto Creek
7.	Moose Creek
Talkeetna River	
1.	Lower Talkeetna River
2.	Talkeetna Canyon
3.	Clear (Chunilna) Cree.
Lake Creek	
1.	Lake Creek Mouth
2.	Upper Lake Creek
3.	Chelama Lake
Talachulitna River	
1.	Mouth of Talachulitna
2.	Talachulitna River Ca.
3.	Middle Talachulitna F.
4.	Talachulitna Creek
5.	Judd Lake
6.	Upper Talachulitna Ri.
Alexander Creek	
1.	Lower Alexander Cree.
2.	Upper Alexander Cree.
3.	Alexander Lake
4.	Sucker Creek

 NON-MOTORIZED AREA



U of A Aviation Complex
1515 East 13th Avenue Anchorage, Alaska 99501

(907) 272-1251



The Honorable Walter Hickel
Governor, State of Alaska
Pouch A
Juneau, Alaska 99801

Dear Governor Hickel,

19 February 1991

I write primarily on behalf of the 13,000+ pilots we represent in Alaska, and to a lesser extent, our members in 32 states and 2 countries. We are VERY CONCERNED about the program apparently funding some success currently, in LOCKING UP waterways and parkland in the Susitna Basin Recreational River Management Plan. We refer specifically to the NON-MOTORIZED AREAS provisions in current dispute.

Our members flew into the several rivers of the area historically, in some cases as long ago as 40 years. Helicopters regularly take fishermen, sportsmen, nature lovers and river floaters to headwaters. Air Taxi operators and guides regularly operate from the wider portions of the rivers and some of the sand bars.

Enter the advent of the SBRM Plan, and out of nowhere spring south-48 based groups and a FEW local kayakers and suddenly there is a major plan to the historic use which prevents planes from continuing their operations. Testimony from a FEW individuals and small organizations centered around their "right" to enjoy the rivers without hearing any motors. Statistics, however, reveal that the number of such users FAR OUTWEIGHS the few, meaning that great pressure is being brought to bear to create a SPECIAL INTEREST RESERVE out of multiple use resources which have operated just fine for years.

We formally join and pledge to support the ALASKA BOATING ASSOCIATION, which at times has stood alone in the fight for an even playing field in the hearings and decision making processes. The attitude our representatives have met within DNR, is that of a made-up mind, damn the hearings or public testimony.

We write to you specifically because your campaign was replete with assurances that you wanted to open areas for all, when reasonable and prudent. In the instant case, all we are doing is trying to maintain a nearly half century traditional use which has worked fine until the advent of a very small minority seeking the solace of silence. We urge them to enjoy that experience in other State and National parks where such rules have already been placed.

Were this a democratic process, the ultimate conclusion would lead us to believe, following testimony and counting hands, in fact the policy would become one where the non-motorized people would be REQUIRED TO HAVE MOTORS so that the rest of us would not be faced with the shattering experience of seeing them glide by sans noise. Ridiculous? Of course, and so is the pill they are attempting to administer to the MAJORITY and historical users.



We note that this state has NO BOATING SAFETY ACT, and thus cannot qualify for some \$350,000 annually for boating safety activities. How much better the public would be served if DNR would pursue such a program and then make boating and flying even safer in the areas than they are now.....not to mention the positive fiscal note.

It is a matter of DEEP CONCERN that our Government is apparently disregarding over 7,000 people who have put their votes with the Boaters and the Airmen, and is tailor making a program to suit the personal whim of an extremely small minority. That's not the American way, and it's not the Alaskan way, according to our reading of your campaign postures.

Strongly urge that you commission someone from your office to visit with the head of DNR and review the materials and to talk with opposing sides. We think that this person will develop a thick file, quickly, of documentation and statistics to support DNR's reversing its bent and doing things democratically.

Thank you in advance for your interest. If this program goes unchecked when it is so obvious to so many people that the opposition is almost 178 to 1, then DNR and the State will lose a great deal of credibility.

M.L. PANNONE
President

- cy to:
- a. Lt Governor Jack Coghill
 - b. each Anchorage/Matsu legislator
 - c. Alaska Boating Association
w/support check for \$250.00

[boats]

TALKS

Advisory Board
MEETING

1/14/91

2-22-16

Materials and Fill for Culverts and Bridges. Current language (based on proposed changes to the PRD) read: "No material shall be removed from below ordinary high water except the minimal amount necessary to provide a flat base for the toe of the structure. Excess materials excavated from the site not needed for site development shall be disposed of outside the protection area." Section 2-64-18 also refers to this issue. DOTPF proposes, "All fill materials will be obtained from upland sources unless a borrow source is permitted below ordinary high water by regulating agencies." DOTPF also proposes "only the minimum amount of material necessary to construct the structure shall be removed from below ordinary high water level." See DOTPF letter for details.

2-36-1

*Class I Areas Many letters opposed Class I areas because they thought that Class I areas meant non-motorized areas. Many Class I areas have no motor restrictions (Talkeetna R. and parts of the Talachulitna R., Alexander Ck., Little Susitna R., and Deshka R.

