

HJR

23

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 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: 23-Jan-97
 Approved by Commissioner: *Carol Chuall* Date: 1/23/97
 Agency: Natural Resources

STATE OF ALASKA
1997 LEGISLATIVE SESSION

NO. _____
BILL VERSION: HJR 23
PUBLISH DATE: _____

Revision Date: _____
Title: Relating to the seizure and sale of Alaska commercial fishing entry permits by the United States...
Sponsor: Representative Hudson
Requestor: House Resources

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

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
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
----------------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
Division: Administrative Services Date: 3/6/97

Approved By: Pamela A. Varni, Executive Director *Pamela Varni*
Agency: Legislative Affairs Agency Date: 3/6/97

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

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

HB 23 / SECTIONAL ANALYSIS

- SECTION 1)** Intent Language clarifying private property will not be affected by this legislation.
- SECTION 2)** Existing statutory language with technical amendment to to accept the body of HB 23
- SECTION 3)** Body of bill. Requires legislative approval if the Commissioner of Natural Resources intends, through land classifications, to block access for long periods of time or in large areas, including blockages for development or intrinsic values.
- Definitions:** Defines intrinsic values as basically being a natural environment. Also defines the types of activities and means of access the bill pertains to.
- SECTION 4)** Adds language to statute which protects development interests by allowing developers to provide reasonable alternative routes, or to control routes of access through the development parcel.

DNR proposed amendment to HB 23

House Resources Committee / Feb. 27, 1997

Page 2, Line 7 - Delete "and" between "public" and "safety" and then insert public and private between "and" and "property."

Page 2, Line 19 - Insert new language under subsection (3) to read: for protection of public safety and public or private property. Renumber the existing number (3) and (4) according to now be numbered as (4) and (5).



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Beverly Masek

JAN 16 1997

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 *BMM*

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

REPRESENTATIVE BILL HUDSON

State Capitol
Juneau, Alaska
99801-1182

(907) 465-3744

FAX (907) 465-2273

COMMITTEES

CO CHAIR
Resources Committee

MEMBER
Transportation Committee
Labor & Commerce Committee

SPONSOR STATEMENT HJR 23

The IRS has been engaging in the outrageous seizure and sales of Alaska commercial fishing entry permits to collect past due taxes. I sincerely believe all taxpayers must act in good faith to meet their federal tax obligations, but it is not necessary or prudent to take away a fisher's basic right to work in order to collect federal taxes.

Recently, the IRS sold an entry permit with only two days notice to the State of Alaska. During this sale they sold the permit which was valued at \$30,000 for only \$5,005. The IRS has threatened to seize seven entry permits in the Dillingham area at this time, as well as threatening a widow in Anchorage with the sale of her deceased husband's fishing privileges for as little as \$3,000.

Commercial fishermen who lose their entry permits are deprived of their ability to make a living. Additionally, fishermen are deprived of their means to earn money to repay their debts to the IRS. It is certainly in the best interest of the federal government to recoup back taxes through the income earned by entry permit holders rather than to recover an insignificant amount through the sale of Alaska commercial fishing entry permits at 10 cents on the dollar. The actions of the IRS appear to be calculated to do harm to an Alaska citizen rather than to raise revenue. Alaskan limited entry permits are use privileges; only the state reserves the right to cancel or modify such privileges without compensation. AS 16.43.150 (e).

HJR 23, requests our Alaska congressional delegation to use any means available to them to assure that the IRS will collect past due taxes from income generated by the sale of fish and the voluntary sale of entry permits, to ensure that the IRS complies with federal law to avoid inflicting economic hardship on a taxpayer, and to protect fishing privileges and the right to work of Alaska fishermen.





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 or 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".

Koman.
Bruce two copy

★
Bucorumt is
the nicest
heard the
the
impliment
CFEC!

HJR 23. IRS Limited Entry Permit Seizures, TALKING POINTS

- The IRS has been engaging in the outrageous seizure and sales of Alaska commercial fishing entry permits to collect past due taxes.
- I sincerely believe all taxpayers must act in good faith to meet their federal tax obligations, but it is not necessary or prudent to take away a fisher's basic right to work in order to collect federal taxes.
- Over the past two years the state has assisted in collecting at least \$5 million in back taxes. The IRS could attach the fisherman's earnings at the point of sale, they do not need to seize and sell permits
- Recently, the IRS sold an entry permit with only two days notice to the State of Alaska. During this sale they sold the permit which was valued at \$30,000 for only \$5,005. The IRS has threatened to seize seven entry permits in the Dillingham area at this time, as well as threatening a widow in Anchorage with the sale of her deceased husband's fishing privileges for as little as \$3,000.
- The actions of the IRS appear to be calculated to do harm to an Alaska citizen rather than to raise revenue.
- Alaskan limited entry permits are use privileges; under Alaska statute only the state reserves the right to cancel or modify such privileges without compensation.
- HJR 23, requests our Alaska congressional delegation to use any means available to them to assure that the IRS will collect past due taxes from income generated by the

CFEC
operation
STATE COMES:

Alaska
rights

limited entry
rights is Alaska

①

valuable

sale of fish and the voluntary sale of entry permits, to ensure that the IRS complies with federal law to avoid inflicting economic hardship on a taxpayer, and to protect fishing privileges and the right to work of Alaska fishermen.

complements. Admin. efforts - appeal

1988
Cms Duona
to greater effort
to work with
us.

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

TONY KNOWLES, GOVERNOR

8800 GLACIER HWY, #109
JUNEAU, AK 99801
(907) 789-6150 Licensing Calls
(907) 789-6160 Other Business
(907) 789-6170 FAX
(907) 789-6180 BBS

February 14, 1997

Mr. Paul Beene
District Director
Internal Revenue Service
915 Second Avenue
Seattle, WA 98174

FAX: (206) 220-6045

Dear Paul:

As I stated in our February 7th phone conversation, my Co-Commissioner Marlene Johnson and I will attend the February 19th meeting in Anchorage to continue our dialogue, conditioned by the substance of this letter. There are fundamental issues we must address.

Our Existing Agreement

First, your January 14 letter acknowledges the State of Alaska has paid the IRS more than \$4.5 million in consideration under its existing agreement with the IRS. In fact, actual expenditures in human resources and dollars have been far greater. In our most recent commemoration of our agreement, the IRS committed its "best efforts" to ensure the benefits of the Tax Obligation Loan Program are available to Alaskans through meaningful intervention by the State and third parties.

We believe the two days' notice you provided the State of your pre-Christmas sale of Alaska limited fishing privileges is an actionable breach of our existing contract. With respect to contracts of which the U.S. is a party, the Federal Government has been held liable under ordinary principles of contract law. United States v. Winstar Corp., 518 U.S. ___, 116 S.Ct. 2432, 135 L.Ed.2d 964 (1996).

Our primary concern is IRS performance of its express duty to cooperate with the State in good faith under our existing agreement. This promise is virtually the only consideration given by the Federal Government in contrast to the substantial commitment of resources and money provided by the State. Now that the Federal Government has reaped the substantial rewards of the contract,

including a shift of tax collection responsibilities from the Federal Government to the State, the IRS may not disregard its promises through a change of policy to obtain self relief from an agreement you may now view as improvident or to pressure the State into acting as you dictate.

