

HB

23

(9)
Date Referred to Committee: January 13, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/27/97

The RESOURCES Committee considered:

HB 23

HOUSE BILL NO. 23

PROTECT ACCESS FOR TRADIT'NL OUTDOOR USES

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

recommends it be replaced with the following committee substitute CSHB 23 (RES) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Frank Dymally</i>	<input checked="" type="checkbox"/>			
<i>Richard L. Stein</i>	<input checked="" type="checkbox"/>			
<i>Scott L. Laska</i>	<input checked="" type="checkbox"/>			
<i>Bill Hudson</i>	<input checked="" type="checkbox"/>			
<i>Bygone</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE Scott Laska - co-ch. Bill Hudson - co-ch.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 23

Revision Date: 1/23/97 Dept Affected: Natural Resources
 Title: An Act relating to traditional means of access for BRU: Resource Development
traditional outdoor uses and to the classification of state land. Component: Land Development
 Sponsor: Rep Masek
 Requestor: H(RES) Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98*	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	52.8	52.8	52.8	52.8	52.8	52.8
TRAVEL	13.0	13.0	13.0	13.0	13.0	13.0
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	70.8	70.8	70.8	70.8	70.8	70.8
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1005)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	70.8	70.8	70.8	70.8	70.8	70.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	70.8	70.8	70.8	70.8	70.8	70.8

Estimate of any current year (FY97) cost: \$ none

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

Expenditures are for staff needed to identify and reserve "traditional access" on all parcels leased, sold, or transferred to municipalities. Expenditures do not include cost to re-do all contracts to insert and value traditional access provision, which may be necessary and would cost in excess of \$.5 million for FY 98.

Revenue loss reflects charges due to de-valuing land currently under contract for sale. Revenue impact assumes no major new land offering. Value of future land offerings could be reduced by 50% due to allowing public use of "private" land.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 23-Jan-97
 Approved by Commissioner: *Carol Carroll* Date: 1/23/97
 Agency: Natural Resources

FISCAL NOTE

TATE OF ALASKA
997 LEGISLATIVE SESSION

BILL NO. CSHB 23 (RES)

2/27/97

Title: An Act relating to traditional means
of Access...
ponsor: Rep. Masek
requestor: House Resources

Dept. Affected DNR
BRU: _____
Components: _____
Serial # _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

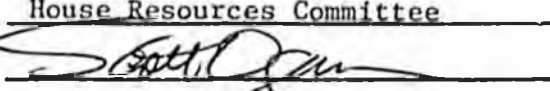
POSITIONS:

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)

see attached analysis

Prepared by:

Co-Chairman Scott Ogan
House Resources Committee


Date: 2/27/97
Phone: 465-3715
Phone: _____

Revised

Latest

FISCAL NOTE

by DNR

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB447(RES)

Revision Date: 14-Mar-96 Dept Affected Natural Resources
 Title: State land and water may not be classified so as BRU: Parks & Recreation Management
to preclude or restrict traditional means of access for trad'l rec. use Component: Parks Management
 Sponsor: Representative Masek
 Requestor: House Rules Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	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 ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

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

Prepared by: Jim Stratton Phone: 269-8800
 Division: Parks Date: 14-Mar-96
 Approved by Commissioner: _____ Date: 14-Mar-96
 Agency: Natural Resources

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

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 23

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act relating to traditional means of access for BRU: Resource Development
traditional outdoor uses and to the classification of state land. Component: Land Development
 Sponsor: Rep Masek
 Requestor: H(RES) Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98*	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	52.8	52.8	52.8	52.8	52.8	52.8
TRAVEL	15.0	15.0	15.0	15.0	15.0	15.0
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	72.8	72.8	72.8	72.8	72.8	72.8

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1005)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	72.8	72.8	72.8	72.8	72.8	72.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	72.8	72.8	72.8	72.8	72.8	72.8

Estimate of any current year (FY97) cost: \$ none

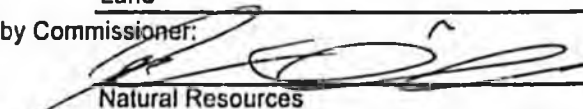
POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Expenditures are for staff needed to identify and reserve "traditional access" on all parcels leased, sold, or transferred to municipalities. Also includes increased travel for State Parks to appear before legislature to request restrictions for recreation sites (such as campgrounds). Expenditures do not include cost to re-do all contracts to insert and value traditional access provision, which may be necessary and would cost in excess of \$.5 million for FY 98.

