

SB

230

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 12, 1996

FURTHER REFERRALS:

Date of Committee Action: 4/23/96

The FINANCE Committee considered:

CSSB 230(FIN)

CS FOR SENATE BILL NO. 230(FIN)

MANAGEMENT OF PARKS & RECREATIONAL AREAS

"An Act relating to management of state land, water, and land and water as part of a state park, recreational or special management area, or preserve; relating to reports to the legislature concerning prohibitions or restrictions of traditional means of access for traditional recreational uses within a park, recreational or special management area, or preserve; relating to Chilkat State Park; and relating to Denali State Park."

recommends it be replaced with the following committee substitute HCS CS SB 230(FIN) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____

fiscal note(s) DNR 3/28/96

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Richard J. Jolley</i>	Jolley	X			
<i>Mark J. Hanley</i>	Hanley	X			
<i>Alton Kelly</i>	Muller	X			
<i>James Martin</i>	Martin	X			
<i>Eric Kohn</i>	Kohn	X			
<i>Ben Grosser</i>	Grosser	X			
<i>Mike Brown</i>	Brown		X		
<i>Tom Theriault</i>	Theriault			X	
<i>Bob Kelly</i>	Kelly				X

CHAIR'S SIGNATURE

Mark Hanley

Richard J. Jolley

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSSB230(RES)

1996 LEGISLATIVE SESSION

Revision Date: 26-Mar-96 Dept Affecte Natural Resources
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management
land and water may not be classified so as to preclude or ... Component: Parks Management
 Sponsor: Senator(s) Pearce, Frank, Green, Halford...
 Requestor: Senate Finance Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
	FY97	FY98	FY99	FY00	FY01	FY02
OPERATING EXPENDITURES						
PERSONAL SERVICES	71.1	33.3	1.0	1.0	1.0	1.0
TRAVEL	4.2	1.8	0.0	0.0	0.0	0.0
CONTRACTUAL	20.0	10.0	0.0	0.0	0.0	0.0
SUPPLIES	10.5	5.5	0.0	0.0	0.0	0.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	105.8	50.6	1.0	1.0	1.0	1.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES I	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	105.8	50.6	1.0	1.0	1.0	1.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	105.8	50.6	1.0	1.0	1.0	1.0

Estimate of any current year (FY96) cost: \$ none

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	1	1	0	0	0	0
PART-TIME	1	1	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This version of the fiscal note is to accompany the version of the bill that includes the additions to Chilkat State Park and deletes the section on weapons use. CSSB-230(FIN) -KCG

Personal Services for 91.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14).

Section 41.21.020(c) would require a rewrite of the Denali State Park Master Plan for a cost over 18 months of \$154.4. This rewrite would require a Natural Resource Officer II to be hired as the project manager (\$59.4) and a Natural Resource Officer I for six months (\$17.4). Remainder is for travel (\$6.0), contractual (\$30.0), supplies (\$16.0), and oversight by the Chief of Policy and Planning (\$25.6).

Prepared by: Jim Stratton, Director Phone: 269-8700
 Division: Parks Date: 26-Mar-96
 Approved by Commission: [Signature] Date: 26-Mar-96
 Agency: Natural Resources

FISCAL NOTE

Bill Version: CSSB230(FIN)

BIL (S) Publish Date: 3-28-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 26-Mar-96 Dept Affecte Natural Resources
Title: An Act providing that state land, water, and BRU: Parks & Recreation Management
land and water may not be classified so as to preclude or ... Component: Parks Management
Sponsor: Senator(s) Pearce, Frank, Green, Halford...
Requestor: Senate Finance Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
OPERATING EXPENDITURES						
PERSONAL SERVICES	71.1	33.3	1.0	1.0	1.0	1.0
TRAVEL	4.2	1.8	0.0	0.0	0.0	0.0
CONTRACTUAL	20.0	10.0	0.0	0.0	0.0	0.0
SUPPLIES	10.5	5.5	0.0	0.0	0.0	0.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	105.8	50.6	1.0	1.0	1.0	1.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	105.8	50.6	1.0	1.0	1.0	1.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	105.8	50.6	1.0	1.0	1.0	1.0

Estimate of any current year (FY96) cost: none

POSITIONS

	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	1	1	0	0	0	0
PART-TIME	1	1	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This version of the fiscal note is to accompany the version of the bill that includes the additions to Chilkat State Park and deletes the section on weapons use.

Personal Services for \$1.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14).

Section 41.21.020(c) would require a rewrite of the Denali State Park Master Plan for a cost over 18 months of \$154.4. This rewrite would require a Natural Resource Officer II to be hired as the project manager (\$59.4) and a Natural Resource Officer I for six months (\$17.4). Remainder is for travel (\$6.0), contractual (\$30.0), supplies (\$16.0), and oversight by the Chief of Policy and Planning (\$25.6).

Prepared by: Jim Stratton, Director
Division: Parks
Approved by Commission: [Signature]
Agency: Natural Resources
Phone: 269-8700
Date: 26-Mar-96
Date: 26-Mar-96

* amendment pg 7 line 20

CS FOR SENATE BILL NO. 230(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/28/96

Referred: Rules

Sponsor(s): SENATORS PEARCE, Frank, Green, Halford, Leman, Miller, Phillips, Sharp, Taylor, Torgerson, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of state land, water, and land and water as
2 part of a state park, recreational or special management area, or preserve;
3 relating to reports to the legislature concerning prohibitions or restrictions of
4 traditional means of access for traditional recreational uses within a park,
5 recreational or special management area, or preserve; relating to Chilkat State
6 Park; and relating to Denali State Park."

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

8 * Section 4, AS 41.21.020(a) is amended to read:

9 (a) The department shall

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

13 (2) plan for and develop a system of state parks and recreational

1 facilities, to be established as the legislature authorizes and directs;

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

5 (4) develop, manage, and maintain state parks and recreational areas;

6 (5) provide for the acquisition, care, management, supervision,
7 improvement, development, extension, and maintenance of public recreational land, and
8 make necessary arrangements, contracts, or commitments for the improvement and
9 development of land acquired under AS 41.21.010 - 41.21.040; contracting for
10 improvement and development under this paragraph is governed by AS 36.30 (State
11 Procurement Code);

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

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

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

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

25 (10) provide clearinghouse services for other state agencies concerned
26 with park and recreation matters;

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

28 (12) maintain memorials to Alaska veterans located in state parks; [AND]

29 (13) adopt, in accordance with AS 44.62 (Administrative Procedure Act),
30 regulations governing the use of the Chena River State Recreation Area and designating
31 incompatible uses within the boundaries of the Chena River State Recreation Area in
32 accordance with AS 41.21.300; and

1 (14) annually, by the first day of each regular session of the
2 legislature, submit a report to the legislature on each designation of an incompatible
3 use under this chapter, or other action, that prohibits or restricts a traditional
4 means of access across a park, area, or preserve established under this chapter for
5 a traditional recreational activity on or within the park, area, or preserve; for each
6 prohibition or restriction, the report must state reasons for the designation of
7 incompatibility or prohibition or restriction of a traditional means of access, the
8 specific area of the prohibition or restriction, and the time period during which the
9 incompatibility or prohibition or restriction is expected to exist; in this paragraph,

10 (A) "traditional means of access" means those types of
11 transportation on, to, or in the state land, water, or land and water, for
12 which a popular pattern of use has developed; the term includes general or
13 commercial aviation, ballooning, motorized and nonmotorized boating,
14 snowmachining, operation of all-terrain vehicles, mushing, skiing,
15 snowshoeing, and walking;

16 (B) "traditional recreational activity" means those personal
17 or commercial types of activities that people may utilize for sport, exercise,
18 subsistence, or personal enjoyment, including hunting, fishing, trapping, or
19 gathering, and that have historically been conducted as part of an individual,
20 family, or community life pattern on or in the state land, water, or land and
21 water.

22 * Sec. 2. AS 41.21.020 is amended by adding a new subsection to read:

23 (d) Notwithstanding (a)(3) of this section, the department may not manage as
24 part of a park, area, or preserve established under AS 41.21.110 - 41.21.630, land, water,
25 or land and water that is not within the boundaries, as designated by the legislature, of
26 the park, area, or preserve.

