

SB

230

02/12/96

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

16:20:10

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:MAT

TCN:60324

SCHEDULED FOR:02/12/96 15:30 TO 17:00

FOR:MAT

PUBLIC HEARING

SENATE RESOURCES

LOCATION:MATSU

SB 230

✓MR

NOEL

WOODS

1st - 5th wing park main 400 n. a. b. 11

TESTIFY

SB 230

✓MR

KEN

RIVARD

TESTIFY

SB 230

✓MR

ROY

BURKHART

TESTIFY

SB 230

✓MR

LEONARD

HAIRE

testify later (50)

TESTIFY

FISCAL NOTE

STATE OF ALASKA

BILL NO. SB230

1996 LEGISLATIVE SESSION

Revision Date: original Dept Affected 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 Pearce, Frank, Green, Halford
 Requestor: Senate Resources Component Serial No. 452

| Expenditures/Revenues | (Thousands of Dollars) | | | | | |
|-------------------------------|------------------------|------------|------------|------------|------------|------------|
| OPERATING EXPENDITURES | FY97 | FY98 | FY99 | FY00 | FY01 | FY02 |
| PERSONAL SERVICES | | | | | | |
| TRAVEL | 1.0 | 1.5 | 1.5 | 1.0 | 1.0 | 1.0 |
| CONTRACTUAL | 1.0 | 2.0 | 2.0 | 1.0 | 1.0 | 1.0 |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 2.0 | 3.5 | 3.5 | 2.0 | 2.0 | 2.0 |
| 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) | | | | | |
|--------------------------|------------------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 2.0 | 3.5 | 3.5 | 2.0 | 2.0 | 2.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 2.0 | 3.5 | 3.5 | 2.0 | 2.0 | 2.0 |

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)

When parks receives an ILMA under the terms of this bill, it will either appear before the legislature to request restrictions on traditional access (travel expenses) or will promulgate regulations to open the area, under Title 41, for motorized recreational use (travel and contractual). It is anticipated that 1 to 2 ILMAs will occur in FY97, 3 to 4 in FY98 and FY99, back to 1 to 2 in FY00, FY01, and FY02.

Lands transferred to Parks come in under title 41, which restricts vehicular use. Allowing for motorized use requires parks to promulgate regulations opening a unit of the park system to motorized use.

Prepared by: Jim Stratton, Director Phone: 269-8700
 Division: Parks Date: 5-Feb-98
 Approved by Commissioner: [Signature] Date: 5-Feb-98
 Agency: Natural Resources

To: Dave Stancliff

From: Jim Stratton 

It's taken a little longer than I thought to find the citations used by Division of Land for their Interagency Land Management Agreements. I spoke with Mary Kay Hession at 269-8511. I'd call her for more information.

ILMAs are administered by Division of Land and provide for land transfer to all agencies in state government for such purposes as DOT/PF for materials sites, Division of Communications for tele-communications repeater sites, Division of Forestry for fire bases, etc.. The citations Mary Kay gave me are 38.04.060(b), 38.05.295, 38.05.300, 38.05.030.

Hope this helps out.



ILMA Information

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 SRA | 224263 | indefinite | 620 |
| Centennial Lake SRS | 221088 | 09-30-2010 | 97.98 |
| 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 | 51051 | 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, OSL & 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 | 6571 ^c | 10-17-1999 | 0** |
| Denali SP | 225.71 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 | 360 |
| 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 18
 Total acreage 3,064.67
 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 | indefinte | 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 |

MAR 25 1996

TONY KNOWLES, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

3601 C STREET SUITE 1200
ANCHORAGE ALASKA 99503
PHONE (907) 782 2600

20 March 1996

Recipients of Public Notice

November 2, 1995

Regarding Proposed Changes to State Park Regulations

Dear Alaskan:

Enclosed is the "Additional Regulations Notice Information" form required by AS 44.62.190(d) concerning proposed amendments to Title 11 AAC 05, 12, and 20. Notice of the proposed regulations and publication of that notice of the proposed regulations first occurred in November 1995.

Please note that this additional regulation notice information does not reopen the comment period which closed December 12, 1995. The attached information was inadvertently not included with the notice distributed in November 1995.

