

HB

168

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 168

Revision Date (Note if correction) _____ Dept. Affected: Fish and Game
 Title Traditional Access for Traditional Activities BRU Wildlife Conservation
 Component Wildlife Conservation
 Sponsor Representative Masek
 Requester House Resources Committee Component Serial No. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1024)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by Phil Koehl, Wildlife Biologist *PK* Phone 465-4190
 Division Wildlife Conservation Date 2/2/98
 Approved by Commissioner *[Signature]* Date 2-3-98
 Agency Alaska Department of Fish and Game

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

For further distribution information, call the Governor's Legislative Office



Alaska Boating Association * P.O. Box 210430 * Anchorage, Alaska 99521

TO: REP Bev Masek

4 Feb 1998

FROM: Don Sherwood

SUBJECT: HB168 "An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes".

We of the Alaska Boating Assn have always tried to create a fair and equitable way of motorized access on our states public land and waterways. But with DNR continuing in it's off handed way of imposing unnecessary, unscientific studied restrictions on OUR public lands, it has now become necessary to find away to protect the motorized public from these unwarranted attacks on our constitutional right to access. This has to cease or we the citizens of Alaska will continue to be crowded into less and less areas, just so the Preservationists can take away more areas from human use. With less than 1% of the land inuse today, this is nothing but a attack on our ability to develop both our renewable resources and natural resources. It has to stop and we think this bill help stop the elitist from taking away our rights of use of public property. With fishing , hunting, and outdoor recreation as a primary reason for so many of us to come to this Great state, it has now become necessary to protect those rights. We think HB168 will do this for us.


Don Sherwood
Legislative Officer



ALASKA OUTDOOR COUNCIL

211 4th St. #302A
Juneau, AK. 99801
(907) 463-3830

Feb. 2, 1998

The Honorable Beverly Masek
Alaska State Capitol
Juneau, Ak. 99801

Dear Representative Masek:

The Alaska Outdoor Council and its member organizations are once again indebted to your continued efforts to protect the general public's ability to access and utilize the common property resources we all have a share in. HB 168 will bring balance to the management of fish and wildlife resources by giving much needed guidelines to the Boards of Fish and Game when addressing access issues in the future.

The timely nature of passing legislation like HB 168 was made abundantly clear this past year when the Board of Game took it on itself to initiate a public controversy over whether motorized access should be continued in Game Management Unit 13. As evidenced by the large turn out of Alaskans opposed to restrictions in Unit 13, it appears the BOG was acting on its own agenda without regard to the needs and desires of many outdoor enthusiasts.

We need HB 168 as it will complete the process of providing meaningful guidelines to the managing agencies that was begun with HB 23 and SB 35. Without access, the natural resources of Alaska hold little value for most people. We hope you are successful in making sure the needs of all Alaskans are addressed whenever managing agencies are involved in decisions related to the public's use of our common property resources.

Sincerely,

Rod Arno
President

Susitna Expeditions

P.O. Box 520243
Big Lake, Alaska 99652
(907) 892-6916
Fax (907) 892-7727

FACSIMILE - TRANSMITTAL

Date: 2-5-98
To: REP. SCOTT OGAN; RESOURCE Fax: 465-3878
From: Toby Riddell; Susitna Expeditions Fax: (907) 892-7727
Subject: HB 0168
Pages: 3 (includes cover page)

Items:

- 1) LITER. 2 page s.
- 2) _____ page
- 3) _____ page

Comments:

Please call me at 892-6916 if you have any questions or need additional information. Thank you.



Toby Riddell, Owner
Susitna Expeditions

CC: R. PHILLIPS, SENATE
B. MASEK, HOUSE
M. HANLEY, HOUSE.