27 * Sec. 3. AS 41.21.111 is amended to read:

28 Sec. 41.21.111. AUTHORITY TO DESIGNATE CHILKAT STATE PARK.

29 The governor may designate by proclamation the state-owned land and water and all
30 that acquired in the future by the state, lying within the parcels described in this
31 section, as the Chilkat State Park. The proclamation may include the entire area or
32 portions of the area at different times, shall reserve the areas included from all uses

1 incompatible with their primary function as public recreation land and water, and shall
2 assign them to the department for control, development, and maintenance. Land
3 covered by AS 41.21.110 - 41.21.113 has a total acreage of 6,056.30 [6,045.45] acres,
4 including approximately 610 acres of federal land, and is described as follows:

5 (1) Township 31 South, Range 60 East, Copper River Meridian U.S.S.
6 1599: the portions of Sections 6-8 known as Battery Point Light House Reserve;

7 (2) Township 31 South, Range 59 East, Copper River Meridian Section
8 1, excluding the portions of Lots 2 and 3 within the Chilkoot Inlet Alaska Subdivision
9 Section 12: NW1/4, NE1/4, SE1/4 Township 31 South, Range 60 East, Copper River
10 Meridian Section 6: Lots 1-3 Section 7: Lots 1-7 Section 8: Lot 1 Sections 17 and 18
11 Section 19: NE1/4NW1/4, N1/2NE1/4;

12 (3) Township 31 South, Range 60 East, Copper River Meridian Section
13 30: Lots 8 and 9 Section 31 Section 32: SW1/4, W1/2NW1/4SE1/4,
14 W1/2SE1/4NW1/4SE1/4, Lots 9-16 including W1/2SW1/4SE1/4SE1/4;

15 (4) Township 32 South, Range 60 East, Copper River Meridian Section
16 5: W1/2, W1/2SE1/4 Sections 6-9, 15-17, 21 and 22, excluding Tongass National
17 Forest; and

18 (5) the following particularly described parcels:

19 (A) approximately 6.49 acres in U.S. Survey 1243, Haines
20 Recording District, described as: begin on the South line of said survey
21 South 88 degrees 31 minutes 45 seconds East 1950.84 feet from Southwest
22 corner (corner 3 M.C.) of said survey, said point being the Southeast
23 corner of the tract in said survey excepted in the decree in Case No. 68-328
24 of the Superior Court at Juneau, in which the distance is recited as being
25 29.55 chains (1950.30 feet), run thence North 01 degree 12 minutes 00
26 seconds East, on the East line of said excepted tract, 1028.77 feet, recited
27 as 15.59 chains (1028.94 feet) in said decree, to the Northeast corner of
28 said excepted tract; thence North 88 degrees 31 minutes 45 seconds West
29 24.38 feet; thence North 01 degree 27 minutes 45 seconds East 1.85 feet;
30 thence on a 126.92 foot radius curve to the left through a central angle of
31 72 degrees 04 minutes 30 seconds a distance of 159.57 feet, the chord of

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which bears North 34 degrees 34 minutes 30 seconds West 149.27 feet;
thence North 70 degrees 25 minutes 15 seconds West 119.52 feet; thence
on a 208.11 foot radius curve to the right through a central angle of 62
degrees 04 minutes 00 seconds a distance of 225.48 feet, the chord of which
bears North 39 degrees 23 minutes 15 seconds West 214.61 feet to the
South line of "Mud Bay Road"; thence North 86 degrees 46 minutes 30
seconds East, on said line of "Mud Bay Road," 230.54 feet; thence South
70 degrees 25 minutes 15 seconds East 90.95 feet; thence on a 326.92 foot
radius curve to the right through a central angle of 71 degrees 57 minutes
00 seconds a distance of 410.55 feet, the chord of which bears South 34
degrees 30 minutes 45 seconds 384.10 feet; thence South 01 degree 27
minutes 45 seconds West 1030.62 feet to the South line of said survey;
thence North 88 degrees 31 minutes 45 seconds West 175.38 feet to the
point of beginning;

(B) approximately .92 acres in Tract "D," C. McRae
Subdivision according to Plat 77 - 12, Haines Recording District, described
as: begin at the Southwest corner of said Tract "D" which is also the
Southwest corner of the North one-half of the Southwest one-quarter of the
Northwest one-quarter of Section 32, Township 31 South, Range 60 East
of the Copper River Meridian, which bears North 01 degree 26 minutes 00
seconds West (Alaska State Plane Grid Bearings) 660.00 feet from the one-
quarter corner on the West line of said section and South 01 degree 26
minutes 00 seconds East 660.00 feet from the North one-sixteenth corner
on the West line of said section, run thence North 01 degree 26 minutes 00
seconds East, on the West line of said section, 347.81 feet to the
Northeasterly line of Chilkat State Park Roadway; thence South 32 degrees
56 minutes 15 seconds East 70.04 feet to a point of curve; thence Southerly
on a 0 degrees 58 minutes 58 seconds curve to the right (Radius = 5,829.65
feet) through an arc of 03 degrees 23 minutes 12 seconds (344.58 feet), the
cord of which bears South 31 degrees 14 minutes 45 seconds East 344.53
feet, to the South line of said tract and the South line of the North one-half

1 of the Southwest one-quarter of the Northwest one-quarter of said section;
2 thence North 88 degrees 34 minutes 00 seconds West 225.56 feet to the
3 point of beginning;

4 (C) approximately 3.44 acres in Tract "E," C. McRae
5 Subdivision according to Plat 77 - 12, Haines Recording District, described
6 as: begin at the Northwest corner of said tract which is also the one-sixty-
7 fourth corner on the West line of said section which bears North 01 degree
8 26 minutes 00 seconds East (Alaska State Plane Grid Bearings) 660.00 feet
9 from the one-quarter corner on the West line of Section 32, Township 31
10 South, Range 60 East of the Copper River Meridian and South 01 degree
11 26 minutes 00 seconds West 660.00 feet from the North one-sixteenth
12 corner of said section, run thence South 88 degrees 34 minutes 00 seconds
13 East, on the North line of said tract which is also the South line of the
14 North one-half of the Southwest one-quarter of the Northwest one-quarter
15 of said section, 225.56 feet to a point on the Easterly line of Chilkat State
16 Park Roadway; thence Southerly on a 0 degrees 58 minutes 58 seconds
17 curve to the right (Radius = 5,829.65 feet) through an arc of 01 degree 46
18 minutes 48 seconds (181.10 feet), the chord of which bears South 28
19 degrees 39 minutes 39 seconds East 181.10 feet, to a point of tangency;
20 thence South 27 degrees 46 minutes 15 seconds East 268.21 feet to a point
21 of curve; thence on a 14 degrees 16 minutes 06 seconds curve to the right
22 (Radius = 401.56) through an arc of 40 degrees 06 minutes 37 seconds
23 (281.12 feet), the chord of which bears South 07 degrees 43 minutes 00
24 seconds East 275.41 feet to the South line of said tract which is also the
25 South line of the Southwest one-quarter of the Northwest one-quarter of
26 said section; thence North 88 degrees 15 minutes 00 seconds West, on said
27 South line, to the Westerly line of Chilkat State Park Roadway; thence
28 Northerly on a 28 degrees 25 minutes 34 seconds curve to the left (Radius
29 = 201.56 feet) through an arc of 50 degrees 59 minutes 51 seconds (179.40
30 feet), the chord of which bears North 02 degrees 15 minutes 15 seconds
31 West 173.54 feet to a point of tangency; thence North 27 degrees 46

1 minutes 15 seconds West 268.21 feet to a point of curve; thence on a 01
2 degree 01 minute 04 seconds curve to the left (Radius = 5,629.65 feet)
3 through an arc of 02 degrees 50 minutes 00 seconds (278.39 feet), the
4 chord of which bears North 29 degrees 11 minutes 15 seconds West 278.37
5 feet to the West line of said section; thence North 01 degree 26 minutes 00
6 seconds East 14.72 feet to the point of beginning.

7 * Sec. 4. AS 41.21 is amended by adding a new section to read:

8 Sec. 41.21.155. INCOMPATIBLE USES. (a) The commissioner may
9 designate by regulation incompatible uses within the land and water areas described
10 in AS 41.21.151.

11 (b) The regulations governing public use of the Denali State Park must

12 (1) provide ample access for legal sport and subsistence hunting and
13 fishing, trapping, and recreational uses; except to protect public safety, the
14 commissioner may not restrict the exercise of sport or subsistence fishing or hunting
15 or trapping permitted under law or under a regulation of the Board of Fisheries or the
16 Board of Game within the Denali State Park;

17 (2) recognize that the current practice of traditional subsistence and
18 recreational activities includes the use of small outboard motors and snow machines;

19 (3) permit reasonable access by aircraft for recreational purposes; and

20 (4) provide ample access for recreational mining. ^{non mechanical} ~~gold panning~~

21 * Sec. 5. Regulations that have not taken effect before the effective date of this Act and
22 are in the process of being adopted by the Department of Natural Resources concerning Denali
23 State Park and uses within Denali State Park may only take effect to the extent the regulations
24 are consistent with the provisions of this Act. Regulations adopted by the Department of
25 Natural Resources concerning Denali State Park and uses within Denali State Park that take
26 effect in 1996 before this Act takes effect, are annulled.

Alaska State Legislature



During Interim (June - Dec)
716 West 4th Avenue, Suite 500
Anchorage, AK 99501-2133
(907) 258-8185
Fax: (907) 258-0226

During Session (Jan - May)
State Capitol
Juneau, AK 99801-1182
(907) 465-4993
Fax (907) 465-3872

Drue Pearce
President of the Senate

Sponsor Statement SB-230

"Legislative Approval to Restrict Traditional Recreational Uses"

Senate Bill 230 was introduced to protect Alaskan's right to access state land and water for recreational uses. In a time when the Federal Government continues to restrict and prohibit Alaskan's access to many areas of the State, we, the state government, need to ensure that decisions to restrict access on land we control are made in a responsible, fair, and well represented process.