Sincerely;



Peter J. Panarese
Chief, Field Operations

Enclosure

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. The regulations cover four categories: statewide regulations concerning the park user fee system (11 AAC 5); regulations affecting public use of state parks related to camping and boating (11 AAC 12); regulations pertaining to the use of weapons, vehicles, horses, and alcoholic beverages in certain units of the state park system (11 AAC 20); and boating methods and commercial uses of the Kenai River Special Management Area (11 AAC 20).
3. Citation of regulations: Title 11AAC 05.010.(a)(12), 11AAC 12.220, 11AAC 20.015 - 20.990.
4. Reason for proposed action: The proposed fee regulations will allow greater participation by park users in deferring the State's maintenance and operation costs for the state park system. Proposed regulation relating to uses of state park land and water implement management recommendations found in several, previously approved park master plans and accommodate changing recreational use patterns in the state park systems. The regulation proposals for the Kenai River Special Management Area address concerns raised by property owners, river users and issues identified in the Kenai River Carrying Capacity Study.
5. Program: Park Operation and Maintenance, BRU: Parks and Recreation Management.
6. Cost of implementation: (in thousands of dollars) are primarily for new signs in campgrounds, at boat launches and fee kiosks, printing of commercial RV rental passes, and increased postage to mail out information on new fees.

| | 1st year FY 96* | Subsequent |
|------|-----------------|------------|
| Cost | \$5.6 | \$2.0 |
| GF | \$5.6 | \$2.0 |
| Fed. | \$0 | \$0 |

* Fiscal year indication is contingent on filing date of regulations by Lt. Governor.

7. The name of the contact person for the regulations:

Pete Panarese, Chief, Field Operations
Division of Parks and Outdoor Recreation
3601 "C" Street, Suite 1200
Anchorage, Alaska 99503-5921

8. The proposed action originated from the staff of the agency and from concerns of the general public who participated in the state park master planning process or live on land adjacent to state parks.

9. Date: 21 March 1996

Prepared by:



Peter J. Panarese
Chief, Field Operations
907-269-8702

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB230(RES)

Revision Date: _____ Dept Affected 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 Pearce
 Requestor: Senate Finance Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY97 | FY98 | FY99 | FY00 | FY01 | FY02 |
|-------------------------------|--------------|-------------|------------|------------|------------|------------|
| 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 | 34.0 | 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 | 26.8 | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 146.6 | 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)

| | | | | | | |
|--------------------------|--------------|-------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 146.0 | 50.6 | 1.0 | 1.0 | 1.0 | 1.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 146.0 | 50.6 | 1.0 | 1.0 | 1.0 | 1.0 |

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

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| 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)

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).

While no income is presently derived from areas administratively added to Denali and Wood-Tikchik State Parks, current additions or those anticipated in the near future do have the possibility of generating commercial use fees (Denali) and boat launch fees (Wood-Tikchik). Combined income potential is about \$10.0.

The inability to manage lands purchased by federal Land and Water Conservation Fund monies that lie beyond the boundary of Chilkat State Park in 1977 and 1979 would require the state to purchase similar lands for recreational purposes at another site. Costs would be for appraising existing parcels and appraising potential

Prepared by: Jim Stratton, Director Phone: 269-8700
 Division: Parks Date: 20-Mar-96
 Approved by Commissioner: Nick ... Date: 20-Mar-96
 Agency: Natural Resources

Fiscal note analysis continued...

new parcels. There are three parcels involved at Chilkat State Park. Because they are on the road system, appraisals would be about \$3.0 each. Appraisal for the new piece is placed at \$5.0. Purchase price in 1977 and 1979 was \$13,405. The price for similar land today will have at least doubled (that is the figure we used). An alternative would be for the legislature to add these parcels to Chilkat State Park.

Section 41.21.020(c) would require a rewrite of the Denali State Park Master Plan for a cost over 18 months of \$150.4. This rewrite would require a Natural Resource Officer II to be hired as the project manager (\$59.4) and a Natural Resources Officer I for six months (17.4). Remainder is for travel (\$8.0), contractual (\$30.0), supplies (\$16.0), and oversight by Chief of Policy and Planning (\$25.6).

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) 465-3993
Fax (907) 465-3872

Drue Pearce
President of the Senate

Sectional Analysis of CS for Senate Bill 230 (version 9-LS1538\K)

Prepared for the Senate Resources Committee
by staff to Senator Drue Pearce
March 12, 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 a section to the statute establishing Denali State Park specifying what constitutes an incompatible use.

Section four: 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.

9-LS1538\K
Luckhaupt
3/11/96

CS FOR SENATE BILL NO. 230()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

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; and relating to Denali State
6 Park."

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

8 • Section 1. 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 41.21.490; 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 is amended by adding a new section to read:

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

31 (b) Use of a weapon in the Denali State Park shall be allowed except in unique
32 areas that may be closed for purposes of public safety by regulation by the

1 commissioner.

2 (c) The regulations governing public use of the Denali State Park must

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

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

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

11 (4) provide ample access for recreational mining.