Susitna Expeditions

P.O. Box 520243
Big Lake, Alaska 99852
Phone / Fax
(907) 892-6916



February 4, 1998

Re: HB0168

Dear Legislatures:

I oppose the restrictions proposed House Bill 0168 would place against the Board of Game to regulate access to game management units. I have several concerns regarding this bill, they are as follows:

1. Game and land management professionals can not protect our resources if we continue to erode their control over the resources we entrust them to manage?
2. The term "traditional access" needs to be clearly defined. The term "traditional access" appears to be used very loosely and without regard to historic means of travel. Under the current interpretation, it appears a bull dozer would comply with the definition. A "popular pattern of land use" can develop in a relatively short time. Do we allow access by all modes of transportation to be utilized for access even though it will be detrimental to the environment and perhaps, as a result, destroy the popularity of the area?
3. Many of the areas that will be impacted by this bill do not have adequate baseline studies of the existing resources. These studies are vital for our resource managers to determine if increased access by various modes of transportation have a detrimental effect on the resources. Denali State Park is a prime example of not having the information needed to effectively manage this resource. Denali State Park is one of our most popular parks and we are making decisions on development without the knowledge of baseline studies of existing wildlife and other resources. "If we don't know how many bear, moose, or swans are presently in the park, how can we possibly learn how increased or different means of access, or new developments will affect the resources of the park?"

Member

Matanuska-Susitna Convention & Visitors Bureau

Trade Association of Sea Kayaking

Big Lake Chamber of Commerce

Susitna Expeditions

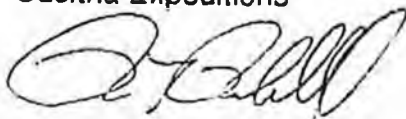
2

Many of these access problems could be worked out if the governing agencies had the resources needed to effectively manage our state lands. I urge you not to support House Bill 168.

Please contact me at (907) 892-6916 if you wish to discuss this further. Thank you.

Sincerely,

Susitna Expeditions



Roger "Toby" Riddell, Owner

WESTCOAST INTERNATIONAL INN

3353 W. International Airport Rd., Anchorage, Alaska 99502
TEL (907) 243-2233 FAX (907) 248-3796

Date 2/5/98

Deliver to Ray. Cass

Fax # 465-3265

From Jeff Parker

Re: HB 168 / ^{for} Hearing @ 6 p.m.

Comments: Testimony attached. Please include it
I am sure that if Board of Fisheries demands I was not
be able to testify on my own. I have no witnesses.
Testimony
Thank you.

Total number of pages (including transmittal) 3

If all pages are not received, please call (907) 243-2233.

Law Office of
GEOFFREY Y. PARKER
Attorney at Law

500 L Street, Suite 502
Anchorage, Alaska 99502

Tel: (907) 272-9377
Fax: (907) 272-9319

TESTIMONY OF JEFF PARKER
Regarding HB 168
February 5, 1998 Before House Resources

I serve on the boards of the Alaska Sportfishing Association, Trout Unlimited and the Anchorage Fish and Game Advisory Committee. They have opposed earlier versions of HB 168 in the past. I expect they will oppose HB 168, but none of the boards have met on the current version, so I'll simply give my individual thoughts.

HB 168 has three problems and should not move.

First, HB 168 is broad brush approach to issues that differ from one situation to the next. Second, it is vague. Third, it legitimizes use of illegal trespass roads on public lands.


I'll give some examples of why a board brush approach is unwise. The Board of Game has adopted about a dozen controlled use areas which regulate motorized access in one way or another. In many of these instances, the regulation of motorized access is the only alternative to triggering the subsistence preference. By regulating motorized access, the board is able to maintain non-subsistence opportunity, provide more of it, and not trigger the preference. HB 168 would defeat the ability of the board to do that, and would in effect leave it only with triggering the subsistence preference. Similarly, for 20 years the Board of Fisheries has prohibited helicopters in portions of southwest Alaska. The regulation furthers two goals. It supports the board's sustained yield policy for trout in southwest, which is to maintain the historic size and age composition. It supports the economics of and investment in the fishing lodge industry. On this point, I'll elaborate.