Alaskans are presently losing their right to traditional recreational use on some state land and park land without appropriate notification and justification. Citizens believe that the public comment process is not being fairly administered and all user groups are not being represented. In some instances, the management and authority to restrict and prohibit uses on state land are being transferred from the Division of Lands to the Division of Parks and Outdoor Recreation. Non-restricted areas of our state are being closed without proper oversight by the Legislature.

Decisions to deny access for recreational use, because of its importance, have always been made by our legislature, not by bureaucrats. The Constitution of the State of Alaska recognizes the importance of land closures and mandates that all closures over 640 acres must be legislatively designated. We must continue to recognize the importance of land closures and make necessary changes in the current process for restrictions and prohibitions in areas less than 640 acres.

A change in this process, SB-230 in its current form or other language that achieves our intent, would ensure that all Alaskans would have proper representation by their elected officials and restrictions and prohibitions on traditional recreational activity would need to be justified to the Legislature. Many areas of Alaska may need to be restricted to some or all recreational activity, but these important decisions need to be made at the legislative level, where the people have better access.

SB-230 is the People's Access Bill

- Access to Lands.
- Access to Waters.
- Access to Government Policy.

Alaska State Legislature



During Session (June - Dec)
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Drue Pearce
President of the Senate

Sectional Analysis of CS for Senate Bill 230(FIN) (version 9-LS1538 U)

Prepared for the House Finance Committee
by staff to Senator Drue Pearce
April 19, 1996

Section one: Adds a section to the list of duties required of the Department of Natural Resources. The Department must annually submit a report to the Legislature on each designation of an incompatible use that prohibits or restricts a traditional means of access. The report must state reasons for the restriction or prohibition, the specific area affected, and the duration of the restriction or prohibition. The sections further defines "traditional means of access" and "traditional recreational activity" as used in the section.

Section two: Adds a further section to the list of duties required of the Department of Natural Resources. The Department may not manage as special purpose park land those areas not inside park boundaries as designated by the legislature.

Section three: Adds slightly under 11 acres of land to Chilkat State Park. The three parcels of land involved were previously purchased by the Department in the late 70's and then transferred to park management with ILMA's. The land was purchased using federal funds that require management under Chilkat State Park land authority AS 41.21.110 - 41.21.113. This bill mandates that land acquired by the Department via ILMA be managed under AS 41.21.020. The Department is thus faced with purchasing similar land at 1996 prices or adding the affected land to the Park itself. This bill resolves the issue by adding the affected land to the Park.

Section four: Adds a section to the statute establishing Denali State Park specifying what constitutes an incompatible use.

Section five: Specifies that past regulations, and regulations being currently promulgated, concerning Denali State Park take effect only if they are consistent with the provisions of this Act. Past regulations not consistent with this Act are annulled.



ALASKA OUTDOOR COUNCIL

4506 Robble Rd.
JUNEAU, AK. 99801
(907) 463-3830

Mar. 20, 1996

MAR 21 1996

Senator Robin Taylor
Alaska State Legislature
Juneau, Ak. 99801

Dear Senator Taylor:

The Alaska Outdoor Council appreciates your continuing interest in promoting traditional wildlife management in Alaska. We support your efforts to create an impetus through legislation for the Alaska Department of Fish and Game to once again take up important management concerns for Alaska's consumptive users of fish and wildlife.

We believe SB 247, "An Act relating to the fish and game fund", is an important component in the effort to re-establish traditional management of fish and game here in Alaska. For the past fifteen years consumptive users have continually endured the onslaught of an uninformed vocal minority bent on eliminating hunting and trapping opportunities. Although the Alaska Outdoor Council has traditionally supported the Department's budget and has tried to maintain a working relationship with leadership and staff, our efforts were increasingly frustrated by an apparent shift within some levels to accommodate non-consumptive uses at the expense of consumptive uses. We realize that a significant portion of that policy shift has been, and continues to be at the direction of an unsympathetic Administration.

Although we recognize the use of our dollars for some projects which may not appear to readily benefit hunters, trappers, and fishermen do have some merit, the opposition who also benefits from those expenditures has never recognized the contribution outdoorsmen have made to their benefit, and for the most part continues to oppose projects and programs beneficial to wildlife and humans. It is for that reason we have become increasingly reluctant to have our money spent in those arenas.

The AOC is still more than willing to work with the Department and the Administration to resolve some of the areas of concern to consumptive users of our wildlife resources; however, we must see some movement toward those items which we feel are important. Traditional management of wildlife, including predator

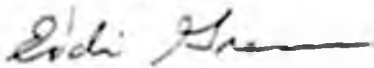
management, an educational effort structured to enlighten a broader segment of the public about wildlife management and the role consumptive uses play therein, better efforts to communicate with the consumptive user public, and more judicious use of consumptive use dollars in arenas which may not appear to have a direct cost/benefit ratio.

At the moment the membership of the Alaska Outdoor Council is supporting the effort on the part of those legislators who wish to reduce the Department's budget. We would prefer to return to our traditional role of fully supporting their budget; however, until the Department and the Administration can produce tangible assurances that our concerns are being given serious consideration, backed up with appropriate action, we feel there aren't many alternatives for us right now. We remain hopeful continuing dialogs with Departmental leadership will prove productive and that we will once again be more closely involved in supporting their efforts. Recent discussions we have had with the Commissioner and Divisional heads leads us to believe they are genuinely interested in our concerns and would like to accommodate such to the best of their ability. Any movement in our direction would be welcomed, and would quite likely result in much improved relations.

The Alaska Outdoor Council believes legislation, such as SB 247, has become necessary to help define the ADF&G's primary role in wildlife management. More importantly, such legislation will provide the groundwork for moving Alaska back toward traditional wildlife management.

Once again, the members of the Alaska Outdoor Council would like you to know how appreciative we are for your efforts on our behalf. If there is anything we can do to further assist you in this important effort, please let us know.

Sincerely,



Eddie Grasser

cc: Sen. Loren Leman
Sen. Drue Pearce
Sen. Steve Frank
Sen. Rick Halford
Sen. Georgianna Lincoln
Sen. Lyman Hoffman
Sen. Bert Sharp
Sen. Mike Miller

Karen Holt
P.O. Box 489
Talkeetna, Alaska 99676

March 13, 1996

To: Chairman Leman
for distribution to the members of the Senate Resource Committee

I am a Talkeetna resident who wholeheartedly supports SB 230.

There is a proposal to change the Alaska State Park Regulations as they effect aircraft use in Denali State Park that has been approved by Department of Natural Resources Commissioner John Shively, that is now under review by the Department of Law. This proposal will disallow aircraft landings on Byers Lake, Curry Ridge, and Kusugi Ridge.

Jim Stratton, Alaska State Parks Director told me in a meeting on February 23, 1996 that his decision to disallow aircraft access to Curry Ridge, Kusugi Ridge, and Byers Lake was for a social reason.

According to DNR there are (resident and non-resident) visitors to the State Parks who believe their experience is negated by motorized methods of transportation. It is because of these users who desire an exclusive non-motorized experience that this proposal is being considered.

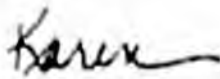
During the public comment period for this proposal, I question if Department of Natural Resources adequately considered the comments for the maximum use in the public interest as required by AS 41.21.010-20. Summary of public comment show 115 in favor and 181 opposed to the restrictions. Mr. Stratton explained to me it was his decision to exclude 139 opposed form letters from consideration. I understood all the "form letters" without a written comment were considered as one opposition. Upon my personal review of these "form letters" I saw well over one hundred personally signed letters that had used the same language, most were photocopies, and some were retyped with personal letterhead. With only a few exceptions, all letters had a return address, and many had phone numbers. I could look at these letters and see they were from an Alaskan resident, and it would not be too difficult to contact the individual. I think these people were unfairly considered as only one opposition in the public comment process. Additionally after thorough review of the 115 comments in favor of the restrictions, there were less than 75 that actually could be considered as supporting the aircraft restrictions, and not some other part of the proposal package. That is more than two to one against the aircraft restrictions.

This public comment shows there are many Alaskans who agree with me in my contention that Alaskan residents who choose to fly should not be restricted traditional access to their State recreational lands.

This manipulation of the public comment is a perfect example why the decision to restrict recreational access needs to be made at the legislative level, not by the bureaucrats.

As an Alaskan who is continually being faced with events that threaten the lifestyle I know and love, I applaud this legislation.

