

**SB**

**278**

# Alaska State Legislature

Chairman,  
Judiciary Committee

Vice Chairman,  
Transportation Committee

Member,  
Resources Committee  
Western Legislative Forestry Task Force



**Senator Robin L. Taylor**

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## Sponsor Statement

### Senate Bill 278

Senate Bill 278 was introduced to address concerns raised by the Ketchikan Area State Parks Advisory Board and the Ketchikan Gateway Borough Assembly.

SB 278 would provide a mechanism by which the Division of Parks and Outdoor Recreation could acquire two small parcels of land adjacent to Totem Bight State Historical Park.

The parcels are currently held by Ketchikan Public Utilities as the site of a diesel generation plant. KPU plans to vacate the property, which would then revert to the Ketchikan Gateway Borough.

SB 278 would allow DNR to offer credits against fees paid by commercial tour operators for payments made to a municipality for projects that will mitigate or alleviate access, congestion and parking problems at historical parks. The Division of Parks and Outdoor Recreation has indicated that use of this provision at any state historical park other than Totem Bight is unlikely. In any event, the authority would sunset on December 31, 2000. The three year window is needed to avoid drawing too quickly against the fees.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

Sponsor Statement - SB 278

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Totem Bight, a 12.5 acre state park located north of the City of Ketchikan, had an estimated 160,000 visitors in 1995, about half of them arriving on commercial tours. In 1977 it was estimated that the park could handle between 636 and 744 people at one time. Actual use now exceeds 925 people in the park at once.

The park only has seven parking spaces for busses and often there are up to 21 busses parked in the lot, on road shoulders and at a nearby gift shop. Park staff is now advising independent travelers and local park users to pay attention to the cruise ship schedule and avoid the park when the ships are in town.

To mitigate this overcrowding and congestion, DNR is proposing that the tour operators pay for acquisition of the borough-owned parcels to provide additional parking space and additional attractions such as trails and a carving demonstration area.

The Department of Transportation and Public Facilities has indicated an interest in developing a transportation enhancement project along the road at Totem Bight if the land becomes available.

Totem Bight is a valuable asset. The state has invested more than a million dollars in capital improvements to the facility over the past ten years. By acquiring these two parcels we can spread out the use area, enhance the park and mitigate the problems.

**MEMORANDUM****Department of Natural Resources****State of Alaska****Division of Parks and Outdoor Rec.****DATE:** March 15, 1996**TO:** Joe Ambrose**TELEPHONE NO:** 269-8700**FAX NO:** 269-8907**FROM:** Jim Stratton  
Director**SUBJECT:** SB278 fiscal impact

This bill will have no fiscal impact on Parks' existing program receipts. The total paid to the state from commercial operators in summer 1995 will not decrease in summer 1996. Program receipts above the 1995 level resulting from an increased number of visitors this summer would be available for use. A fee increase planned for 1997 will generate the majority of the funds necessary to complete this project. Commercial operators currently bring about 70,000 visitors annually to Totem Bight. Current fee is \$3/person, going up to \$4/person in 1997.

If you need more information about 278, please give me a ring. I have contacted Senator Duncan's office and told them we are very supportive of this bill.

Also, you should have just received a letter from the Sitka Parks Advisory Board (dated March 8) with a laundry list of capital projects. One of those projects, replacing the Halibut Point SRS picnic shelter, is in the Governor's proposed capital budget for \$20.0.

Craig Moore, 2118 Second Avenue, said he is the chair of the Ketchikan Area State Parks Advisory Board. The board was pleased to see their request on the agenda for the Borough to endorse and support the addition of lands to the Totem Bight State Parks. He hopes the Borough will agree this is the best use for this property. They want the request on this year's legislative priority list. They hope it is not too late to do that. This would aid the Division of Parks in obtaining funds to purchase the two tracts of land. He understands KPU will be vacating one of the parcels. They feel this tract will be especially beneficial to the park. This would be a very good use of the land. The plan is to use it for parking and for a totem carving project. It is a good area for viewing the park. The Board urges the Assembly to look favorably on their request and hopefully the Ketchikan Area State Parks Advisory Board can get this on their legislative priority list.

In response to Assemblymember Elkins, Mr. Moore said the Ketchikan Area State Parks Advisory Board looked at the fee structure for the park several years ago. They researched it thoroughly. The fee was raised. He is not sure if the fee will be raised again. Totem Bight raises quite a bit of money for the Division of Parks. It is definitely profitable. He doesn't know what Saxman charges for their tours. The local legislators were involved when the fee was raised. The park is a very popular attraction, not only to the local residents, but the visiting tourists. He just returned from Mexico where he learned that anything with history, archeology, and anthropology is a very important attraction. People all over the world are interested in it. Our native culture is very popular. The park is undergoing a management plan through the Division of parks. That is why they would like to add these parcels to the park. It would make it easier for tourists that want to view that area.

In response to Assemblymember Mitchel, Mr. Moore said they would certainly like to have both Tract M and L. If the Borough decides not to release both parcels, perhaps it would be reconsidered in the future. It is adjacent to the tidelands and has some trail potential.

Assemblymember Yetka said the agenda statement given to the Assembly states the Borough may have a need for Tract L for a location to place waste or recycling containers. She asked Mr. Moore if this was just going to be used for viewing and to protect the tidelands.

Mr. Moore said yes. Those were some of the ideas the advisory board had for that tract. He is not sure what the Management of the Division of Parks has in mind. They do listen to the local Advisory board. The Board wants to keep the view shed along that area. Tract L is steep and narrow.

Mayor Carlton said the community priority list is finished for this year. If the Assembly approves this request, the Assembly could send a letter of support.

~~Ray Sallee, 15007 North Tongue, said he is against mandated garbage pickup. He understands it has already passed. He spoke to a lot of people who are not in favor of it. He feels he got bypassed during the process. He did not see a referendum on the ballot or anything. He is just about to the point of circulating petitions to see if he can get this overturned. He is one of the good guys who takes care of his garbage.~~

~~Manager Rody explained how the exemption works and who can be exempted. Reasons for receiving an exemption are (1) if you can't be served, (2) if you are part of an area that gets pickup already like a mobile home court, and (3) if the person does several recycling things such as composting and burning.~~

~~Mr. Sallee said he feels like he was bypassed and did not get a chance to let the Assembly know how he felt about the passage of the new regulations. He doesn't feel this will help with the dumping. He thinks people will probably dump even more in those places, because they will be irate. He feels this should have been voted on by the people.~~

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To	JOE AMBROSE		From	BOROUGH	
Co.			Co.	CLERK	
Dept.			Phone #		
Fax #	465-3922		Fax #		

Consideration of a request from the Ketchikan Area State Parks Advisory Board to support their request to acquire the small borough-owned tract of land adjacent to Totem Blight State Historic Park

M/S Tipton/Yetka to place the acquisition and/or land swap of Tracts L & M (ASLS 81-39; 0.575 acres), be placed on the Legislative Priority list by means of a letter to the State.

Assemblymember Yetka said Mr. Moore said with the Borough's support by adding Tract L, the State Parks would favor a stipulation for locating recycling bins on that property. The transfer could be contingent upon reaching an agreement for recycling bins on that property. This would give them use of the adjacent land.

Assemblymember Coyne said this would all come up with the purchase. The stipulations would be addressed then.

Assemblymember Mitchel said he is not sure the two concepts are compatible. There would be the state park that is for tourists along side a recycling place.

Assemblymember Yetka said it was just for the bins.

Assemblymember Mitchel said at first he was in favor of the idea. He wondered if there wasn't an area closer to town.

Assemblymember Yetka said a fence could be constructed.

Manager Rody said he wanted to bring this up because it is the only parcel in that area that could be used for that purpose. If you have been out there it is a long ways away. It may be the Assembly may decide later not to use this property for a recycling bin.

Assemblymember Chenhall said we have to remember that Tract M is still being used by KPU and will not be available until the generator is moved.

M/S Mitchel/Chenhall to vote on the tracts separately.

MOTION DECLARED CARRIED BY VOICE VOTE WITH ONE "NO" VOTE.

Mayor Carlton asked for a roll call vote on Tract M.

Upon roll call, the vote on the motion was:

YES: COYNE, ELKINS, YETKA, CHENHALL, MITCHEL, TIPTON

NO: NONE

ABSENT: CONLEY

MOTION DECLARED CARRIED.

Assemblymember Mitchel said Tract L can be decided later. The Assembly is in the middle of the whole solid waste thing. After determining where we are with that and deciding if we need the land or not, we can make the swap later. He feels the core property is Tract M. Tract L may have utility for the Borough.

Mayor Carlton asked for a roll call vote on Tract L.

Upon roll call, the vote on the motion was:

YES: COYNE, ELKINS, YETKA, TIPTON

NO: MITCHEL, CHENHALL

ABSENT: CONLEY

MOTION DECLARED CARRIED.

~~Consideration of an agreement with Tongass Sanitation, Inc. for solid waste collection and disposal (as provided by Ordinance No. 983 adopted 12/4/95)~~

~~This was considered earlier in the meeting.~~

~~Consideration of Resolution No. 1258 establishing the amount of the non-area-wide disposal fee and authorizing the mandatory non-area-wide monthly residential solid waste collection fees~~

~~There was no action taken.~~

~~Introduction of Ordinance No. 985 providing for alternatives to prepayment of property taxes upon replat~~

~~This was considered earlier in the meeting.~~

~~Consideration of bid award for dry dock inspection and repairs to the M/V Bob Ellis to Alaska Ship and Dry Dock for \$250,425~~

~~This was considered earlier in the meeting.~~

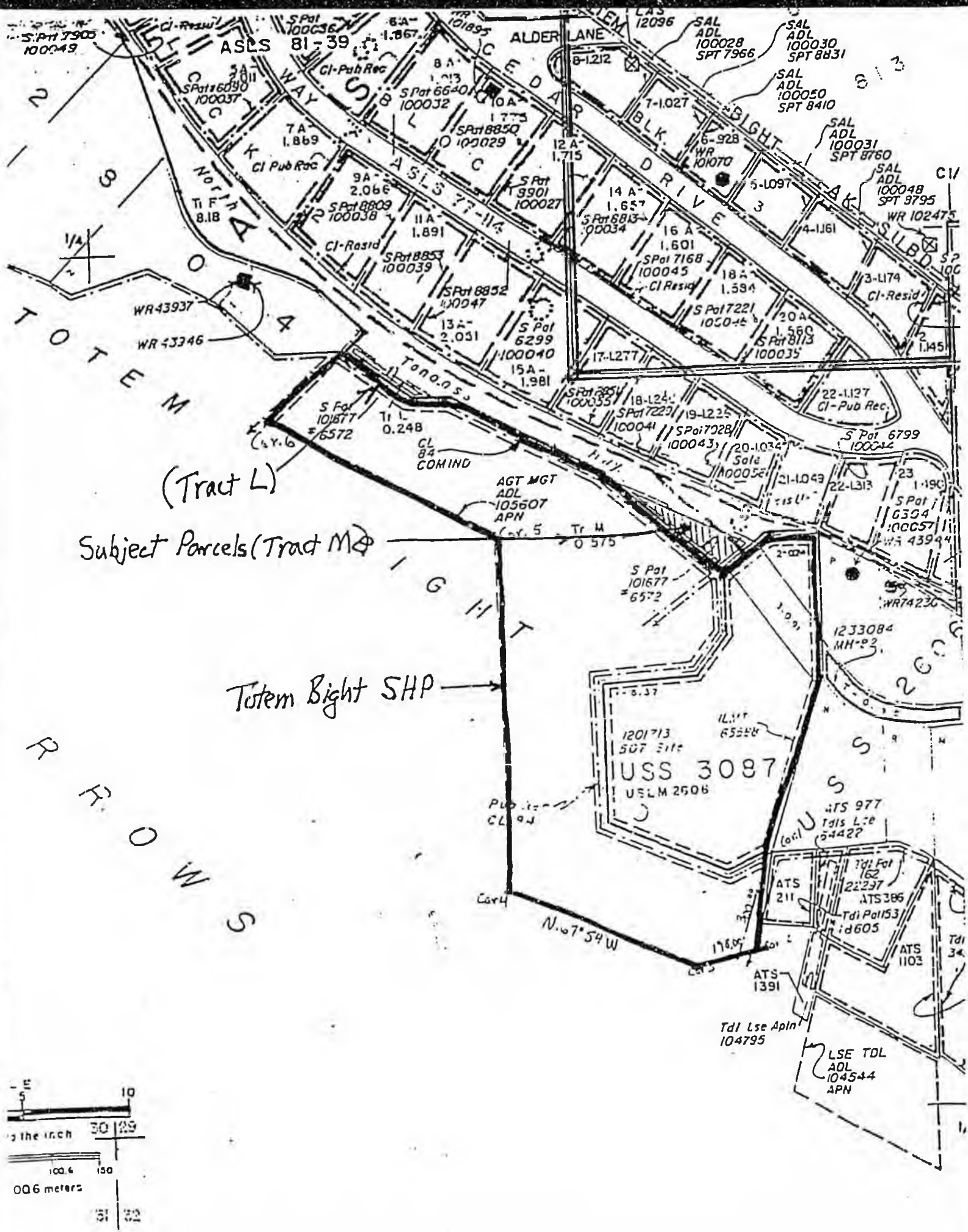
#### REPORTS OF COMMITTEES, EXECUTIVE, ADMINISTRATORS

##### Manager's Report

Manager Rody said he wanted to give Assemblymember Coyne an answer for his question on why it takes 30 days to get an answer from the Planning Department. The person understood he was asking about the Carlisle conditional use permit. It would be thirty days before the Planning Commission will meet and then they will be able to give you your answer. The other question was how many day care centers have conditional use permits. Right now they know of none. What the Borough has done, is sent out letters letting the day care providers know they must get conditional use permits.

Manager Rody said he would like to thank Chief John Vein and Chief Ken Holmes and their staffs for continuing efforts to get water down to the Mountain Point Service Area. They worked hard getting the Mountain Point Service Area water during the cold spell.

Manager Rody said Craig Moore spoke earlier. He is negotiating with him to be the inspector for the Indoor Recreation Center. Because the amount of money is beyond his contracting authority, he will be bringing a contract back to the Assembly for approval at the next meeting. He is going to offer \$45,000 for a year's worth of work and out-of-pocket expenses. The Borough will request he have a bond. He feels Mr. Moore is competent and capable and he looks forward to having him on Board. Mr. Rody said he had two people apply for the position.

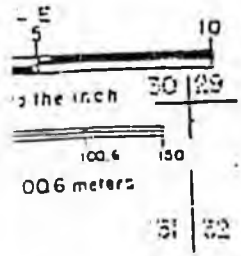


(Tract L)

Subject Parcels (Tract M)

Tolem Bight SHP →

USS 3087  
USLM 2506



except that all or part of a state park, marine park, wildlife preserve, or recreation area may be closed to the discharge of firearms by regulations adopted by the department for purposes of public safety or, with the concurrence of the Board of Game, for limited areas of Chugach State Park for public display of local wildlife under AS 41.21.121. (§ 1 ch 126 SLA 1984)

**Sec. 41.21.024. Easements and rights-of-way for access to private land.** The department may grant a public easement or public right-of-way within a state park unit for access to private property if the commissioner determines that the easement or right-of-way

- (1) will not unduly affect park resources; and
- (2) is in the public interest. (§ 1 ch 172 SLA 1990)

Revisor's notes. — Enacted as AS 41.21.020(c). Renumbered in 1990.

**Sec. 41.21.025. Zoning of private land within state parks.** (a) The department may adopt, under AS 44.62 (Administrative Procedure Act), zoning regulations governing private property within the boundaries of state parks established under this chapter.