12 * Sec. 4. Regulations that have not taken effect before the effective date of this Act and are
13 in the process of being adopted by the Department of Natural Resources concerning Denali State
14 Park and uses within Denali State Park may only take effect to the extent the regulations are
15 consistent with the provisions of this Act. Regulations adopted by the Department of Natural
16 Resources concerning Denali State Park and uses within Denali State Park that take effect in
17 1996 before this Act takes effect, are annulled.



Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

SENATE RESOURCES COMMITTEE

*expected to be present

- *Chairman: Senator Loren Leman
- *Vice Chairman: Senator Drue Pearce
- *Senator Steve Frank
- *Senator Rick Halford
- *Senator Robin Taylor
- *Senator Georgianna Lincoln
- *Senator Lyman Hoffman

Teleconference Sites for both bills: ANC, FBX, Mat-Su

AGENDA
3:30 to 5:00 p.m.
Monday, February 12, 1996

SB 230: Leg Approve Perm't Recreat'nl Restrict'n
SENATOR PEARCE, Sponsor

Teleconferenced

Expected Witnesses:

- SENATOR Pearce to present bill (may be assisted by legislative aide, Krag Johnsen)
- Ron Swanson, Director of Lands/DNR (ANC LIO)
- Jim Stratton, Director of Parks & Outdoor Recreation/DNR (ANC LIO)
- Chuck Johnson, president, ERA Aviation (offnet)
- Roy Burkhart, (Mat-Su LIO)
- Randy Crosby, Sno-Action Alaska/Far North Tours (ANC LIO)
- Pat Phillips, AK Snow Industry Alliance, also member of Chugach State Park Citizen Advisory Board (ANC LIO)
- Janet Littlewood, Anchorage Snowmobile Club (ANC LIO)
- Eddie Grasser, Alaska Outdoor Council (ANC LIO)
- Steve Morgheim, Alaska Marine Dealers Association (ANC LIO)
- David Rogers, Producers' Council - Juneau

SB 262: Management of Fish/Game Population & Area
SENATOR MILLER, Sponsor

Teleconferenced

Expected Witnesses:

- Senator Miller to present bill
- Wayne Regelin, Director, Division of Wildlife Conservation/DF&G
- Lynn Levengood (FBX LIO)

over over over over over

NEXT MEETING:

Wednesday, Feb. 14

- SCR 24: Reestablish ADF&G Division of Game (Sharp)**
- SB 243: Oil & Gas Leases; Areawide & Others (Resources)**
- SB 245: North Slope Oil & Gas Best Interest Finding**

ADJOURN



ALASKA CENTER *for the* ENVIRONMENT

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501
 (907) 274-3621 • fax: 274-8733

February 23, 1996

Senate Resources Committee
 Alaska State Legislature
 State Capitol (MS 3100)
 Juneau, AK 99801-1182

Re: SB 230

Dear Committee Members:

SB 230 would cripple the state's ability to increase, for those Alaskans who use truly traditional means of access to state lands like skis, snowshoes, hiking boots, or canoes, the severely limited opportunities that exist at the present time to enjoy quiet recreational pursuits, while relatively recent, non-traditional, motorized, and noisy means of access, like snowmachines, airboats and helicopters, would continue to be inadequately managed. Consequently, we oppose this bill, which would only perpetuate a situation which is fundamentally unfair and inequitable.

On millions of acres of state lands, including many park lands, most types of motorized vehicle use are virtually unrestricted, while only a tiny portion of those lands have been set aside for quiet recreation. This failure to provide quiet refuges from the almost constant noise pollution in most urban, suburban and other areas adversely affects not only a great many Alaskans, but many visitors as well. The state's tourism operators, both large and small, rely on Alaska's wildness to lure visitors to the state, as one can see from looking at almost any of their brochures. For a great many of those visitors, the frequent sound of motorized vehicles is hardly compatible with wild Alaska, and their once-in-a-lifetime trip to the state could be a serious disappointment because of our failure to set aside quiet areas and provide a spectrum of tourism and recreational opportunities.

This is not a plea to prohibit motorized access on all state lands, or even on most state lands. What we should be striving for is a fair and equitable balance between land allocated for motorized, or noisy uses, and land allocated for non-motorized, or quiet ones—just as we strive for an equitable allocation of our fish and wildlife resources between subsistence, commercial, and recreational users.