Revenue loss reflects changes due to de-valuing land currently under contract for sale. Revenue impact assumes no major new land offering. Value of future land offerings could be reduced by 50% due to allowing public use of "private" land.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 22-Jan-97
 Approved by Commissioner:  Date: 1/24/97
 Agency: Natural Resources



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Beverly Masek

State Capitol
Juneau, AK 99801
(907) 465-2679

Official Business

Memorandum

To: Rep. Scot Ogan, Co-Chair House Resources
Rep. Bill Hudson, Co-Chair House Resources

From: Rep. Beverly Masek *B.M.*

Re: HB 23 "An Act Relating to Public Access on State lands and waters."

Date: Jan. 15, 1997

I would respectfully request the House Resources Committee take up HB 23 as expeditiously as possible. This legislation has broad public support and passed the Legislature last year overwhelming. Unfortunately, Governor Knowles vetoed it.

HB 23 will protect the general public's ability to access public lands and waters in Alaska that are managed by the Division of Lands. This legislation is necessary due to the increasing propensity by some bureaucrats to actively pursue closing off access to large portions of the public.

Thank you for your time and assistance on this important issue, it is much appreciated.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Beverly Masek

State Capitol
Juneau, AK 99801
(907) 465-2679

Official Business

HB 23

SPONSOR STATEMENT

"ACCESS PROTECTION BILL"

House Bill 23 addresses an increasingly troublesome problem involving public policy relating to the ability of Alaskans to access and utilize common property resources. This legislation will allow the Legislature to address concerns over access to state lands and waters where proposed administrative action involves significant areas of public interest.

Currently the administration may close public access onto state lands and waters regardless of whether Alaskans agree with such policy actions. This situation has led to the exclusion of many traditional uses in areas of public interest when some members of the bureaucracy felt it necessary to impose restrictions on those uses they viewed as socially incompatible or unacceptable.

The legislature has traditionally been responsible for implementing statutes designed to protect lands, waters and resources. However, there are no statutes which provide for the protection of the public's ability to access these common property resources. I feel this is an important public policy question which should rightly come under legislative purview.

HB 23 will allow the administration to affect public access on small areas, or for short periods of time. However, larger areas (more than 640 acres), or restrictions lasting for long time periods (more than eight months in a three year period) would be subjected to legislative approval.

HB 23 includes language which will give the Legislature the authority to protect traditional access for traditional uses, including subsistence activities. Furthermore, this legislation was crafted so as not to impede land disposals, mining, timber harvest or other resource development. Language has been inserted which allows development interests for safety reasons to "control and direct public access through developed properties", and to provide for "reasonable access alternatives".

In addition to enthusiastic individual support, the following groups representing in excess of 25,000 Alaskan outdoor users support HB 23: Alaska Marine Dealers, Resource Development Council, Alaska Visitors Association, Alaska Air Carriers, Alaska Airmen's Association, Alaska Bow Hunters, Alaska Snowmobile Assoc., Alaska Boaters Assoc., Mat-Su Motor Mushers, Mat-Su Boaters, Alaska Outdoor Council, Territorial Sportsmen, Alaska Outdoor Council, Ketchikan Sport and Wildlife Club, and Mat Valley Sportsmen.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Beverly Masek

State Capitol
Juneau, AK 99801
(907) 465-2679

Official Business

CSHB 23 / SECTIONAL ANALYSIS

SECTION 1) Intent Language clarifying private property will not be affected by this legislation.

SECTION 2) This section is a complete rewrite from the original version which was an amendment to AS 38.05.300(a). The new language amends AS 38.04.55 which has to do with access through private use areas. The amendments to AS 38.04.055 include changing the authority for making restrictions from the Director to the Commissioner (page 1, line 6) and changing may to shall (page 1, line 10) which will require the commissioner to provide for access in relation to historical use. Also, new language is added to include traditional outdoor activity in the listing of historical uses.

SECTION 3) This section amends AS 38.04.058 by changing the authority from the Director to the Commissioner and by adding new language giving the commissioner authority to provide for restrictions on easements or right-of-ways to protect public safety and property. The restrictions applied under this section also must be made so as to protect as access to the maximum extent possible and must be made in a written finding.