Sincerely,



Karen Holt



Alaska Wiremen's Association
1515 E. 13th Avenue
Anchorage, AK 99501
907-272-1251

by FACSIMILE

March 13, 1996

Senator Druc Pearce
State Capitol Building, Room 111
Juneau, AK 99801-8102

RE: SB 230

Dear Senator Pearce:

This letter is in reference to the hearing to be held on March 13th regarding SB230 currently in the Senate Resource Committee. The Alaska Wiremen's Association, Inc. would like entered into the record our position that we strongly support the proposed changes to the current law and specifically support the new subsections 2,3, and 4 of AS 41.21. We will have a representative, Mr. Jim Dodson, who is a board member of the association, at the teleconference this afternoon and will testify in favor of this legislation.

The Alaska Wiremen's Association would like to thank you for the opportunity to submit this position statement.

Sincerely,

John Spalding
President



Anchorage Snowmobile Club
P.O. Box 232196
Anchorage, AK 99523-2196

Senate Resources Committee
State Capitol
Juneau, AK 99801-1182

Re: SB230, Version K

Dear Senators:

The Anchorage Snowmobile Club, with 700 members, appreciates the actions of the Alaska State Legislature to safeguard Alaskan's access to Alaskan lands.

We provided input to the original SB230 and we now support Version K as it is written. Thank you your efforts. We will track the progress of this bill through the Senate and the House with great interest and hope for a positive outcome.

Thank you,

Joe Gibens
President

Written comments from Jim Stratton, Parks Director
Alaska State Park comments on CSSB230 (resources 22)

We have worked closely with Senator Pearce's staff have no objections to several of the bills sections and continue to have concerns about section 3.

Section 1: Reporting requirements are reasonable and will have a minimal fiscal impact on the division as we prepare the annual report.

Section 2: We had initial concerns about the impact of this section on Chugach State Park, Kenai River Special Management Area and Pt. Bridget State Park where expansion of the park boundaries is allowed in enabling legislation. I now understand these areas will not be effected.

In review of those park units where no direction was given in enabling legislation, and where we assumed authority to expand park boundaries, we identify two park effected. As a result of this bill, two ILMA additions to Denali State Park will be disallowed and ILMA additions to Chilkat State Park, which occurred in 1977 and 1979, will be legislatively added to the park. These additions are needed to prevent default on 11 acres purchased for recreational purposes with federal grant monies from the Land and Water Conservation Fund. Land and Water money requires purchased land to be managed exclusively for recreation purposes. With these ILMAs were disallowed, the lands would revert back to general state land and lose their recreational exclusivity, placing the state in the position of having to replace those acres with similar acres purchased for recreational use elsewhere in the Haines area at 1996 prices. We estimate that appraisals and purchase price would have cost the state \$40.8. This small addition to Chilkat State Park alleviates any concern or potential problem with the feds for LWCF monies.

Section 3: We still object to this section and its redirecting the purposes for which Denali State Park was established. The current balance between motorized and non-motorized access will be tipped in favor of more motorized access. But given that is the intent of this bill, we have determined that this new direction on incompatible uses would require us to reevaluate the management plan.

The current Denali State Park Master Plan is in its second version, having been

completed in 1989 by Dowl Engineers under contract at a cost of \$100.0. Expenses for state personnel involvement was additional. The first master plan was developed in 1975. When Denali State Park was created, there was no direction from the legislature that restricted Parks' ability to manage incompatible uses. Since that time, Parks has sought to manage Denali for both motorized and non-motorized access. The decisions on where these motorized and non-motorized areas are located within the park boundary were determined with significant public input during the master plan process.

In the 1989 revision, for example, we held three rounds of public meetings in Anchorage, Fairbanks, Talkeetna, and Palmer. At least 10 meetings of the Mat-Su Citizens Advisory Committee (all of which were advertised and open to the public) were spent discussing this plan. There were three opportunities for written public input. The 1989 plan is based on this extensive public involvement and on the fact that the enabling legislation did not direct Parks to consider any parameters in determining how to manage incompatible uses. It is safe to say that hundreds of people spent thousands of hours grappling with a range of park management issues. As such, areas are recommended in the existing plan for closure to motorized access...aircraft, air boats, and snowmachines. Regulations promulgated last fall are intended to implement the aircraft closures. This resulted in the controversy over closing Curry and Kesugi Ridge to aircraft landing. My understanding of the bill is that these proposed closures would not be considered "ample" or "reasonable" access by the bill sponsors, but this new language does allow Parks' to make some closures. Hence, Parks would need to reopen the discussion about where certain types of recreation can occur. Given the historical involvement of many recreational user groups in this discussion and the intensity of the debate over the recent proposed regulations, this will not be a quick and easy task nor one we can responsibly do without involving the public. It will require an 18 month planning process to fully include all user groups and provide ample opportunity for everyone to be heard. That is the basis for our fiscal note.

Section 3: recreational mining. State Parks has no definition of recreational mining. Division of Lands manages recreation mining sites and is developing a definition that includes 6 inch suction dredges. We feel strongly that suction dredges are not a compatible use with state park lands and waters. We have determined that gold panning is compatible and have a pending regulation to open Denali State Park to gold

panning. If the bill passes with the recreation mining language, we feel it would be confusing to the public to potentially have two definitions of recreational mining. Further, when developing a Parks definition, we would expect an argument to be put forth that Division of Lands definition should be used in the parks. We would urge the committee to change recreation mining to recreational gold panning or define recreational mining in this bill to be gold panning.



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366
Fax: 907-463-3312

Testimony of Bill Perhach
Senate Resources Committee
March 13, 1996

SB 230 would seem to be tied to the current construction of Princess Tours' 160 room hotel and the introduction of the cruise ship package tour industry into Denali State Park. Princess Tours' subsequent request to DNR closing Blair Lake to fixed wing aircraft resulted in protests from aircraft operators. Those protests were the genesis of SB 230.

If SB 230 were designed to protect Alaskans and the general public from large commercial interests limiting access to state land...SB 230 would be difficult to fault. But this version of the bill (CS "K") goes far beyond that: in effect taking the management of state lands out of the hands of professional planners; remanding it back to the legislature.

Obviously there are problems with the current system-otherwise a situation like Blair Lake would not have occurred. But if you get a flat tire, would you fix it, or throw away the other three and drive on the rims?

Alaska's resource managers might be better insulated from the pressure of private interest groups-by all means-but not restricted in the execution of their professional duties.

3/13/96

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 15, 1996

SUBJECT: CSHB 447 (), DRAFT, DATED 2/12/96 and Intradepartmental Land Transfers (Work Order No. 9-LS1427G)

TO: Representative Beverly Masek
Attn: Dave Stanciff

FROM: Gerald P. Luckhaupt *GL*
Legislative Counsel

Question Presented: Does the Department of Natural Resources have the authority to transfer land from the Division of Lands to the Division of Parks and Outdoor Recreation and solely by reason of that transfer remove that land from multiple purpose use and restrict all uses of the land except for uses that are subsequently found to be compatible?¹

Answer: I have not found any authority that would allow the Division of Lands to merely transfer land to the Division of Parks and Outdoor Recreation and that, solely by reason of that transfer, would result in the land being closed to all uses except for uses that are subsequently found to be compatible. The director of the division is given rather broad authority to manage, direct, and control state land. That authority must be exercised in a manner that is consistent with the statutes and the constitution. AS 38.05.295 allows the commissioner to classify state land as "parks, scenic overlooks, cultural sites and recreation areas as long as the general intent of [AS 38.05] is maintained." The general intent of AS 38.05 is multiple use of state land. AS 38.05.300(a) provides that the commissioner may not classify an area of more than 640 acres of land as closed to multiple purpose use. If the commissioner wishes to designate state park land, it appears that the commissioner must classify that land as park land consistent with AS 38.05.300. The director of the Division of Lands could then transfer that land to the Division of Parks and Outdoor Recreation for management. To merely transfer land so that it magically becomes park land, without first classifying that land, does not appear to comply with the requirements set by the legislature.

¹This discussion is based upon the situation Dave presented to me that DNR transfers land from the Division of Lands to the Division of Parks and Outdoor Recreation without first classifying the land, and upon transfer, closes the land to all uses except those compatible uses that are then determined.

Representative Beverly Masek

March 13, 1996

Page 2

As to the designation of compatible uses on the land after its closure, AS 41.21.020(a) provides that land that is managed by the Division of Parks and Outdoor Recreation is subject to regulations adopted by the department and the designation of incompatible uses within the boundaries of state park and recreational areas. This process of designating incompatible uses appears to me to be fundamentally different than closing land to all uses and then designating compatible uses. The general fundamental thrust of the constitution and the statutes seems to be that land is open unless closed. The designation of compatible uses on land transferred to the division of parks and outdoor recreation in the manner you have described seems to me to be inconsistent with this authority.

GPL:klb

96-188.klb

ILMA's opened to uses otherwise prohibited by state park regulations.