What we have right now is a gross imbalance between noisy and quiet uses that heavily favors the former. For example, in southcentral Alaska millions of acres of state lands, the vast majority—including park lands—are open to snowmachines. Chugach State Park is the only area with a semblance of balance (even there only a minority of the major valleys are set aside for quiet recreation); a small proportion of the lands at Hatcher Pass and Nancy Lake are reserved for quiet sports; and at Denali State Park no such areas exist—nor do they exist on the millions of acres of undesignated state lands along both sides of the Parks and Glenn Highways. As a result it is nearly impossible to find a place to enjoy quiet recreational activities on the great majority of these public lands that supposedly provide opportunities for all Alaskans, not just a favored few. With 104 million acres of land, surely we can do better than this.

The Division of Parks, to their great credit, has begun to try to right this imbalance between noisy and quiet recreational pursuits. In that regard, we strongly support the prohibition of aircraft landings on Curry and Kerugi Ridges. On the other hand, we were very disappointed to learn that the weight of public comment would be ignored and helicopter landings would be permitted in the Tokositna area; for many years a substantial majority of public commenters has opposed a variety of proposals for helicopter landings in parks and other sensitive areas; this authorization is a giant step backward.

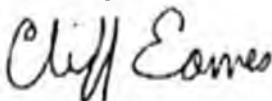
A number of witnesses at the recent committee hearings have said that they are concerned about being denied access to state lands. However, even in those few instances where access is regulated it isn't people that are being denied access, but machines. Anyone can still access these areas by the truly traditional means that people have employed for thousands of years.

One witness expressed the fear that residents of remote villages would be prevented from using motorized vehicles for necessary subsistence or travel purposes. But are there any instances where either the Division of Lands or the Division of Parks has imposed such restrictions?

Finally, state planning, regulatory, and classification processes provide abundant opportunities for both public participation and the fashioning of delicate compromises to resolve difficult and controversial issues. Asking the legislature to engage in the detailed level of land management that would be required to try to resolve the conflicts that are the subject of this bill would be time-consuming and inefficient; even though we, too, are often unhappy with DNR decisions, we nevertheless believe that these questions are best left to that agency's professional land managers (we would point out in this regard that the difficult compromise worked out by the Division of Lands in the Recreation Rivers Management Plan was presented to and implicitly ratified by the legislature; the system, although it's never going to be perfect, is in fact working well).

Thank you very much for your consideration of these comments on a very controversial subject of great importance to all Alaskans--as well as to a great many of our visitors.

Sincerely,



Cliff Eames
Issues Director

cc: Governor Tony Knowles
Commissioner John Shively
Jane Angvik, Director, Div. of Lands
Jim Stratton, Director, Div. of Parks

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 Kesugi 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, Kesugi 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.

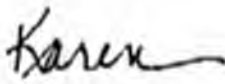
During the public comment period for this proposal, I question if Department of Natural Resources adequately considered the comments for the maximum use in the public interest as required by AS 41.21.010-20. Summary of public comment show 115 in favor and 181 opposed to the restrictions. Mr. Stratton 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 Airmen'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 Airmen'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 Airmen'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,

A handwritten signature in cursive script, appearing to read "Joe Gauria".

Joe Gauria
President

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 13, 1996

SUBJECT: CSHB 4+7 (), DRAFT, DATED 2/12/96 and Intradepartmental Land Transfers (Work Order No. 9-LS1427G)

TO: Representative Beverly Masek
Attn: Dave Stancliff

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



MAR 01 1996

ALASKA BOATING ASSOC.

02/27/96

To: Senator Loren Leman

Supporting SB-230

Asking for a few changes:

- #1. Include the commissioner of ADF&G
- #2. Include the Boards of Fish and Game
- #3. Write the law so the lack of action does not restrict us.

If a bureaucrat develops a land or water management plan that has access restrictions in it, the legislature would half to approve the access restriction within 100 days or the restriction will not stay in the plan (Sunset Claws)

My name is George Piaskowski I have lived in Alaska for forty one years, my grandfather came to this state in 1932. He instilled in his family a love and respect for this land.

I am the president of the Alaska Boating Assoc. our membership of 600 plus Alaskan recreational boaters are solidly united against boating restriction.

The only reason boats should be restricted is, boat cased resource degradation, or there is a percent safety issue documented by competent authority.

I am here today to thank the author of this bill, and to pledge my support and the Alaska Boating Assoc..

Boat access to Alaska is of course, a high priority for the Alaska Boating Assoc.. Our motto: Safety education and preservation, preservation of the natural resource has been easy, compared to preservation of traditional recreational opportunities. this one issue

preservation of traditional recreational opportunities, this one issue takes most of our time and energy and has not been an easy promise to keep to my members.