Many Alaskans harbor four misimpressions about sport fishing. We assume that easy access increases commerce, that the riverine fisheries draining into Cook Inlet are the most economically productive sport fisheries, that salmon are uniformly the chief target of sport fisheries, and that target species are more important concerns about crowding. In fact, no study supports such over-generalizations. Three studies, funded by ADF&G, the University of Alaska, and the U.S. Department of Commerce and the Bristol Bay Coastal Resources Service Area, all indicate that just three unroaded drainages in Southwest -- the Kvichak, Naknek, and Nushagak drainages -- produce about 20 percent more sport fishing commerce than all riverine fisheries draining into Cook Inlet combined, including all Kenai Peninsula, all Susitna Valley, and all west side streams. You ought to take note of that when you deal with bills such as HB 168. These studies also show that in

these drainages rainbow trout lead king and coho salmon as the chief target species. These studies also show that concern about crowding -- i.e. competition -- leads target species as a consideration driving all others in how people determine where to spend their sport fishing dollars. In other words, the broad brush approach of HB 168, by reducing the flexibility of the board of fisheries to adopt, and by repealing, regulations such as the 20-year-old prohibition of helicopters in southwest, operates against sustained yield policies of the board, operates against the factors which drive sport fishing expenditures of Alaskans and non-Alaskans, and operates against the economic interests of the State.

I said HB 169 is vague. It defines "traditional means of access" as that "for which a popular pattern of use has developed." That is too vague to be useful and demonstrates that the drafters of HB 168 themselves are unable to address in generality the different factual situations that exist on the ground. If the Legislature cannot say what it means, then it should not draft vague statutes.

I said HB 168 legitimizes motorized use of illegal trespass roads. In Ms. Masek's district is the North Fork of the Kashwitna River, which was the last hike-in trout fishery on the east side of the Parks Highway. Four years ago an individual bulldozed a trespass cat trail across two miles of state land into the river. CRVs now use it. The result will likely be closure of the coho fishery and inability to meet the board's goal of maintaining the historic size and age composition of the trout population. HB 168 precipitates such outcomes by legitimizing CRV use of trespass roads.



Author: rjburk@alaska.net at CCEMHS1

Date: 2/5/98 11:16 AM

Priority: Normal

TO: Representative Scott Ggan at LAA_TRANS, Representative Bill Hudson at LAA_CAP,
Representative Beverly Masek at LAA_TRANS, Representative Ramona Barnes at LAA_HBAR,
Representative Fred Dyson at LAA_TRANS, Representative Joe Green at LAA_TRANS,
Representative Reggie Joule at LAA_CAP, Representative Irene Nicholia at LAA_CAP,
Representative Bill Williams at LAA_CAP

Subject: HB168-Teleconference of 02/05/98

I am unable to attend the Teleconference for HB168 scheduled before the House Resources Committee on Thursday, February 5, 1998 at 1:00 pm. Thus, I would like to send these few brief comments for your consideration.

I encourage your support for HB168. Traditional means of access to assist in taking game or fish and traditional means of access for traditional outdoor activities are the right of all Alaskans electing to use the public lands of Alaska in such a manner. Everyone can expect that there could be exceptions in areas where safety or biological concerns could be a factor. These rights are also protected from any prohibition through the Board of Game or Board of Fisheries regulation changes.

I commend Representative Masek for sponsoring this fine bill, and encourage your swift approval, moving this bill on toward finalization.

Thank you,

Elizabeth June Burkhart
P.O. Box 204
Willow, AK 99688-0204
907-495-3337
rjburk@alaska.net

Handwritten signature



Alaska State Legislature

Representative Beverly Masek
Chair, Military & Veterans Affairs
Vice Chair, Transportation
Vice Chair, Resources
Legislative Council

During Interim:
600 East Railroad Avenue
Wasilla, AK 99654
907-376-2679
907-376-6180 (fax)

During Session:
State Capitol
Juneau, Ak. 99801-1182
(907) 465-2679
(907) 465-2679 FAX
(800) 505-2678

MEMORANDUM

TO: Rep. Scott Ogan, Co-Chair House Resources
FROM: Rep. Beverly Masek *Bm*
RE: HB 168
DATE: Jan. 16, 1998

I would appreciate it very much if you would consider placing HB 168 (Traditional Access related to Fish and Game Regs) on the House Resources Committee schedule in the near future. I feel the time has come that we address this issue as we did earlier with legislation concerning public lands.

The recent move by the Board of Game to address ORV access in Unit 13 should give rise to concern among those of us interested in protecting the ability of Alaskans to access and utilize public resources. According to my understanding of the legislative history on the Nelchina Public Use area, this portion of Unit 13 was set aside with the idea that motorized access would continue. I believe we all feel it is important to allow that tradition to continue as it spreads out users and allows them not only the ability to access the resource, but if they are successful in their hunt, to transport their game out of the field.