1. Bernice Lake SRS	Powerboats	180 acres	* Closed June 1994
2. Bonnie Lake SRS	Powerboats	129 acres	
3. Chilkoot Trail	Firearms	866 acres	*2 ILMA's
4. Eagle Trail SRS	Firearms	280 acres	
5. Harding Lake SRA	Firearms	169 acres	
6. Johson Lake SRA	Aircraft	320 acres	
7. Kepler - Bradley SRA	Horses on trails	344 acres	
	boats with electric trolling motors		
8. Long Lake SRS	Aircraft	480 acres	
9. Lower Chatanika SRA	Firearms	400 acres	
10. Old Sitka SHS	Powerboats	59 acres	
11. Rocky Lake SRS	Aircraft	49 acres	
	Motroized boats excluding jet skiis, airboats and jet boats with inboard motors.		
12. Settlers Cove SRS	Powerboats	37 acres	
13. Summit Lake SRS	Snowmachines#	360 acres	

#Managed as open under Hatcher Pass East Management Area Agreement. Regs moving thru APA process opening area.

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if the special stipulation needs to be added.

Kenai/PWS Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Anchor River SRA	65068	08-22-1999	0**
	66155	01-13-2000	0**
Anchor River SRS	50059	05-22-1997	0**
Caines Head SKA	224263	indefinite	620
Centennial Lake SRS	221088	09-30-2010	97.78
Clam Gulch SRA	38244	04-18-1993	46.06
	220821	09-30-2010	283
	212217	requested	0**
Crooked Creek SRS	221151	09-30-2010	86.85
Deep Creek SRA	50074	08-15-1999	44.38
	204189	05-31-2006	0**
Johnson Lake SRA	37261	12-08-1992	0**
	42294	10-22-1999	107
	65720	01-06-2000	157.85
Cooper Landing, KRSMA	225157	indefinite	421
Kasilof River SRS	54288	05-22-1997	47.23
	65122	09-12-1999	0**
Upper Kasilof River SRA	221088	09-30-2010	281.02
Ninilchik SRA	40971	08-12-2005	0**
	56524	05-18-1997	0**
	65744	01-06-2000	12.35
Scout Lake, KRSMA	215450	08-24-2007	30
Stariski SRS	42295	01-14-1994	0**

Pending Actions - Proposed ILMAs

Stariski SRS (tidelands)	42396	Eagle Rock, KR	220733
Cohoe Beach	200758	North Cohoe Beach	no #
Kasilof River Mouth	223799	Lower Kasilof River	no #
Crooked Creek SRS	-issue ILMA for OSL 1092		

Total number of ILMAs 23
 Total acreage 2,234.72
 Average acreage per ILMA 97.16

** acreage on general state land only, OSL land excluded from this number

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if special stipulation needs to be added.

VCB District, Mat-Su/VCB Area

* this unit managed by another agency

Park Unit Name	ILMA #	Expiration Date	Acreage
Blueberry Lake SRS	50064	05-18-1997	0**
Dry Creek SRS	81245	09-13-2002	320**
Lake Louise SRA	65591 215412	10-22-1999 requested	0** 0**
Liberty Falls SRS	226236	indefinite	0**
Little Nelchina SRS	65296	06-20-2002	0**
Little Tonsina SRS	50057	05-22-1997	0**
Porcupine Creek SRS	65298	06-17-2001	0**
Squirrel Creek SRS	50056	06-12-2012	160
Valdez Glacier CG*	50052 55852	05-16-1997 05-25-1997	0** 45.92
Worthington Glacier SRS	50051	12-01-2001	0**

Pending Actions:

Porcupine Creek SRS -will need land added by ILMA when land is issued to state from feds

Blueberry Lake SRS - typo in amendment, correct when re-issued

Total number of ILMAs 12
 Total acreage 525.92
 Average acreage per ILMA 43.82

** acreage on general state land only, OSL & 507 land excluded from this number

Mat-Su/VCB Area totals

Total number of ILMAs 30
 Total acreage 3,590.59
 Average acreage per ILMA 119.69

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if the special stipulation needs to be added.

Southeast Area

* this unit managed by another agency

Park Unit Name	ILMA #	Expiration Date	Acreage
Baranof Castle SHS	39213	07-08-1993	0**
Chilkoot Trail*	65587 103245	01-06-2000 07-02-2007	638 228
Grindall Island SMP	105755	indefinite	240
Halibut Point SRS	73659 75840	07-15-2002 10-27-2005	0** 17.76
Johnson Creek SRS	103850	12-15-2008	7.7
Juneau Trail System	65585	09-20-1999	0**
Mosquito Lake SRS	50070	11-15-1999	0**
Old Sitka SHP	39505 104586	07-31-1993 07-01-2017	0** 7.86
Pioneer Park SRS	104719	05-22-2011	0**
Portage Cove SRS	60165	04-23-1998	0**
Refuge Cove SRS	50073	01-06-2000	0**
Salmon River, Gustavus*	103836	11-14-2008	22.95
Settlers Cove SRS	103798	09-15-2008	37.5
Totem Bight SHP	65588 105607	07-08-2008 indefinite	0** 23.50
Totem Square, Sitka*	65586	03-27-2000	0**

Pending Actions:

Chilkoot Lake SRS

-in future, ILMA will need to be requested when land is approved for state patented by the feds.

Grindall Island SMP

-ILMA needs to be replaced by legislation

Juneau Trail System

-add easement to current ILMA

Total number of ILMAs 19
 Total acreage 1223.27
 Average acreage per ILMA 64.38

** acreage on general state land only, OSL land excluded from this number

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if the special stipulation needs to be added.

Northern Area

* this unit managed by another agency

Park Unit Name	ILMA #	Expiration Date	Acerage
Big Delta SHP	414607	03-12-2017	3.39**
Birch Lake SRS	67058	12-01-2006	191
Chena River SRS	39240	01-09-1995	26.86
Lower Chatanika River SRA	56390	07-31-2008	400
Upper Chatanika River SRS	63136	02-19-1999	54**
Clearwater SRS	50054	05-25-1997	0**
Deadman Lake CG*	50069	06-17-2201	0**
Donnelly Creek SRS	50066	10-24-2029	42
Dry Creek Site	65667	03-12-2004	90
Eagle Trail SRS	50050	09-12-2016	280
Harding Lake SRA	39238	04-01-2005	168.96
Lake View CG*	50068	06-17-2001	0**
Moon Lake SRS	50067	06-17-2001	0**
Quartz Lake SRA	65463	06-11-2000	556.15
Salcha River SRS	65299	09-12-1999	0**
Tok River SRS	50053	06-17-2001	0**

Pending Actions:

- Delta SRS -issue ILMA, no number
- Fielding Lake SRS -issue pending ILMA 412741
- Birch Lake SRS -issue pending easement for lakeshore

- Donnelly Creek SRS -legal description error in ILMA amendment,
have corrected when ILMA renewed

Total number of ILMAs 16
 Total acreage 1,812.36
 Average acreage per ILMA 113.27

** acreage on general state land only, OSI. & 507 land excluded from this number

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if special stipulation needs to be added.

Mat-Su District, Mat-Su/VCB Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Big Lake North SRS	42296	04-15-2010	0**
Big Lake South SRS	42296	04-15-2010	0**
Bonnie Lake SRS	42298 42397	01-14-1994 10-22-1999	30.72 98
Finger Lake SRS	65710	10-17-1999	0**
Denali SP	225371 225373	indefinite indefinite	620 600
Independence Mine SHP	223571	04-30-2011	490**
Kepler-Bradley Lakes SRA	210980	08-29-2010	49.57**
King Mountain SRS	42292	12-20-1993	0**
Long Lake SRS	50072	05-18-1997	479.72
Matanuska Glacier SRS	50063	05-22-1997	228.94
Moose Creek SRS	42300	12-20-1993 or indefinite?	0**
Nancy Lake SRS	37437	12-15-1992	35.59
Rocky Lake SRS	50071 67519	05-18-1997 indefinite	48.32 1
Summit Lake SRS	223584	04-30-2011	361
Wolf Lake SRS	216795 (P&C lease)	04-04-2029	22.81

Pending Actions:

- Denali SP - ILMA 225372 needs to be issued
- Independence Mine - land needs to be added to existing ILMA
- Kepler-Bradley - lakes & OSL 854 & 858 need to be added to existing ILMA or issued under new ILMA
- Montana Creek - ILMA 217793 is a duplication of mgt rts and needs to be closed
- Nancy Lake SRA - ILMAs 56936 & 57369 are duplications and can be closed

Total number of ILMAs 15
 Total acreage 3,064.07
 Average acreage per ILMA 170.25

** acreage on general state land only. OSL land excluded from this number

Alaska State Parks active ILMA list

February 02, 1996

When renewing an ILMA, check if special stipulation needs to be added.

Chugach Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Bird Creek CG	226191	09-16-2018	31.38
California Creek TH	203859	06-01-2020	3.33
Comercial Dr	201134	08-24-2004	7
McHugh Creek parcel	225945	12-31-2002	0**

Pending Actions:

LDA needs to be updated to include additional parcels in various locations.

Total number of ILMAs 4
 Total acreage 41.71
 Average acreage per ILMA 10.42

** acreage on general state land only, OSL land excluded from this number

Kodiak Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Fort Abercrombie SHP	39239	01-30-1994	182.72
Pasagshak River SRS	65396	02-25-2000	100
Woody Island SRS	215531	indefinite	72.71**

Pending Actions

Pasagshak River SRS -application in for addition to park by ILMA

Total number of ILMAs 3
 Total acreage 355.43
 Average acreage per ILMA 118.47

** acreage on general state land only, OSL land excluded from this number

Alaska State Parks ILMA & Acreage Information

Area	# of ILMAs	Total ILMA acreage	Average ILMA acreage
Northern	16	1,812.36	113.27
Mat-Su/VCR	30	3,590.59	119.69
Chugach	4	41.71	10.42
Kenai/PWS	23	2,234.72	97.16
Kodiak	3	355.43	118.47
Southeast	19	1,223.27	64.38
WT	0	0	0
<hr/>			
Grand Totals	95	9,258.08	97.45

DENALI STATE PARK MASTER PLAN



1989

DIVISION OF PARKS AND OUTDOOR RECREATION
ALASKA DEPARTMENT OF NATURAL RESOURCES



Alaska Department of
**NATURAL
RESOURCES**



**Denali State Park
Master Plan**

Park Boundary Modifications

Proposed boundary modifications are intended to protect small areas of a special nature, such as the Indian River area, and to protect the continuity of existing resources, such as the short stretch of the Tokositna River that is not in the park at this time. The proposed changes are illustrated in Figure 15 (page 73).

The proposed 100-foot buffer along the south shore of the Tokositna River is not intended to preclude the use of private property, but rather is to provide a small, vegetated, visual buffer along the river corridor and protect the river shore line from accelerated erosion related to development that could impact downstream areas inside the state park.

The proposed land exchange with the National Park Service is intended to shift boundaries to readily identifiable and enforceable natural features. This will avoid public confusion over the different regulations (state and federal) applicable to the two parks. It will also simplify the management responsibilities of the respective agencies.

Three separate areas of state-owned land are proposed for addition to the park, either through legislative designation or Interagency Land Management Assignment (ILMA).

Proposal	Management Objectives	Justification
<p>Southern boundary expansion to include Tokositna River. Approx. 330 acres.</p> <p>Legal description:</p> <p>T28N, R6W, S.M.,</p> <p>Sec. 6: state-owned land and water north of the right bank of the Tokositna River.</p> <p>T28N, R7W, S.M.,</p> <p>Sec. 1, 2: state-owned land and water north of the right bank of the Tokositna River.</p>	<p>Establish border along obvious natural feature. Conserve south shore of river with easement. Provide active management.</p>	<p>This small segment of the Tokositna River is the only part of the river not currently in state or national park. Inclusion of the land north of the river in park will preserve natural setting along river and permit active management and enforcement in this area.</p> <p>Designation of a 200' buffer easement effecting state-owned lands along south shore, managed by the Division of Land and Water Management, will create vegetative screen for river users. Land disposals and commercial timber harvest will be prohibited.</p>
<p>Land exchange with National Park Service Approx. 6,000 acres.</p>	<p>Make management jurisdiction easier for all parties, by defining park boundaries to follow rivers.</p>	<p>The National Park Service and Division have different regulations relative to hunting and other activities in the national and state parks. Will make use of physical boundaries that are easy to identify, thus clarifying jurisdiction and simplifying management.</p>

<u>Proposal</u>	<u>Management Objectives</u>	<u>Justification</u>
<p>East boundary expansion, adjacent to Indian River. Approx. 470 acres.</p> <p>Legal description:</p> <p>TJ1N, R2W, S.M.</p> <p>Sec. 4,8,9: state-owned land between the Indian River and the Alaska Railroad right-of-way.</p> <p>Sec. 16,17,20: state-owned land north and west of the Susitna River.</p>	<p>Create a more logical boundary. Provide active management and conserve natural resources in this area.</p>	<p>Provide active management to conserve important natural resources in the area, primarily spawning salmon. Inclusion of important buffer adjacent to the park.</p>
<p>South boundary expansion adjacent to Blair Lake. Approx. 360 acres.</p> <p>Legal description:</p> <p>T 28N, R5W, S.M.</p> <p>Sec. 2: waters of Blair Lake.</p> <p>Sec. 3: N1/2, waters of Blair Lake.</p>	<p>Incorporate into the park the small parcel of state land between existing boundary and Blair Lake.</p>	<p>Provide park management for important uplands and Blair Lake. Protect public access between the park and the lake.</p>

Land Acquisition

Denali State Park has a variety of large and small privately held properties within its boundaries. Acquisition of some inholdings or purchase of development rights should be pursued to help consolidate land ownership patterns and to avoid potential incompatibilities due to differing interests and objectives of the Division and private parties.

<u>Proposal</u>	<u>Management Objectives</u>	<u>Justification</u>
<p>Acquire inholdings at Byers Lake (10 acres).</p>	<p>Protect quiet, undeveloped nature of area. Provide active management.</p>	<p>Consolidate area as campground area. If holdings are small, but development could have an adverse impact on the park and park experience currently enjoyed.</p>
<p>Acquire inholdings at Low Lake (7 acres).</p>	<p>Protect natural setting and viewshed integrity from High Lake area.</p>	<p>The north end of the park has a highly diverse environment. The viewshed integrity of the High Lake area is very important to the South Denali project.</p>

Summary of Public Comment
Alaska State Park Regulation Proposal, November 1995

The draft regulations cover four categories:

Statewide regulations concerning the park user fee system (11 AAC 5):

- the increase in fees for overnight camping, cabins, and annual passes:
12 in favor - 34 opposed, excluding the 139 form letters
- 10 persons expressed opposition to exempting contract managers from having to honor the annual camping passes

The public feels proposed fee limits are too high and may price low income families out of being able to use their state parks. Their assumption is that with this new, higher authority, the state would quickly jump to the maximum level. We are at between \$6 and \$15 now. Some also objected to contract managers not having to honor annual passes. People fear that contract management will lead to less ranger presence and erode the value of their camping passes and discourage tourism to those areas managed by private contractor.

Final Regulations have been changed to reflect:

The maximum fee level for camping will drop from the proposed \$25 to \$20.

Regulations affecting public use of state parks related to camping and boating (11 AAC 12):

One comment received opposing having to permanently affix a camping pass decal to their vehicle.

Regulations pertaining to the use of weapons, vehicles, horses, and alcoholic beverages in certain units of the state park system (11 AAC 20):

- the proposed restrictions on powerboats, aircraft and helicopters:
115 in favor - 42 opposed, excluding the 139 form letters

Numerous ecotourism business and conservation organizations favor the restrictions. The Alaska Wilderness Recreation and Tourism Association which represents over 250 such companies and the Alaska Center for the Environment are two examples. In opposition to the proposal are businesses like ERA Helicopters and Princess Tours (helicopter prohibition only). Groups such as the Alaska Air Carriers Association, RDC, and Alaska Visitors Association also oppose the aircraft restrictions.

The proposed restrictions launched an avalanche of form letters, most likely orchestrated by local snowmachine enthusiasts based on copies returned by out-of-state snowmachine organizations. They fear that the restrictions proposed for aircraft use would be the "first foot to fall" on a program to close areas in Denali State Park and Chugach State Park to the use of snowmachines. This fear is predicated on wide knowledge within the snowmachine community of a letter sent to state parks by the Chair of the Susitna Citizens Advisory Board on 9 February 1995 requesting that regulations be promulgated to implement the 1989 Denali State Park Master Plan. The plan recommends numerous restrictions on motorized uses. However, at this time, Parks is only proposing restrictions on the use of aircraft.

- the proposal to open more bike trails in Chugach State Park;
10 in favor - 31 opposed

Most opposition focused on opening the South Fork Rim Trail, and to a lesser extent, Near Point and the Middle Fork Loop.

Final Regulations have been changed to reflect:

The aircraft restrictions and helicopter prohibition should remain part of the proposals but modified to open an additional area to aircraft landing, gravel bars in Kachemak Bay State Park; to allow helicopters to land west of the Tokositna River, by permit only. Based on oral and written testimony, public sentiment is roughly two to one in favor of the restrictions excluding the form letters. Some industry and user group opposition is expected.

The number of trails opened to bicycles in Chugach State Park will be reduced.

And boating methods and commercial uses of the Kenai River Special Management Area (11 AAC 20).

- 6 persons opposed the six persons per boat regulation proposal for Kenai River Special Management Area (KRSMA) - added expense to rafting operations on the upper rivers
- 5 persons commented in favor of the KRSMA regulation requiring boat rental businesses to be permitted.

The regulations proposed for the KRSMA will have a significant economic impact on several commercial businesses operating on the upper river. Some accommodation needs to be made to exempt those operators from the six person per boat proposal.

Final Regulations have been changed to reflect:

The KRSMA regulation limiting the maximum number of people allowed in a boat will be amended to exclude Kenai and Skilak Lakes.

Other recommended amendments to the draft proposal:

The powerboat restrictions proposed for public safety reasons at Southeast State Marine Parks will affect the landing of powerboats on the beach at Settlers Cove in Ketchikan. This proposal will be revised to only apply from May through September.

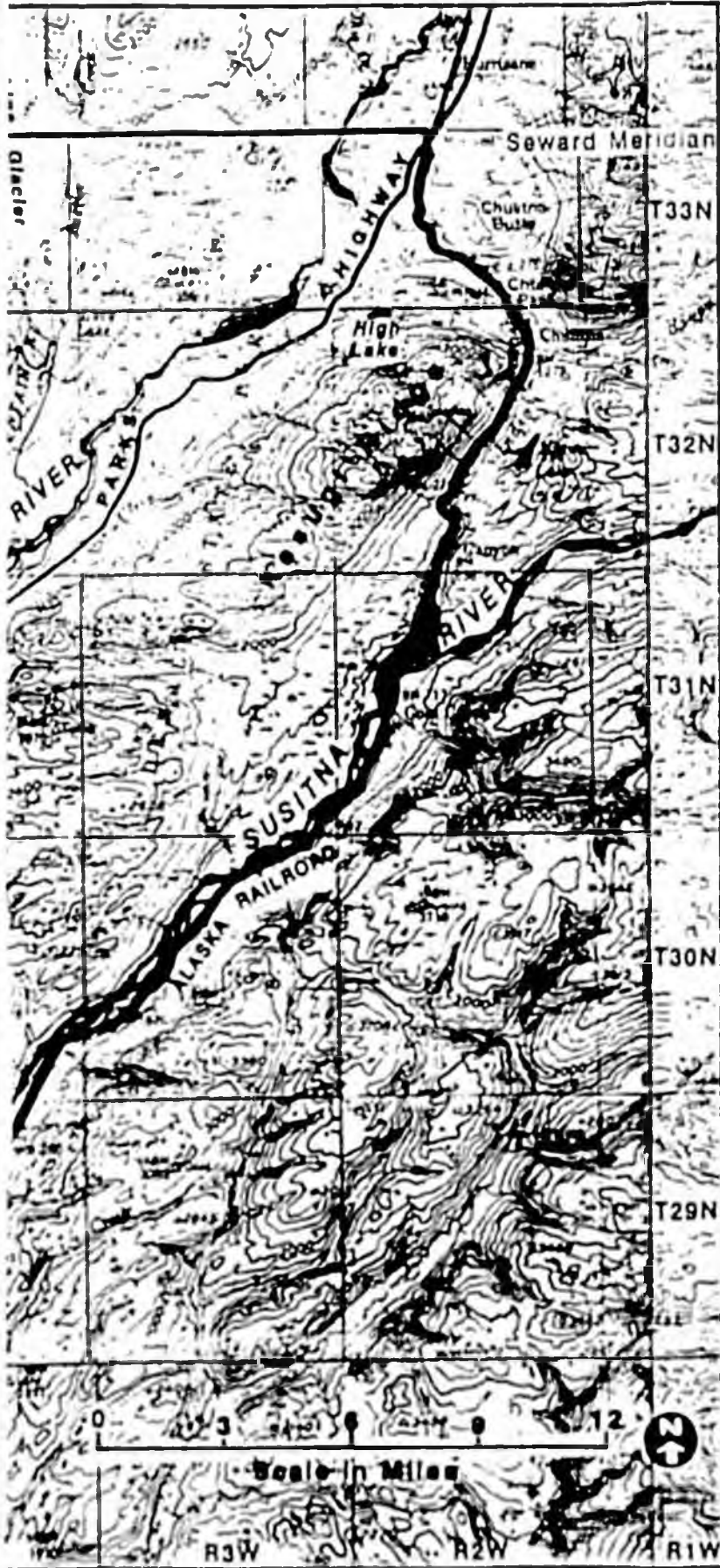





Figure 15
**BOUNDARY
 MODIFICATIONS**

To become:

-  State Park
-  National Park
-  River Bank Buffer





38.05.275

§ 38.05.300

PUBLIC LAND

§ 38.05.300

ration that qualifies for a land conveyance under 43 U.S.C. 1613(h)(3), as amended, has filed a valid selection application with the United States under 43 U.S.C. 1601 — 1641, as amended, if the selection of the corporation or group has not been rejected or relinquished.

(c) Subsection (b) of this section may not be construed to limit the director in the exercise of authority granted by AS 38.05.035(a)(12), AS 1 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 3 ch 98 SLA 1966; am § 14 ch 93 SLA 1984; am § 1 ch 47 SLA 1994)

Effect of amendments. — The 1994 amendment, effective May 24, 1994, added subsections (b) and (c).

Editor's notes. — Under § 3, ch. 47, SLA 1994, subsections (b) and (c) are retroactive to April 14, 1966, and apply to locations made under AS 38.05.165 — 38.05.275 or in the manner described in AS 27.10 on and after that date.

Section 2, ch. 47, SLA 1994 provides: "Notwithstanding the exclusion of land

from the definition of 'state selected land' by AS 38.05.275(b), added by sec. 1 of this Act, a mining location that was made on that land under AS 38.05.165 — 38.05.275 or in the manner described in AS 27.10 on or after April 14, 1966, and before May 24, 1994 retains its validity, if any, if the selection of the land by all corporations or groups eligible to make a selection under 43 U.S.C. 1601 — 1641 is rejected or relinquished."

Article 11. Classification of Land.

Section 300. Classification of land

Sec. 38.05.300. Classification of land. (a) The commissioner shall classify for surface use land in areas considered necessary and proper. This section does not prevent reclassification of land where the public interest warrants reclassification, nor does it preclude multiple purpose use of land whenever different uses are compatible. If the area involved contains more than 640 contiguous acres, state land, water, or land and water area may not, except by act of the state legislature, (1) be closed to multiple purpose use, or (2) be otherwise classified by the commissioner so that mining, mineral entry or location, mineral prospecting, or mineral leasing is precluded or is designated an incompatible use, except when the classification is necessary for a land disposal or exchange or is for the development of utility or transportation corridors or projects or similar projects or infrastructure, or except as allowed under (c) of this section.

(b) *[Repealed. § 35 ch 126 SLA 1994.]*

(c) Notwithstanding (a)(2) of this section, if the commissioner considers it necessary and proper, the commissioner may provide by order for an interim classification that precludes, or designates as an incompatible use, mining, mineral entry or location, mineral prospecting, or mineral leasing. Within 10 days after the convening of each regular legislative session, the commissioner shall transmit to the legislature for consideration all the interim classification orders issued under this subsection during the preceding calendar year. Unless the legislature

approves by law an interim classification contained in an order transmitted under this subsection, that order expires on the 90th day of that legislative session or upon adjournment of that session, whichever occurs first. Approval by the legislature of an interim classification satisfies the requirement of (a) of this section for an act of the state legislature. *§ 1 art III ch 169 SLA 1959; am § 2 ch 31 SLA 1964; am §§ 33, 34 ch 85 SLA 1979; am § 40 ch 152 SLA 1984; am §§ 2, 3 ch 52 SLA 1993; am § 35 ch 126 SLA 1994*

Effect of amendments. — The 1993 amendment, effective September 1, 1993, rewrote subsection (a) and added subsection (c).

The 1994 amendment, effective July 1, 1994, repealed subsection (b), relating to the commissioner's annual written report describing the location of all classifica-

tions of state land made under subsection (a) of this section.

Editor's notes. — Section 4, ch. 52, SLA 1993 provides that paragraph (a)(2) and subsection (c) of this section "apply to classifications made after September 1, 1993."

Article 13. Miscellaneous Provisions.

Section

800. [Repealed]

801. Management of mental health trust land

810. Public and charitable use

Section

825. Conveyance of tide and submerged land to municipalities

860. Deposits

Sec. 38.05.800. Reconstitution and administration of mental health land trust. [Repealed, § 39 ch 5 FSSLA 1994.]

Sec. 38.05.801. Management of mental health trust land.
(a) Mental health trust land shall be managed consistent with the trust principles imposed on the state by the Alaska Mental Health Enabling Act, P.L. 84-830, 70 Stat. 709 (1956).

(b) Subject to (a) of this section, the department

(1) shall manage mental health trust land under those provisions of law applicable to other state land;

(2) may exchange other state land for mental health trust land under the procedures set out in AS 38.50; and

(3) may correct errors or omissions in the legal descriptions of mental health trust land.

(c) The commissioner shall adopt regulations under AS 44.62 (Administrative Procedure Act) to implement this section. The regulations adopted under this subsection must, at a minimum, address

(1) maintenance of the trust land base;

(2) management for the benefit of the trust;

(3) management for long-term sustained yield of products from the land; and

(4) management for multiple use of trust land. *§ 17 ch 5 FSSLA 1994*

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history of use for commerce, recreation, or transportation. (5 5 ch 181 SLA 1978; am 9 7 ch 113 SLA 1981; am 9 13 ch 152 SLA 1984)

Sec. 38.04.058. Restrictions on easement or right-of-way use. The director may, under terms agreed to in writing by a grantee, lessee, or interest holder of state land, restrict the use of an easement or right-of-way reserved under AS 38.04.050, 38.04.055 or other law in order to protect public safety or property. (5 14 cl. 152 SLA 1984)

Article 3. Inventory, Planning, and Classification.