2-36-1

*Boating

The following summarizes the number of written comments received that oppose non-motorized areas for boats. Although some comments proposed reductions or modifications to certain non-motorized sections, most opposed all non-motorized areas.¹

Personal letters (58 approximately)

Form letters opposing any motor restrictions (20)

Form letters opposing any restrictions on the use of motorized vehicles (29)

Form postcards opposed the section of the Recreation Rivers Plan that effects powerboats (49)

Petition requesting the term "non-motorized" be deleted from the plan. (approximately 4,030)

Petition opposing limitations on aircraft (70)

Petition opposing restrictions on motor use on Lake Creek and the Talachulitna River (29)

Planning team and advisory board members, agencies, and organizations letters (4)

Company letters (6)

The following summarizes the number of written comments that support non-motorized areas for boats or support more non-motorized areas. The comments were mixed between those supporting the currently proposed non-motorized areas and those that opposed the dropping of segments or shortening the number of days that they apply to.

Personal letters (55 approximately)

Planning team and advisory board members, agencies, and organizations letters (9)

Company letters (3)

¹The following numbers include the letters and petitions in January 1991 report and the letters received since the report was published (1/9-14/91).

ANALYSIS OF SUSITNA BASIN RECREATION RIVERS ADVISORY BOARD RECOMMENDATION OF
JANUARY 14, 1991

Edward Grasser, Sport Hunting
OPPOSED to all motorized restrictions
(DNR records)

Raymond Craig, Subsistence
OPPOSED to all motorized restrictions
(see attached statement)

Richard Tindall, Forest Products
OPPOSED to all motorized restrictions
(DNR records)

Donald Sherwood, Powerboat Users
OPPOSED to all motorized restrictions
(DNR records and attached statement)

Bob Stickles, Mat-Su Borough Designee
OPPOSED to all motorized restrictions
(see attached statement)

Charles Heath, Recreation-oriented Commercial Users
OPPOSED to all motorized restrictions except Little Susitna
(DNR records and attached statement)

Noel Kopperud, Other Recreational Users
FAVOR all motorized restrictions
(DNR records)

Cliff Eames, Conservation
FAVOR all motorized restrictions
(DNR records)

Carl Dixon, Private Property Owners Within the Corridors
FAVOR all motorized restrictions
(DNR records)

Pat Burden, Commercial Fishing
ABSTAIN
(see attached statement)

Paul Campbell, Mat-Su Planning Commission
ABSTAIN
(DNR records)

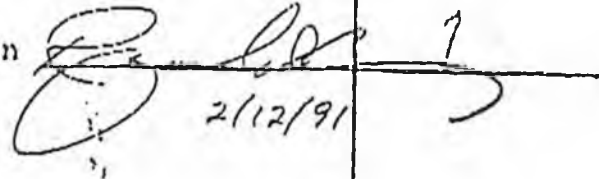
Allen Bingham, Mining
ABSENT, sent letter OPPOSED to all restrictions
(see attached letter)

David Law, Sport Fishing
ABSENT, sent letter in FAVOR of restrictions
(DNR records)

To Whom It May Concern:

I Raymond D. Craig on January 14, 1991 as a Governor appointed advisor to the Susitna Basin Management Plan voted to drop the proposed boating restrictions on the six recreational rivers in the Recreational Rivers Act.

Sign


2/12/91

To Whom It May Concern:

I Donald E. Sherwood on January 14, 1991 as a Governor appointed advisor to the Susitna Basin Management Plan voted to drop the proposed boating restrictions on the six recreational rivers in the Recreational Rivers Act.

Sign

Donald E. Sherwood

To Whom It May Concern:

I Bob Stickle on January 14, 1991 as a Governor appointed advisor to the Susitna Basin Management Plan voted to drop the proposed boating restrictions on the six recreational rivers in the Recreational Rivers Act.

Sign

Bob Stickle

425 Klouada
Waukegan, Ill 9948
2-18-91

To Whom It May Concern:

I, Charles R. Heath, Board Member
voted accordingly for the Susitna Basin
Recreation River Management Plan.

I voted for no motorized restrictions
on the river with the exception of
the Little Susitna River, where the mayor
of my constituents stated a need for
some type of compromise with floaters.

After hundreds of hours of planning
and developing I feel a good, workable
plan for all users has now evolved.

Sincerely,

Charles R. Heath

February 11, 1991

Commissioner Harold Heinze
State of Alaska
Department of Natural Resources
400 Willoughby Avenue
Juneau, Alaska 99811

Susitna Basin Recreation Rivers Management Plan

Dear Commissioner Heinze:

I am a member of the Advisory Board of the Susitna Basin Recreation Rivers Management Plan representing the Alaska Miners Association.

I have been opposed to any motor restrictions in the Recreation Rivers Management Plan. I still do not feel it is in the best interest of Alaskans to restrict any portion of these rivers to motors.

It was brought to my attention that the Advisory Board voted in favor of the motor restrictions as they appear in the final draft.

The majority of the Advisory Board members were not in favor of the motor restrictions in the final draft. I feel, as do the vast majority of the users, that further study of this issue is needed.

Please call me if you have any questions.

Very truly yours,

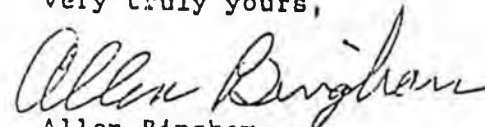

Allen Bingham
Partner

ABB:ldt
BLIND COPY TO DON SHERWOOD

SENATE RESOURCES COMMITTEE

BILL NUMBER: SB 166
BILL TITLE: Rejection of Susitna Basin Rec. Rivers
Mgt. Plan
BILL SPONSOR: Halford
DATE REFERRED: 3/6/91
HEARING SCHEDULED:
FISCAL NOTE(S): RECEIVED DATE

SPONSOR CONTACTED:

SPONSOR STATEMENT:

CS PREPARED:

INTERESTED PARTIES CONTACTED:

PACKET ITEMS: