

**HB**

**447**

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 3/28/96

FURTHER:

DATE TURNED INTO OFFICE: 4-18-96

The Resources Committee considered CS FOR HOUSE BILL NO. 447(RES)

"An Act relating to traditional means of access for traditional outdoor uses and to the classification and the sale, lease, or other disposal of state land, water, or land and water."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
- same title
  - new title
- House Bill:
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Rich Halford</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>Deane</i>	✓				
CHAIR: <i>Loren D. Skuman</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>(H) Res</i>	<i>3/14/96</i>	✓	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill



## Alaska Sportfishing Association

P. O. Box 24-1847

Anchorage, AK 99524-1847

April 13, 1996

Senator Loren Loman  
State Capitol  
Juneau, Alaska 99801

FAX 465-3810

RE: HB 447

Dear Senator Loman:

I have not had an opportunity to discuss CSHB 447 with the Alaska Sportfishing Association board or its president, Phil Cutler. I will do so today with Phil and with as many board members as possible.

Given that, I'll raise some questions.

Does HB 447 overturn elements of timber sale plans by DNR's Division of Forestry which provide that non-permanent roads will be closed after timber harvest? Most state timber sale plans provide that nearly all seasonal, non-permanent, timber roads will be closed after harvest. It keeps them from becoming ATV ruts. It appears to me that HB 447 will require that they be left open to motorized use, because HB 447 says DNR cannot close an area to all-terrain vehicles (ATVs), etc. unless authorized by the Legislature or unless the closure is temporary. I would think about the Division of Forestry and its processes. Unless redrafted, this bill will prompt further opposition to timber sales.

Does HB 447 overturn elements of the Nushagak/Mulchatna Recreational Management Plan and the Susitna Valley Recreational Rivers Plan. Those DNR plans limit the length that a person can camp on a popular spot without a permit. As I recall both plans set the limit at about 14 days. Those limits were designed to prevent guides and "fish-hogs" from season-long "camping" that occupies areas which should be left open to the public. It appears HB 447 overturns such restrictions which protect sport fishers. It appears so, because "camping for sport fishing" is within the generic kinds of activities listed in HB 447's definitions of "traditional means of access" and "traditional outdoor activities."

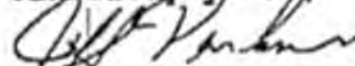
Is guiding implicitly within the either of the definitions of "traditional means of access" or "traditional outdoor activities?" I guide somewhat, and I hope I am accurate to say that the sport fishing community has diverse views about guides. Some of us love 'em; some of us hate 'em; and a lot of us are in between and pretty situation-specific (which I think is the best approach), depending on various situations. But HB 447 arguably overturns DNR's

authority to classify lands to restrict levels of guiding to an amount that is acceptable, given that views within the sport community are pretty diverse.

Although not a fishing issue, HB 447 appears to overturn provisions of DNR's Hatcher Pass Plan that identify some areas as closed to snowmachines. If so, does the sponsor intend that? Similarly, does HB 447 overturn requirements of DNR that snowmachines in Chugach State Park (e.g. Powerline Pass) stay on certain trails?

Finally, thank you for letting me testify on short notice. I hope the issue I raised of requiring DNR to close illegal trespass roads will be included in the bill. As I explained, I raised the issue because the traditional means of access to the North Fork of the Kashwitna River is by an old 4.5-mile mining trail, used by hiker-fishers, and then two years ago someone bulldozed an illegal, trespass road, taking a new route, across two miles of state land to the mouth of the creek. The Anchorage Fish and Game Advisory Committee has been trying to get DNR to close the illegal, trespass road, but DNR has a backlog of such trespass roads and does not process them because of budget cuts. The coho run is small, not in jeopardy, but if the road is not closed, the coho fishery may have to be restricted by time and area, or closed, just as most small runs of coho generally are restricted or closed when road accessible.

Sincerely yours,



Jeff Parker

Legal Advisor and Board Member,  
Alaska Sportfishing Association



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

### Beverly Masek

Official Business

State Capitol  
Juneau, AK 99801-1182

### CSHB - 447 (Res) SPONSOR STATEMENT

#### "ACCESS PROTECTION BILL"

Access to lands and waters is of paramount importance to all who participate in outdoor activities. HB-447 establishes a broad based policy of access protection for traditional outdoor activities on all Title 38 lands and waters.

It is important to understand both what CSHB-447 does and does not do.

By citing only Title 38 lands and waters, CSHB-447 in no way affects the authority of the Division of Parks (Title 41), or the Fish and Game Boards (Title 16), to limit or prohibit incompatible outdoor activities. Neither does CSHB-447, in any way, interfere with the Division of Lands normal management of Title 38 lands and waters.

HB-447 requires Legislative approval only in those instances when the Administrator recommends eliminating traditional access to Title 38 lands and waters for extensive periods of time (more than 8 months in a three year period).

CSHB-447 was careful to include subsistence hunting fishing and gathering on both an individual, family, and community basis. (Please note: the term "recreation" was replaced with "outdoor" throughout the entire CS to make it clear that subsistence is not a recreational activity.)

CSHB-447 is carefully crafted to not impede in any way, land disposal, mining, timber harvest, or other resource development. CSHB-447 specifically includes the language "reasonable access alternatives" as approved by the Department, and for reasons of safety allows development interests to "control and direct public access" through developed properties."