Specifically, the IRS has the continuing duty to provide reasonable notice of IRS targets in order to allow for meaningful intervention and help well before an IRS seizure and attempted forced sale of a holder's interest in a permit. Under ordinary contract law, this duty precludes the IRS from taking opportunistic advantage of the State and, also, from acting in a manner which destroys or injures our right to receive the fruits of our agreement.

As your January 14 letter confirmed, the State has enjoyed notable success in assisting taxpayers to achieve IRS compliance with no loss of fishing privileges, a result which the IRS effort, alone, did not accomplish prior to our collaboration.

Your Recent Proposals

As a separate and secondary matter, your January 14 letter urges the State to respond to your recent proposals for a new, supplemental agreement.

To recount the background for your recent proposals, on May 16, 1996, during a phone conversation with former Commissioner Homan and me, you stated, in return for further commitments by the State, IRS would discuss not seizing entry permits. Subsequently, at our July 19, 1996 meeting, in the presence of more than 30 people, you offered to discuss eliminating forced sales of entry permits pursuant to an agreement under which the IRS would collect from the proceeds of fish sales instead of forcing the sale of Alaska limited fishing privileges. In consideration, I offered to discuss potential changes to state law that would support IRS' collections.

A group of participants (including at least one Representative of our Congressional Delegation) met immediately following our July meeting and

confirmed receiving your offer. Shortly thereafter, I sent you a letter asking you to confirm your own statement. Instead, you responded, "I appreciate your sharing your reflections" on the meeting. Despite the fact your answer failed to confirm or qualify your statement, we gave you the benefit of the doubt and pursued discussions with you.

In November, the IRS sent the State four proposals to permanently change Alaska law to require the State of Alaska to assume various new responsibilities to achieve federal tax enforcement. Clearly, the Federal government seeks to shift the costs of meeting its statutory responsibilities to the State through those IRS proposals. For the State to elect to do so, the IRS must promise something meaningful in return. The confusing discussion that followed your proposals prompted us to seek written clarification as to what you are offering the State. After more than six months, you provided the clarification we first sought in July, and it is disturbing.

Your January 14 letter refers to your November proposals for Alaska to permanently change state law and assume responsibilities for the IRS, and you assert:

[t]hese proposals are what the IRS is offering the State.

The Federal government is not the creator of State law. Therefore, nothing is conveyed in IRS' purported offer to the State.

Additionally, in support of one IRS proposal for a change in Alaska law to require the Entry Commission to withhold all seasonal fishing permits until the IRS certifies each yearly applicant for a permit is in full compliance with his federal tax obligations, you represent that Alaska law already makes the same requirement for child support obligations. This is not true. The Alaska Legislature rejected the idea: both the Legislature and our Child Support Enforcement Division recognize that in order to collect from fishermen, fishermen need to be in the water catching fish.

In any event, your January 14 clarification emphasizes no matter what the State may undertake to do for the IRS, you assert the unqualified right, without reasonable notice as our contract requires, to attempt to force the sale of any property interest a delinquent fisher may have in State fishing privileges, particularly in those cases IRS subjectively classifies as "egregious." On December 4, you represented to the Alaska Congressional Delegation that the targets of your pre-Christmas sales of entry permits were such "egregious" cases.

Under 26 USC §6343, Congress created an affirmative duty on the part of the IRS to release a levy when "such levy is creating an economic hardship due to the financial condition of the taxpayer" The clear requirement of §6343 mandates a levy release in all cases of economic hardship, regardless of whether or not the IRS has subjectively designated any such case as "egregious". Despite this mandate, you have insisted the State negotiate an agreement recognizing the purported right of the IRS to attempt the forced sale in cases the IRS determines are "egregious". From your pre-Christmas actions, this amounts to a demand on the State to accept a pledge to do less than Congress has already required.

In short, your January 14 letter clarifies the IRS is not offering the State of Alaska any consideration for the changes you would like to see in State law.

Recent Events

It is clear the IRS' recent actions are an improper attempt to pressure the State. In addition, those actions demonstrate a lack of best efforts with respect to our agreement and, also, a failure to act in good faith with respect to the current negotiations.

Consistent with Part 3 of IRS Form 4585, the IRS assured a taxpayer targeted for your pre-Christmas sale: "The minimum bid price is established to protect your interests in the property." This written representation was deceptive. The IRS set the minimum bid at \$3,375, which is a fraction of the average \$30,000 for an authorized State transfer. Affidavits provided to CFEC

state a Revenue Officer under your direction advised possible buyers as follows: in order to pursue the IRS' present dispute with the State, the IRS intended to sell the particular permits for "substantially below the permits' fair market value" and, once a permit was transferred, it would "open the floodgates" of State permit seizures by the IRS. The affiants stated the Revenue Officer volunteered "the Commissioner of the IRS is aware of the situation and the matter is receiving attention at the highest levels at the IRS Washington D.C., headquarters" and, also, the IRS intended to pursue its disagreement with the State of Alaska "to a conclusion that is satisfactory to the IRS." Based on these affidavits, it appears the IRS willfully breached its duties to the State in an attempt to improperly coerce the State into acting as the IRS dictated.

Moreover, your December 6, 1996 letter states, if we fail to meet your expectations for future negotiations, "fishing entry permits will continue to be seized and sold [and thereby] endanger[] the interests of Alaska taxpayers (e.g., devalued fishing permits, permits sold to non-Alaskans)." Consistent with your letter, a Revenue Officer under your direction has announced he will resell an entry permit from the pre-Christmas sale on one day's notice. A Revenue Officer has threatened the seizure of seven limited entry permits in the Dillingham area at any moment. Additionally, we received a call from a widow in Anchorage who reported a Revenue Officer threatened to sell her fishing privileges and those of her deceased husband for as little as \$3,000.

In addition to disrupting orderly implementation of the Loan Program, IRS' pre-Christmas actions and threatened actions require the Entry Commission as Administrative Law Judges to rule on any claims that result. If we are in the midst of negotiating with you, and, on 2 days' notice, we are required to rule on a related claim, we face a conflict that creates at least an appearance of impropriety. We need sufficient warning from you to be able to withdraw from negotiations before such a conflict arises.

Apart from our requirements to function as Administrative Law Judges under State law, your pre-Christmas actions damaged the climate for cooperation between

the State and Federal Government. See the enclosed letter from our Governor to the Alaska Congressional Delegation.

Again, our agreement requires meaningful notice from you identifying your targets well in advance of an IRS forced sale.

Where Do We Go From Here

More than once in the past, we have discussed the possibility of extending the State's Tax Obligation Loan Program presently due to sunset this spring. We committed to explore that alternative. When we talked last Friday, you asked again about this possibility, and I told you the door was not closed to this option. Accordingly, you prepared a letter to Governor Knowles' advocating this alternative.

In contrast to the other IRS proposals, this option makes the most sense for several reasons.

First, the State-IRS "partnership" has proven effective to assist Alaskan fishers damaged by the post-1988 adverse market conditions not only in achieving federal tax compliance, but in ordering their other financial affairs.