Thank you for your time and consideration on my request.



Alaska State Legislature

Representative Beverly Masek

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

During Interim:

600 East Railroad Avenue
Wasilla, AK 99654
907-376-2679
907-376-6180 (fax)

During Session:

State Capitol
Juneau, Ak. 99801-1182
(907) 465-2679
(907) 465-4822 FAX
(800) 505-2678

SPONSOR STATEMENT – HB 168 **Bill Protecting Traditional Access on State Lands**

House Bill 168 follows up on the efforts of this Legislature to ensure the general public continues to have reasonable access to the land and resources they own. This legislation protects public access from arbitrary closures by the Department of Fish and Game and the Boards of Fish and Game.

Last year the House and Senate passed HB 23 and SB 35 which dealt with public lands and state park lands respectively. This past interim the Board of Game generated a set of proposals to inquire into whether motorized access should be allowed in Game Management Unit 13. Although at public hearings it was well demonstrated that the majority of Alaskans support access for hunting and fishing, the Board of Game at its November hearing on this issue appointed a special committee to explore this issue further.

Both HB 23 and SB 35 passed the House and Senate by solid majorities. The public's fears that those lands remaining open to access at this time will also be closed are fed by actions such as those taken by the Board of Game this past year. HB 168, like HB 23 and SB 35 will require legislative approval of those closures that are made without sound evidence pertaining to public safety or biological concerns.

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

January 26, 1998

SUBJECT: Sectional Summary of HB 168; An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes. (HB 168)

TO: Representative Beverly Masek
Attn: Eddie Grasser

FROM: George Utermohle 
Legislative Counsel

You have requested a sectional summary of HB 168; An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes.

As a preliminary matter, please note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill adds a new section (AS 16.05.794) to the Fish and Game Code to limit the authority of the Board of Game, Board of Fisheries, and the Department of Fish and Game to place restrictions on the means of access used to take game or fish. The boards and the department may prohibit the use of a traditional means of access to assist in the taking of game or fish only under the conditions specified in the bill. Regulations in effect before January 1, 1997 are exempt from application of this section. The term "traditional means of access" is defined for purposes of this section.

Section 2 of the bill adds a new section to AS 16.20 to prohibit the Department of Fish and Game, Department of Natural Resources, Board of Game, and Board of Fisheries from restricting traditional means of access for purposes of conducting traditional outdoor activities within a state game refuge, state game or wildlife sanctuary, threatened species habitat preservation area, state range area, or fish and game critical habitat area, except under specific situations described in the bill.

Representative Beverly Masek

January 26, 1998

Page 2

The terms "traditional means of access" and "traditional outdoor activities" are defined for the purposes of this section. Except for minor changes in wording these terms have the same meanings as given to the terms "traditional means of access" and "traditional recreational activity" in ch. 27, SLA 1997 (HCS CSSB 35(FIN) am H) which related, in part, to regulation of traditional means of access for traditional recreational uses within a park, recreational or special management area, or preserve.

Section 3 of the bill provides that sec. 1 of the bill is retroactive to January 1, 1997.

Section 4 of the bill provides that the bill takes effect immediately under AS 01.10.070(c).

GU:jdr

98-035.jdr



Alaska Boating Association * P.O. Box 210430 * Anchorage, Alaska 99521

TO: REP Bev Masek

4 Feb 1998

FROM: Don Sherwood

SUBJECT: HB168 "An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes".

We of the Alaska Boating Assn have always tried to create a fair and equitable way of motorized access on our states public land and waterways. But with DNR continuing in it's off handed way of imposing unnecessary, unscientific studied restrictions on OUR public lands, it has now become necessary to find away to protect the motorized public from these unwarranted attacks on our constitutional right to access. This has to cease or we the citizens of Alaska will continue to be crowded into less and less areas, just so the Preservationists can take away more areas from human use. With less than 1% of the land inuse today, this is nothing but a attack on our ability to develop both our renewable resources and natural resources. It has to stop and we think this bill help stop the elitist from taking away our rights of use of public property. With fishing, hunting, and outdoor recreation as a primary reason for so many of us to come to this Great state, it has now become necessary to protect those rights. We think HB168 will do this for us.