In addition to enthusiastic individual support, the following groups representing in excess of 25,000 Alaskan outdoor users support HB-447: Alaska Marine Dealers, Resource Development Council, Alaska Visitors Association, Alaska Air Carriers, Alaska Airmen's Association, The Aircraft and Pilots Association, The Alaska Bow hunters Association, Alaska Snowmobile Assoc., Anchorage Snowmobile Assoc. Anchorage Boating Association, Mat-Su Motor Musers, Mat-Su Boaters, Alaska Outdoor Council, Territorial Sportsmen and the Anchorage Times editorial board.

## CSHB-447 / SECTION BY SECTION

**SECTION 1.** INTENT LANGUAGE TO ALLEVIATE ANY FEARS OF PRIVATE PROPERTY BEING AFFECTED BY THIS BILL.

**SECTION 2.** EXISTING LANGUAGE IN STATUTE WHICH IS TECHNICALLY AMENDED TO ACCEPT BODY OF CSHB-447.

**SECTION 3.** BODY OF BILL. REQUIRES LEGISLATIVE APPROVAL IF THE COMMISSIONER OF RESOURCES INTENDS, THROUGH LAND CLASSIFICATION, TO BLOCK ACCESS FOR LONG PERIODS OF TIME, INCLUDING BLOCKAGES FOR DEVELOPMENT OR INTRINSIC VALUES. (PARK TYPE MANAGEMENT)

MAKES EXCEPTIONS TO THIS POLICY FOR: TEMPORARY CLOSURES OF ACCESS, AND DEVELOPMENT OF RESOURCES AS LONG AS SUCH DEVELOPMENT DOES NOT BLOCK ACCESS, OR WHEN A REASONABLE ALTERNATIVE FOR ACCESS CAN BE PROVIDED TO THE PUBLIC.

DEFINITIONS: DEFINES INTRINSIC VALUES AS BASICALLY BEING A NATURAL ENVIRONMENT. ALSO DEFINES THE TYPE OF ACTIVITIES AND MEANS OF ACCESS THE BILL PERTAINS TO.

**SECTION 4.** ADDS LANGUAGE TO STATUTE WHICH PROTECTS DEVELOPMENT INTERESTS BY ALLOWING REASONABLE ALTERNATIVES AROUND DEVELOPED PARCELS, OR ALLOWS THE DEVELOPER TO CONTROL THE ROUTE OF ACCESS THROUGH THE DEVELOPMENT PARCEL.

Revised

Latest

# FISCAL NOTE

by DNR

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB447(RES)

Revision Date: 14-Mar-96 Dept Affected: Natural Resources  
 Title: State land and water may not be classified so as BRU: Parks & Recreation Management  
 to preclude or restrict traditional means of access for trad'l rec. use Component: Parks Management  
 Sponsor: Representative Masak  
 Requestor: House Rules 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							
TOTAL OPERATING	00	00	00	00	00	00	
CAPITAL EXPENDITURES	00	00	00	00	00	00	
CHANGE IN REVENUES ( )	00	00	00	00	00	00	

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1008 GF/UNTA							
Other							
TOTAL	00	00	00	00	00	00	

Estimate of any current year (FY96) cost: \$ \_\_\_\_\_

POSITIONS							
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)

There is no fiscal impact to the Division of Parks associated with passage of this committee substitute

Prepared by: Jim Stratton Phone: 283-2800  
 Division: Parks Date: 14-Mar-96  
 Approved by Commissioner: [Signature] Date: 14-Mar-96  
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

# FISCAL NOTE

No. 1

Bill Version: CSHD 447(RRS)

(H) Publication Date: 3/14/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Title: Restrictions on traditional recreational lands  
Sponsor: Rep. Masek  
Requestor: House Resources Committee

Dept. Affected: Dept. of Nat. Res.  
BRU: Parks & Rec. Mgt.  
Component: Parks Mgt.  
Serial # \_\_\_\_\_

**EXPENDITURES/REVENUES (THOUSANDS OF DOLLARS)**

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
<b>OPERATING</b>						
Personal Services	001	001	001	001	001	001
Travel	001	001	001	001	001	001
Contractual	001	001	001	001	001	001
Supplies	001	001	001	001	001	001
Equipment	001	001	001	001	001	001
Land & Structures	001	001	001	001	001	001
Grants, Claims	001	001	001	001	001	001
Miscellaneous	001	001	001	001	001	001
<b>TOTAL OPERATING</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>
<b>CAPITAL</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>
<b>REVENUE</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>

**FUNDING (THOUSANDS OF DOLLARS)**

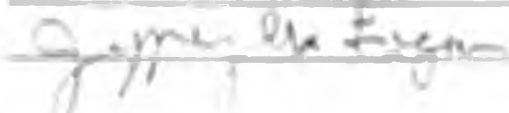
General Fund	001	001	001	001	001	001
Federal Fund	001	001	001	001	001	001
Govt	001	001	001	001	001	001
<b>TOTAL</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>	<b>001</b>

**POSITIONS:**

Full Time	01	01	01	01	01	01
Part Time	01	01	01	01	01	01
Temporary	01	01	01	01	01	01

ANALYSIS (ATTACH A SEPARATE PAGE IF NECESSARY)

See attached analysis

Prepared by: Jeffrey Logan  
House Resources Committee  


Date: 14 March 96

Phone: 481-4141

Fax: \_\_\_\_\_

**COMMITTEE COPY**