SECTION 4) Body of bill. Requires legislative approval if the Commissioner of Natural Resources intends, through land management, to block access for long periods of time or in large areas, including blockages for development or aesthetic values.

Definitions: Defines aesthetic values as those values held by a portion of the public and are social or cultural in nature. Also defines "traditional outdoor activity" and "traditional means of access".

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 3, 1997

SUBJECT: Sectional Summary of CSHB 23(RES). (Work Order No. 20-LS0158\H)

TO: Representative Beverly Masek
Attn: Eddie

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill clarifies the intent of the legislature.

Section 2 of the bill amends AS 38.04.055 specifying when the commissioner of natural resources must retain easements and rights-of-way when making land available for private use.

Section 3 of the bill limits the authority of the commissioner of natural resources to restrict the use of easements or rights-of-way.

Section 4 of the bill provides that the commissioner may not manage state land, water, or land and water so that a traditional means of access for traditional outdoor activities is restricted for the purpose of protecting aesthetic values of the land, water, or land and water unless the restriction is small in size, is temporary, is for the purpose of developing natural resources and the commissioner has identified and approved an alternative for the access, is for the protection of public safety and public or private property, or is approved by the legislature. Definitions are provided in this bill section.

GPL:pl
97-053.plm

0-LS0158F
Luckhaupt
2/26/97

CS FOR HOUSE BILL NO. 23()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MASEK

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of state land; and relating to access to land."

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

3 * Section 1. INTENT. It is the intent of the legislature that nothing in this Act affects
4 private property owners' rights that exist on the effective date of this Act.

5 * Sec. 2. AS 38.04.055 is amended to read:

6 Sec. 38.04.055. Access through private use areas. The commissioner
7 [DIRECTOR] shall reserve easements and rights-of-way on and across land that
8 [WHICH] is made available for private use as necessary to reach or use public water and
9 public and private land. An easement or right-of-way reserved under this section shall
10 [MAY] include trails that have an established history of use for commerce, recreation,
11 [OR] transportation, or providing access to a traditional outdoor activity. In this
12 section. "traditional outdoor activity" has the meaning given in AS 38.04.200.

13 * Sec. 3. AS 38.04.058 is amended to read:

14 Sec. 38.04.058. Restrictions on easement or right-of-way use. The
15 commissioner [DIRECTOR] may, under terms agreed to in writing by a grantee, lessee,

1 or interest holder of state land, restrict the use of an easement or right-of-way reserved
 2 under AS 38.04.050, 38.04.055, or other law in order to protect public safety or property.
 3 The commissioner may not agree to or enforce a restriction under this section
 4 unless the restriction is narrowly tailored to achieve the protection of public safety
 5 and property while preserving access to the maximum extent practicable and the
 6 commissioner makes a written finding identifying how the restriction will protect
 7 public ~~and~~ safety and ^{public or private} property.

8 * Sec. 4. AS 38.04 is amended by adding a new section to read:

9 **Article 3A. Access To State Land.**

10 **Sec. 38.04.200. Traditional means of access.** (a) The commissioner may not
 11 manage state land, water, or land and water so that a traditional means of access for
 12 traditional outdoor activities is restricted for the purpose of protecting aesthetic values
 13 of the land, water, or land and water or is prohibited unless the restriction or
 14 prohibition is

15 (1) for an area of land, water, or land and water that encompasses 640
 16 contiguous acres or less;

17 (2) temporary in nature and effective cumulatively less than eight
 18 months in a three-year period;

19 (3) for the development of natural resources and a reasonable
 20 alternative for the traditional means of access across the land, water, or land and water
 21 for traditional outdoor activities on other land, water, or land and water is available
 22 and approved by the commissioner; or

23 (4) authorized by act of the legislature.

24 (b) In this section,

25 (1) "aesthetic values" means those values that exist as an expression of
 26 the social or cultural viewpoint held by a portion of the population;

27 (2) "traditional means of access" means those types of transportation
 28 on, to, or in the state land, water, or land and water, for which a popular pattern of use
 29 has developed; the term includes flying, ballooning, boating, using snow vehicles,
 30 operation of all-terrain vehicles, horseback riding, mushing, skiing, snowshoeing, and
 31 walking;

32 (3) "traditional outdoor activities" means those types of activities that

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people may use for sport, exercise, subsistence, including the harvest of foodstuffs, or personal enjoyment, including hunting, fishing, trapping, gathering, or recreational mining, and that have historically been conducted as part of an individual, family, or community life pattern on or in the state land, water, or land and water.