Second, our joint cooperation has reaped rewards in cases in which the IRS, alone or through contractors, otherwise has been unsuccessful. In this regard, we are aware the IRS instituted a pilot program in 13 states, including Alaska, through which private collectors were to be hired by the IRS to collect delinquent taxes. According to a recent article, the IRS is disappointed in this program, because the five collection agencies hired by the IRS were able to contact only about 9% of the taxpayers and, according to the collection agencies involved, the poor results were "because the IRS was late in getting the files to them and the files were extremely old."

Third, our mutual cooperation has provided an opportunity to accomplish our respective goals, largely without counterproductive adversarial conflict. We

believe this effect has and continues to raise our citizens' confidence in our respective governments. Specifically, the process has become less threatening and less fearsome to the long fisher with tax problems, because we are working together.

Fourth, our cooperation has identified many Federal and State tools available to assist fishers. As a result, these tools have been more fully utilized than has been the case in the past.

Fifth, our respective efforts have put a human face on what otherwise could be characterized as mechanical processing by the IRS in relative isolation from the community. In this time of shrinking federal budgets and operations, we believe our cooperative undertakings should serve as a model for the future. In short, we continue to achieve good results and, thus, should persist on the path we know to be productive.

This week, after conferring with the Commission and the Division of Investments, State Representative Ivan introduced HB 123 to extend the Tax Obligation Loan Program. While this is a positive first step, persuading the Legislature and the Administration of the merits of this legislation will be an extremely difficult task. As you well know, there are very many worthy and competing alternative uses for the same funds. We need meaningful numbers from the IRS to show (1) the extent of the current problem; (2) the extent to which Alaskans have been helped; and (3) the extent of improvement in tax compliance since the original information presented by the former IRS Chief of Collections in 1993. This is the same information we requested more than a year ago consistent with our agreement. The numbers you employed in your January 14 letter suggest a substantial improvement of at least 58%. However, the figures you employed in your more recent letter to the Governor appear inflated. We need some real information from the IRS to present to the Legislature and the Governor.

February 14, 1997

In the interim, we have to operate with the sunset of the Loan Program in mind. We must evaluate and coordinate our outreach efforts to ensure maximizing service to Alaskans and revenue to the federal government. To further this goal, I reported to your Chief of Examination, Mel Joseph, that, on the recommendation of the IRS, the State has already modified its regulations governing permanent fund dividend recipients. Mr. Joseph and I are discussing practical ways to make use of the information that will be generated. This is an experimental work in progress, and we do not yet know whether it will prove to be a practical tool. Nonetheless, we remain committed to working through the process as we promised IRS.

Finally, as we have stressed in this letter, we must have meaningful notice of IRS' targets for seizure and sale well in advance of any action by the IRS so as (1) not to disrupt our planned cooperative efforts, and (2) to allow sufficient time for intervention and help well before an IRS seizure and forced sale.

The Legislature is in session for only 120 days. We hope you will address these points at our meeting on Wednesday, February 19.

Yours truly,

COMMERCIAL FISHERIES ENTRY COMMISSION

Dale Anderson, Commissioner
Marlene Johnson, Commissioner
Bruce Twomley, Chairman

by: 

Enclosure

Office of the Governor

TONY KNOWLES
Governor
P.O. Box 110001
Juneau, Alaska 99811-0001
NEWS RELEASE



Bob King
Press Secretary
Claire Richardson
Deputy Press Secretary
907-485-3500
FAX: 907-485-3533

FOR IMMEDIATE RELEASE: March 4, 1996

96-049

ENTRY COMMISSION DENIES IRS SALMON PERMIT TRANSFER **Knowles Calls Federal Seizure of Permits Harsh, Unwarranted**

Saying it's wrong to take away a person's livelihood to settle a tax debt, Governor Tony Knowles today applauded the Commercial Fisheries Entry Commission's decision to deny a request by the Internal Revenue Service (IRS) to transfer a salmon fishing permit held by a Hydaburg man.

In a 60 page decision released today, the commission, a quasi-judicial body, ruled the IRS acted beyond its federal statutory authority in making the request to transfer the permit to the high bidder in a permit auction. Although the IRS has attempted to seize and force the sale of Alaska entry permits for more than a decade, this is the first time the commission has been called upon to issue a formal decision on the subject.

"Taking away an Alaska fisher's right to fish is harsh, unwarranted, and counter-productive," Knowles said. "It is just wrong for the IRS to take away an individual's entry permit - their right to work - when other means to collect taxes from Alaska fishers are readily available. Seizing a permit from an isolated fishing community may well push an entire family onto the welfare rolls at a time when the state and federal government are looking for ways to get people off welfare and back to work."

Knowles noted that commercial fishers are an easy target for the IRS since the state maintains meticulous catch records. But he also noted that the state has taken extraordinary measures to cooperate with the IRS. For several years, the Entry Commission has urged Alaska fishers to meet their tax obligations. In addition, the state has committed \$3.6 million in secured loans through its tax obligation loan program.

"This issue is important to maintain jobs and protect families along Alaska's coast," Knowles said. "We must resist federal intervention that blocks access to traditional fisheries, destroys an individual's means of earning a living, threatens communities and directly interferes with Alaska's comprehensive fisheries management system."

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

JAN 14 1997

TONY KNOWLES, GOVERNOR

8800 GLACIER HWY. #100
JUNEAU, AK 99801
(907) 789-6150 Licensing Calls
(907) 789-6160 Other Business
(907) 789-6170 FAX
(907) 789-6180 BBS

January 10, 1997

The Honorable Bill Hudson
Alaska State Representative
Room 108, State Capitol
Juneau, AK 99801-1182

Dear Representative Hudson:

The enclosed correspondence will bring you up to date on IRS' efforts to force sales of Alaska's limited fishing privileges. For more information about the individual Alaskans who are the targets of IRS' forced sales, we encourage you to contact the Alaska Business Development Center at (907) 562-0335.

As the correspondence provides in more detail, the IRS drew the State into discussions last summer with an offer that now appears to have been an exercise in bait and switch. IRS' new, substitute offer appears to be a sham. (Enclosure A)

Additionally, as the talks were going forward, IRS--contrary to its existing written Memorandum of Understanding with Alaska--gave the State two days' notice and scheduled pre-Christmas sales of two limited entry permits. IRS announced these sales were directed from its highest levels in Seattle and Washington, D.C.

For its pre-Christmas sales, IRS targeted two fishers with dependents who already live on the edge of poverty. IRS offered to sell their \$30,000 entry permits for as little as \$3,375.00.

On very short notice, the Alaska Business Development Center intervened on behalf of the permit holders. The Alaska Business Development Center timely applied to the IRS Director to release the levies and cancel the sales, because the forced sale would cause economic hardship to the permit holders and those dependent upon them. The IRS Director has a duty under existing Federal Statute 26 USC §6343 to release a levy to avoid inflicting economic hardship on a citizen. The IRS Director failed to respond to the Alaska Business Development Center's request.

As the result of further efforts by the Alaska Business Development Center, IRS' Problem Resolution Officer intervened and temporarily postponed one of the sales. IRS sold the other permit held by an older Alaska Native for \$5,005.