Our constitutional rights to access state land by way of the navigable waters, is increasingly under attack by **The Big Green Machine**, The Alaska Center for the Environment, The Wilderness Society, The Wildlife Alliances, The Autobaun Society, and every anti everything group, has a office in Alaska and with the backing of there multi-million dollar head quarters they have manipulated and or dictated how we Alaskan residents will recreate. These groups with their letters to the editor of the Daily News, their paid lobbyist and attorneys have learned all to well how to manipulate the letter of the law and ignore the intent. If a management plan says a commissioner may restrict, they convince the bureaucrats it means will restrict.

I've seen this happen first hand in the Six Rivers Management Plan for the Mat-Su Valley. I was at the teleconference on February 12th 1996 and listened to the director of DNR brag about the Six River Plan and how the legislature had two years to take the access restriction out.

I was there, the restriction should not have been there in the first place, and in the second place Rep. Cliff Davidson sat on the plan and would not give it a hearing or let it out of his committee to be voted on..

Now it is all to common to see the Boards of Game and Fish being used to limit our ways and means of access. Because of this latest threat on equal access I would like to see the commissioner of fish and game and the boards of fish and game be included in this bill.

The boards of fish and game have started trying to solve social issues. Geographically different classes of people are being restricted from an area for no other reason then they live down river and the up river people wanted exclusive rights to the land ,water, and game in their area. The Board of Game accommodated them by putting a horse power restriction on the river so as not to allow the down river people enough horse power to make the trip safely. This was done in an area where the moose population was healthy an growing.

The A.B.A. has always supported the multiple use designation for all the land and waters of Alaska with the exception of the reasons I gave earlier. The natural ruggedness of this state has and will continue to provide a wide range of recreational experience for all outdoors men (and woman), and it doesn't need to be micromanaged by DNR or ADF&G.

A handwritten signature in dark ink, appearing to read "George Piaskowski", written in a cursive style.

George Piaskowski
Pres. Alaska Boating Assoc.
1836 Scenic Way #2
Anchorage, AK 99501
Hm. 276-0815
229-6069



FEB 12 1996

P.O. BOX 210427 ANCHORAGE, AK 99521-0427

February 12, 1996

Re SB230

The Alaska State Snowmobile Association supports the intent of SB 230. Much controversy has arisen regarding the access to state land for traditional recreational use. We feel this legislation is very important now to protect future traditional recreational land access which can only assist in promoting recreational tourism in our state by local, regional, and out of state recreationists.

Motorized access allows people of all ages and physical abilities to participate in the enjoyment of outdoor recreation. It enhances universal access and could enhance the TRAAK program starting here in Alaska.

ASSA supports SB230 to protect all types of access to state lands.

Please include our letter in public testimony.

Sincerely,

Glenda Smith
President



ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 276-0347

February 12, 1996

Honorable Loren Leman
Chairman
Senate Resources Committee
Capitol Building
Juneau, AK 99801

RE: Senate Bill 230, Restrictions to Traditional Access

Dear Senator Leman,

Thank you for the opportunity to comment on Senate Bill 230 which addresses the need to protect traditional means of access for recreational uses. We have reviewed this bill and support it with a minor change.

The change is needed to allow the commissioner to restrict access to an area that is part of a mine or other industrial site where there is a concern for public safety.

The change we suggest is in Section 2 where a new sub-section (d) (3) should be added as follows:

- (d) The commissioner may not....or prohibition is
- (1) temporary in nature and effectively cumulatively less than eight months in a three-year period; or
 - (2) authorized by act of the legislature; or
 - (3) required for protection of public safety.

Without this change it may be impossible to restrict access into areas that could be dangerous to the general public. Water diversion ditches, surface mine pits, power cables for pumps or other equipment, fly rock from blasting, etc. are all potential dangers to the public. Also, federal law requires that the mine control access and keep the public from potentially dangerous situations.

We feel the above proposed addition would answer the question of public safety and still preserve the intent of the bill. Thank you for the opportunity to comment.

Sincerely,

Steven C. Boroll, P.E.
Executive Director
cc: Senator Drue Pearco

★ 1975 *Serving Alaska for 20 years* 1995 ★



Resource Development Council for Alaska, Inc.