CS FOR HOUSE BILL NO. 23(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MASEK

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of state land; and relating to access to land."

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

3 * Section 1. INTENT. It is the intent of the legislature that nothing in this Act affects
4 private property owners' rights that exist on the effective date of this Act.

5 * Sec. 2. AS 38.04.055 is amended to read:

6 Sec. 38.04.055. Access through private use areas. The commissioner
7 [DIRECTOR] shall reserve easements and rights-of-way on and across land that
8 [WHICH] is made available for private use as necessary to reach or use public water and
9 public and private land. An easement or right-of-way reserved under this section shall
10 [MAY] include trails that have an established history of use for commerce, recreation,
11 [OR] transportation, or providing access to a traditional outdoor activity. In this
12 section, "traditional outdoor activity" has the meaning given in AS 38.04.200.

13 * Sec. 3. AS 38.04.058 is amended to read:

14 Sec. 38.04.058. Restrictions on easement or right-of-way use. The
15 commissioner [DIRECTOR] may, under terms agreed to in writing by a grantee, lessee,

1 or interest holder of state land, restrict the use of an easement or right-of-way reserved
 2 under AS 38.04.050, 38.04.055, or other law in order to protect public safety or property.
 3 The commissioner may not agree to or enforce a restriction under this section
 4 unless the restriction is narrowly tailored to achieve the protection of public safety
 5 and property while preserving access to the maximum extent practicable and the
 6 commissioner makes a written finding identifying how the restriction will protect
 7 public safety and public or private property.

8 * Sec. 4. AS 38.04 is amended by adding a new section to read:

9 **Article 3A. Access To State Land.**

10 **Sec. 38.04.200. Traditional means of access.** (a) The commissioner may not
 11 manage state land, water, or land and water so that a traditional means of access for
 12 traditional outdoor activities is restricted for the purpose of protecting aesthetic values
 13 of the land, water, or land and water or is prohibited unless the restriction or
 14 prohibition is

15 (1) for an area of land, water, or land and water that encompasses 640
 16 contiguous acres or less;

17 (2) temporary in nature and effective cumulatively less than eight
 18 months in a three-year period;

19 (3) for the protection of public safety and public or private property;

20 (4) for the development of natural resources and a reasonable
 21 alternative for the traditional means of access across the land, water, or land and water
 22 for traditional outdoor activities on other land, water, or land and water is available
 23 and approved by the commissioner; or

24 (5) authorized by act of the legislature.

25 (b) In this section,

26 (1) "aesthetic values" means those values that exist as an expression of
 27 the social or cultural viewpoint held by a portion of the population;

28 (2) "traditional means of access" means those types of transportation
 29 on, to, or in the state land, water, or land and water, for which a popular pattern of use
 30 has developed; the term includes flying, ballooning, boating, using snow vehicles,
 31 operation of all-terrain vehicles, horseback riding, mushing, skiing, snowshoeing, and
 32 walking;

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(3) "traditional outdoor activities" means those types of activities that people may use for sport, exercise, subsistence, including the harvest of foodstuffs, or personal enjoyment, including hunting, fishing, trapping, gathering, or recreational mining, and that have historically been conducted as part of an individual, family, or community life pattern on or in the state land, water, or land and water.

RESOURCES AGENDA

2/27/97

I. Gavel to order

- A. Ask Fairbanks if Irene Nicholia is on-line.
- B. Ask to see if Anchorage, Mat-su and Kenai are all on line.

II. HB 23 is the bill of the day

- A. Rep. Masek/Eddie Grasser - speak to changes
- B. Questions
- C. Adopt CS

III. Testimony

- A. Jane Angvik (Division of Land)
 - 1. Jane will have an amendment that Beverly will agree with.
- B. Adopt amendment
- C. Public testimony on CS

IV. Vote

- A. If there is an objection, ask the secretary to call the roll



Tanana Valley Sportsmen's Association
INCORPORATED

P.O. Box 698

Fairbanks, Alaska 99707

Phone (907) 474-0437

January 20, 1997

The Honorable Beverly Masek
Alaska State House of Representatives

Dear Representative Masek:

The Tanana Valley Sportsmen's Association supports the intent of House Bill No. 23. The proliferation of both Federal and State restrictions on access to and on public lands is abominable. The impunity which non-elected officials circumvent the public's wishes is an embarrassment to our system of government.