Section

- 60. Inventory
- 65. Land use planning and classification

Section

- 70. Management categories

Sec. 38.04.060. Inventory. (a) The commissioner shall prepare and maintain on a continuing basis an inventory of all state land and water and their resource and other values, giving priority to areas of potential settlement, economic development, and critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.

(b) The commissioner's inventory must include land and water under interagency assignment of land management authority and land and water proposed for such an assignment. That land and water must be reviewed at regular intervals to analyze current and proposed uses as these uses relate to alternative uses for all or part of the land and to determine the uses which best provide for the public interest.

(c) As funds and manpower are made available, the commissioner shall provide local and federal governments and major private land-owners with data from the inventory for the purpose of planning and managing the uses of land in proximity to state land. (5 5 ch 181 SLA 1978)

Sec. 38.04.065. Land use planning and classification.

(a) Except as provided in (d) and (h) of this section, the commissioner shall, with local governmental and public involvement under AS 38.05.945, adopt, maintain, and, when appropriate, revise regional land use plans that provide for the use and management of state-owned land.

(b) In the adoption and revision of regional and site-specific land use plans, the commissioner shall

- (1) use and observe the principles of multiple use and sustained yield;
- (2) consider physical, economic, and social factors affecting the area and involve other agencies and the public in achieving a systematic interdisciplinary approach;

Sec. 38.05.290. Selection practice. (a) The selection of grant, lieu and indemnity land shall conform to this chapter and the policy, orders and regulations adopted by the commissioner. The commissioner shall give preference of selection to the land which will provide the maximum benefits to the people of the state.

(b) Consistent with the best interests of the state, in the selection of general grant land it is the policy of the state to make available the maximum land area from which municipalities may fulfill land entitlements under AS 29.65 or former AS 29.18.201 — 29.18.213. (1 art XI ch 169 SLA 1959; am 4 ch 180 SLA 1978; am 58 ch 74 SLA 1985)

Effect of amendments. — The 1985 amendment inserted "AS 29.65 or former" near the end of subsection (b). Collateral references. — 63A Am. Jur. 2d, Public Lands, ¶ 113 to 121.

Article 10. Parks and Recreation Areas.

Section 295. Parks and recreation areas

Sec. 38.05.295. Parks and recreation areas. The commissioner shall establish a policy and adopt regulations by which parks and recreation areas, including public scenic overlooks and cultural sites, shall be developed and managed in a manner that will best serve the interests of the people of the state. The commissioner may classify public land as parks, scenic overlooks, cultural sites and recreation areas as long as the general intent of this chapter is maintained. (1 art XII ch 169 SLA 1959)

Collateral references. — 19 Am. Jur. 2d, Parks, Squares, and Playgrounds, ¶ 1 et seq.; 63A Am. Jur. 2d, Public Lands, ¶ 1 et seq.; 73A C.J.S., Public Lands, ¶ 1 et seq. Uses to which park property may be devoted; power of legislature or state officers, 16 ALR 1266; 63 ALR 484; 144 ALR 166

Article 11. Classification of Land.

Section 300. Classification of land 301. Restriction on sale, lease or other disposal of agricultural land

Sec. 38.05.300. Classification of land. (a) The commissioner shall classify for surface use land in areas considered necessary and proper. This section does not prevent reclassification of land where the public interest warrants reclassification, nor does it preclude multiple purpose use of land whenever different uses are compatible. State land, water, or land and water area may not, except by act of the state

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91A C.J.S. States. ¶ 138. 145-150.
Statutes relating to establishment or administration of parks as encroachment on right of local self-government. 28 ALR 328.

Construction of highway through park as violation of use to which park property may be devoted. 60 ALR3d 581.

State's liability for personal injuries from criminal attacks in state park. 59 ALR4th 1236.

Sec. 41.21.010. Purpose. It is the purpose of AS 41.21.010 — 41.21.040 to foster the growth and development of a system of parks and recreational facilities and opportunities in the state, for the general health, welfare, education, and enjoyment of its citizens and for the attraction of visitors to the state. (S 1 ch 158 SLA 1959)

Revisor's notes. — Formerly AS 41.20.010. Renumbered in 1983.

Sec. 41.21.020. Duties of Department of Natural Resources.
(a) The department 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) develop, manage, and maintain state parks and recreational areas;

(5) provide for the acquisition, care, management, supervision, improvement, development, extension, and maintenance of public recreational land, and make necessary arrangements, contracts, or commitments for the improvement and development of land acquired under AS 41.21.010 — 41.21.040; contracting for improvement and development under this paragraph is governed by AS 36.30 (State Procurement Code);

(6) adopt, in accordance with this section and AS 44.62 (Administrative Procedure Act), 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 park 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 clearinghouse services for other state agencies concerned with park and recreation matters;

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

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

(13) adopt, in accordance with AS 44.62 (Administrative Procedure Act), 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.

(b) In adopting regulations under (a)(6) of this section, the department shall consider whether the use of dogs, horses, and other animals for packing gear, pulling sleds, or for other recreational use is a compatible use within a state park or recreational area.

(c) The department may accept cash and other donations from public or private sources to assist and support the department in carrying out the purposes of this chapter. (1) 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; am § 19 ch 2 FSSLA 1992; am § 74 ch 63 SLA 1993)

Revisor's notes. — Formerly AS 41.20.020. Renumbered in 1983. Paragraph (a)(13) was enacted as (a)(12) and renumbered in 1981. The present second sentence of AS 41.21.490 was enacted as a part of (a)(13) and transferred in 1981, with minor word changes in (a)(13) of this section. In 1984, "a compatible use" was substituted for "compatible" in subsection (b) to correct a manifest error in ch. 16, SLA 1984.

Cross references. — For power of the department of military affairs to construct memorials to veterans, see AS 44.35.030.

Effect of amendments. — The 1992

amendment, effective July 1, 1992, in subsection (a), substituted "develop, manage, and maintain" for "control, develop and maintain" in paragraph (4) and substituted "management" for "control" in paragraph (5).

The 1993 amendment, effective January 1, 1993, added subsection (c).

Editor's notes. — Section 67, ch. 63, SLA 1993 provides "If any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

Collateral references. — Use to which park property may be devoted. 18 ALR 256; 23 ALR 464; 144 ALR 466.

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-Ticknik State Park.

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PUBLIC RESOURCES

§ 41.21.151

Sec. 41.21.143. Discharge of firearms. (Repealed. § 2 ch 126 SLA 1984.)

Sec. 41.21.150. Purpose of AS 41.21.150 — 41.21.152. The purpose of AS 41.21.150 — 41.21.152 is to restrict state-owned land and water described in AS 41.21.151 to use as a state park. Under AS 38.05.300, state land, water, or land and water containing more than 640 acres may be closed to multiple use only by act of the legislature. Because the area described in AS 41.21.151 exceeds 640 acres, AS 41.21.150 — 41.21.152 are intended to provide for the closing of the described land and water to multiple use in conformity with AS 38.05.300 and its designation as a special purpose area in accord with art. VIII, § 7 of the Constitution of the State of Alaska. (§ 2 ch 233 SLA 1970)

Revisor's notes. — Formerly AS 41.20.300. Renumbered in 1983.

Sec. 41.21.151. Denali State Park established. The state-owned land and water and that acquired in the future by the state lying within the parcels described in this section are designated as the Denali State Park. This land and water is reserved from all uses incompatible with its primary function as park area. Land covered by AS 41.21.150 — 41.21.152 is that within the following described parcels:

(1) Township 29N Range 6W, Range 5W, and that portion of Range 4W lying north and west of the Alaska Railroad right-of-way; Township 30N Range 5W and that portion of Range 3W and 4W lying north and west of the Alaska Railroad right-of-way; Township 31N Range 5W, Range 4W and that portion of Range 3W and Range 2W lying north and west of the Alaska Railroad right-of-way; Township 32N Range 4W, Range 3W and that portion of Range 2W lying north and west of the Alaska Railroad right-of-way; and Township 33N Range 4W, Range 3W and that portion of Range 2W lying west of the Alaska Railroad right-of-way, all in the Seward Meridian;

(2) Township 29N, Range 7W; Sections 1-27 and 34-36, Township 29N, Range 6W; containing approximately 42,240 acres, all in the Seward Meridian. (§ 2 ch 233 SLA 1970; am § 1 ch 135 SLA 1976)

Revisor's notes. — Formerly AS 41.20.310. Renumbered in 1983.

Cross references. — For authority of commission to adopt regulations designating incompatible uses, see AS

41.21.020(6) for legislative declaration that certain electrical transmission line is a compatible use in Denali State Park, see § 1 ch 118, SLA 1981.