(b) Land patented to or under interim conveyance to a regional or village native corporation under 43 U.S.C. 1601-1628 (P.L. 92-203, Alaska Native Claims Settlement Act) that falls within a state park boundary is subject to the zoning regulations provided for under (a) of this section only if the affected regional or village native corporation consents to or fails to reject the zoning regulations within 60 days from the date they are submitted to the effected corporation.

(c) Uses existing on June 25, 1976 are not affected by zoning regulations adopted after June 25, 1976. (§ 1 ch 250 SLA 1976)

Revisor's notes. — Formerly AS 41.20.025. Renumbered in 1983.

**Sec. 41.21.026. Fees for the use of state park system facilities.** (a) Notwithstanding (b) of this section, the department may charge or collect a fee in a park unit for

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

(10) sale of merchandise for informational or educational purposes related to public use and understanding of parks, including maps, plans, and other graphic materials;

(11) use of a developed facility that has developed parking and rest rooms; and

(12) presentation or attendance at programs related to natural or cultural history, outdoor skills or education, or other topics concerned with public use, enjoyment, or understanding of parks.

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

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

(1) the cost to the state of operating the facility or managing the activity;

(2) the normal fees charged for similar facilities or activities by governmental and nongovernmental entities;

(3) the cost of administering a fee collection program for the facility or activity; and

(4) the public interest.

(d) The department shall issue free of charge to disabled veterans of this country an annual state park developed campsite permit. The permit shall allow a disabled veteran to use a state park developed campsite for personal recreation use without a charge or fee under (a)(2) of this section. While utilizing a developed campsite without charge under this subsection, the disabled veteran shall comply with all other statutes or regulations pertaining to the use of the developed campsite. The department shall provide a form for use by a disabled veteran when applying for a permit under this section. Not later than February 1 of each year, the department shall report to the legislature the number of permits issued to disabled veterans under this subsection during the previous calendar year.

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

(1) restrooms;

(2) a picnic table;

(3) an outdoor cooking facility; and

(4) an approved water source. (§ 1 ch 89 SLA 1987; am § 1 ch 28 SLA 1991; am § 75 ch 63 SLA 1993)

Revisor's notes. — Subsection (d) was enacted as (e). Relettered in 1991, at which time former (d) was relettered as (e).

Cross references. — For temporary state park fees in effect for certain named activities until the Department of Natural Resources adopts a fee by regulation for

the activity, see § 83, ch. 63, SLA 1993 in the Temporary and Special Acts.

Effect of amendments. — The 1991 amendment, effective September 9, 1991, added present subsection (d).

The 1993 amendment, effective January 1, 1993, in subsection (a), added "Notwithstanding (b) of this section" to the be-

# FISCAL NOTE

STATE OF ALASKA

BILL NO. SB278

1996 LEGISLATIVE SESSION

Revision Date: Original Dept Affected Natural Resources  
 Title: An Act relating to the authority of the Dept. of BRU: Parks & Recreation Management  
Natural Resources to allow credits against fees at state... Component: Parks Management  
 Sponsor: Senator Taylor  
 Requestor: Senate Resources Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0

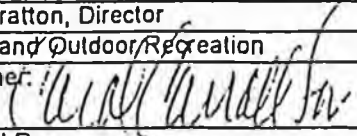
FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

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

**ANALYSIS:** (Attach a separate page if necessary)

This bill would allow commercial tour operators to pay a portion of their fees directly to local municipalities for their use of small state historical parks where the commercial use sometimes displaces regular road traffic and local park users. The municipalities could then partner with the state in planning and developing these important tourism attractions, such as Totem Bight State Historical Park in Ketchikan. Often the local municipalities control surrounding streets and neighboring lands, so they are best able to assist these park units that are part of the tourism economy of their areas. The municipalities usually support the department's efforts in developing state historic sites, and the department must first approve a project before any credits could be used to compensate a municipality. All land and improvements acquired under this program would be state property.

Prepared by: Jim Stratton, Director Phone: 907-269-8700  
 Division: Parks and Outdoor Recreation Date: 16-Feb-96  
 Approved by Commissioner:  Date: 16-Feb-96  
 Agency: Natural Resources