The provision for temporary restrictions, AS 38.05.300 (d) (1), is not acceptable. It would allow 80 days each year for three years. This effectively precludes traditional access for hunting, trapping, berry picking, mushroom gathering, firewood cutting etc. at peak use periods. Prime time for berry picking, mushroom gathering, is usually only a few days to a few weeks a year. Moose seasons over much of the State are only 2 to 4 weeks long. Caribou may be available in an area for only a few days as they migrate through.

The State has access restrictions off of the Dalton Highway which are strictly designed to accommodate some peoples sensibilities and are unrelated to maintenance of the habitat or conservation of renewable or non-renewable resources. AS 38.05.300 (d) (1) must be eliminated or shortened to 10 days or less.

Sincerely,

Oliver "Bud" Burris,
Chairman, Legislative Affairs Committee



January 17, 1997

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

Representative Beverly Masek
Alaska House of Representatives
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Dear Representative Masek:

This letter is in response to your proposed HB0023 relating to traditional means of access for traditional outdoor uses. At a regularly scheduled meeting of the Alaska Boating Association held on January 16, 1997, our organization voted unanimously to support your efforts and to strongly urge this legislation be passed. This letter is to communicate to you the organizations official position on this legislation.

In addition, many of our individual members will be corresponding with individual letters, POM's, testimony at teleconferences, etc. This bill is important to all members of our organization since traditional means of access is not only important to us for recreational considerations; but, in some cases is vital to some members livelihood.

Thank you for your efforts and continue to keep us informed of any and all related legislative matters we can be effective in supporting.

Yours truly,

Roy J. Burkhart, Legislative Affairs Officer
Alaska Boating Association
Voice: (907)495-6337 FAX: (907)495-6338 E-Mail: rjburk@alaska.net

cc: Donald Sherwood, President, Alaska Boating Association



ALASKA OUTDOOR COUNCIL

P.O. BOX 2790
PALMER, AK. 99645
(907) 376-2913

Jan. 17, 1996

The Honorable Scott Ogan, Co-Chair
The Honorable Bill Hudson, Co-Chair
House Resources Committee
Alaska State House
Juneau, Ak. 99801

Dear Rep. Ogan & Hudson:

The Alaska Outdoor Council fully supports efforts to protect public access for all Alaskans. Rep. Beverly Masek's efforts over the last two years with HB 447, and now with HB 23 are very much appreciated by Alaskans everywhere.

The Alaska Outdoor Council represents over 45 outdoor groups with a membership of around 12,000. Our interests are sound, scientifically based wildlife management, equal access to public resources and public access to common property resources.

The need for HB 23 has become more and more apparent over the past few years as the administration continually attempts to institute unwarranted restrictions on Alaskans wishing to access public lands and waters. Without such measures, we believe traditional Alaskan activities will continue to be restricted without justification.

Since HB 23 is essentially the same as last year's HB 447, and since that legislation passed both Houses of the Legislature with overwhelming bi-partisan support the Alaska Outdoor Council urges you to expedite the movement of this legislation at your earliest convenience.

Thank you for your time and attention to this important issue, it is very much appreciated.

Sincerely,

Rod Arno, President



January 21, 1997

Re: HB 23

To Whom It May Concern:

Mat-Su Motor Musers is a family-oriented snowmachine club encompassing the Mat-Su Borough, representing approximately 500 members. In the past, we have strenuously opposed closing public land areas to motorized access. Our mission statement reflects our commitment to public access to public lands and we support HB23 as a mechanism to protect access for all Alaskans.

Thank you for this consideration.

Sincerely,

Glenda Smith

Glenda Smith
Legislative Chair



Resource Development Council for Alaska, Inc.

121 West Fireweed Lane, Suite 250, Anchorage, Alaska 99503-2035
(907) 276-0700 Fax: (907) 276-3887 e-mail: rdc@aonline.com

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January 21, 1997

Representative Bill Hudson, Co-Chair
Representative Scott Ogan, Co-Chair
House Resources Committee
State Capitol
Juneau, AK 99801-1182

**RE: Support for HB 23, an act relating to Traditional
Means of Access for Traditional Outdoor Uses.**

Dear Representative Hudson & Ogan:

The Resource Development Council (RDC) encourages your prompt consideration of HB 23, an act relating to traditional means of access for traditional outdoor uses.