As Administrative Law Judges, we at the Entry Commission are required by law to rule on a request to transfer arising from the forced sale. To preserve our ability to perform this function, we can not carry on further negotiations with the IRS while this matter is pending.

January 10, 1997

In the meantime, however, the enclosed letter from IRS' Director threatens to take more hostages and to "endanger[] the interests of Alaska taxpayers (e.g., devalued fishing permits, permits sold to non-Alaskans)" (Enclosure B) A permit holder has already called the Commission to report IRS has threatened to sell her and her deceased husband's permits for as little as \$3,000. Additionally, IRS has announced it will go to the Dillingham area early in the New Year to seize seven additional entry permits.

The primary current issues appear to be:

- (1) during the last months of Alaska's Secured Tax Obligation Loan Program, will the IRS comply with its existing Memorandum of Understanding (Enclosure C); and
- (2) will the IRS Director comply with his duty to avoid inflicting economic hardship on a citizen under 26 USC §6343?

To put this matter in a historic context, we enclose some IRS correspondence from one year ago. Please contrast the enclosed December 6, 1995 letter from the former, Alaska-based District Director as well as the enclosed November 29, 1995 letter from the former IRS Chief of Special Procedures, who was also based in Alaska. (Enclosure D)

IRS' intervening reorganization has removed management from Alaska and placed it in Seattle. IRS' reorganization has transferred or eliminated many of the individual IRS employees who worked constructively with the State.

More than a year ago, we warned that IRS' reorganization created the risk of less understanding and sensitivity to the needs of Alaskans--particularly Rural Alaskan fishers.

We would be happy to provide further information. We welcome any assistance you can provide.

Yours truly,

COMMERCIAL FISHERIES ENTRY COMMISSION
Dale Anderson, Commissioner
Marlene Johnson, Commissioner
Bruce Twomley, Chairman

by: _____

Enclosures

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

8800 GLACIER HWY. #109
JUNEAU, AK 99801
(907) 789-6150 Licensing Calls
(907) 789-6160 Other Business
(907) 789-6170 FAX
(907) 789-6180 BBS

JAN 14 1997

December 31, 1996

Mr. Paul Beene
District Director
Internal Revenue Service
915 Second Avenue
Seattle, WA 98174

Dear Paul:

We received your December 6th letter (copy enclosed) on December 13 and are sharing it with our Alaska Congressional delegation.

Your letter highlighted the phone conversation former Commissioner Frank Homan and I had with Patricia Miller on November 13, 1996, and accused us of an "unwillingness to move forward."

That phone conversation was prompted by our November 6th receipt of your request to change Alaska law in a variety of ways to disadvantage Alaskans in order to help the IRS. There were two items of substance in that conversation. (1) We told Patricia Miller it was entirely unclear what IRS was offering the state in return, and we needed written clarification from you to share with our Governor and Attorney General in order to develop a thoughtful response. Beginning last July, we have consistently requested such a confirming statement from you. (2) We then discussed a mutually agreeable schedule for going forward. Patricia Miller asked, "realistically, can you expect to have anything back to us before the end of January?" I said, depending on when we received your response, we hoped to have preliminary written comments back to the IRS by the end of the year.

Paul, no one could rationally interpret our actions to date as "an unwillingness to move forward."

Please recall, last July, in the presence of more than 30 people, you made an offer that led the state into these discussions. You offered to discuss eliminating forced sales of entry permits through an agreement under which the IRS would collect from the proceeds of fish sales (that is, the money generated) instead of forcing the sale of Alaska limited entry permits. Now, for the first time, your letter makes clear you have (without explanation) withdrawn your July offer and switched to a promise to force the sales of Alaska fishing privileges "in the most egregious cases."

Enclosure A
(1 of 3)

Additionally, please remember, following your July offer, we again told you (for at least the third time) the state could not participate in discussions if the IRS pursued forced sales of entry permits during the negotiation process.

Now, having given the state two days' notice, you scheduled forced sales of two entry permits on December 11.

In its current Memorandum of Understanding (copy enclosed) with the State of Alaska, IRS promised "joint efforts to provide tax assistance to Alaska Commercial Fishers . . ." in order

to give the [Alaska tax obligation] loan program and our outreach efforts the best opportunity to succeed

* * *

The parties agree to jointly use their best efforts to develop a meaningful outreach program to encourage individuals needing assistance to participate in the new loan program and to satisfy their past due tax obligations.

* * *

Joint efforts will include communicating with the Alaska Federation of Natives (AFN) and its member organizations, the University of Alaska, fish processors, as well as other groups and individuals who may be able to contribute.

* * *

[J]oint outreach efforts will be coordinated so employees from the IRS and [the State] can jointly meet with the taxpayers to apply for the loan and resolve tax problems.

Contrary to IRS' written promises, your actions toward the targets of your December 11 forced sales systematically deny potential benefits of the loan program to individual Alaskans and destroy an opportunity for the IRS to collect substantial revenue through the loan program. As IRS publications celebrate, Alaska's secured tax obligation loan program has so far raised more than \$4 million in revenue for the IRS. In short, your actions beg the question, of what value is a promise from the IRS?

Moreover, you represented to our Congressional delegation that your targets for your December 11 sales were "the most egregious cases." You have thus provided all observers with your definition of "most egregious" and made clear your new, substitute offer to Alaska amounts to substantially less than is already required of you to avoid inflicting economic hardship on a citizen under existing federal statute 26 USC §6343.

Enclosure A
(2 of 3)

Now, you declare "fishing entry permits will continue to be seized and sold" by the IRS so as to "endanger[] the interests of Alaska taxpayers (e.g., devalued fishing permits, permits sold to non-Alaskans) . . ." unless your expectations are met.

Consistent with your declaration, a woman recently reported to the Commission that IRS threatened to sell her and her deceased husband's entry permits for as little as \$3,000. Additionally, IRS has announced it will go to the Dillingham area after the first of the year to seize 7 more entry permits.

Your actions have created a conflict for the Alaska Commercial Fisheries Entry Commission. You have asked the Commission to negotiate a matter. Now you have taken actions that will require the Commissioners, as administrative law judges, to rule on the matter. As long as this conflict persists, the Commission is precluded from further participation in the discussions you request.

Yours truly,



Dale Anderson, Commissioner
Marlene Johnson, Commissioner
Bruce Twomey, Chairman

Enclosures

cc: The Honorable Tony Knowles, Governor of Alaska
The Honorable Bruce M. Botelho, Attorney General
The Honorable Ted Stevens, U.S. Senator
The Honorable Frank H. Murkowski, U.S. Senator
The Honorable Donald E. Young, U.S. Congressman
The Honorable Members of the Alaska State Legislature
Participants in IRS' July 1996 Symposium
The Honorable Margaret Milner Richardson, Commissioner of the IRS

Enclosure A
(3 of 3)

District
Director

915 Second Ave., Seattle, Wash. 98174

DEC 13 1996

GFEC

DEC 08 1996

Bruce Twomley
Commercial Fisheries Entry Commission
8800 Glacier Highway #109
Juneau, AK 99801

Dear Bruce:

I received your letter dated November 22, 1996, and am somewhat disappointed in what appears to be your unwillingness to move forward with the opportunities presented.