121 West Firwood Lane, Suite 250, Anchorage, Alaska 99503-2035
Phone 907/276-0700 Fax 276-3887

EXECUTIVE DIRECTOR
Decky L. Gay

1995-96 EXECUTIVE COMMITTEE

- Elizabeth Benson, President
- Scott Thompson, Sr. Vice President
- John Sturgeon, Vice President
- Gerald G. Bonin, Secretary
- Alan Ringham, Treasurer
- Jacob Adams
- Cynthia Daley
- Charle Boody
- Denna W. Egan
- Roy S. Fehn
- Maro Pety
- Paul S. Glavinovich
- Una L. Gross
- Robert W. Loeschler
- John H. Norman
- David J. Patten
- William E. Pierce
- Jerome M. Selby
- R.B. Sikes
- Michael E. Signe
- C.H.H. Yano

DIRECTORS

- Avil Aboon
- Frank A. Anderson
- Ernest Ballard
- Richard F. Barnes
- Alex B. Baropp
- Kathy M. Campbell
- James B. Carmichael
- James L. Cloud
- Edward E. Crane
- Marilyn Crocker
- Larry Deane
- Cliff Davis
- James V. Devo
- Paula P. Estley
- Bill Gander
- Donald S. Follows
- Lenne Gonsch
- Fay Gromoll, Jr.
- Andreas
- John L. Harms
- Robert S. Harfield, Jr.
- Joseph R. Henn
- Roger G. Hendrix
- Karen J. Husted
- David W. Hughes
- Jim Jansen
- Don M. Kake
- John T. Kevoy
- John A. Landrum
- Pete Leonard
- Wayne Lewis
- Case A. Lindber
- Frank E. McJannet
- H. Raymond Meares
- Carlene "Rory" Miller
- Wesley P. Nelson
- Alvin O'Brien
- Kenneth B. Reaynhouse
- Monroe R. Pome
- Tony Rasmussen
- John A.L. Rantz
- Ronald L. Roberts
- Dan Rowley
- Neil Schneider
- George R. Schmidt
- Thos J. Shaw
- William A. Thomas, Jr.
- Scott B. Thompson
- Barry D. Thompson
- Walt von Bergen
- Leo A. Walsh
- Douglas M. Webb
- J.C. Wingfield
- George P. Wulrich

HONORARY DIRECTORS

- Wm. R. Haddaway
- William R. W. Paul

EX-OFFICIO MEMBERS

- Senator Ted Stevens
- Senator Frank Miller
- Congressman Don Young
- Secretary of State, Alaska

Resource Development Council, Inc.

Testimony on SB 230

Presented to Senate Resources Committee

February 12, 1996

Good afternoon. My name is Carl Portman, Communications Director for the Resource Development Council. Thank you for the opportunity to testify on SB 230. RDC strongly supports the intent of SB 230 and commends Senator Pearce for her initiative in moving this bill forward.

Access to Alaska's vast federal and state lands is a major priority of RDC. It is imperative Alaska retain the widest possible range of multiple uses on its lands and preserve as many options as possible for access, especially traditional access for recreation and other uses.

Access is a paramount concern to RDC in light of the fact that so much of Alaska's federal and State conservation units are already managed for the preservation of backcountry qualities for those who demand solitude and untracked wilderness experiences. Alaska's parks, both state and federal, can contribute a great deal to tourism and local recreational needs, but only if reasonable access is permitted. Tourism demands access and infrastructure to accommodate growing numbers of visitors, and these visitors, as well as local residents, demand a wide variety of opportunities, including helicopter flightseeing and landings. Statistics show air access is among the most popular and highest rated activities for Alaskans and their visitors. Air access quite often affords the only viable access to Alaska's largely inaccessible, roadless land base for people of all physical abilities and for those with a limited time margin.

Other traditional forms of access, including snowmobile and boat, are also an essential element in Alaska's unique access equation. Alaskans are very defensive of their rights to access the vast public lands of this northern state.

SB 230 was introduced to protect the rights of Alaskans to access state land and water for recreation use. In a time when the federal government continues to restrict and prohibit access to many areas of the state, the Legislature needs to ensure that decisions to restrict access on State lands are made in a responsible, fair and well represented process.



Page 2/ RDC testimony on SB 230

February 12, 1996

Alaskans are presently losing their right to traditional access on some State land without appropriate notification and justification. Non-restricted areas of our state are being closed without proper oversight of the Legislature.

Decisions to deny access for recreational use have always been made by the Legislature, but in some instances now, 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.




RDC supports legislative approval for any restrictions to traditional use that occur under Title 38. RDC also supports legislative approval for any expansion of park land that restricts or prohibits recreational use.

The intent of this legislation is to make the process of restrictions and prohibitions more open to the people of Alaska. SB 230 would help ensure that all Alaskans would have proper representation by their elected officials in cases involving restrictions on traditional recreational access. SB 230 would keep important access decisions at the legislative level where they belong.

Thank you for this opportunity to testify. RDC will continue to monitor this bill as it evolves and will be happy to provide further comment on the measure.