Don Sherwood

Legislative Officer

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

TONY KNOWLES, GOVERNOR

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 465-4190
FAX: (907) 465-6142

February 10, 1998

The Honorable Scott Ogan
Alaska State Legislature
State Capitol Building, Room 128
Juneau, AK 99801-1182

Dear Representative Ogan:

I recently testified during a House Resources Committee hearing on House Bill 168. In retrospect, I believe I may not have communicated clearly to the committee my concerns and the department's objections to this bill.

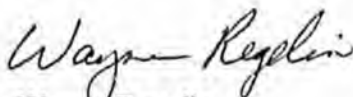
There is a wide variety in how Alaskans enjoy and use wildlife resources. For over forty years, the Boards of Fish and Game have provided Alaskans an opportunity to participate directly in making decisions about how Alaska's fish and wildlife resources should be used and enjoyed. The boards devote over eighty meeting days per year to these issues.

The Board of Game has worked to provide diverse opportunities for hunting experiences the public has requested. Managing means and methods of access through establishment of controlled use areas has been a very important tool for providing this variety and for managing conflicts between competing wildlife users.

As I said at the hearing, the legislature has the ability through statute to abolish or modify any controlled use area adopted by the Board of Game. I believe this is a far better approach to exercising legislative oversight of wildlife management, than completely removing this important tool from the Board of Game.

I realize this bill has already left the Resources Committee, but I want to correct any impression I may have left with the committee members that the department was neutral or in support of this legislation. We are opposed to House Bill 168.

Sincerely,



Wayne Regelin
Director

Feb. 5, 1998

*Enter into
Board -
Provide to
Committee
members*

TO: House Resources Committee

HB 168 is a bad idea. For one thing it limits the ability of the boards of fish and game to regulate or limit means of access to hunting and fishing areas. For example it would nullify the restriction on use of airboats in the Minto Flats area, a "traditional" hunting area of the residents of Minto Village. Such license granted to urban sportsmen with expensive power sports equipment is a good way to invite aggressive regulation by federal authorities.

Natural resource management agencies have legitimate reasons for limiting access to critical habitat areas by mechanized equipment. HB 168 would virtually prohibit the ability of resource managers to protect habitat. Regulating fish and game is a huge, complicated job. We should let our designated state agencies do their work without tying their hands with unnecessary legislation like this.

Finally, there is the issue of fairness to those who choose to enjoy the outdoors without the intrusion of mechanized equipment. If the intensity of use is low, there is room for all types of use. However, closer to urban areas there should be provision to set aside areas for nonmechanized access for those who choose to go on foot, snowshoe or ski.

Please kill HB 168!

Daniel and Ann Swift
3181 Anella Av.
Fairbanks 99709
dswift@ploarnet.com



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Resource

Committee on HB 1168 Committee Name Dated 2-5-97

I FAVOR - HB-168 Bill / Subject

Please keep in mind the following when considering HB-168 -

" ARTICLE VIII Section 3 - Common Use

This section, together with sections 15 and 17, emphatically prohibits the state from granting to any person or group privileged or monopolistic access to a natural resource"

The Supreme Court has declared -

SIGNED: Bill Steyer
Testifier

Alaska Wildlife Conservation Association
Representing

431 GATNEY RD EBBWILLE - 99701 - 4536295
Address / Phone Number



The Alaska Boating Association
P.O. Box 210430
Anchorage, Alaska 99521

Cliff Iudkins, President

March 2, 1998

To: Members of the Alaska House of Representatives
State Capitol
Interdepartmental Mail Stop 3101
Juneau, AK 99801-1182

The Alaska Boating Association strongly supports HB168, dealing with Traditional Access for Hunting and Fishing Purposes

HB168 is necessary since Seventy (70) percent of our states population resides between Homer and Talkeetna, Alaska. The Game Management Units that this area covers includes GMU13, GMU14, GMU15, and GMU16. In these Game Management Unit areas there are Fourteen (14) state restricted areas that affect motorized access in one way or another. Many of these restrictions were orchestrated to benefit certain special interest groups. In some cases it allows a special interest group the exclusive use of an area. In other cases it benefits a special interest group financially. In the Fourteen (14) restricted areas hardly any restrictions were based upon game habitat protection and none were based upon the protection of the game resources.