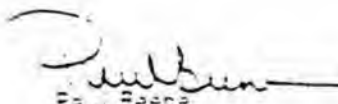
As Pat Miller made clear in her telephone conversation with you on November 13, 1996, the IRS is ready and willing to implement procedures which will minimize the possibility of a fishing entry permit being seized and sold. In an attachment to the minutes of our October 10, 1996, meeting, we presented proposals for five possible procedures which would have this effect. However, as Pat stated, the IRS is unwilling to forego the right to seize and sell a fishing entry permit in the most egregious cases, where all other efforts to work with the taxpayer have failed.

Your re-statement of your points from your October 21, 1996, letter in your November 22, 1996, letter and your unwillingness to accept Pat's definitive answers to your questions during the November 13, 1996, telephone call cause me concern. The delay in moving forward to resolve the issues at hand ultimately endangers the interests of Alaska taxpayers (e.g., devalued fishing permits, permits sold to non-Alaskans). Opportunities for cooperation and relief have been offered, yet your office has not addressed any of the proposals advanced, nor have you originated other ideas or proposals that would serve our mutual interests.

I need your assurance that you are prepared to negotiate in good faith. Understand that fishing entry permits will continue to be seized and sold in appropriate circumstances under current operating procedures. With your cooperation, revised procedures could be implemented which would increase voluntary compliance and minimize the burden and impact on Alaska taxpayers.

I have attached copies of the five proposals and ask for your creative input and commitment toward making these, or alternative proposals, work to our mutual benefit. Unless I feel that progress is being made by mid-January 1997, I will have no alternative but to pursue this matter with Governor Knowles. I have had high hopes that we could resolve this critical issue. I regret that our progress has not been more substantive to date.

Sincerely,


Paul Beers
District Director

Attachments

Enclosure B

MEMORANDUM OF UNDERSTANDING

INTERNAL REVENUE SERVICE

AND

STATE OF ALASKA DIVISION OF INVESTMENTS
AND COMMERCIAL FISHERIES ENTRY COMMISSION

The purpose of this memorandum is to outline the scope and responsibilities of employees working for the Internal Revenue Service (IRS) and the Division of Investments (DOI) and Commercial Fisheries Entry Commission (CFEC), in their joint efforts to provide tax assistance to Alaska Commercial Fishers.

The Alaska legislature has passed and the Governor has signed SB 251 which will provide loans to certain commercial fishers to satisfy their federal tax obligations and protect their limited entry permits. The parties understand and agree that, in order to give the loan program and our outreach efforts the best opportunity to succeed, we will take the following steps:

1. IRS will participate with DOI in joint outreach activities including the appointment of an IRS representative to facilitate SB 251 loan applications;
2. IRS will appoint a representative to coordinate IRS assistance for SB 251 implementation;
3. IRS will affix mailing labels to, and mail, postage-paid envelopes provided by DOI which will contain a flyer explaining the loan program, and which will bear a return address which makes reference to the Special Fishing Loan Program; IRS will provide a new post office box (different from its current post office box) which will be included in the return address for returned undeliverable mail;
4. IRS will provide returns filing information and confirmation of payment agreements on remaining balances after receipt of the signed taxpayers' authorization for release of tax information;
5. IRS will provide balance due information and basic lien subordination information to DOI via two-way fax inquiry;
6. In cases where DOI is able to loan an amount which will partially satisfy a borrower's tax liability, and where IRS is able to work out satisfactory payment arrangements for the balance, IRS will subordinate its lien to DOI in the amount of the loan, exclusive of any fees that DOI may charge the borrower;

Enclosure C
(1 of 3)

7. Until September 30, 1994, IRS will not employ its electronic fish processor levy to those taxpayers who owe \$30,000 or less, except in those cases where the government's interest is threatened by statute expirations before December 31, 1995; other levies may take place at IRS' discretion;

8. DOI agrees to appoint a loan officer as liaison to IRS to coordinate the implementation of SB 251;

9. DOI will include a waiver of rights to privacy of tax return-related information in its loan application package;

10. DOI agrees to aggressively publicize the existence of the loan program created by SB 251.

The parties agree to jointly use their best efforts to develop a meaningful outreach program to encourage individuals needing assistance to participate in the new loan program and to satisfy their past due tax obligations. As resources permit, the IRS and DOI are committed to travel to selected areas of the state.

The parties understand that meaningful outreach can best occur with the help of trained local individuals who are trusted in the community selected for outreach, and the parties agree to use their best efforts to develop this human resource. Joint efforts will include communicating with the Alaska Federation of Natives (AFN) and its member organizations, the University of Alaska, fish processors, as well as other groups and individuals who may be able to contribute.

Where an individual has been designated and trained to be a local contact and helper in the outreach process, IRS will employ its best efforts to provide names of individuals whom the IRS would like to contact.

When time and funding permit, joint outreach efforts will be coordinated so employees from the IRS and DOI can jointly meet with the taxpayers to apply for the loan and resolve tax problems.

State employees will be provided with disclosure authorization forms so loan applicants can authorize village administrators, council members or other representatives to assist them in resolving outstanding tax problems.

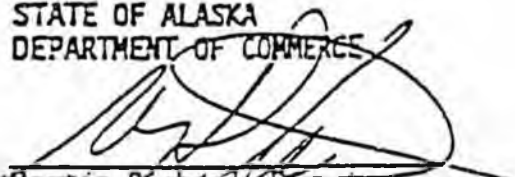
IRS employees assigned to the project will focus on Federal tax compliance issues. To the extent that information they identify relates to or impacts on state tax issues, such information will be shared with the State of Alaska, Department of Revenue.

Enclosure C
(2 of 3)

The loan provisions of SB 251 are in effect for three years after the effective date of the act. The IRS and DOI representatives will meet yearly to exchange general information and develop new objectives. Any changes to the memorandum must be agreed to in writing by the signers.

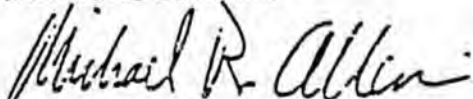
APPROVED:

STATE OF ALASKA
DEPARTMENT OF COMMERCE


Martin Richard, Director
Division of Investments


Signed at Tucson, AZ this
20th day of July, 1994

INTERNAL REVENUE SERVICE
ANCHORAGE DISTRICT


Michael R. Allen
District Director

Signed at Anchorage, AK, this
22nd day of July, 1994

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION


Dale G. Anderson, Commissioner
Commercial Fisheries Entry Commission

Signed at JUNEAU - AK, this
20th day of JULY, 1994

Enclosure C
(3 of 3)



Alaska State Legislature

Please enter into the record my testimony to the House Resources
 committee name
 committee on HJR 23, dated March 6 1997
 bill/subject

Sale of Ltd Entry Permits

I support this bill wholeheartedly!

Actions by the IRS agents in villages have been reprehensible. Until the Bristol Bay Economic Development Corporation hired someone to work with locals on tax obligations, the IRS was aggressively going after the local fishing permits. This effort is helping considerably, however, if congress can help local fishermen from seizures by the IRS, then Alaska will be keeping the foundation for local economies. Permits employ entire families and without them all villages would be left with is subsistence and seasonal jobs with low pay.