Access to Alaska's vast 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 reasonable access must be 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 flightseeing and aircraft landings.

This legislation would make the process of increasing access restrictions and prohibitions more open to the people of Alaska. HB 23 would help ensure that all Alaskans would have proper representation by their elected officials in cases involving restrictions on traditional recreational access. Important access decisions would be kept at the legislative level where they will be debated openly.

Traditional forms of access, including aircraft, snowmobiles and boats, are an essential element in Alaska's unique access

Page 2/ RDC support for HB 447

June 27, 1996

equation. Alaskans are very defensive of their rights to access the vast public lands of this northern state.

Thank you for considering RDC's position on this bill, which deserves your support.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.



Becky/Gay
Executive Director



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

Twentieth Legislature - First Session

HB 23

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

With over 100 million acres of state land in Alaska, sufficient opportunity exists to balance the interests of users of motorized means to access this land with the interests of homeowners, cabin owners, and other users who seek quiet recreation and enjoyment. Enacting HB 23 will make it more difficult to find this balance. The Alaska Environmental Lobby opposes HB 23 because it would contribute to this contentious land use issue by exacerbating conflict; in addition, HB 23 would:

- essentially prohibit the Department of Natural Resources from protecting the intrinsic values, such as quiet and wildness, of land it manages from the intrusion of motorized activities without the authorization of the legislature. The administrative process for enacting land use decisions, with its requirements of public notice and hearing, is far more accessible to most Alaskans than is the legislative process,
- benefit commercial helicopter, airplane, and other motorized interests at the expense of those Alaskans and visitors who seek out the intrinsic values of our state lands,
- promote the great imbalance between the abundant amount of state land opened to unrestricted motorized use and the tiny amount that has limited motorized access,
- equate helicopters, ATV's, and airboats as "traditional uses" with canoes, snowshoes, and dog teams.

(OVER)



- threaten the serenity and right of quiet enjoyment of Alaskan home owners and cabin owners.

The vast majority of us who live in Alaska as well as the majority of visitors that come to our state greatly value the vast natural landscape we encounter. The careful balancing of our use of this landscape, including the means by which we access it, can be accomplished if we maintain a willingness to hear all viewpoints with a commitment to fairness and respect for differing values. The politically-charged environment of the legislature is not the appropriate forum in which to perform this balancing act.

1/23/97



ALA

Post-it* Fax Note	7671	Date	1/23/97	# of PAGES	1
To	Rep. Dean	From	FBX L10		
Co/Dept	WRITTEN TESTIMONY	Co.			
Phone	HB23	Event	TELEPHONE	1/23/97	

URE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Resources/Finance
 COMMITTEE ON HB23 ^{access} ~~resources~~ DATED 01-23-97
 BILL/SUBJECT COMMITTEE NAME

As a horseman for over 1/2 century and a user of public lands, I ask that you pass HB23 out of committee and on ~~to~~ the floor for a vote. Access to and use of public lands are continually being lost - mostly thru department regulations. This bill, while protecting public land and resources, also protects the public's right to and use of our (the public) land. The recent attempt by the Division of Parks to deny access and use to many lands under its control is one example of the "locking up" of Alaska by its own government.

As a clarifying wording for the bill, on line 23, 27, and 28 after the word including you should add the words - "but not inclusive to" this will cover uses ~~or~~ ^{or} means that may have been over looked. Again, please pass HB23 to assure access to and use of public lands by the public.

SIGNED

TESTIFIER

Beverly A. Nester (Beverly A. Nester) (horse users)

REPRESENTING (OPTIONAL)

5465 Chena Hot Springs Road, FBKS. 99712

ADDRESS/PHONE NUMBER

907-488-6356

January 22, 1997

Representative Beverly Masek
Alaska House of Representatives
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Dear Representative Masek:

I am writing in response to your proposed legislation on traditional means of access for traditional outdoor uses, HB0023. I am a 30 year plus resident of Alaska and have used the public lands and waterways for years on an ongoing basis for recreational uses and for consumptive use hunting and fishing.