Example: In GMU13 the Tonsina Controlled Use Area is closed to using motorized vehicles or pack animals for hunting from July 26 to September 30. There is nothing prohibiting a person to use a motorized vehicle or a pack animal during this period of time in this area as long as they are not hunting. It should also be noted that these restrictions not only apply to motorized access, but in some cases, to non-motorized as well.

When restrictions are placed on motorized access the consumptive users with physical disabilities and senior citizens are adversely affected. **Example:** Two hunters in their mid-twenties, who are in top physical condition, hunt in the same Game Management Unit. One hunter accesses the area by non-motorized means by walking. The other hunter accesses the area by motorized means. If the Game Board restricts this area to non-motorized access only, the before mentioned hunter who used motorized means to access will be required to walk in to use the area. However, if there was a third hunter who also hunted in this same area, who accessed the area by motorized means because he has physical limitations or he is physically disabled, when the Game Board restricts motorized access in the area, the disabled hunter does not have the choice of walking in. Instead, because he cannot physically walk in, as the other hunters do, he is in actuality restricted

from using the area

Sec 16.05.255 of the Regulations of the Board of Game gives the Board the authority, with specific guidelines, to set bag limits and seasonal openings, to establish the means and methods employed in the harvest of game consistent with resource conservation and development goals, and other authorities. Included within this regulation the Board of Game has the authority to establish means and methods that may be employed by persons with physical disabilities. The Legislature, in it's wisdom, recognized the social needs of the physically disabled and gave the Board of Game this authority to grant special access considerations to this group. The Board of Game has failed, almost totally, in this area. As stated previously, approximately Seventy (70) percent of our states population lives between Homer and Talkeetna, Alaska. Thus, it would stand to reason that this same area has Seventy (70) percent of the disabled population as well. In the four Game Management Units mentioned previously (GMU13, GMU14, GMU15, and GMU16), which are used the most by this Seventy (70) percent of the population, there are Fourteen (14) access restrictions. The Board of Game has made one exception in these Game Management Units for the disabled which is listed on Page Ten (10) of the 1997-98 Alaska Hunting Regulations, under the heading *Disability Provisions, paragraph Three (3)*. The only other exception for the entire State of Alaska is on the same page of the same regulation book under *Disability Provisions, paragraph Two (2)*. Within other State agencies within the State of Alaska there are numerous examples of where the special problems and concerns for the physically disabled are recognized. Businesses are required to provide Handicapped Parking as close to the building entrance as is possible. The Department of Motor Vehicles even gives complimentary Parking Stickers for the Handicapped with proper documentation from a medical doctor. Special ramps are required, not only for wheel chair access, but for people who are ambulatory but find stairways restrictive. Large buildings are now required to have elevators, again not just for wheel chair access, but for those who are stairway restricted. You could go to just about any shopping mall within the State of Alaska and park your vehicle as far away from the entrance as possible and it would be doubtful that you would have to walk more than 150 yards, probably all on a level surface, to get to the building entrances. The State of Alaska has recognized that a distance of 150 yards for many disabled and limited people, is a severe hardship. Yet, the Board of Game has issued in the before mentioned regulations only two exceptions for the physically handicapped. In one of these requirements a person must be restricted to a wheel chair for the exception to apply and in the other a person must be able to prove, through some medical source, that they are considered at least Seventy (70) percent disabled. Where does this agency and the Board get the authority to dictate what percentage or how severe a person is disabled?

The Alaska Boating Association has many elderly and disabled members. Within this group there are Disabled American Veterans, some of whom have become disabled through service to their country. Our members have in the past placed the preservation and protection of the fish and game resources and the habitat of those resources as the ultimate priority consideration. The preservation of both the resource and its habitat is probably the most on going effort getting our organizations attention. And when supported by scientific data and facts, any area concerning the preservation of resources and habitat requiring restriction will get our utmost support. However, we will not quietly sit back and be consistently restricted from our resources when no valid reason is evident. Going back to *Sec 16.05.255 of the Regulations governing the Board of*

Page Three (3): ABA Letter to House State Affairs Committee of March 2, 1998

Game there is no authority addressing the quality of an outdoor experience, which we consistently hear is reason for applying restrictions.