Signed: Hazel Nelson
 Testifier

Community of Egegik
 Representing (Optional)

1577 P St #304 Beth AK 99501
 Address

263-9820
 Phone No.



Cordova District Fishermen United

MAR 04 1997

P.O. Box 939
Cordova, Alaska 99574
(907) 424-3447 FAX (907) 424-3430

February 26, 1997

The Honorable Bill Hudson
State Capitol, MS 3101, Room 108
Juneau, Alaska 99801-1182

Dear Representative Hudson:

Cordova District Fishermen United (CDFU) would like to express the membership's appreciation for drafting House Joint Resolution 23 (HJR 23) relating to the seizure and sale of Alaska commercial fishing entry permits by the IRS. With recent extreme measures taken by the IRS, it was high time to initiate this kind of response from the Alaska legislature.

I personally have issues with the IRS and the behavior they have displayed. In my testimony before the House Special Fisheries Committee I explained my involvement in the IRS sponsored Alaska Symposium as the fishermen's representative and the frustration that has followed. I offer the support of CDFU and my personal knowledge of the recent meetings between the IRS, CFEC, Division of Investments and other interested parties for your utilization.

Thank you again for your efforts and you may contact me with any questions you may have at the number provided above.

Sincerely,
CORDOVA DISTRICT FISHERMEN UNITED

Cheri Shaw, Executive Director

cc: Representative Grussendorf
Representative Kubina
Senator Lincoln



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545

February 26, 1997

The Honorable Bill Hudson
Alaska State House of Representatives
State Capitol Building, Room 108
Juneau, Alaska 99801-1182

Dear Representative Hudson:

United Fishermen of Alaska supports HJR 23.

UFA believes that all tax payers should file and pay their federal tax obligation.

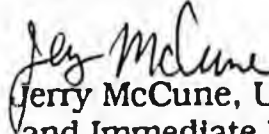
Currently, the IRS has the ability to collect back taxes during the fishing season, through the seizure of fishing vessels, and the voluntary sale of entry permits. When the IRS auctions off limited entry permits, it puts undo hardship on fishing families and the State of Alaska, as well as threatening communities.

Limited entry permits with a value of \$30,000 are being sold by the IRS for as little as \$3,000. Selling permits will not help pay future tax obligations or protect an individual's right to work. The Commercial Fisheries Entry Commission has taken every measure to help and cooperate with the IRS.

UFA does not believe the IRS should threaten to or take away the commercial fisherman's ability to make a living. UFA believes the IRS should work cooperatively with the Alaska Commercial Fisheries Entry Commission in its outreach program to assist the commercial fisherman whose taxes are in arrears.

UFA urges the passage of HJR 23 to protect state rights.

Sincerely,


Jerry McCune, UFA Lobbyist
and Immediate Past President

MEMBER ORGANIZATIONS

Alaska Longline Fishermen's Association • Alaska Trollers Association • Bristol Bay Driftnetters Association • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association
Cordova District Fishermen United • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association
Northern Southeast Regional Aquaculture Association • Northwest Setnetters Association • Peninsula Marketing Association • Petersburg Vessel Owners Association
Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative • Southeast Alaska Seiners Association
Southern Southeast Regional Aquaculture Association • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545

February 21, 1997

The Honorable Ted Stevens
United States Senate
522 Hart Building
Washington, D.C. 20510-0201

bcc: Bruce Twomley, Chair
Commercial Fisheries Entry Commission

UFA Board of Directors

Dear Senator Stevens:

United Fishermen of Alaska requests your assistance for the fishermen of Alaska. Please help stop the destructive campaign of the Internal Revenue Service (IRS) to sell Alaskan's fishing permits.

Recent reorganization within the IRS has seriously disadvantaged Alaskan fishermen. The Alaska IRS office has been reduced and management has been shifted to Seattle to the detriment of Alaskan fishermen. Limited entry permits, established more than 20 years ago, have become a target for the IRS. If this practice is allowed, many Alaskan fishermen and their families will lose access to their fisheries and the economic opportunities they provide.

The state has tried to work with the IRS to find alternatives to the sale of these permits. The state created loan program for Alaskan fishermen has provided the IRS with \$5 million over the past two years. The state has also provided an extensive outreach program to aid Alaskan fishermen to get current with the IRS. State financial and human resources have been directed to protecting Alaskans access. These fishing permits are an important state interest, as the effort put forth by the state to protect them shows.

The IRS can collect taxes owed without taking away a family's livelihood. Fishermen should pay their tax obligations and they can from the income generated by the permit. If the permit is lost and access to the fishery denied, many Alaskan fishermen and their families (particularly in rural Alaska) will suffer significant economic hardship. As you know, in many coastal areas of our state, there are few income opportunities other than fishing. If the IRS will work with the State of Alaska and the fishermen of Alaska, they can reach their goal.

The IRS does not need to employ such extreme measures as to permanently deprive Alaskans of access to their fisheries.

Please give your attention to protecting Alaskans from unnecessary economic harm from the Internal Revenue Service.

Sincerely,

Theo Matthews
Theo Matthews, President
United Fishermen of Alaska

Enclosure

cc: Governor Tony Knowles
Juneau Congressional Office

MEMBER ORGANIZATIONS

Alaska Longline Fishermen's Association • Alaska Trollers Association • Bristol Bay Drednetters Association • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association
Cordova District Fishermen United • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association
Northern Southeast Regional Aquaculture Association • Northwest Setnetters Association • Peninsula Marketing Association • Petersburg Vessel Owners Association
Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Sealood Producers Cooperative • Southeast Alaska Seiners Association
Southern Southeast Regional Aquaculture Association • United Cook Inlet Dred Association • United Southeast Alaska Gillnetters

Alaska State Legislature

House Resources Committee

Co-Chair Scott Ogan
(907) 465-3715
FAX (907) 465-3265
Capitol Building, Room 124
Juneau, Alaska 99801



Co-Chair Bill Hudson
(907) 465-6820
FAX (907) 465-2273
Committee Meetings
T/Th 1 - 4 p.m.

Vice Chair: Beverly Masek,
Representatives Ramona Barnes, Fred Dyson, Joe Green, Reggie Joule, Irene Nicholia, William Williams

February 26, 1997

Bruce Twomley
Chairman, CFEC
8800 Glacier Highway, #109
Juneau, AK 99801

Dear Mr. Twomley:

We request your presence at the House Resources Committee meeting, Thursday, March 6, 1997, 1:00 PM, Capitol Room 124. The House Resources Committee will hear two commercial fisheries bills: HJR 23 - IRS Limited Entry Permit Seizures; and HB 123 - Tax Obligation Loan Program.

Your input will be valuable to the committee process. Please come prepared to offer a brief overview of the sale of limited entry permits by the IRS, and any remarks you may have regarding the Tax Obligation Loan Program.