I strongly urge that continued access to public lands remain open to traditional uses for all citizens. If ever it becomes necessary to impose reclassification of uses or impose restrictions, limited or otherwise, it is important that the reclassification or restriction apply to ALL USERS and not only to singled out groups. This can only be assured if the power to make these decisions is placed into the hands of the Legislature. Too many times we have gone before the state agency representatives in a Public Hearing process and had the decision that finally is made on the issue be made for the convenience of the agency. Time and time again, these decisions have totally gone against the majority of the testifiers. It has become a mockery to the system and the citizen is becoming complacent to even testify, because they know that too often, their view will be ignored...even if it is in the majority view. The legislature is under the control of the citizen voter of this state and we, the users, can and do have control of who makes up that body. Currently we can do nothing about the bureaucratic individuals that control decisions being made for us at the agency level. It is critical that the control of these decisions become a legislative process.

One area of access to public lands that is too often overlooked is concern for the elderly and/or disabled citizen. I myself have limitations due to physical disabilities. Motorized access continues to be attacked. It is all well and good that certain citizens want their "remote experience" free of noise or other distraction. We who are limited certainly feel discriminated against by this thought process. It seems truly discriminatory to restrict an elderly or disabled citizen from access to the same public use area as anyone else, simply because the sound of a motor may infringe upon someone else's "experience". Are these same people traumatized when their neighbor uses a power lawnmower in the summer or a snowblower in the winter? This area too often is not mentioned when access becomes discussed. The limited individuals rights must not be overlooked.

Page Two(2), 01/22/97, To Rep. Masek from R. Burkhart, re.: HB0023

I STRONGLY SUPPORT HB0023. I want to thank you, once again for your sponsorship of this very worthwhile legislation. Please keep me informed of any other legislation which I can be supportive of.

Yours truly,



Roy J. Burkhart

Member, Board of Directors, Alaska Boating Association

Legislative Affairs Officer, Alaska Boating Association

P.O. Box 204

Willow, AK 99688-0204

Voice: 495-6337, FAX 495-6338, E-Mail: rjburk@alaska.net

cc: Members of House Resources Committee:

Rep. Bill Hudson, Co-Chair

Rep. Scott Ogan, Co-Chair

Rep. Ramona Barnes

Rep. Fred Dyson

Rep. Joe Green

Rep. Bill Williams

Rep. Irene Nicholas

Rep. Reggie Joule

Don Sherwood, President, Alaska Boating Association

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

January 19, 1997

To: Chairman Ogan
for distribution to the members of the House Resource Committee
Fax: (907)465-3265

Re: HB 23

The Department of Natural Resources has recently changed the Alaska State Park Regulations as they effect aircraft use in Denali State Park. Because of these regulation changes we can no longer land aircraft in Denali State Park east of the Parks Highway. At the same time, these regulation changes also allow helicopter landings in five specific areas of the Park.

I appreciate the beauty of Denali State Park and understand the necessity for this land to be protected both for and from those who enjoy it. Denali State Park is a major component of the state park system, which exists primarily to serve Alaska residents. Alaska already has more than 50 million acres of national park land that is set aside for the tourism industry. **Our state park land should be for the purpose of accessible recreation for Alaska residents, and not be managed with all the same restrictions that go along with the national park lands.**

This regulation change divides the Alaska resident user groups, and through liberal helicopter access leaves the door wide open for the large scale tourism industry. Princess Tours clientele now has better entrance to Denali State Park than those Alaska residents who choose to use airplanes to access alpine country of the park.

i support any legislation that will prevent a major commercial user of state park land getting better access than Alaskan residents.

Sincerely,


Karen Holt



JAN 2 1997

ALASKA MINERS ASSOCIATION, INC.

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

Honorable Bill Hudson
Honorable Scott Ogan
Co-Chairmen
House Resources Committee
Capitol Building
Juneau, AK 99801

January 22, 1997

RE: House Bill 23, Traditional Access

Dear Representatives Hudson and Ogan,

Thank you for the opportunity to comment on House Bill 23 which addresses the need to protect traditional means of access. We have reviewed this bill and are in support of it with one minor change.

As now written, Section 4 of the bill provides for restricting access when mining claims have been converted into mining leases. However, it does not provide for restricting access where mining occurs on claims that have not been converted to lease. The miner is not required to convert to a lease. Large operations will typically convert to a lease, whereas, small operations will normally stay with mining claims.

Given the title of 38.05.316. "Restriction on outdoor activities upon sale, lease, or other disposal of land and water", we are not sure how to best include access restrictions when mining claims are involved.