Another area that needs to be addressed in support of HB168 has to do with *Public Law 96-487 (ANILCA-Dec. 2, 1980), Sec 811. (a) and (b)* which I quote as follows:

Access

Sec. 811.(a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

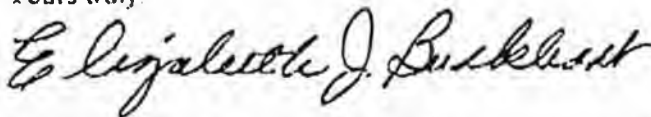
(b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

Rural residents under this act, engaged in subsistence uses, are guaranteed access to Public Lands. Two of the methods specifically mentioned are snowmobile and motorboat. Should not the urban consumptive user have the same access rights?

During the first half of the current Legislative Session, two excellent Bills were introduced, debated, and successfully passed dealing with access to public land usage. Senate Bill 035 and House Bill 023 gives the Legislature the authority on restrictions to Public land useage, including Public Parks lands. House Bill 168, being discussed here, completes the circle! This bill will give the authority to the Legislature to approve or disapprove of restrictions to Public Land access for purposes of hunting and fishing.

Our Organization, the Alaska Boating Association, has carefully examined this Bill and we especially note that the Bill protects the fish and game resource and the resource habitat under it's Ammendment to Section 1 AS16.05.794, Item Number Three (3). Thus, our Association, its membership, including the disabled and the elderly limited members, urge you to vote for the passage of HB168 for, but not necessarily limited to, the reasons specifically described herein.

Yours truly,



Elizabeth J Burkhardt, Legislative Affairs Committee Member

cc: Representative Beverly Masek, Sponsor, HB168
Cliff Judkins, President, Alaska Boating Association

Alaska Quiet Rights Coalition

P. O. Box 202592
Anchorage, Alaska 99520
(907) 566-3524

March 11, 1998

Members of the
House of Representatives
Alaska State Legislature

Re: Our Opposition to House Bill 168

Dear Members of the House:

On behalf of the Alaska Quiet Rights Coalition, I wish to register the strong opposition of the Coalition to this bill, and to the erroneous concepts which seem to lie behind it.

I am a former member of the Alaska Board of Game (1975-76), and I know from first-hand experience the great service this Board has performed for all Alaskans, in mediating conflicts between resource users, in supporting the concept of fair-chase hunting, and in attempting to insure a fair allocation of hunting opportunity and quality hunting experiences between all hunters, whether motorized or non-motorized. We do not believe that this is a role that the Alaska Legislature should assume, nor is it one which the Legislature is well-equipped to assume. Yet this will be the result of HB 168.

The unspoken assumption of HB 168 and its sponsor Rep. Masek is that motorized access to hunting and fishing opportunities is the desire of the overwhelming majority of Alaskan resource users, and that this desire must be accommodated without any consideration of non-motorized users, the quality of the outdoor experience, or the health of the resource itself. This notion is flat wrong.

Non-motorized recreation users in Alaska far outnumber the ones who believe they must depend on motorized access for their outdoor experiences. Yet the Boards of Fish and Game, and the Departments of Natural Resources and Fish and Game, are, by the Legislature, being rendered powerless to make a fair allocation of land and resource uses between motorized and non-motorized users

This blind unfairness is an abdication of responsibility to the citizens of the state, and a real "black eye" on the quality of Alaska's environmental credentials. Is it no wonder that, despite our continuing claim that Alaskans are "true environmentalists," we continually fail to convince the rest of the Nation that we could responsibly develop ANWR, for example? Clearly our actions, such as HB 168, speak much louder than our words.

We are particularly concerned with specific parts of HB 168 which, if enacted, can lead to long-term and irreversible resource damage. The burden on the Game and Fish Boards to demonstrate that a "traditional access" restriction is "biologically essential" for the protection of a species or its habitat is much too

Members of the
House of Representatives
Alaska State Legislature
March 11, 1998
Re: HB 168

high. First, it assumes scientific or biological certainty, which any scientist can tell you is a near impossibility. Second, it almost invites resource damage (rather than before-the-fact prevention) as "proof" that a restriction is necessary. In many cases, once the damage is done (particularly to terrain and vegetation), it will last for decades, or even centuries.