Sincerely,

Representative Bill Hudson
Co-Chair, House Resources

Representative Scott Ogan
Co-Chair, House Resources

January 27, 1997



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

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

Dear Representative Masek:

We are sending this letter as further evidence of our convictions of why your HB0023 regarding access is so important to our group. In addition we will copy this letter to all members of the House Resource Committee. We wish to offer some statistics pertinent to the Six-River Rec. Management Plan that we feel should be placed into the record and made evident to everyone considering this bill:

Prior to the Six River Rec. Management Plan, the Deshka River with Kroto Creek and Moose Creek offered boaters a total of 140 river miles. Lake Creek offered 51.2 river miles. Alexander Creek offered 50.3 river miles. The Little Susitna River offered 33.8 river miles. The Talachalitna offered 86.5 river miles. These rivers were open to ALL users, Motorized and Non-motorized equally, for a total of 361.8 river miles.

The Department of Natural Resources placed various strategic restrictions on the rivers to exclude 155.5 river miles from motorized use. However, the non-motorized users were still allowed to use the entire 361.8 miles.

If DNR had wanted to reduce user conflict, they would have insisted that the non-motorized user be restricted from the same number of miles as the motorized user. This was not done and has not been done. Continually, the motorized users have been restricted while non-motorized users retain the full use of the resources.

There is one example of a user conflict which was resolved with what can be considered a true compromise and is the only workable compromise that our organization feels is valid within the state, at least to our knowledge. This compromise came about at the suggestion and encouragement of our organization. If we hadn't taken the strong stand that we took, the waterways involved would also probably be restricted to motorized use today. This involves the Little Susitna River. Out of the 33.8 miles within the Six-Rivers area, 27.3 miles of the Little Susitna were reviewed for restriction. Our organization strongly suggested that the only fair way to resolve the user conflict involved was to open these waters one week for motorized use and the following week for non-motorized use,

- Dedicated to the rights of Alaskan Boaters -

Page Two To Rep. Masek from ABA, January 27, 1997

alternating each week during open water seasons. This was finally agreed to under the plan and is, as stated before, the only working compromise that we are aware of.

Compromises, such as shown above can be reality, if all users and agencies work to make them possible. Too often, the motorized users are shut out while non-motorized are not asked to make any compromise or sacrifice. This simply is an injustice and total disregard by the agencies to resolve user conflict.

Thank you for allowing us, to once again be part of the legislative process. We ask that all committee members consider this information in making a decision to affirm this bill

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: All Members of the House Resources Committee.

Representative Bill Hudson, Co-Chair

Representative Scott Ogan, Co-Chair

Representative Beverly Masek, Vice-Chair

Members:

Representative Ramona Barnes

Representative Fred Dyson

Representative Joe Green

Representative Bill Williams

Representative Irene Nicholia

Representative Reggie Joule

Don Sherwood, President, Alaska Boating Association



ALA

Post-It® Fax Note	7671	DATE	1/23/97	# OF PAGES	1
To	Public Affairs	From	704 L10		
Co/Dept	State of Alaska	Co			
Project	WRITTEN TEST	Project	WRITEN FOR		
Case	HB23 Telephon	Case	FORWARDED	1/23/97	

URE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Resources/Finance
 COMMITTEE ON HB23 ~~access~~ access 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 ^{to} ~~no~~ 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)

5765 Chena Hot Springs Road, Fbks. 99712

ADDRESS/PHONE NUMBER

907-488-6356

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



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3372

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)

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • ALASKA FRIENDS OF THE EARTH
 ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY • CLEAN AIR COALITION • DENALI CITIZENS' COUNCIL
 DENALI GROUP, SIERRA CLUB • JUNEAU AUDUBON SOCIETY • JUNEAU GROUP, SIERRA CLUB
 KACHEMAK BAY CONSERVATION SOCIETY • KENAI PENINSULA AUDUBON SOCIETY • KNIK CANOES AND KAYAKERS
 KOTAI GROUP, SIERRA CLUB • KUKUKUTU GROUP, SIERRA CLUB • LEISURE AND RECREATION • NORTHERN ALASKA ENVIRONMENTAL CENTER
 RIVER VALLEY CONSERVATION ALLIANCE • RIVER VALLEY CONSERVATION SOCIETY • THE GREAT ALASKA CONSERVATION COUNCIL • TONGUE POINT CONSERVATION



P.O. Box 20761, Juneau, Alaska 99802

Phone/FAX (907) 789-2399

January 23, 1997

Representative Beverly Masek
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Representative Masek:

I am writing this letter on behalf of the Territorial Sportsmen in strong support for House Bill # 23 which you have introduced this session of the legislature.

The Territorial Sportsmen is a Juneau based conservation and sportsmen organization with a total membership of about 2,000. We are also one of the oldest conservation organization in Alaska and have always supported the wise use of Alaska's resources along with the maintenance of Alaska's unique features and traditions which include the opportunities to hunt, fish and trap.

One of the growing problems in Alaska is the loss of access to public lands. Over 60% of Alaska is now managed by the federal agencies who have chosen to apply overly restrictive prescriptions on traditional Alaskan access means. Although we do not object to access restrictions where there is a true habitat or biological problem, we vehemently oppose restrictions done exclusively to fit the protectionist philosophy of the unit manager -- an all too frequent occurrence.

We support this legislation because it attempts to assure that legitimate access for traditional Alaskan access will be protected on state lands. It also emphasizes the need for state planners and managers to examine a statewide perspective. Millions of acres of federal lands are managed to protect intrinsic values at the expense of traditional Alaskan activities. Despite these massive withdrawals, state managers are frequently faced with proposals to duplicate these restrictions on state lands and the accumulative impacts on Alaskans and traditional lifestyles have been extreme.

We urge the legislature to pass this legislation

Sincerely,

A handwritten signature in cursive script that reads "Ron Somerville".

Ron Somerville
President



JAN 2 1997

ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 275-7997 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

Interior Alaska Airboaters Association, Inc.
5442 Delta Road
Fairbanks Alaska 99709

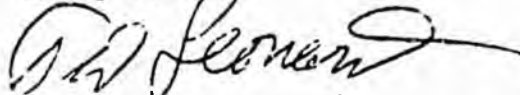
January 22, 1997

To: Representative Masek
fax: 907-465-4822

We strongly support House Bill No. 23. This bill is needed to counteract the ever increasing restrictions on access to our public lands and waters for recreational and subsistence purposes by the average man.

We hope that our legislators will all join in voting to pass this bill and its companion Senate Bill No. 35.

Very Truly Yours,



Ted Leonard, Secretary/treasurer
Interior Alaska Airboaters Association, Inc.