Figure 15
**BOUNDARY
 MODIFICATIONS**

- To become:
-  State Park
 -  National Park
 -  River Bank Buffer



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). (§ 1 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 3 ch 96 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 38.05.185 — 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 38.05.185 — 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)

v
s
p
a
g
p
p
pr
be
so
ce
de
fa
er
by
tio
the
dir
of
ma
ter
pre
pro
be
sati
lish
has
may
(b)
(c)
nonp

history of use for commerce, recreation, or transportation. (§ 5 ch 181 SLA 1978; am § 7 ch 113 SLA 1981; am § 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. (§ 14 ch 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 landowners with data from the inventory for the purpose of planning and managing the uses of land in proximity to state land. (§ 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. — 59 Am. Jur. 2d, Parks, Squares, and Playgrounds, § 1 et seq.; 63A Am. Jur. 2d, Public Lands, § 1 et seq. **Uses to which park property may be devoted:** power of legislature or state officers, 18 ALR 1266; 63 ALR 484; 144 ALR 486.
73A C.J.S., Public Lands, § 1 et seq.

Article 11. Classification of Land.

Section
300. Classification of land
321. 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

legislat
contain
(b) N
submit
scribes
under
SLA 1:
§ 40 c

Cross
and wa
reacion
41.21.
Edit
SLA 1:
classifi
before
the cla
date u
AS 38
this A
39.05.

Dej
agric
parce
an ac
mult:
cedit
ment
posai

S
S
196

ag
cl
pu
ur

Collateral references. — 59 Am. Jur. 2d, Parks, Squares and Playgrounds, §§ 1-15; 63A Am. Jur. 2d, Public Lands, § 16.

11A C.J.S., States, §§ 138, 145-150.
 Statutes relating to establishment or administration of parks as encroachment on right of local self-government. 59 ALR 228.

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. (§ 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. (§ 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 87, 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 1266; 63 ALR 484; 144 ALR 486.

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-Tikchik State Park.

except tha
or recreati
lations ad
with the
Chugach
41.21.121.

Sec. 41
vate land
right-of-w
the comm

(1) will

(2) is 1

Revisor
41.21.020c

Sec. 4
(a) The c
cedure A
boundari

(b) La
village r
Alaska I
boundar
this sect
consents
from the
(c) U
lations

Reviso
41.20.025

Sec.
(a) Not
collect

(1) re

(2) o'

(3) st

(4) c

(5) n

(6) u

(7) a

(8) u

pally f

(9) s

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 8W; 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 § 14, ch 118, SLA 1993.

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"

SB 230 was introduced to protect Alaskans' right to access state land and water for recreational use. In a time when the Federal government continues to restrict and prohibit Alaskans' 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 with 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*

Options to change current process of land restrictions and closures for traditional recreational use.

Prepared for the Senate Resources Committee
by Staff to Senator Drue Pearce
February 11, 1996

Option 1: SB 230 in its current form.

SB 230, version C, amends 38.05.300 which deals with land classifications by the Division Lands.

38.05.300 is the same statute that was amended in the 18th Legislature to protect the mining community from arbitrary closures.

The language would mandate legislative approval for any restrictions to traditional use that occur under Title 38.

Pros: Sets a precedent and makes any land classifications done under Title 38 authority that restrict or prohibit access come before the legislature for approval.

Cons: It does not effect the ILMA transfer process. Division of Lands asserts that when they transfer land through an Interagency Land Management Agreement to the Division of Parks, the land becomes park and is under Title 41 authority. Option 1 will not remedy any of the problems constituents are having within park land.

The legal question: Even though Division of Land transfers the authonty, the area is still state land, not park land. Div of Land and Div of Parks disagree, asserting that it is now 'Park Land'. The bills legal drafter has given the informal opinion that even if the land is transferred, it still is state land.

More Cons: If this is true, then all ILMA transfers to DOT&PF and Fish & Game also would have to come before the legislature. This is not our intent and this would become very cumbersome.

The Mining Industry also has some concerns with this language and the potential for a conflict between mining and recreational use in an area--Ron Swanson, Director Division of Lands, has stated that this would not occur.

Option 2: We mandate the Division of Parks and Outdoor Recreation to obtain legislative approval for any restrictions to traditional recreational use in areas that have come under their authority through ILMAs.

Pro: This would ensure that any expansion of Park Land that was restricted or prohibited to recreational use would have to be approved by the legislature. Creating parks that limit access to uses and drawing the boundaries of these parks has always been a legislative duty and this would make sure it remained that way.

Cons: Division of Parks asserts that these decisions should not be made in the legislative arena because this would not provide the fairest process. This also does not solve any of the problems constituents are having within park land.