The definition of "traditional outdoor activities" in HB 168 goes far beyond those activities associated with hunting and fishing, which are the purview of the two Boards affected by HB 168. It includes "recreational mining" which has the potential of uncontrolled, long-term terrain damage.

There is no maximum weight limit in HB 168 for motorized "recreation vehicles." It is very possible that under HB 168, the Boards and the resource agencies would be unable to control or prevent the "recreational" use of a D-8 Cat, for example, anywhere on state land for the purpose of "recreational mining" or any other "traditional outdoor activity" for which a user might desire to use his tractor for access or sport. Even vehicles less damaging than a D-8 Cat may, over time and with concentrated use, leave scars on the land that will not heal for decades, if ever.

The Denali Highway hunting areas are one example where rampant ATV and tracked vehicle access have left permanent resource damage, and HB 168 would simply encourage and perpetuate this damage. If this is an example of Alaska's wise natural resource management attitudes and policies, then it is little wonder that the rest of the Nation cannot trust this state to develop ANWR responsibly. As a Congressman from Ohio or Tennessee, would you take a look at HB 168 and reach any other conclusion?

We urge that HB 168 not be approved. If it is approved, the Quiet Rights Coalition urges that amendments be adopted to encourage the prevention of natural resource damage *before* it occurs, that authority to make fair allocation of motorized and non-motorized areas be specifically retained by the Fish and Game Boards, and that the details of HB 168's definitions be amended to place a maximum weight limit or ground pressure per square inch on permitted motorized recreational vehicles, and to entirely prohibit tracked vehicles with metal tracks, lugs or blades.

Thank you for your consideration of this testimony on behalf of the Alaska Quiet Rights Coalition.

Sincerely yours,



Thomas E. Meacham



**Alaska
Wilderness
Recreation &
Tourism
Association**

**P.O. Box 22827
Juneau, AK 99802
Phone (907) 463-3038
Fax (907) 463.3280
Email awrta@alaska.net
Web www.alaska.net/~awrta**

March 9, 1998

House of Representatives
Alaska State Legislature

Dear House Members,

We are writing to express our serious concern about HB 168, which essentially bars state agencies from regulating motorized access. This bill threatens the diversity of wild land experiences valued by Alaskans and visitors alike. It also threatens local businesses that provide these experiences, or support services for them, including guiding, rafting, skiing, wildlife viewing, hunting and fishing.

The Alaska Wilderness Recreation and Tourism Association is a statewide trade association representing about 300 members, mostly Alaskan owned and operated tourism businesses. Our members' businesses, operating in more than 50 communities across the state, represent a growing industry generating millions of dollars annually.

We are not against motorized access. However, we are extremely concerned about giving motorized uses a priority over all other uses, and eliminating state agencies' ability to help maintain a diversity of recreational and business opportunities on state lands and waters. Our members' businesses depend on being able to provide guests with a wide range of quality recreation experiences, including majestic scenery, wildlife, and quiet wilderness.

The ability to provide different areas for different levels and types of access and use, both to reduce conflict between incompatible uses, and to ensure a diversity of recreation experiences, is vital to the long-term attractiveness of Alaska to residents and visitors alike.

Denali State Park provides an example of the problem. A Talkeetna based outfitter is dropping permits there, after operating for years, because increasing noise from flight-seeing makes it impossible for him to continue to provide a wilderness experience for his guests. This is unfortunate for several reasons. It will increase his operational costs. It will also reduce the diversity of the local economy and the amount of money flowing into the Talkeetna area. It may put him in conflict with other operators who are already using the areas he will relocate to. It is also unnecessary. There is no reason why a variety of different experiences could not be maintained in Denali State Park.

We oppose HB 168 because it deprives our members, and the public, of the fair chance, and the tools, to work out local access problems, if and when such problems arise. It also reduces options for professional wildlife and land managers to protect wildlife. We do not see any demonstrated problem or need for such a sweeping measure. Please do not adopt this poorly thought out and unneeded legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Behnke", is written over a horizontal line.

Steven Behnke Executive Director

Distributed by
Rep. Kim Elton