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

Founded 1975

EXECUTIVE DIRECTOR
Becky L. Gay

1996-97 EXECUTIVE COMMITTEE

Soot L. Thorson, President
Allen Bingham, Sr. Vice President
John Sturgeon, Vice President
Gerald G. Booth, Secretary
Michael E. Stone, Treasurer
Jacob Adame
Cynthia Bailey
Charlie Boddy
James F. Branch
Frank Brown
Dennis Egan
Roy S. Ewan
Mans Frey
Paul S. Glevinovich
Uwe L. Gross
David J. Parush
William E. Pierce
Elizabeth Remach
Jerome M. Selby
Thyes J. Shaulb
Robert B. Stiles
Clyde R. Tare

DIRECTORS

Walt Abbott
Irene A. Anderson
Ernesta Ballard
Richard F. Barnes
Rex I. Bishopp
James E. Carmichael
James L. Cloud
Jeffrey J. Cook
Edward E. Crane
Merlyn Crockett
Lary Daniels
John T. Donohue
James V. Drew
Paula P. Easley
Bill Elander
Donald S. Follows
William B. Goodhard
Lennie Gorsuch
Elary Gromoff, Jr.
Arvid Hall
John L. Harris
Robert S. Hatfield, Jr.
Joseph R. Henn
Karen J. Hofstad
David W. Hughes
Jim Jansen
John T. Kelsey
John Key
John A. Landrum
Pete Leonard
Dale R. Lindsey
Robert W. Loescher
Frank E. McQuerry
H. Raymond Measles
Clarence "Rocky" Miller
Wesley P. Nelson
John K. Norman
Wilbur O'Brien
Michael O'Connor
Kenneth E. Peavyhouse
Kenneth R. Pohle
Troy Reinhardt
John A. L. Remse
Ronald L. Rickerts
Walt P. Schlotfeldt
George R. Schmidt
John Stein
William A. Thomas, Jr.
Scott P. Thompson
Barry D. Thomson
Leo A. Walian
David W. Walter
Douglas M. Webb
J.C. Wingfield
George P. Wuerch
Eric P. Youid

HONORARY DIRECTORS

Phil R. Holdsworth
William R. Wood

EX-OFFICIO MEMBERS

Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Governor Tony Knowles

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

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 Masck 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 Nicholia
Rep. Reggie Joule

Don Sherwood, President, Alaska Boating Association

January 22, 1997

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. I wish to thank you for sponsoring this worthwhile legislation. This bill is not only important to me as an individual who uses the outdoors on an ongoing and frequent basis for both recreational uses and as a consumptive user fisher and hunter, but, we know of many cases where the ability to have freely open access is critical to the on going assurance of livelihood for other fellow Alaskan friends and associates.

It is important that the control of access to public lands be placed under the close scrutiny and decision making control of the Legislature. These are the people who make the laws and are responsible for seeing they are properly and fairly enforced. If the decision authority remains in the hands of the state employee bureaucrats all control and effective enforcement can and will become lost to the people who are most affected by those decisions. We, the user and citizen, have no control over these bureaucratic individuals and must bow to the consequences of their arbitrary decisions. If the control is placed into the hands of the legislature, we have control in that we can and do make the decision as to which individuals remain in control every time we step into the election booth. Also, the public opinion process has become a mockery. We have time and time again gone in and testified...with overwhelming numbers in support of/or against a specific decision or proposal and the result has been that the agency has gone ahead and effected some decision totally disregarding the testimony. This is a mockery of the system that we have available to us. If this system was working there would be no need for you to be proposing this very legislation and there would be no reason for us spending our time and effort to support you on this matter. The truth is the system is not working and it is time that the citizens of this great state of ours work with the legislature to effect a change.

Access to public lands and waterways should remain open to traditional uses for all citizens of this great state of ours. When it becomes necessary to impose restrictions, for whatever feasible reason, the restriction or reclassification should apply to ALL USERS and not single out single or specific groups of users. And, as stated before, should only be imposed if imposed by legislative decision.

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

Thank you for your efforts and continue to keep me informed of any and all related legislation I can support you on.

I SUPPORT HB0023, and commend your sponsorship of this legislation

Yours Truly,



E. June Burkhart
Member, Board of Directors
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 Nicholia

Rep. Reggie Joule

Don Sherwood, President, Alaska Boating Association

Contrary to the current process, *this bill would place the responsibility for such measures in the hands of those representatives who the people elect.* Even though this may become somewhat of a tedious burden, the legislature is the appropriate avenue.

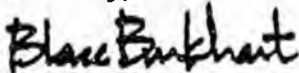
It may appear a somewhat ridiculous analogy, but I would remind you that this country (and others in the world) has fought several wars throughout history. Many of these, in one respect or another, involved freedom of the seas. No country wanted another to impose restrictions on their use of international waters. Likewise, Alaskans are getting tired of state agencies doing basically the same thing. If restrictions are necessary, let the people we elect make those decisions.

In closing I would like to address one argument I am sure will surface during discussions of this bill. In the recent movement to restrict snowmachine access at Curry Ridge, near Denali National Park, public testimony was heard on the matter. Ultimately the closure was not implemented. Opponents of this bill may point to that example as a means of defending the status quo - saying "see - the public opinion process works".

I can tell you from experience there was far less public testimony on that issue than was received on many others. I believe the real reason the closure was not implemented is the fact that you had already pre-filed this bill at that time. I wonder what would have come about had that not been the case.

I SUPPORT HOUSE BILL NO. 23

Sincerely,



Blase Burkhart

Secretary - Alaska Boating Association

Interior Alaska Airboaters Association, Inc.
4542 Palm Road
Fairbanks, Alaska 99701

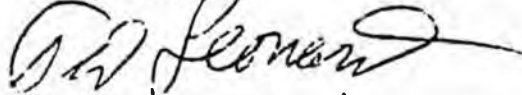
January 22, 1997

To: Representative Masek
fax: 907-465-4822

We strongly support House Bill No. 23. This bill is needed to counteract the ever increasing restrictions on access to our public lands and waters for recreational and subsistence purposes by the average man.

We hope that our legislators will all join in voting to pass this bill and its companion Senate Bill No. 35.

Very Truly Yours,



Ted Leonard, Secretary/treasurer
Interior Alaska Airboaters Association, Inc.




ALASKA AIRMEN'S ASSOCIATION., INC.

RESOLUTION

The Alaska Airmen's Association hereby resolves that the Alaska Legislature adopt proposed House Bill No. 23 dealing with traditional means of access for traditional outdoor uses which shall include access by small private as well as commercial aircraft.

So Resolved this 22 day of January, 1997


John Spalding, President
ALASKA AIRMEN'S ASSOCIATION, INC.



Alaska State Snowmobile Association

**PO Box 210427
Anchorage, AK 99521-0427
1-888-825-1663**

To: Representative Scott Ogan
House Resource Co-chair

From: Jana Littlewood
President, Alaska State Snowmobile Association

Date: 1/22/97

Re: HB 23

The Alaska State Snowmobile Association fully supports HB 23 and would appreciate the House Resource Committee's efforts to ensure this bill makes it to the House floor early this session.

The issue of Alaskan's rights to access state lands for recreational use is an issue the members of our organization are watching closely.

We appreciate your efforts in this matter.



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



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 bipartisan support, the Alaska Outdoor Council urges you to expedite the movement of this legislation at your next convenience.~~

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

Sincerely,

Rod Arno, President



Tanana Valley Sportsmen's Association

INCORPORATED

P.O. Box 799

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

- Dedicated to the rights of Alaskan Boaters -



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Beverly Masek

Official Business

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

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 Musers, Mat-Su Boaters, Alaska Outdoor Council, Territorial Sportsmen, Alaska Outdoor Council, Ketchikan Sport and Wildlife Club, and Mat Valley Sportsmen.