Option 3: We put language into Title 41 that will implement legislative oversight on the Division of Parks' authority to restrict and prohibit recreational use, through approval or a reporting requirement.

Pros: Division of Lands is the only division in DNR that closes land to traditional recreational use for the 'intrinsic value' of the land, whether on state land through ILMAs or in parks designated by the legislature. By implementing legislative oversight, either through an approval requirement, reporting requirement, or some combination, we would make this process of restrictions and prohibitions more open to the people of Alaska, through their representatives in government.

This is a process we need to fix, when decisions are justified in the means shown in the Div of Parks' Summary of Public Comment.

Cons: The legislature designated these areas as parks in statute, therefore closing them to all but designated uses and giving the authority to find solutions to incompatible uses to the Div of Parks. The Division of Parks argues that legislative approval for all their decisions to restrict traditional use would be too cumbersome. They also assert that the legislature is not the proper place for these decisions to be made. People with political stroke and money could influence the legislature on a pet project even if it is in the best interest of the public.

Note: Under the Hickel administration, the Division of Parks did not promulgate any regulations to restrict and prohibit access in Parks. Now the Division of Parks contends that they will be implementing so many closures in the next few years that it will become cumbersome for the legislature to approve. Why?

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.

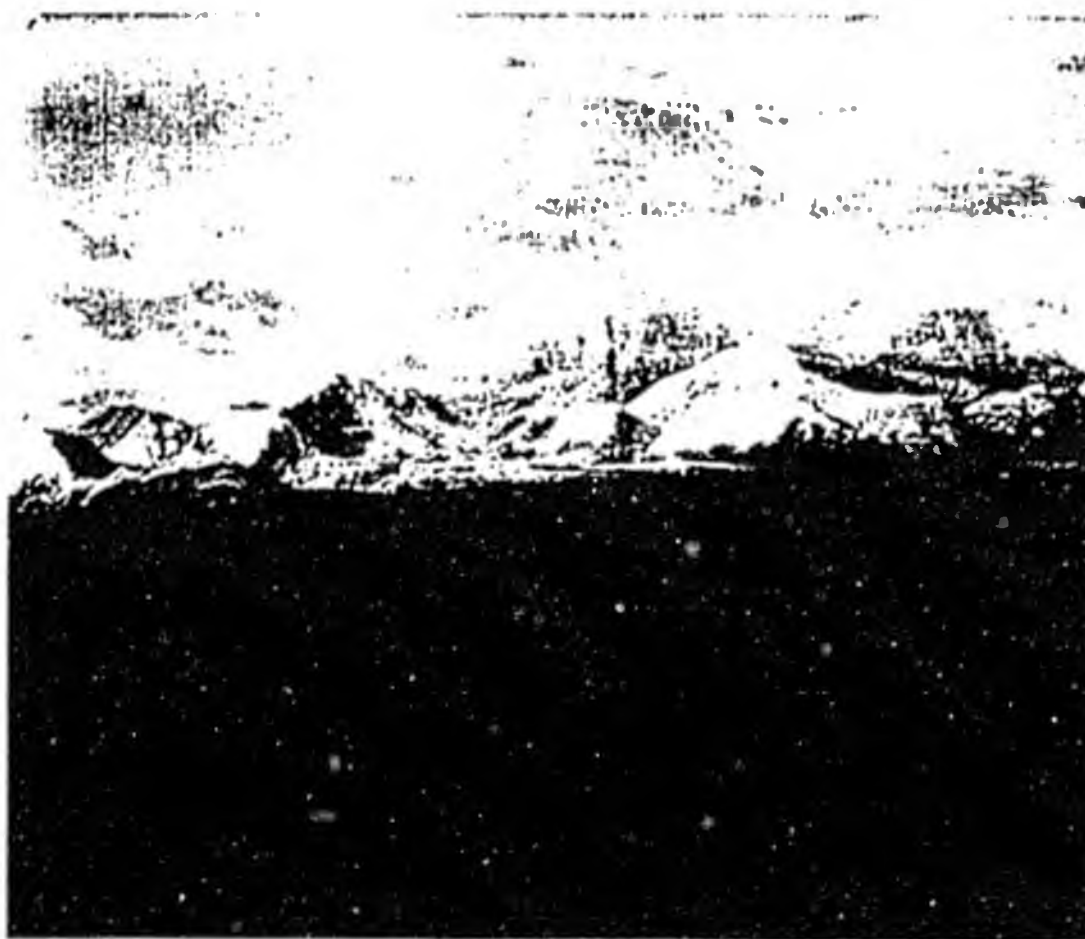
Final Regulations have been changed to reflect:

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.

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>T31N, 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 24N, 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. Inholdings 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> |