Unless there is a change, it may be difficult to restrict access on mining claims that may have areas that could be dangerous to the public. Water diversion ditches, surface mine pits, power cables for equipment, flyrock from blasting, etc. are all potential hazards to the public. Also, it must be noted that federal law requires that the mine operators control access and keep the public from potential hazards.

A change is needed to insure that restricting access to mining claims is allowed. Thank you for the opportunity to comment and we look forward to reviewing some alternate language to address this issue.

Sincerely,

Steven C. Borell, P.E.
Executive Director

cc: Representative Beverly Masck

An equal rights law for recreationists

Last year the Legislature passed two bills to restrict the powers of state officials to close state lands to traditional recreation access.

Gov. Tony Knowles vetoed both bills on the same day, saying they would tie up public land management and open it to delay and litigation.

The State House is pushing ahead quickly with a new effort to pass its version of last year's bill, which is House Bill 23 in the current Legislature. At its first hearing they seem to be eyeing a chance to pass it again and perhaps override any new veto.

The bill was introduced by Rep. Beverly Masek, R-Willow, who also pushed the House measure in the past Legislature.

Masek's action last year came after the state expanded the southern boundary of Denali State Park to take in the northern shore of Blair Lake, a popular site for fly-in fishing about 15 miles north of Talkleetna (not to be confused with the Blair Lakes in the Tanana Flats).

A suspicious conjunction of the state action and a related move by the Mat-Su Borough resulted in Blair Lakes being closed to aircraft landings and open only to tourists from the new Princess Hotel built on a private land inholding on the southern boundary of the state park.

This brought howls of protest from around southcentral Alaska.



Fred
Pratt

The issue has been fed since then by the Knowles administration's attempts to close the popular Curry Ridge area of Denali State Park to snowmachines, and by new restrictions on motorboat use.

Masek's House bill states simply that the commissioner of the Department of Natural Resources may not classify state land and/or water so that "a traditional means of access for traditional outdoor activities is restricted for the purpose of protecting intrinsic values of the land or water." If more than 640 acres of such land is closed in this way, it has to go to the Legislature for approval.

Masek's bill defines "traditional means of access" as those types of transportation on, to or in state-owned land and water "for which a popular pattern of use has developed." The definition goes on to specifically include flying, ballooning, boating, and using snow vehicles, all-terrain vehicles, horses, dogsleds, skis, snowshoes and walking.

In addition, it requires public transportation use easements or

other access guarantees across state land that is sold or leased.

Masek's bill does allow temporary restrictions. It allows state-owned land to be closed to recreational use that conflict with mines or other natural resource developments, but only if reasonable alternative access is provided.

The bill is aimed only at general land management authority. It would have no impact on the authority of the Board of Game or Board of Fish to close areas to certain types of access for hunting and fishing. It attacks only restrictions that presume to protect "intrinsic values" of land or water, not restrictions to protect real land uses.

It's supported by the Alaska Outdoor Council, hunters, fishermen, the snowmachiners and the Alaska Boaters Association.

The biggest shortcoming in Masek's bill is that it doesn't go far enough. It doesn't apply to state parks, for instance, and wouldn't address the Blair Lake incident. It also lacks teeth on rivers where the state has moved to restrict motorboat use through management plans.

So far the biggest service to the public from Masek's efforts has been the unmasking of the hypocrisy behind our state's self-appointed defenders of "the environment."

In the statewide teleconference on HB 23 Jan. 23, the environmental lobby attempted to

portray the bill as an effort by motorized vehicle users to run at will over the state. The bill is an equal rights measure for recreation users of public land, and it scares people who don't believe in equal rights.

It was particularly amusing to hear the Knowles administration's director of the Division of Lands complain about "clouding the title" with easements across state lots sold in land disposals.

HB 23 does nothing new. State land sales have always included easements for everything from utility lines to dogsled trails. We transferred 40 million acres of federal land to Native corporations with the same public use stipulations, but when it comes to sales of only surface rights to state land the Knowles people don't want to sell anyway, suddenly we start hearing about "clouded titles."

HB 23 seemed at first to be on a fast track so the Legislature could pass it quickly and have time to override the governor's veto before the session ends.

Unfortunately the bogus arguments raised by opponents seem to have slowed the bill's progress. It remains in the House Resources Committee, despite the committee chairman's stated attempt to move it out before the end of January.

Fred Pratt, a Fairbanks freelance writer, is a longtime reporter and observer of Alaska politics.